



2025-2026 General Assembly

HOUSE BILL 612: Fostering Care in NC Act, Part II: Expand Guardianship Assistance Program Eligibility to Youth 10 Years of Age

Analysis of: S.L. 2025-16, Part II

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Part II of S.L. 2025-16 (House Bill 612) allows the Division of Social Services (DSS) of the Department of Health and Human Services to provide financial support through assistance payments for certain children who have exited foster care into kinship guardianship or legal guardianship.

Kinship Guardianship Assistance Program (KinGAP):

For kinship guardianship assistance payments for certain children who have exited foster care into relative guardianship, "relative" includes a person related to the child by blood, marriage, adoption, or through a substantial relationship with the child or the child's parent prior to the child entering foster care. To be eligible, the following requirements must be met:

- The child must be at least 10 years old, but not older than 18 years old. If the child is at least 14 years of age, the child must have been consulted regarding the kinship guardianship agreement.
- The child has been removed from his or her home due to a voluntary placement agreement or because of a judicial determination that continuation in the home would be contrary to the welfare of the child.
- The child was eligible for foster care maintenance payments under federal law while residing for at least six consecutive months in the home of a licensed prospective relative guardian.
- It has been determined that reunification and adoption are not appropriate options for the child.
- The child demonstrates a strong attachment to the prospective relative guardian.
- The guardian has a strong commitment to caring permanently for the child.
- A North Carolina county child welfare agency has placement and care of the child at the time of entry into the guardianship agreement.

An individual who has exited foster care under a guardianship assistance agreement can continue to receive assistance payments after becoming 18 years old if (i) the individual was at least 16 years old before the kinship guardian assistance agreement became effective, (ii) the individual chooses to continue receiving guardianship services until becoming 21 years old, and (iii) DSS determines that the individual meets any of the following:

- Is completing secondary education or a program leading to an equivalent credential.
- Is enrolled in an institution that provides postsecondary or vocational education.
- Is participating in a program or activity designed to promote or remove barriers to employment.

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- Is employed for at least 80 hours per month.
- Is incapable of completing the educational or employment requirements outlined above due to a medical condition or disability that is supported by regularly updated information in the case plan for the individual.

The sibling of an individual receiving guardian assistance payments is also eligible for the payments if the sibling has not yet turned 10 years old and the county child welfare agency and prospective relative guardian agree that the guardianship agreement is appropriate for the sibling.

If the relative guardian dies or becomes incapacitated, the eligibility of the child to receive kinship guardian assistance payments is not affected by being placed with a successor legal guardian identified in the kinship guardianship assistance agreement.

Guardianship Assistance Program:

DSS must also provide for financial support of children who exit foster care into legal guardianship if the following criteria are met:

- The child is at least 10 years old and demonstrates a strong attachment to the licensed prospective guardian and the guardian has a strong commitment to caring permanently for the child. If the child is at least 14 years old, the child has been consulted regarding the guardianship agreement.
- The child is in a permanent family placement setting for at least six consecutive months before the execution of the guardianship agreement.
- The prospective guardian is eligible to be appointed as a legal guardian.
- The child is unlikely to achieve permanency through reunification or adoption.
- A North Carolina county child welfare agency has placement and care of the child at the time of entry into the guardianship agreement.

An individual who has exited foster care under a guardianship assistance agreement can continue to receive assistance payments after becoming 18 years old if (i) the individual was at least 16 years old before the guardian assistance agreement became effective, (ii) the individual chooses to continue receiving guardianship services until becoming 21 years old, and (iii) DSS determines that the individual meets any of the following:

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

Guardianship Assistance Agreement:

To receive payments under KinGAP or the Guardianship Assistance Program, the county child welfare agency must negotiate and enter into a written, binding guardianship agreement with the prospective guardian and provide the guardian a copy of the agreement. The agreement must include the following, at a minimum:

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- The amount of and manner in which each payment will be provided and how it can be adjusted.
- The additional services and assistance the child and guardian will be eligible for under the agreement.
- The procedure by which the guardian can apply for additional services.
- That the State will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child if the cost does not exceed \$2,000.

The agreement will remain in effect without regard to the State residency of the guardian.

The guardianship assistance program rates will reimburse legal and relative guardians for room and board and be set at the same rate as the foster care room and board rates.

The Social Services Commission will adopt emergency rules to implement these programs. The emergency rules will remain in effect until temporary rules are adopted to replace the emergency rules. The temporary rules will remain in effect until permanent rules are adopted.

This Part of the act became effective June 26, 2025.