

10A NCAC 70P .0103 DEFINITIONS

The following definitions apply to this Chapter:

- (1) "Agency" means a child placing agency as defined in G.S. 131D-10.2(4) that is authorized by law to receive children for purposes of placement in residential group care, foster homes or adoptive homes.
- (2) "County DSS" means a county department of social services.
- (3) "Guardianship Assistance" means a monthly cash assistance payment no greater than the graduated amount set by G.S. 108A-49.1 from the Guardianship Assistance Program.
- (4) "Guardianship Assistance Agreement" is a binding agreement between the county DSS and legal guardian that establishes responsibilities of the agency and of the legal guardian during the time of the child's eligibility for guardianship assistance, specifies the monthly amount of guardianship assistance and the manner in which the payment may be provided to the legal guardian, and the circumstances under which guardianship assistance may be terminated.
- (5) "Legal Guardian" means an individual as defined in G.S. 7B-600 who is appointed by the court to serve as the guardian of the person 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 any 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.
- (6) "Legal Guardianship" shall be 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 in the following circumstances:
 - (a) the court finds that the relationship between the guardian and the juvenile is no longer in the juvenile's best interest;
 - (b) the court finds the guardian is unfit;
 - (c) the court finds the guardian has neglected a guardian's duties; or
 - (d) the guardian is unwilling or unable to continue assuming a guardian's duties.
- (7) "Licensed Home" means the 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.
- (8) "Placement responsibility" is authority granted to the county DSS by the court to place a child in DSS custody in a licensed home or facility or any unlicensed home or facility approved by the court.

History Note: Authority G.S. 143B-153;
Eff. March 1, 2017.