

§ 108A-50.11. Guardianship assistance program.

(a) The Division may provide for the financial support of children who exit foster care into legal guardianship with State funds allocated for foster care if the Division determines that all of the following criteria are met:

- (1) The child has attained 10 years of age and demonstrates a strong attachment to the licensed prospective guardian and the prospective guardian has a strong commitment to caring permanently for the child.
- (2) The child is in a permanent family placement setting for at least six consecutive months prior to the execution of the guardianship agreement.
- (3) The prospective guardian is eligible to be appointed as a legal guardian pursuant to G.S. 7B-600(b).
- (4) The child is unlikely to achieve permanency through reunification or adoption.
- (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 has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement.

(b) Individuals or youth who exited foster care under a guardianship assistance agreement may continue to receive guardianship assistance payments after attaining 18 years of age if (i) the individual or youth attained 16 years of age before the 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. (2025-16, s. 2.3.)