

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H

1

HOUSE BILL 795

Short Title: Increased Access for Youth in Foster Families. (Public)

Sponsors: Representatives Loftis, Almond, Davis, and Penny (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

April 8, 2025

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

The General Assembly of North Carolina enacts:

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

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

"§ 108A-24. Definitions.

As used in Chapter 108A:

...

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

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

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

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

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

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

~~(3f)~~(3g) Repealed by Session Laws 2009-489, s. 1, effective August 26, 2009.

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



* H 7 9 5 - V - 1 *

(3h)(3i) "Full-time employment" means employment which requires the employee to work a regular schedule of hours per day and days per week established as the standard full-time workweek by the employer, but not less than an average of 30 hours per week.

...."

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

"Part 4A. Kinship Guardianship Assistance (KinGAP).

"§ 108A-50.10. Kinship guardianship assistance.

(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) 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.

"§ 108A-50.11. Guardianship assistance.

(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.

"§ 108A-50.12. Guardianship assistance agreement.

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

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

- (1) The amount of and manner in which each guardianship assistance payment will be provided under the agreement, and the manner in which the payment may be adjusted.

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

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

10 **"§ 108A-50.13. Reimbursement for guardians.**

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

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

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