

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 795
PROPOSED COMMITTEE SUBSTITUTE H795-PCS30432-CI-29

Short Title: Increased Access for Youth in Foster Families.

(Public)

Sponsors:

Referred to:

April 8, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND GUARDIANSHIP ASSISTANCE PROGRAM ELIGIBILITY TO
3 YOUTH TEN YEARS OF AGE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 108A-50.3 through G.S. 108A-50.9 are reserved for future
6 codification purposes.

7 **SECTION 1.(b)** G.S. 108A-24 reads as rewritten:

8 **"§ 108A-24. Definitions.**

9 As used in Chapter 108A:

10 ...

11 ~~(3a)~~ (3a) "Division" is the Division of Social Services of the Department of Health and
12 Human Services.

13 ~~(3a)(3b)~~ (3b) "Electing County" means a county that elects to develop and is approved to
14 administer a local Work First Program.

15 ~~(3b)(3c)~~ (3c) "Employment" means work that requires either a contribution to FICA or the
16 filing of a State N.C. Form D-400, or the equivalent.

17 ~~(3e)(3d)~~ (3d) "Family" means a unit consisting of a minor child or children and one or more
18 of their biological parents, adoptive parents, stepparents, or grandparents
19 living together. For purposes of the Work First Program, family also includes
20 a blood or half-blood relative or adoptive relative limited to brother, sister,
21 great-grandparent, great-great-grandparent, uncle, aunt, great-uncle,
22 great-aunt, great-great-uncle, great-great-aunt, nephew, niece, first cousin,
23 stepbrother, and stepsister.

24 ~~(3d)(3e)~~ (3e) "Federal TANF funds" means the Temporary Assistance for Needy Families
25 block grant funds provided for in Title IV-A of the Social Security Act.

26 ~~(3e)(3f)~~ (3f) "Fee-for-service program" means a payment model for the Medicaid program
27 operated by the Department of Health and Human Services pursuant to its
28 authority under Part 6 of Article 2 of Chapter 108A of the General Statutes in
29 which the Department pays enrolled providers for services provided to
30 Medicaid recipients rather than contracting for the coverage of services
31 through a capitated payment arrangement.

32 ~~(3f)(3g)~~ (3g) Repealed by Session Laws 2009-489, s. 1, effective August 26, 2009.

33 ~~(3g)(3h)~~ (3h) "FICA" means the taxes imposed by the Federal Insurance Contribution Act,
34 26 U.S.C. § 3101, et seq.

35 ~~(3h)(3i)~~ (3i) "Full-time employment" means employment which requires the employee to
36 work a regular schedule of hours per day and days per week established as the



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1 standard full-time workweek by the employer, but not less than an average of
2 30 hours per week.

3"

4 **SECTION 1.(c)** Article 2 of Chapter 108A of the General Statutes is amended by
5 adding a new Part to read:

6 "Part 4A. Guardianship Assistance.

7 **"§ 108A-50.10. Kinship guardianship assistance program (KinGAP).**

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

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

14 (1) The child was removed from his or her home due to a voluntary placement
15 agreement or as a result of judicial determination to the effect that
16 continuation in the home would be contrary to the welfare of the child.

17 (2) The child was eligible for foster care maintenance payments pursuant to 42
18 U.S.C. § 672 while residing for at least six consecutive months in the home of
19 a licensed prospective relative guardian. "Relative" for the purposes of this
20 Part is a person related to the minor child by blood, marriage, adoption, or an
21 individual that has a substantial relationship with the minor child or the minor
22 child's parent prior to the child being placed in foster care.

23 (3) A determination has been made that reunification or adoption are not
24 appropriate options for the child.

25 (4) The child has attained 10 years of age and demonstrates a strong attachment
26 to the prospective relative guardian and the relative guardian has a strong
27 commitment to caring permanently for the child.

28 (5) At the time of entry into the guardianship agreement, a North Carolina county
29 child welfare agency has placement and care of the child.

30 (6) If a child is 14 years of age, the child has been consulted regarding the kinship
31 guardianship arrangement.

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

38 (1) Is completing secondary education or a program leading to an equivalent
39 credential.

40 (2) Is enrolled in an institution that provides postsecondary or vocational
41 education.

42 (3) Is participating in a program or activity designed to promote or remove
43 barriers to employment.

44 (4) Is employed for at least 80 hours per month.

45 (5) Is incapable of completing the educational or employment requirements of
46 subdivisions (1) through (4) of this subsection due to a medical condition or
47 disability that is supported by regularly updated information in the case plan
48 for the individual.

49 (d) Sibling Eligibility. – A child is eligible for kinship guardianship assistance payments
50 if (i) the child has not yet attained 10 years of age, (ii) their sibling meets the requirements of this
51 Part for kinship guardianship assistance payments, and (iii) the county child welfare agency and

1 the prospective relative guardian agree on whether the guardianship arrangement is appropriate
2 for the sibling.

3 (e) In the event of the death or incapacity of the relative guardian, the eligibility of a child
4 to receive kinship guardianship assistance payments under this Part shall not be affected by
5 reason of the replacement of the relative guardian with a successor legal guardian identified in
6 the kinship guardianship assistance agreement entered into under this Part.

7 **"§ 108A-50.11. Guardianship assistance program.**

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

- 11 (1) The child has attained 10 years of age and demonstrates a strong attachment
12 to the licensed prospective guardian and the prospective guardian has a strong
13 commitment to caring permanently for the child.
- 14 (2) The child is in a permanent family placement setting for at least six
15 consecutive months prior to the execution of the guardianship agreement.
- 16 (3) The prospective guardian is eligible to be appointed as a legal guardian
17 pursuant to G.S. 7B-600(b).
- 18 (4) The child is unlikely to achieve permanency through reunification or adoption.
- 19 (5) At the time of entry into the guardianship agreement, a North Carolina county
20 child welfare agency has placement and care of the child.
- 21 (6) If a child has attained 14 years of age, the child has been consulted regarding
22 the kinship guardianship arrangement.

23 (b) Individuals or youth who exited foster care under a guardianship assistance agreement
24 may continue to receive guardianship assistance payments after attaining 18 years of age if (i)
25 the individual or youth attained 16 years of age before the guardianship assistance agreement
26 became effective, (ii) he or she chooses to continue receiving guardianship services until attaining
27 21 years of age, and (iii) the Division determines that the individual or child meets any of the
28 following:

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

40 **"§ 108A-50.12. Guardianship assistance agreement.**

41 (a) In order to receive payments under this Part, the county child welfare agency shall (i)
42 negotiate and enter into a written, binding guardianship assistance agreement with the
43 prospective guardian of a child who meets the eligibility requirements of this Part and (ii) provide
44 the prospective guardian with a copy of the agreement.

45 (b) The guardianship agreement shall specify, at a minimum, all of the following:

- 46 (1) The amount of and manner in which each guardianship assistance payment
47 will be provided under the agreement, and the manner in which the payment
48 may be adjusted.
- 49 (2) The additional services and assistance that the child and guardian will be
50 eligible for under the agreement.

- 1 (3) The procedure by which the guardian may apply for additional services as
- 2 needed.
- 3 (4) The State will pay the total cost of nonrecurring expenses associated with
- 4 obtaining legal guardianship of the child to the extent the total cost does not
- 5 exceed two thousand dollars (\$2,000).

6 (c) A guardianship agreement entered into under this section shall provide that the
7 agreement shall remain in effect without regard to the State residency of the guardian.

8 **"§ 108A-50.13. Reimbursement for guardians.**

9 The guardianship assistance program rates shall reimburse legal and relative guardians for
10 room and board and be set at the same rate as the foster care room and board rates in accordance
11 with rates established under G.S. 108A-49.1."

12 **SECTION 2.** The Social Services Commission shall adopt temporary rules to
13 implement the provisions of this act. The temporary rules adopted under this act shall remain in
14 effect until permanent rules are adopted that replace those temporary rules.

15 **SECTION 3.** Section 1 of this act becomes effective July 1, 2025. The remainder of
16 this act is effective when it becomes law.