



# HOUSE BILL 424: Fostering Success

2015-2016 General Assembly

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<b>Committee:</b>	House Judiciary III	<b>Date:</b>	April 14, 2015
<b>Introduced by:</b>	Reps. Stevens, Glazier	<b>Prepared by:</b>	Janice Paul
<b>Analysis of:</b>	First Edition		Committee Counsel

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**SUMMARY:** *House Bill 424 would extend the provision of foster care services to the age of nineteen years and make various conforming statutory changes; authorize the Social Services Commission to adopt rules implementing the expansion of foster care through age nineteen; provide for the extension of guardianship services through age nineteen; require the submission of a State Plan Amendment to draw down federal IV-E funds for the expansion of foster care through age nineteen; and appropriate funds to implement the purposes of this act.*

[As introduced, this bill was identical to S424, as introduced by Sens. Barringer, Harrington, and Tucker, which is currently in Rules and Operations of the Senate.]

## **BILL ANALYSIS:**

**Section 1** of House Bill 424 would amend G.S. 108A-48, "State Foster Care Benefits Program," by doing the following:

- Deleting provisions concerning limiting benefits to individuals younger than 18 years old, except in specified circumstances.
- Allowing the Department of Health and Human Services (Department) to continue to provide benefits under the Program to an individual who has attained 18 years of age and who has chosen to continue receiving foster care up to age 19 if the individual is completing secondary education or an equivalent program, enrolled in an institution providing postsecondary or vocational education, participating in a program or activity designed to promote or remove barriers to employment, employed at least 80 hours per month, or incapable of completing the educational or employment requirements due to a medical condition or disability.

**Section 2** would amend the current statute relating to foster care and adoption assistance payment rates to address the State and participating county contribution rates for the cost of care of a child who has chosen to continue receiving foster care or guardianship services to age 19.

**Sections 3 and 4 and 5** would do the following in Chapter 131D of the General Statutes, entitled, "Inspection and Licensing of Facilities":

- Change "18 years of age" to "19 years of age" in definitional provisions.
- Add a new section to Article 1A, "Control over Child Placing and Child Care," to provide that:
  - A child can continue to receive foster care services to age 19 as provided by law.
  - A child who initially opts out of foster care upon attaining age 18 may later choose to receive foster care services up to age 19.
  - A child who has attained age 18 and chosen to continue receiving foster care to age 19 may continue to receive benefits upon meeting the requirements of the State Foster Care Benefits Program.

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- The Social Services Commission must adopt rules necessary for the expansion of foster care for individuals who have reached age 18 and chosen to continue receiving foster care services to the age of 19.

**Section 6** would direct the Department's Division of Social Services (Division) to develop a plan for the expansion of foster care services for individuals who have attained the age of 18 and opt to continue receiving foster care services to age 19. This section establishes the reporting requirements relating to the plan, and requires the Division to submit a state plan amendment to the U.S. Department of Health and Human Services Administration for Children and Families to make federal payments for foster care and adoption assistance under Title IV-E.

**Section 7** of HB 424 would direct the Division to design the Guardianship Assistance Program (GAP) to include provisions for extending guardianship services for individuals who have attained the age of 18 and opt to continue receiving guardianship services to age 19 years if the individuals meet the described conditions, and provides for reimbursement of the legal guardian for room and board at the same rate as the statutory foster care room and board rates. This section further directs the Social Services Board to adopt rules establishing the GAP, including defining the phrase, "legal guardian."

**Section 8** would appropriate from the General Fund to the Division the sum of \$56, 042 for the 2015-16 fiscal year to develop the foster care services expansion plan.

**Section 9** of the bill would appropriate from the General Fund to the Division the sum of \$1,328,499 for the 2016-17 fiscal year to implement the expansion plan.

**EFFECTIVE DATE:** Section 8 of this act becomes effective October 1, 2015. Section 9 of this act becomes effective July 1, 2016. The remainder of this act becomes effective August 1, 2016.