

Part 4A. Guardianship Assistance.

**§ 108A-50.10. Kinship guardianship assistance program (KinGAP).**

(a) Assistance. – The Division may provide for the financial support of children who have exited foster care into relative guardianship that comply with 42 U.S.C. § 673. A child is eligible for kinship guardianship assistance payments under this Part if the child meets the requirements of subsection (b) of this section.

(b) Eligibility. – Until the child is 18 years of age, the child is eligible for kinship guardianship assistance payments if all of the criteria are met:

- (1) 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.
- (2) 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. "Relative" for the purposes of this Part is 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.
- (3) A determination has been made that reunification or adoption are not appropriate options for the child.
- (4) 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.
- (5) At the time of entry into the guardianship agreement, a North Carolina county child welfare agency has placement and care of the child.
- (6) If a child is 14 years of age, the child has been consulted regarding the kinship guardianship arrangement.

(c) Continuation of Assistance. – Individuals or youth who exited foster care under a guardianship assistance agreement may continue to receive kinship guardianship assistance payments after attaining 18 years of age if (i) the individual or child attained 16 years of age before the kinship guardianship assistance agreement became effective, (ii) he or she chooses to continue receiving guardianship services until attaining 21 years of age, and (iii) the Division determines that the individual or child meets any of the following:

- (1) Is completing secondary education or a program leading to an equivalent credential.
- (2) Is enrolled in an institution that provides postsecondary or vocational education.
- (3) Is participating in a program or activity designed to promote or remove barriers to employment.
- (4) Is employed for at least 80 hours per month.
- (5) Is incapable of completing the educational or employment requirements of subdivisions (1) through (4) of this subsection due to a medical condition or disability that is supported by regularly updated information in the case plan for the individual.

(d) Sibling Eligibility. – A child is eligible for kinship guardianship assistance payments if (i) the child has not yet attained 10 years of age, (ii) their sibling meets the requirements of this Part for kinship guardianship assistance payments, and (iii) the county child welfare agency and the prospective relative guardian agree on whether the guardianship arrangement is appropriate for the sibling.

(e) [Replacement of Guardian. –] In the event of the death or incapacity of the relative guardian, the eligibility of a child to receive kinship guardianship assistance payments under this

Part shall not be affected by reason of the replacement of the relative guardian with a successor legal guardian identified in the kinship guardianship assistance agreement entered into under this Part. (2025-16, s. 2.3.)