



# HOUSE BILL 795: Increased Access for Youth in Foster Families.

2025-2026 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	May 6, 2025
<b>Introduced by:</b>	Reps. Loftis, Almond, Davis, Penny	<b>Prepared by:</b>	Debbie Griffiths Staff Attorney
<b>Analysis of:</b>	Second Edition		

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**OVERVIEW:** *House Bill 795 would amend Article 2 of Chapter 108A of the General Statutes by adding a new Part which would create the Kinship Guardianship Assistance Program (KinGAP) and the Guardianship Assistance Program (GAP) as follows:*

- *The Department of Health and Human Services, Division of Social Services (Division) would have the option to provide financial support for children who exit foster care and enter guardianship with a relative guardian or legal guardian when certain conditions are met.*
- *Entry into a written guardianship assistance agreement (agreement) between the county child welfare agency and the prospective guardian would be required.*
- *Relative and legal guardians would be reimbursed for room and board at the foster care room and board rates established under G.S. 108A-49.1.*
- *The State would pay up to two thousand dollars (\$2,000) toward the cost of obtaining guardianship.*

**CURRENT LAW:** Section 9J.4 of S.L. 2023-134 allows the Division to use funds available for foster care to provide financial support for children who are (i) in a permanent family placement setting, (ii) eligible for legal guardianship, and (iii) otherwise unlikely to receive permanency. No additional expenses can be incurred beyond the funds budgeted for foster care for the GAP. This amount includes provisions for extending guardianship services for individuals and youth who exited foster care through GAP after 14 years of age or who have attained the age of 18 years and opt to continue to receive guardianship services until reaching 21 years of age, provided the individual is (i) completing secondary education or a program leading to an equivalent credential, (ii) enrolled in an institution that provides postsecondary or vocational education, (iii) participating in a program or activity designed to promote, or remove barriers to, employment, (iv) employed for at least 80 hours per month, or (v) incapable of completing the educational or employment requirements due to a medical condition or disability. GAP rates reimburse the legal guardian for room and board at the same rate as for foster care room and board established under G.S. 108A-49.1.

**BILL ANALYSIS:** House Bill 795 would do the following:

**Sections 1.(a) and (b)** make technical and conforming changes.

**Section 1.(c)** would amend Article 2 of Chapter 108A of the General Statutes to add a new Part creating Guardianship Assistance by adding the following:

- The Division would have the option to provide financial support of children who exit foster care under a relative or legal guardianship if certain conditions are met.

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- For **KinGAP payments**, the guardianship must meet the requirements of 42 U.S.C. §673 and until the child turns 18 years of age, the following criteria must be met:
  - The removal from the child's home was through a voluntary placement agreement or a judicial determination that continuing to remain in the home would be contrary to the child's welfare.
  - The child was eligible for foster care maintenance payments while residing with the licensed proposed relative guardian for at least six months. Under this Part, a "relative" would include a person related to the child by blood, marriage, adoption, or an individual with a substantial relationship with the child or a parent prior to placement in foster care.
  - A determination that reunification or adoption are not appropriate options.
  - The child has attained 10 years of age and demonstrates a strong attachment to the proposed relative guardian and the proposed relative guardian has a strong commitment to permanently caring for the child.
  - A North Carolina county child welfare agency has placement of the child when the agreement is entered.
  - If a child is 14 years old or older, the child has been consulted regarding the guardianship.
- Siblings of a child eligible for **KinGAP payments** would also be eligible for the payments if the child has not attained 10 years of age and the county child welfare agency and prospective relative guardian agree that the guardianship is appropriate for the sibling.
- Replacement of a relative guardian due to their death or incapacity by the successor legal guardian identified in the agreement would not affect the child's eligibility to receive guardianship assistance payments.
- The Division may also provide **guardianship assistance payments** if the following criteria are met:
  - The child is in a permanent family placement setting for at least six consecutive months prior to execution of the agreement.
  - The prospective guardian is eligible for appointment as legal guardian under G.S. 7B-600(b).
  - The child is unlikely to achieve permanence through reunification or adoption.
  - The child has attained 10 years of age and demonstrates a strong attachment to the proposed relative guardian and the proposed relative guardian has a strong commitment to permanently caring for the child.
  - A North Carolina county child welfare agency has placement of the child when the agreement is entered.
  - If a child is 14 years old or older, the child has been consulted regarding the guardianship.
- Individuals or youth who exited the foster care system under a guardianship assistance agreement for either type of guardianship may continue to receive those assistance payments after turning 18 if the following requirements are met:
  - The individual or youth attained the age of 16 before the agreement became effective.
  - He or she chooses to continue receiving assistance until turning 21.

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- The Division determines the individual or youth meets at least one of the following criteria:
  - Completing secondary education or a program leading to the equivalent credential.
  - Enrolled in postsecondary education or vocational education.
  - Participating in a program or activity designed to remove barriers to employment.
  - Employed at least 80 hours per month.
  - Incapable of completing the previous requirements because of a medical condition or disability supported by regular updating of information in the case plan.
- Written guardianship assistance agreements would be required between the county and the guardian to receive assistance payments and contain the following terms at a minimum:
  - The amount and manner of the payment, and the way the payment may be adjusted.
  - The additional services and assistance for which the child and guardian are eligible, and the procedure to apply for additional services.
  - The State will pay the total cost of nonrecurring expenses to obtain guardianship to the extent the total cost does not exceed two thousand dollars (\$2,000).
  - An agreement entered under this statute remains in effect regardless of State of residency of the guardian.
- Relative and legal guardians would be reimbursed for room and board at the foster care room and board rates established under G.S. 108A-49.1.

**Section 2** would require the Social Services Commission to adopt temporary and permanent rules to implement the requirements of this act.

**EFFECTIVE DATE:** Section 1 of the act would become effective July 1, 2025. The remainder of the act would become effective when it becomes law.

\*Jason Moran-Bates, staff attorney, Legislative Analysis Division, contributed to the summary.