



2017-2018 General Assembly

SENATE BILL 125: Various Changes to Education, Sec. 2: Expand Eligibility of Children to Obtain Certain Wartime Veterans Scholarships.

Committee:
Introduced by:
Analysis of: Sec. 2 of S.L. 2018-37

Date: July 23, 2018
Prepared by: Kara McCraw
Staff Attorney

OVERVIEW: *S.L. 2018-37, Sec. 2 changes the definition of "child" for certain scholarships awarded to children of veterans. Various classes of scholarships are provided by the State to children of veterans who meet specific criteria. Two classes of these scholarships (Class II and Class III) are limited to no more than 100 children yearly. Part II expands the definition of "child" for purposes of qualifying for Class II and Class III scholarships to align with the federal definition of "child" used for determination of Pay and Allowances of the Uniformed Services, as follows:*

- *A stepchild of the member. This does not include a stepchild after the divorce of the member from the stepchild's parent by blood.*
- *An adopted child of the member, including a child placed in the home of the member by a placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the child by the member.*
- *An illegitimate child of the member if the member's parentage of the child is established in accordance with criteria prescribed in regulations by the Secretary of the relevant service branch.*

The Department of Military and Veterans Affairs must document the number of applicants who apply for Class II and Class III scholarships, including the total number of applications received and total number of applications made eligible as a result of this Part and report on this information to the Joint Legislative Oversight Committee on General Government by March 30, 2019.

This section became effective June 22, 2018.

SECTION 2: EXPAND ELIGIBILITY OF CHILDREN TO OBTAIN CERTAIN WARTIME VETERANS SCHOLARSHIPS

CURRENT LAW: Section 2 of Article 14 of Chapter 143B of the General Statutes provides for scholarships to children of certain veterans who meet criteria and awards various classes of scholarships.

Class II scholarships are awarded to no more than 100 children yearly whose veteran parent, at the time of the award is, or was at the time of the parent's death, receiving compensation for a wartime service connected disability of between 20% and 100% or was awarded a Purple Heart for wounds received as a result of an act of any opposing armed force, as a result of an international terrorist attack, or as a result of military operations while serving as part of a peacekeeping force.

Class III scholarships are awarded to no more than 100 children yearly whose veteran parent, at the time of the award, met one of the following categories:

Karen Cochrane-Brown
Director



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- Is or was at the time of death drawing pension for permanent and total disability, nonservice connected.
- Is deceased and did not fall within the provisions of any other eligibility class under the statute.
- Served in a combat zone, or waters adjacent to a combat zone, or any other campaign, expedition, or engagement for which the United States Department of Defense authorizes a campaign badge or medal and does not fall within the provisions of any other class under the statute.

To qualify for the scholarship, the veteran's child must also meet the following criteria:

- Be under 25 years of age at the time of application for a scholarship.
- Be a domiciliary of North Carolina and a resident of North Carolina when applying for a scholarship
- Have completed high school or its equivalent prior to receipt of the scholarship.
- Have complied with the requirements of the Selective Service System, if applicable.
- Meet one of the following requirements:
 - Has a veteran parent who was a legal resident of North Carolina at the time of the veteran's entrance into the period of service in the Armed Forces during which eligibility is established for the scholarship.
 - Was born as the child of a veteran in North Carolina and has been a resident of North Carolina continuously since birth, with certain limited exceptions.

An individual legally adopted by the veteran prior to reaching the age of 15 may also satisfy either of these conditions.

BILL ANALYSIS: For Class II and Class III scholarships, S.L. 2018-37, Sec. 2, references the federal definition of "child" used for determination of Pay and Allowances of the Uniformed Services to delineate individuals who may qualify as children of veterans for the various scholarships, as follows:

- A stepchild of the member. This does not include a stepchild after the divorce of the member from the stepchild's parent by blood.
- An adopted child of the member, including a child placed in the home of the member by a placement agency (recognized by the Secretary of Defense) in anticipation of the legal adoption of the child by the member.
- An illegitimate child of the member if the member's parentage of the child is established in accordance with criteria prescribed in regulations by the Secretary of the relevant service branch.

The Department of Military and Veterans Affairs must document the number of applicants who apply for Class II and Class III scholarships, including the total number of applications received and total number of applications made eligible as a result of this Part and report on this information to the Joint Legislative Oversight Committee on General Government by March 30, 2019.

EFFECTIVE DATE: S.L. 2018-37, Sec. 2, became effective June 22, 2018.