

FORMAT OF FUNDING MANUAL

| Description |
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| This manual is set up as follows: Appendix 3.1 - Overview, Legal Basis and Manual Format Appendix 3.2 - Federal, State and County Funding for Child Welfare Services Appendix 3.3 - Prevention Services Funding Appendix 3.4 - Child Protective Services Funding Appendix 3.5 - Foster Care Funding Appendix 3.6 - Adoption Assistance Funding Appendix 3.7 - Guardianship Assistance Payments |

I. PURPOSE AND LEGAL BASIS

The Guardianship Assistance (GAP) and Kinship Guardian Assistance Programs (KinGAP) are intended to make funds available for the financial support of youth who are determined to be:

- (i) in a permanent family setting,
- (ii) eligible for legal guardianship, and
- (iii) otherwise unlikely to obtain permanency.

Both Guardianship Assistance Programs (GAP and KinGAP) will reimburse for room and board and be set at the same rate as the foster care room and board rates.

The legislation which provides the legal basis for the Guardianship Assistance Programs (GAP and KinGAP) includes the following:

- Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), which provided that, at the option of states, kinship guardianship assistance payments may be provided on behalf of children to relatives who have assumed legal guardianship of children. This Act also requires states who have implemented a guardianship assistance program to exercise due diligence in identifying and providing notice to adult relatives and all parents having custody of siblings of their options for participating in the care and placement of the child and the process and requirements for subsequently entering into a KinGAP & GAP Agreement ([DSS-1810](#)).
- North Carolina Appropriations legislation from 2013 ([Session Law 2013-360](#)) requires the Division of Social Services to design a Guardianship Assistance

Program (GAP) in such a manner that no additional expenses are incurred beyond the funds budgeted for foster care.

- The Fostering Care in NC Act ([H612](#)) was signed into law on June 26, 2025. Section 2.3 codifies a guardianship assistance program (KinGAP) in Article 2 of G.S. Chapter 108A as Part 4A: Guardianship Assistance. See “Eligibility” section below for more information.

There will be a periodic and independently conducted audit of the program no less frequently than once every three years as outlined in the state’s Sub-Recipient Monitoring Plan.

II. DEFINITIONS

County Child Welfare Agency or simply Agency – County Department of Social Services or Consolidated Human Services Agency responsible for the administration of public child welfare services.

Kinship Guardianship Assistance Program (KinGAP) --- Financial assistance and Medicaid for youth who are determined to be in a permanent family setting **with a prospective guardian who is a relative, and for whom a determination has been made that reunification or adoption are not appropriate, as evidenced by the recommendation to cease reunification efforts and the recommendation of guardianship as the permanent plan.** "Relative" is defined as a person related to the minor child by blood, marriage, adoption, or an individual that has a substantial relationship with the minor child or the minor child's parent prior to the child being placed in foster care ([\(H612 section 2.3, amending N.C.G.S § 108A-50.10\)](#)). See “Eligibility” section for more information.

Guardianship Assistance Program (GAP) – **Financial assistance and Medicaid for youth who are determined to be in a permanent family setting with a prospective guardian to whom the youth is not related or had no prior relationship with prior to entering care, and for whom a determination has been made that the juvenile is unlikely to achieve permanency through reunification or adoption, as evidenced by the recommendation to cease reunification efforts and the recommendation of guardianship as the permanent plan.** Funding is limited to IV-B only (SFHF, State Foster Home Funding). Payment is set at the graduated amount set by the General Assembly from the Guardianship Assistance Program. Since payments are set at the maximum allowable amount, adjustments occur only when the graduated amount is changed by the NC General Assembly.

KinGAP & GAP Agreement ([DSS-1810](#)) – A binding agreement between the county child welfare agencies and legal guardian that shall set responsibilities of the agency and of the legal guardian during the time of the child’s eligibility for guardianship assistance, shall specify the monthly amount of guardianship assistance, the way the payment may be provided to the legal guardian, and under what circumstances guardianship assistance may be terminated.

Legal Guardian – An individual defined in [N.C.G.S. § 7B-600](#) who is appointed by the court to serve as the guardian for a juvenile. The guardian shall have the care, custody, and control of the juvenile, or may arrange a suitable placement for the juvenile and may represent the juvenile in legal actions before the court. The guardian may consent to certain actions on the part of the juvenile in place of the parent including marriage, enlisting in the armed forces, and enrollment in school. The guardian may also consent to any necessary remedial, psychological, medical, or surgical treatment for the juvenile.

Legal Guardianship – A legal relationship created when a person or persons are assigned by the court to take care of the minor child.

This relationship is terminated only if (N.C.G.S. § 7B-600(a)):

- i. By court order;
- ii. Emancipation;
- iii. When the juvenile reaches the age of majority;
- iv. Upon the youth’s death.

Licensed Home – Private residence of one or more individuals who permanently reside as members of the household who have met all requirements for family foster home licensing in their state of residence and have been issued a license number in the state of North Carolina that remains active at the time of legal guardianship.

Placement Responsibility – Authority granted to the county child welfare agencies by the court to place a child in the custody of the agency in a licensed home or facility or any unlicensed home or facility sanctioned by the court.

III. ELIGIBILITY CRITERIA (H612 section 2.3, amending N.C.G.S § 108A-50.10)

| Kinship Guardian Assistance Program (KinGAP) | Guardianship Assistance Program (GAP) |
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| <p>Until the child is 18 years of age, the child is eligible for kinship guardianship assistance payments if all of the criteria are met:</p> <ul style="list-style-type: none"> • The prospective guardian is a relative of the child(ren). For these purposes, a relative is defined as a person related to the minor child by blood, marriage, adoption, or an individual that has a substantial relationship with the minor child or the minor child's parent prior to the child being placed in foster care. • The child was removed from his or her home due to a voluntary placement agreement or as a result of judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. • At the time of entry into the guardianship agreement, a NC county child welfare agency has placement and care of the child. • The child was eligible for foster care maintenance payments (pursuant to 42 U.S.C. § 672) while residing for at least six consecutive months in the home of a licensed prospective relative guardian. • A determination has been made that reunification or adoption are not appropriate options for the child, as evidenced by the recommendation to cease reunification efforts and the recommendation of guardianship as the permanent plan (KinGAP) (42 U.S.C § 673). • The child has attained 10 years of age and demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; if age 14, the child must be consulted regarding the guardianship arrangement. NOTE: A child under 10 years of age is eligible for KinGAP if they reside in the same placement as their qualified older sibling, and both the agency and prospective guardian agree on the suitability for the sibling. | <p>Until the child is 18 years of age, the child is eligible for guardianship assistance payments if all of the criteria are met:</p> <ul style="list-style-type: none"> • The child has attained 10 years of age, but has not reached his or her 18th birthday, and demonstrates a strong attachment to the licensed prospective guardian and the prospective guardian has a strong commitment to caring permanently for the child; if age 14, the child must be consulted regarding the guardianship arrangement. NOTE: A child under 10 is NOT eligible for guardianship assistance even if their sibling qualifies. • The child is in a permanent family placement setting for at least six consecutive months prior to the execution of the guardianship agreement. NOTE: The prospective legal guardian must be licensed. • The prospective guardian is eligible to be appointed as a legal guardian pursuant to G.S. 7B-600(b). • A determination has been made that the child is unlikely to return home or be adopted, as evidenced by the recommendation to cease reunification efforts and the recommendation of guardianship as the permanent plan (GAP). • At the time of entry into the guardianship agreement, an NC county child welfare agency has placement and care of the child. |

IV. CONTINUATION OF ASSISTANCE

Individuals or youth who exit foster care under a KinGAP & GAP Agreement ([DSS-1810](#)) may continue to receive guardianship assistance payments (GAP or KinGAP) after attaining 18 years of age if:

- i. The individual or child reached 16 years of age before the KinGAP & GAP Agreement became effective,
- ii. He or she chooses to continue receiving guardianship services until attaining 21 years of age unless he/ she reports a change in eligibility that warrants termination, and
- iii. The Division determines that the individual meets any of the following:
 - a. Is completing secondary education or a program leading to an equivalent credential.
 - b. Is enrolled in an institution that provides postsecondary or vocational education.
 - c. Is participating in a program or activity designed to promote or remove barriers to employment.
 - d. Is employed for at least 80 hours per month.
 - e. Is incapable of completing the educational or employment requirements (a-d) due to a medical condition or disability that is supported by regularly updated information in the case plan for the individual.
- iv. NOTE: KinGAP/GAP benefits cannot be deferred or paid directly to the young person; only a guardian may receive this benefit on behalf of a youth or young adult.

V. KinGAP and GAP REQUIREMENTS

A. Permanent Plan of Legal Guardianship – Documentation Requirements

Under KinGAP or GAP, a child or youth whose permanent plan is placement with a prospective legal guardian and receipt of guardianship assistance payments, the Permanency Planning Family Case Plan ([DSS-5240](#)), Permanency Planning Review ([DSS- 5241](#)), and court report *must demonstrate*:

1. A determination has been made that:
 - a. returning home or being adopted **are not appropriate**, as evidenced by the cessation of reunification efforts and the selection of guardianship as the permanent plan (**KinGAP**);
 - OR
 - b. the child is **unlikely** to return home or be adopted, as evidenced by the cessation of reunification efforts and the selection of guardianship as the permanent plan (**GAP**).
2. If siblings are not placed in the same legal arrangement, documentation must provide an explanation for the separation;
3. Why the guardianship arrangement is in the best interest of the child;
4. The ways in which the child meets the eligibility requirements for a guardianship assistance payment (KinGAP or GAP);
5. The efforts the agency has made to discuss adoption by the child’s foster parent or relative kin as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons; and,
6. The efforts made by the agency to discuss with the child’s parent or parents the guardianship arrangement, or the reasons why the efforts were not made.

Subsidized guardianship allows children and youth to maintain their family and community roots when they can no longer live with their parents and adoption is not an appropriate permanent plan.

B. DSS-1813 KinGAP & GAP Eligibility and Determination Checklist

Establishing eligibility for guardianship assistance is the task of the child welfare staff of a child's resident agency.

The agency is required to use the KinGAP & GAP Eligibility and Determination Checklist ([DSS-1813](#)). Documentation sufficient to establish eligibility can be in the form of court reports and court orders, statements of the youth and prospective guardian, and case narrative.

Individuals or youth who exit foster care under a guardianship assistance agreement may continue to receive guardianship assistance payments (KinGAP or GAP) after reaching 18 years of age if they meet certain eligibility criteria (see Permanency Planning Manual).

C. KinGAP & GAP Agreement

KinGAP & GAP Agreement ([DSS-1810](#)) must be completed before guardianship assistance benefits can be provided. This agreement is a written instrument that is binding for all parties without regard to the service area residency of the guardian. It is entered into by the prospective guardians and the child's agency (the agency responsible for determining eligibility).

The agreement must be signed and dated by all parties to the agreement (namely, the prospective guardian and a county agency representative) **on or before the court date where guardianship is granted verbally or in writing.**

to meet the requirements for a KinGAP & GAP Agreement ([DSS-1810](#)) and a copy of the agreement must be provided to the guardian(s). Fingerprint-based background checks of the National Crime Information Databases (NCID) for the purpose of foster care or adoption, **a signed DSS-5268**, and a check of the Responsible Individual's List (RIL) with 050/060 printouts are required for all individuals 18 or older in the home. Approval is consistent with the requirements as outlined in Appendix 3.6, Adoption Assistance Funding, of the NC CW manual. **Benefits will begin the month following that date guardianship is entered either verbally or in writing.**

D. Payment Issues

The General Assembly changes the amounts of guardianship assistance payments from time to time. Guardianship Assistance payments are tied to the foster care board rates and go up or down with changes in legislation. In compliance with the social security act, NCDSS will review the rates to assure their appropriateness at least every 2 years and make recommendations if warranted to the General Assembly. The monthly payment amount as of July 1, 2023 are as follows:

| | |
|-------|---|
| \$703 | 0-5 years |
| \$742 | 6-12 years |
| \$810 | 13-18 years * Up to 21 when requirements met |

E. Non-Recurring Costs

Legal guardians can be reimbursed up to \$2,000 for the expenses incurred by the prospective guardian in obtaining legal guardianship of the child. Non-recurring expenses are defined as the reasonable and necessary court costs, attorney fees and other expenses which are directly related to the legal guardianship of a child who meets eligibility requirements for guardianship assistance, which are not incurred in violation of State or Federal law, and which have been not been reimbursed from other sources or funds. Generally, there will be no expenses since the child welfare agency is responsible for achieving permanence for the youth in agency custody and costs related to achieving permanence would be the county's responsibility.

F. Reimbursement Process/Payments

KinGAP/GAP payments are provided on behalf of children to relatives or individuals who meet the eligibility criteria for KinGAP or GAP and assume legal guardianship of children. KinGAP/GAP benefits for a child shall become effective the first month following the month in which legal guardianship is granted by the court. Claims for monthly KinGAP/GAP assistance shall be reimbursed in accordance with the Department of Health and Human Services and county child welfare agency reimbursement process.

G. Successor Guardianship (KinGAP only)

In the event of the death or incapacity of the legal relative guardian, the eligibility of a child for KinGAP is not affected by reason of the replacement of the guardian with a successor guardian named in the original KinGAP & GAP Agreement ([DSS-1810](#)).

Naming a successor for a child receiving KinGAP allows for the continuation of benefits with only a short suspension while the child welfare agency assists the successor guardian in obtaining legal guardianship and completing the necessary paperwork and safety checks.

Any change to the child's legal guardian requires court action and DSS involvement. The caseworker should contact the county DSS attorney for assistance in this matter. The agency may provide non-recurring costs, not to exceed \$2,000.00, to assist the

new guardian in legalizing the relationship with the youth. The agency will be responsible for obtaining an RIL check and fingerprint-based criminal record check prior to the receipt of IV-E dollars by the successor guardian and a new KinGAP & GAP Eligibility and Determination Checklist ([DSS-1813](#)) and KinGAP & GAP Agreement ([DSS-1810](#)) would need to be completed with the successor guardian. The conversation about successor guardianship should begin as early as possible to allow the prospective relative guardian an opportunity to consider options and discuss the implications with the named individual.

H. Medicaid and Social Services

If the youth is eligible for the Kinship Guardian Assistance Program (KinGAP) or Guardianship Assistance Program (GAP), he or she is also entitled to Medicaid. Medicaid will be available to the youth in accordance with the procedures of the state in which he or she and the legal guardian(s) live(s). An application for Medicaid must be completed on behalf of the youth.

I. Post Permanency Support

Children who are recipients of guardianship assistance are eligible for the provision of post permanency support without regard to income. This provides an opportunity for the family to access post-guardianship services that may be helpful in keeping the family system intact. DHHS contracts to provide free, voluntary support services and resources to all 100 North Carolina counties.

VI. DOCUMENTATION AND PERIODIC REVIEWS

The final step in the eligibility process is to have a completed, signed KinGAP & GAP Agreement ([DSS-1810](#)) with the prospective guardian. This can be entered into any time after placement but must be signed **on or before the court date where guardianship is granted verbally or in writing. Benefits will begin the month following that date.**

Once a child has been determined eligible for guardianship assistance, no redetermination of his or her eligibility is necessary; however, the child's agency must review the KinGAP & GAP Agreement ([DSS-1810](#)) on a periodic basis to ensure that the child remains in the financial responsibility of the legal guardian(s).

The periodic review includes yearly notice to legal guardians to determine the status of the child. See the KinGAP/GAP Annual Eligibility Letter ([DSS-1888](#)).

Notification increases to twice a year for youth 18-21 that continue to receive benefits. The agency is also required to immediately notify legal guardian(s), in writing, of changes in Guardianship Assistance payments resulting from increases or decreases in allowable benefits. Benefits are in the amount of the standard board rate as approved by the General Assembly.

Counties must ensure that every child who receives guardianship assistance benefits and is of the compulsory age for school attendance under state law is enrolled as a fulltime elementary or secondary school student or has completed secondary school. If the child is not enrolled as a full-time student, documentation must support that the child

is unable to attend on a full-time basis due to a medical, physical, or therapeutic condition.

It is the responsibility of the legal guardian to notify the child welfare agency of any changes affecting their legal and financial responsibility for the youth and other changes affecting the receipt of benefits. The legal guardian(s) will immediately notify the County DSS, in writing, of any of the following changes:

1. If their address changes so that receipt of benefits will not be delayed.
2. If they are no longer legally responsible for the care and custody of the youth or are no longer providing financial support for the youth. This includes, but is not limited to, removal from the home and placement into out of home care due to a substantiated report of youth abuse or neglect, youth's marriage, death, or entry into military service.
3. If the youth has attained the age for compulsory school attendance but is not enrolled as a full-time elementary or secondary student in a school, in an authorized independent study program, or is being home school consistent with the law of the State or other jurisdiction, unless such a youth has completed secondary school or is incapable of attending school full time due to a medical condition. School enrollment is a requirement of each youth receiving a Title IV-E payment.
4. If the youth is 18-21 and no longer meets the educational or employment requirements to continue benefits if legal guardianship was granted when the youth was 16 or 17 years of age. The youth has a right to report a change in status/circumstance to the County DSS.

VII. GUARDIANSHIP ASSISTANCE CASE RECORD

When a child is placed into a home with a legal guardian, a new file must be created which will reflect the guardianship assistance information and documentation. The file must contain a cross-reference to the child's original file so that should the case be audited, documentation establishing the child's eligibility for benefits can be made readily available to the auditors.

A. Contents of the Child's Guardianship Assistance Case File

The guardianship assistance case file must contain the following:

1. A copy of the DSS-5120 verifying foster care eligibility;
2. KinGAP & GAP Eligibility and Determination Checklist ([DSS-1813](#)). This form must indicate those components of the program for which the child is eligible;
3. Copies of the KinGAP & GAP Agreement ([DSS-1810](#)) and KinGAP/GAP Annual Eligibility Letter ([DSS-1888](#));
4. Copy of the Guardianship Court Order;
5. Service Client Information Change Notice (DSS-5027);
6. Child Placement and Payment System Form (DSS-5095);

7. All correspondence pertaining to the receipt of nonrecurring costs to include documentation of expenses and reimbursements; and,
8. All correspondence pertaining to the child's receipt and termination of Guardianship Assistance Benefits.
9. DSS-5268 for all prospective guardians and adults over age 18 in the home, along with RIL 050/060 prints screens for each prospective guardian and all adults over age 18 in the home, CWIS print screens for guardian/s; if family was licensed with a private agency, RIL DSS-5268 is acceptable.
10. NCID fingerprint-based clearance checks on the guardian/s (for the purpose of foster care or adoption is acceptable)
11. Copy of Juvenile Petition, non-secure order, voluntary placement agreement, and court orders that led to the child(ren)'s entry into foster care.

X. GUARDIANSHIP ASSISTANCE APPEALS

Guardians of a child or youth have the right to appeal the agency's denial, failure to inform them of the availability of assistance, the amount, a decrease, or termination of Guardianship Assistance benefits for the child or youth.

Grounds for a Guardianship Assistance appeal include, but are not limited to:

- Relevant facts regarding the child were known by the State agency or child placing agency and not presented to the guardian prior to the finalization of the guardianship;
- Denial of assistance based upon a means test of the guardian(s);
- Guardian(s) disagree with the determination by the State that a child is ineligible for guardianship assistance;
- Failure by the State agency to advise potential guardian(s) about the availability of guardianship assistance for children in the State foster care system;
- Decrease in the amount of guardianship assistance without the concurrence of the guardian(s);
- Failure of the State agency to complete the required paperwork prior to the finalization of the guardianship.

If applicants or potential recipients of financial benefits or service programs believe they have been wrongly denied financial assistance, not informed of the availability of a program of assistance, or excluded from a service program, they have a right to a Fair Hearing. They shall be informed in writing of their rights to a Guardianship Assistance Appeal at the time of their request and at the time of any action affecting their guardianship assistance benefits. It is the responsibility of a fair hearing officer to determine whether extenuating circumstances exist and whether the applicant or recipient was wrongly denied eligibility.

A. Process of Appeals

Policy requires that eligibility for guardianship assistance monthly case payments be established prior to the child's placement for guardianship and requires, also, that the KinGAP & GAP Agreement ([DSS-1810](#)) be signed prior to issuance of a court order for guardianship. Requests for monthly cash assistance made for children not covered under the provisions described in this policy must follow the appeals process for resolution.

The Guardianship Assistance appeals process is the same as that used for other Public Assistance appeals and would be resolved through the same channels. The Guardianship Assistance appeals must be conducted by an impartial official or designee of the agency. The official or designee cannot have been directly involved in the determination of eligibility for guardianship assistance benefits. The county child welfare agency staff member assigned to hear Public Assistance appeals is the person who should conduct the fair hearing. At no time shall someone in a decision-making capacity regarding the child's eligibility serve as the fair hearing officer.

The following procedures should be followed when a parent requests guardianship assistance cash payment:

1. The guardian(s) should be advised to submit a written request to the child's agency for guardianship assistance monthly cash payments.

Within five days of notification, the county child welfare agency must notify the guardians that a fair hearing will be held and hold the fair hearing.

If the guardians request benefits that have not previously been provided and the agency agrees that the child should have been found eligible, the agency may not administratively change its eligibility determination but may avoid a trial-type evidentiary hearing. The undisputed documentary evidence could be presented to the fair hearing officer for his or her review and determination made on the written record (ACYF-CB-PA-01-01).

2. At the fair hearing, the agency may determine as to whether sufficient information has been presented to substantiate that, based on eligibility requirements in place prior to the guardianship placement, the child could have been found eligible for Guardianship Assistance monthly cash payments at that time.
3. If the agency finds the child to be eligible, negotiations can be made at that time with the guardian(s) to determine the beginning date and amount of payment for the child. If the agency and the guardians cannot reach an agreement, the agency shall advise the guardians of their right to appeal the agency's decision regarding the amount and beginning date. The guardians

should be advised to notify the agency of their decision to appeal within fifteen days of the mailing of the agency's KinGAP/GAP Annual Eligibility Letter. If the agency determines that the child would not have been found eligible, the guardians must be notified of this by the agency in writing. The agency shall advise the guardians of their right to appeal the denial of assistance within fifteen days of the mailing of the agency's letter.

4. If the guardians wish to appeal the agency's decision, the agency completes the Request for State Appeal form [DSS-1473](#). When completed, the form and other required materials are sent to the State Hearings and Appeals Section, Division of Social Services. The State Hearings Officer will decide, with the guardians and agency for the date and time of the hearing, which will be held in the agency. Following the hearing, the State Hearings Officer will notify the guardians of the decision regarding Guardianship Assistance. If the guardians are dissatisfied with the decision, the appeal for review can be submitted to the Chief of the Hearings and Appeals Section, Division of Social Services.
5. Final decisions of the Hearings and Appeals Section, if not to the satisfaction of the guardians, can be appealed to the Superior Court in accordance with [N.C.G.S. 108A-79\(k\)](#), provided such appeal is filed within thirty (30) days of the date of receipt of the final decision. The decision by the Chief Hearing Officer is the final decision of the agency.

B. Results of Successful Appeals

If the child is found eligible for guardianship assistance, the county child welfare agency, in conjunction with the State Division of Social Services, is responsible for negotiating with the parents to establish the effective date of initiating benefits, unless the date is otherwise established by the State Hearings Officer or the Superior Court.

A guide to an appropriate retroactive beginning date would be either:

- The month following issuance of a court order granting guardianship in the case of a child with a known physical, mental, emotional, or other condition creating on-going expense for proper care/treatment at that time; or,

- The month in which the guardians first requested the monthly cash payment, in the event of an appeal that overturns the agency's denial of benefits.

A KinGAP & GAP Agreement ([DSS-1810](#)) must be prepared and reflect the beginning date of the retroactive payments on the agreement. The guardian(s) and agency director or designee will sign and note the date of signature on the agreement. A copy of the fair hearings officer's findings should be attached to the agreement to indicate why the agreement was signed after the guardianship was **granted either verbally or in writing** by the court.

The county child welfare agency shall notify the Division of Social Services of the decision in writing. The letter should include the address of the guardian(s), the social security number(s) of the guardian(s), the child's SIS I.D. or CNDS number, the funding source, a copy of the decision because of the appeal, the beginning date for retroactive payments, and the monthly and yearly breakdown of payments.

Payment will be issued from the Division, with a sight draft sent to the county child welfare agency for its share of the payment. The state may claim Federal Financial Participation for IV-E eligible children from the earliest date of eligibility as reflected in the signed KinGAP & GAP Agreement ([DSS-1810](#)). For continuing payments to the legal guardians, the guardianship information must be entered on the DSS-5095.

IX. LOST OR STOLEN GUARDIANSHIP ASSISTANCE CHECK

If for some reason the check is not able to be delivered to the guardian, it is returned to the county office. It is important to determine if the check has been returned to the county before requesting a replacement check. A request for a replacement check, DSS-8129, must be completed by the agency if a check is lost or stolen and emailed to the Program Benefits Coordinator at NC DHHS Controller's Office at DSSProgramBenefits@dhhs.nc.gov.

The Controller's Office will not issue a replacement check until it has been shown that the original check has cleared. Therefore, guardians must be advised that a request for a replacement check cannot be paid before the 10th of the month. Replacement checks are mailed to the agency and not the guardian. If a guardian needs cash assistance, the agency may provide the payment and request reimbursement from the guardian when the replacement check is issued. This agreement must be between the guardian and the agency. The Controller's Office will not issue replacement checks payable to the agency.

X. OVERPAYMENT OF GUARDIANSHIP ASSISTANCE

When it is determined that an overpayment to a KinGAP/GAP recipient has occurred, the county should establish a repayment agreement and repayment schedule with the family at that time.

When payments are made by the family, the county should complete a [DSS-1656 Refund Receipt](#), and send a copy of the receipt and a county check to the Program Benefits Coordinator at NC DHHS Controller's Office at DSSProgramBenefits@dhhs.nc.gov. See mailing address below.

NC DHHS

Attn: Adoption & Guardianship Payments/ Benefits

DSS/ Office of the Controller

MSC 2019: 27699-2019

1910 Human Services Lane, Raleigh, NC 27607

The repayment will be credited to the child's check history screen in the Child Placement and Payment System. Agencies may verify the adjustment through the PQA 403 Cash Adjustment Register report.

XI. TERMINATION OF GUARDIANSHIP ASSISTANCE BENEFITS/PAYMENTS

Guardianship Assistance benefits to children and youth will be terminated in any of the following circumstances, upon written notice to the legal guardian(s):

1. Upon the legal guardian(s)' request.
2. Upon verification of six (6) consecutive months of uncashed/ voided checks. The legal guardian must request in writing to resume payment. Any retroactive payments are limited to the amount of funds North Carolina may seek from the child's federal funding source.
3. Upon the child or youth reach the age of 18 years, unless the youth was 16 or 17 years of age when legal guardianship was granted. In that situation, benefits will continue to the month of the youth's 21st birthday if the educational/employment requirements are met. These requirements are as follows:
 - a. The youth is completing secondary education or a program leading to an equivalent credential; or
 - b. The youth is enrolled in an institution which provides post-secondary or vocational education; or
 - c. The youth is participating in a program or activity designed to promote or remove barriers to employment; or
 - d. The youth is employed for at least 80 hours per month; or

- e. The youth is incapable of doing any of the previously described activities due to a medical condition.
4. Upon determination by the state that the legal guardian(s) are no longer providing any support for the youth (“any support” is defined as various forms of financial support such as paying for family therapy, tuition, clothing, maintenance of special equipment in the home, or paying someone else to provide for the youth). The youth has a right to report a change in status/circumstance to the County DSS.
5. Upon the marriage of the youth.
6. Upon the youth’s enlistment in the military.
7. Upon the youth becoming an emancipated minor.
8. Upon the child or youth’s death.
9. Upon the death of the legal guardian(s) of the youth (one, in a single family and both in a two-parent family). NOTE: For KinGAP, a successor guardian *must* be specified on the [DSS-1810](#).
10. Participation in this program shall be subject to the availability of funds and any changes in rule or law that affects eligibility.