

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

**HOUSE BILL 377
RATIFIED BILL**

AN ACT TO ENACT CERTAIN MODIFICATIONS TO THE LAWS RELATED TO THE
NORTH CAROLINA COURT SYSTEM AND TO MAKE TECHNICAL CORRECTIONS
TO ESTATE PLANNING STATUTES.

The General Assembly of North Carolina enacts:

AMEND ADOPTION LAW TO FACILITATE E-FILING

SECTION 1.(a) G.S. 48-2-304 reads as rewritten:

"§ 48-2-304. Petition for adoption; content.

(a) The ~~original~~ petition for adoption must be signed and verified by each ~~petitioner, and the original and two exact or conformed copies~~ petitioner and shall be filed with the clerk of court. The petition shall state:

- (1) Each petitioner's full name, current address, place of domicile if different from current address, and whether each petitioner has resided or been domiciled in this State for the six months immediately preceding the filing of the petition;
- (2) The marital status and gender of each petitioner;
- (3) The sex and, if known, the date and state or country of birth of the adoptee;
- (4) The full name by which the adoptee is to be known if the petition is granted;
- (5) That the petitioner desires and agrees to adopt and treat the adoptee as the petitioner's lawful child; and
- (6) If the adoptee is a minor or an adult who has been adjudicated incompetent, a description and estimate of the value of any property of the adoptee.

...."

SECTION 1.(b) G.S. 48-9-102 reads as rewritten:

"§ 48-9-102. Records confidential and sealed.

(a) All records created or filed in connection with an adoption, except the decree of adoption and the entry in the special proceedings index in the office of the clerk of court, and on file with or in the possession of the court, an agency, the State, a county, an attorney, or other provider of professional services, are confidential and may not be disclosed or used except as provided in this Chapter.

(b) During a proceeding for adoption, records shall not be open to inspection by any person except upon an order of the court finding that disclosure is necessary to protect the interest of the adoptee.

(c) When a decree of adoption becomes final, all records and all indices of records, except for the Special Proceedings Index, on file with the court, an agency, or this State shall be retained permanently and sealed. Sealed records shall not be open to inspection by any person except as otherwise provided in this Article.

(d) ~~All Copies of all records filed in connection with an adoption, including a copy of the petition giving the date of the filing of the original petition, the original of each consent and relinquishment, additional documents filed pursuant to G.S. 48-2-305, any report to the court, any additional documents submitted and orders entered, any orders of dismissal, and a copy of the final decree, adoption proceeding shall be sent~~ made available by the clerk of superior court



to the Division within 10 days after the appeal period for a decree of adoption has expired or 10 days following the final disposition of an appeal pursuant to G.S. 48-2-607(b). ~~The petition and final decree or order of dismissal shall be retained by the clerk.~~ For purposes of this subsection, copies of the records may be made available through electronic transfer or by providing the Division with electronic access within the electronic filing and case management system.

(d1) The Division, within 40 days after receipt of the record in subsection (d), shall conduct a limited review for the sole purpose of identifying any obvious error on the report to vital records that is prepared by the superior court clerk and to notify the clerk of the error. If the Division notifies the superior court clerk of an error in the report to vital records, then the clerk shall correct the report and return it to the Division within 10 days after receipt of the notice.

(e) The Division shall, subject to the review in (d1), cause the papers and reports related to the proceeding to be permanently indexed and filed.

(f) The Division shall, within 40 days after receiving it from the court, transmit a report of each adoption and any name change to the State ~~Registrar~~ Registrar, which may be transmitted electronically, if the adoptee was born in this State. In the case of an adoptee who was not born in this State, the Division shall, within 40 days after receiving it from the court, transmit the report and any name change to the appropriate official responsible for issuing birth certificates or their equivalent.

(g) In any adoption, the State Registrar may, in addition to receiving the report from the Division, request a copy of the final order and any separate order of name change directly from the clerk of court."

SECTION 1.(c) This section becomes effective October 1, 2026.

CLARIFY HOW A RENTER-DEFENDANT APPELLANT MAINTAINS A STAY OF EXECUTION

SECTION 2.(a) G.S. 42-34.1 reads as rewritten:

"§ 42-34.1. Rent pending execution of judgment; post bond pending appeal.

(a) If the judgment in district court is against the defendant appellant, it is sufficient to stay execution of the judgment during the 30-day time period for taking an appeal provided for in Rule 3 of the North Carolina Rules of Appellate Procedure if the defendant appellant posts a bond as provided in G.S. 42-34(b). No additional security under G.S. 1-292 is required. If the defendant appellant previously filed an undertaking after appeal of the magistrate's judgment and continues to pay periodic rent required by the prior undertaking after the judgment from the district court, the continued periodic payments toward this undertaking will satisfy this provision and maintain the stay of execution during the 30-day time period for taking an appeal. If the defendant appellant fails to make rental payments as provided in the undertaking within five business days of the day rent is due under the terms of the residential rental agreement, the clerk of superior court shall, upon application of the plaintiff appellee, immediately issue a writ of possession, and the sheriff shall dispossess the defendant appellant as provided in G.S. 42-36.2.

(a1) If the judgment in district court is against the defendant appellant and the defendant appellant does not appeal the judgment, the defendant appellant shall pay rent to the plaintiff for the time the defendant appellant remains in possession of the premises after the judgment is given. Rent shall be prorated if the judgment is executed before the day rent would become due under the terms of the lease. The clerk of court shall disburse any rent in arrears paid by the defendant appellant in accordance with a stipulation executed by all parties or, if there is no stipulation, in accordance with the judge's order.

(b) If the judgment in district court is against the defendant appellant and the defendant appellant appeals the judgment, it is sufficient to stay execution of the judgment if the defendant appellant posts a bond as provided in G.S. 42-34(b). No additional security under G.S. 1-292 is required. If the defendant appellant previously filed an undertaking after appeal of the magistrate's judgment and continues to pay periodic rent required by the prior undertaking after

the judgment from the district court, the continued periodic payments toward this undertaking will satisfy this provision and maintain the stay of execution during the appeal. If the defendant appellant fails to perfect the appeal or the appellate court upholds the judgment of the district court, the execution of the judgment shall proceed. The clerk of court shall not disburse any rent in arrears paid by the defendant appellant until all appeals have been resolved."

SECTION 2.(b) This section is effective when it becomes law and applies to actions pending and filed on or after that date.

MODIFY CERTAIN BOND REQUIREMENTS

SECTION 3.(a) G.S. 28A-8-2 reads as rewritten:

"§ 28A-8-2. Provisions of bond.

A bond given pursuant to this Article shall be:

- (1) Payable to the State to the use of all persons interested in the estate; and
- (2) Conditioned that the personal representative giving the bond shall faithfully execute the trust reposed in the personal representative and obey all lawful orders of the clerk of superior court or other court touching the administration of the estate committed to the personal representative; and
- (3) In an amount not less than:
 - a. One and one-fourth times the value of all personal property of the decedent when the bond is secured by a suretyship bond executed by a corporate surety company authorized by the Commissioner of Insurance to do business in this State, provided that the clerk of superior court, when the value of the personal property to be administered by the personal representative exceeds one hundred thousand dollars (\$100,000), may accept bond in an amount equal to the value of the personal property plus ten percent (10%) thereof; or
 - b. Double the value of all personal property of the decedent when the bond is secured by one of the methods provided in subdivision (4)b, (4)c or (4)d; such value of said personal property to be ascertained by the clerk of superior court by examination, on oath, of the applicant or of some other person determined by the clerk to be qualified to testify as to its value; and
- (4) Secured by one or more of the following:
 - a. Suretyship bond executed, at the expense of the estate, by a corporate surety company authorized by the Commissioner of Insurance to do business in this State;
 - b. Suretyship bond executed and justified upon oath before the clerk of superior court by two or more sufficient personal sureties each of whom shall reside in and own real estate in North Carolina and shall have assets with an aggregate value above encumbrances of not less than the amount of the penalty of the required bond;
 - c. A first mortgage or first deed of trust ~~in form approved by the administrative officer of the courts~~ on real estate located in North Carolina:
 1. Executed by the owner, and conditioned on the performance of the obligations of the bond, and
 2. Containing a power of sale which, in the case of a mortgage, is exercisable by the clerk of superior court upon a breach of any condition thereof, or, in the case of a deed of trust, is exercisable by the trustee after notice by the clerk of superior court that a breach of condition has occurred.

The clerk of superior court shall not accept such mortgage or deed of trust until it shall have been properly registered in the county or counties in which the real estate is located, and the clerk of superior court is satisfied that the real estate subject to the mortgage or deed of trust is worth the amount to be secured thereby, and that the mortgage or deed of trust is a first charge on said real estate. No such mortgage or deed of trust shall be cancelled or surrendered until the approval of the final account, unless substitution is permitted as provided in G.S. 28A-8-3(d).

- d. A deposit by the owner with the clerk of superior court of negotiable securities, of a kind permitted by law to be proper investments for fiduciaries exercising due care, having a fair market value determined by the clerk to be equal to the amount of the penalty of the bond. Such securities shall be properly endorsed, delivered to the clerk of superior court, and accompanied by a security agreement containing a power of sale authorizing the clerk of superior court to sell them in the event the person to whom letters are being issued commits a breach of any duty imposed upon that person by law in respect of that person's office. Such securities shall not be surrendered by the clerk of superior court to the owner until the approval of the final account, unless substitution is permitted as provided in G.S. 28A-8-3(d). For the purposes of determining the value of the assets of the personal sureties in subdivision (4)b, or the value of the real estate in subdivision (4)c, or the value of the negotiable securities in subdivision (4)d, the clerk of superior court may require a certificate of the value of such property by one or more persons not interested in the estate determined by the clerk to be qualified to certify such value."

SECTION 3.(b) G.S. 35A-1230 reads as rewritten:

"§ 35A-1230. Bond required before receiving property.

Except as otherwise provided by G.S. 35A-1212.1 and G.S. 35A-1225(a), no general guardian or guardian of the estate shall be permitted to receive the ward's property until he has given sufficient surety, approved by the clerk, to account for and apply the same under the direction of the court, provided that if the guardian is a nonresident of this State and the value of the property received exceeds one thousand dollars (\$1,000) the surety shall be a bond under G.S. 35A-1231(a) executed by a duly authorized surety company, or secured by cash in an amount equal to the amount of the bond or by a mortgage executed under ~~Chapter 109 Article 74 of Chapter 58~~ of the General Statutes on real estate located in the county, the value of which, excluding all prior liens and encumbrances, shall be at least one and one-fourth times the amount of the bond; and further provided that the nonresident shall appoint a resident agent to accept service of process in all actions and proceedings with respect to the guardianship. The clerk shall not require a guardian of the person who is a resident of North Carolina to post a bond; the clerk may require a nonresident guardian of the person to post a bond or other security for the faithful performance of the guardian's duties. As provided in G.S. 53-159 and G.S. 53-366(a)(10), no bond is required of a bank or trust company licensed to do business in this State that has powers or privileges granted in the charter to serve as guardian."

SECTION 3.(c) This section is effective when it becomes law.

AMEND DEFAULT JUDGMENT PROVISION IN DIVORCE PROCEEDINGS

SECTION 5.(a) G.S. 50-10 reads as rewritten:

"§ 50-10. Material facts found by judge or jury in divorce or annulment proceedings; when notice of trial not required; procedure same as ordinary civil actions.

(a) Except as provided for in subsection (e) of this section, the material facts in every complaint asking for a divorce or for an annulment shall be deemed to be denied by the defendant, whether the same shall be actually denied by pleading or not, and no judgment shall be given in favor of the plaintiff in any such complaint until such facts have been found by a judge or jury.

(b) Nothing herein shall require notice of trial to be given to a defendant who has not made an appearance in the action.

(c) The determination of whether there is to be a jury trial or a trial before the judge without a jury shall be made in accordance with G.S. 1A-1, Rules 38 and 39.

(d) The provisions of G.S. 1A-1, Rule 56, shall be applicable to actions for absolute divorce pursuant to G.S. 50-6, for the purpose of determining whether any genuine issue of material fact remains for trial by jury, but in the event the court determines that no genuine issue of material fact remains for trial by jury, the court must find the facts as provided herein. The court may enter a judgment of absolute divorce pursuant to the procedures set forth in G.S. 1A-1, Rule 56, finding all requisite facts from nontestimonial evidence presented by affidavit, verified motion or other verified pleading.

(e) The clerk of superior court, upon request of the plaintiff, may enter judgment in cases in which the plaintiff's only claim against the defendant is for absolute divorce, or absolute divorce and the resumption of a former name, and the defendant ~~has been defaulted for failure~~ failed to appear, the defendant has answered admitting the allegations of the complaint, or the defendant has filed a waiver of the right to answer, and the defendant is not an infant or incompetent person."

SECTION 5.(b) This section is effective when it becomes law and applies to actions for absolute divorce filed or pending on or after that date.

REPEAL OBSOLETE PROVISION

SECTION 6.(a) G.S. 7A-343.6 is repealed.

SECTION 6.(b) This section is effective when it becomes law.

CLARIFY ASL INTERPRETER PAYMENTS

SECTION 7.(a) G.S. 8B-8(a) reads as rewritten:

"(a) An interpreter appointed under this Chapter is entitled to a reasonable fee for services, including waiting time, time reserved by the courts for the assignment, and reimbursement for necessary travel and subsistence expenses. The fee shall be fixed by the appointing authority who shall consider any fee schedule for interpreters established by the Department of Health and Human ~~Services.~~ Services, except that the Director of the Administrative Office of the Courts shall fix the fee for interpreters appointed to interpret proceedings in the General Court of Justice. Reimbursement for necessary travel and subsistence expenses shall be at rates provided by law for State employees generally."

SECTION 7.(b) This section becomes effective October 1, 2026.

CLARIFY CERTAIN FILINGS

SECTION 8.(a) G.S. 7A-98(a) reads as rewritten:

"(a) Any matter required or permitted to be supported, evidenced, established, or proved in writing under oath or affirmation may, if filed ~~electronically pursuant to rules promulgated by the Supreme Court under G.S. 7A-49.5,~~ in the General Court of Justice with like force and effect be supported, evidenced, established, or proved by an unsworn declaration in writing, subscribed by the declarant and dated, that the statement is true under penalty of perjury."

SECTION 8.(b) G.S. 8C-1, Rule 803(6) reads as rewritten:

"(6) Records of Regularly Conducted Activity. – A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a

person with knowledge, if (i) kept in the course of a regularly conducted business activity and (ii) it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, by affidavit or by document under seal under Rule 902 of the Rules of Evidence made by the custodian or witness, or by a certification that complies with 28 U.S.C. § 1746 or G.S. 7A-98 made by the custodian or witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness. Authentication of evidence by affidavit shall be confined to the records of nonparties, and the proponent of that evidence shall give advance notice to all other parties of intent to offer the evidence with authentication by affidavit. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit."

SECTION 8.(c) This section becomes effective October 1, 2026.

ALLOW IDS ATTORNEYS ELECTRONIC ACCESS TO FILES

SECTION 9.(a) G.S. 7A-452(e) reads as rewritten:

"(e) In cases in which an indigent person has entered notice of appeal and appellate counsel has been appointed by the Office of Indigent Defense Services, the clerk of superior court shall make ~~a copy of the complete trial division file in the case, case available to any attorney of record which may be made available by electronic access within the electronic filing and case management system and make a copy of documentary exhibits and digital storage media containing exhibits upon request, and furnish those files and any requested documentary exhibits to the appointed attorney request and furnish the requested documentary exhibits and digital storage media containing exhibits to the attorney of record.~~"

SECTION 9.(b) This section becomes effective October 1, 2026.

MODIFY SAFEKEEPING STATUTE RELATED TO WILLS

SECTION 10.(a) G.S. 31-11 reads as rewritten:

"§ 31-11. Depositories in offices of clerks of superior court where living persons may file deposit wills.

(a) The clerk of the superior court in each county of North Carolina is required to keep a receptacle or depository in which any testator who desires to do so may deposit that testator's original paper will for safekeeping. The clerk is only authorized to receive the will from the testator, ~~or an a testator's agent under a valid power of attorney, or an attorney for the testator.~~ Once a testator has died, the clerk is not authorized to receive the will for the clerk's receptacle or depository from any agent or attorney for the testator.

(b) The clerk shall, upon written request of the testator, ~~or the duly authorized a testator's agent under a valid power of attorney, or an attorney for the testator,~~ permit said will or testament to be withdrawn from said depository or receptacle at any time prior to the death of the testator.

(c) While in the clerk's receptacle or depository, the contents of said will shall not be made public or open to the inspection of anyone other than the ~~testator or the testator's duly authorized agent or attorney~~ testator, a testator's agent under a valid power of attorney, or an attorney for the testator until the testator has died. Once the clerk has received proof of the testator's death, the clerk is authorized to allow the will to be made open to the inspection of any person interested in the testator's estate. The will shall remain in the clerk's receptacle or depository until the will is offered for ~~probate, probate or filed with the clerk without probate.~~

(d) The clerk is required to retain the original paper will until withdrawn, probated or filed in the deceased testator's estate file, or once 60 years have passed since the will was originally deposited with the clerk. If after 60 years the will has not been withdrawn or filed in

the deceased testator's estate file, the clerk is authorized to comply with records retention rules for deposited wills set by the Director of the Administrative Office of the Courts."

SECTION 10.(b) This section becomes effective October 1, 2026.

CLARIFY THE USE OF SUMMONSES IN CAVEAT PROCEEDINGS

SECTION 12.(a) G.S. 31-33(a) reads as rewritten:

"(a) Upon the filing of a caveat, the clerk shall transfer the cause to the superior court for trial by jury. The caveat shall be served upon all interested parties ~~in accordance with~~ in a manner prescribed by G.S. 1A-1, Rule 4 of the Rules of Civil ~~Procedure.~~ Procedure, without issuance of a summons."

SECTION 12.(b) This section becomes effective October 1, 2026.

UPDATE SAFE BABIES COURT LANGUAGE TO ALLOW CHILDREN UP TO AGE 5 TO PARTICIPATE

SECTION 13.(a) G.S. 7B-536(a)(7) reads as rewritten:

"(7) Safe babies court. – The innovative court program implementing a community engagement and systems change initiative focused on improving how the courts, department of social services, and related child-serving organizations work together to improve and expedite services for young families with at least one child who is no more than ~~3~~ 5 years of age involved in juvenile actions alleging abuse, neglect, or dependency."

SECTION 13.(b) This section becomes effective October 1, 2026.

CLARIFY JURY COMMISSION APPOINTMENTS

SECTION 14.(a) G.S. 9-1 reads as rewritten:

"§ 9-1. Jury commission in each county; membership; selection; oath; terms; expenses of jury system.

Not later than July 1, 1967, there shall be appointed in each county a jury commission of three members. One member of the commission shall be appointed by the senior regular resident superior court judge, one member by the clerk of superior court, and one member by the board of county commissioners. The appointees shall be qualified voters of the county, and shall serve for terms of two years. Appointees may be reappointed to successive terms. If an appointment is not made by September 1, the incumbent shall serve for an additional two-year term. A vacancy in the commission shall be filled in the same manner as the original appointment, for the unexpired term. Each commissioner shall take an oath or affirmation that, without favor or prejudice, he will honestly perform the duties of a member of the jury commission during his term of service. The compensation of commissioners shall be fixed by the board of county commissioners, and shall be paid from the general fund of the county. All expenses necessary to carry out the provisions of this Chapter and to administer the jury system, including all data processing, document processing, supplies, postage, and other similar expenses, except as otherwise provided in this Chapter, shall be paid from the general fund of the county, except that the clerk of superior court shall furnish clerical or other personnel assistance, as the commission may reasonably require."

SECTION 14.(b) G.S. 9-2(a) reads as rewritten:

"(a) It shall be the duty of the jury commission during every odd-numbered year to prepare a master list of prospective jurors qualified under this Chapter to serve in the biennium beginning on January 1 of the next year. Instead of providing a master list for an entire biennium, the commission may prepare a master list each year if the senior regular resident superior court judge requests in writing that it do so. In either event, the master list shall be completed no later than November 15."

SECTION 14.(c) G.S. 20-43.4(a) reads as rewritten:

"(a) The Commissioner of Motor Vehicles shall provide to each county jury commission an alphabetical list of all persons that the Commissioner has determined are residents of the county, who will be 18 years of age or older as of the first day of January of the following year, and licensed to drive a motor vehicle as of July 1 of each odd-numbered year, provided that if an annual master jury list is being prepared under G.S. 9-2(a), the list to be provided to the county jury commission shall be updated and provided annually. This list shall be provided no later than September 1."

SECTION 14.(d) This section is effective when it becomes law.

CLARIFY THE APPLICATION OF LIMITATIONS ON COMPENSATIONS FOR SERVICES RELATED TO VETERANS' BENEFITS MATTERS

SECTION 14.1.(a) G.S. 143B-1278(e) reads as rewritten:

"(e) Exclusions. – Nothing in this section shall apply to attorneys who are licensed to practice in the State of North Carolina. In addition, nothing in this section shall be construed to apply to, limit, or expand the requirements imposed on agents, attorneys, or other representatives accredited and regulated by the United States Department of Veterans Affairs or the North Carolina Department of Military and Veterans Affairs."

SECTION 14.1.(b) This section is effective when it becomes law.

MAKE CERTAIN CHANGES RELATED TO JUVENILE COURT RECORDS

SECTION 15.(a) G.S. 7B-2901(a) reads as rewritten:

"(a) The clerk shall maintain a complete record of all juvenile cases filed in the clerk's office alleging abuse, neglect, or dependency. The records shall be withheld from public inspection and, except as provided in this subsection, may be examined only by order of the court. Nothing in this section shall be interpreted or construed to prevent the presiding district court judge or designated judicial court staff from inspecting confidential juvenile court records for purposes of discharging any obligation under this Chapter. The record shall include the summons, petition, custody order, court order, written motions, the electronic or mechanical recording of the hearing, and other papers filed in the proceeding. The recording of the hearing shall be reduced to a written transcript only when notice of appeal has been timely ~~given~~ given and shall be copied electronically or mechanically, only by order of the court. After the time for appeal has expired with no appeal having been filed, the recording of the hearing may be erased or destroyed upon the written order of the court or in accordance with a retention schedule approved by the Director of the Administrative Office of the Courts and the Department of Natural and Cultural Resources under G.S. 121-5(c).

The following persons may examine the juvenile's record maintained pursuant to this subsection and obtain copies of written parts of the record without an order of the court:

- (1) The person named in the petition as the juvenile;
- (2) The guardian ad litem;
- (3) The county department of social services; and
- (4) The juvenile's parent, guardian, or custodian, or the attorney for the juvenile or the juvenile's parent, guardian, or custodian.

Persons not authorized to examine the juvenile's court record without a court order and seeking information contained in a juvenile court file or court record may file a written motion in the cause setting out why the information is needed. The movant shall not be considered a party to the action solely by virtue of filing a motion under this section or participating in proceedings on the motion. A district court judge, after providing the parties to the juvenile proceeding for which the records are sought with reasonable notice and an opportunity to be heard, may issue an order to disclose information in the juvenile court record upon finding that the order is appropriate under the circumstances and in the best interest of the juvenile that is the subject of the juvenile proceeding for which the records are sought or necessary for the protection

of the public. This subsection shall not be construed to relieve any court of its duty to conduct hearings and make findings that may be required for the release of certain information in the juvenile court record under any applicable State or federal law, to include 42 C.F.R. Part 2."

SECTION 15.(b) G.S. 7B-3506 reads as rewritten:

"§ 7B-3506. Costs of ~~court~~ court and confidentiality of court records.

The court may tax the costs of the proceeding to any party or may, for good cause, order the costs remitted.

The clerk may collect costs for furnishing to the petitioner a certificate of emancipation which shall recite the name of the petitioner and the fact of the petitioner's emancipation by court decree and shall have the seal of the clerk affixed thereon. Court records made in all proceedings pursuant to this Article are confidential and are not open to public inspection, except the certificate of emancipation shall not be confidential. The petitioner, petitioner's attorney, an appointed guardian ad litem, petitioner's parent, guardian, or custodian, and attorney of the petitioner's parent, guardian, or custodian, may examine and obtain copies of the written parts of the court record without an order of the court."

SECTION 15.(c) This section is effective when it becomes law.

CHANGE EFFECTIVE DATE FOR JUDICIAL ACCESS TO EXPUNCTION RECORDS

SECTION 17.(a) Notwithstanding Section 2 of S.L. 2017-195, G.S. 15A-151(a)(1) applies to all petitions granted under Article 5 of Chapter 15A of the General Statutes that are maintained by the Administrative Office of the Courts.

SECTION 17.(b) This section is effective when it becomes law.

CHANGE "EXECUTIVE SECRETARY" TO "EXECUTIVE DIRECTOR" IN CONFERENCE STATUTE

SECTION 18.(a) G.S. 7A-808 reads as rewritten:

"§ 7A-808. Executive ~~secretary~~; director; clerical support.

The Conference may employ an executive ~~secretary~~ director and any necessary supporting staff to assist it in carrying out its duties."

SECTION 18.(b) This section is effective when it becomes law.

CLARIFY APPEAL FILING LANGUAGE

SECTION 19.(a) G.S. 163-127.6(b) reads as rewritten:

"(b) Appeals from Statewide Panel. – The decision of a panel created under G.S. 163-127.3(3) may be appealed as of right to the Court of Appeals by any of the following:

- (1) The challenger.
- (2) A candidate adversely affected by the panel's decision.

Appeal must be taken within two business days after the panel files the written decision. The written appeal must be ~~delivered~~ electronically filed, delivered, or deposited in the mail to the Court of Appeals as provided by the rules of appellate procedure by the end of the second business day after the written decision was filed by the panel."

SECTION 19.(b) This section becomes effective October 1, 2026.

MODIFY LAW RELATED TO FRIVOLOUS LAWSUITS

SECTION 20.(a) G.S. 1-110 reads as rewritten:

"§ 1-110. Suit as an indigent; counsel; suits filed pro se by prison inmates.

(a) Subject to the provisions of ~~subsection~~ subsections (b) and (c) of this section ~~with respect to prison inmates, section,~~ any superior or district court judge or clerk of the superior court may authorize a person to sue as an indigent in their respective courts when the person makes affidavit that he or she is unable to advance the required court costs. The clerk of superior

court shall authorize a person to sue as an indigent if the person makes the required affidavit and meets one or more of the following criteria:

- (1) Receives electronic food and nutrition benefits.
- (2) Receives Work First Family Assistance.
- (3) Receives Supplemental Security Income (SSI).
- (4) Is represented by a legal services organization that has as its primary purpose the furnishing of legal services to indigent persons.
- (5) Is represented by private counsel working on the behalf of or under the auspices of a legal services organization under subdivision (4) of this section.
- (6) Repealed by Session Laws 2002-126, s. 29A.6(d), effective October 1, 2002.

A superior or district court judge or clerk of superior court may authorize a person who does not meet one or more of these criteria to sue as an indigent if the person is unable to advance the required court costs. The court to which the summons is returnable may dismiss the case and charge the court costs to the person suing as an indigent if the allegations contained in the affidavit are determined to be untrue or if the court is satisfied that the action is frivolous or malicious.

(b) Whenever a motion to proceed as an indigent is filed pro se by an inmate in the custody of the Division of Prisons of the Department of Adult ~~Correction~~, Correction or any sheriff in North Carolina, the motion to proceed as an indigent and the ~~proposed~~ complaint shall be presented to any superior court judge of the judicial district. ~~This judge shall determine whether the complaint is frivolous. In the discretion of the court, a frivolous case may be dismissed by order. The court shall dismiss the action if it meets any of the following criteria:~~

- (1) Is frivolous or malicious.
- (2) Fails to state a claim on which relief may be granted.
- (3) Seeks relief against a defendant who is immune from such relief.

The proceeding is automatically stayed until the judge rules on the motion to proceed as indigent. The clerk of superior court shall serve a copy of the order of dismissal upon the prison inmate. If the judge determines that the inmate may proceed as an indigent, the clerk of superior court shall issue service of process nunc pro tunc to the date of filing upon the defendant.

(c) Whenever a motion to proceed as an indigent is filed pro se by any person or entity and the complaint is brought against a federal, State, or local government entity, or government employee in their official capacity, or government employee in their individual capacity but based on the employee's work for the government, the motion to proceed as an indigent and the complaint shall be presented to any superior court judge of the judicial district. This judge shall determine whether the complaint is frivolous. The court shall dismiss the action if it meets any of the following criteria:

- (1) Is frivolous or malicious.
- (2) Fails to state a claim on which relief may be granted.
- (3) Seeks relief against a defendant who is immune from such relief.

The proceeding is automatically stayed until the judge rules on the motion to proceed as indigent. The clerk of superior court shall serve a copy of the order of dismissal upon the pro se filer. If the judge determines that the pro se may proceed as an indigent, the clerk of superior court shall issue service of process nunc pro tunc to the date of filing upon the defendant."

SECTION 20.(b) G.S. 7A-305(c) reads as rewritten:

"(c) The clerk of superior court, at the time of the filing of the papers initiating the action or the appeal, shall collect as advance court costs, the facilities fee, General Court of Justice fee, and the divorce fee imposed under subsection (a2) of this section, except in suits by an indigent. The clerk shall also collect the fee for discovery procedures under Rule 27(a) and (b) at the time of the filing of the verified petition. The clerk may reject a filing that initiates an action that is not accompanied by these fees unless the filing is accompanied by a motion to proceed as indigent or the filing is made by a county or municipality that pays costs in accordance with G.S. 7A-317."

SECTION 20.(c) G.S. 7A-306(b) reads as rewritten:

"(b) ~~The facilities fee and thirty dollars (\$30.00) of the General Court of Justice fee are payable at the time the proceeding is initiated. The clerk may reject a filing that is not accompanied by the fees set forth in subsection (a) of this section unless the filing is accompanied by a motion to proceed as indigent or the filing is made by a county or municipality that pays costs in accordance with G.S. 7A-317.~~"

SECTION 20.(d) G.S. 7A-307(a) reads as rewritten:

"(a) In the administration of the estates of decedents, minors, incompetents, of missing persons, in the administration of trusts under wills and under powers of attorney, in trust proceedings under G.S. 36C-2-203, in estate proceedings under G.S. 28A-2-4, in power of attorney proceedings under G.S. 32C-1-116(a), and in collections of personal property by affidavit, the following costs shall be assessed:

...

(2e) For filings where the clerk is required to assess the fee in G.S. 7A-307(a)(1), the fee in G.S. 7A-307(a)(1a), and the one hundred six dollar (\$106.00) fee in G.S. 7A-307(a)(2), the clerk may reject a filing that is not accompanied by these fees, unless the filing is accompanied by a motion to proceed as indigent when indigency is applicable or the filing is made by a county or municipality that pays costs in accordance with G.S. 7A-317. A public administrator or public guardian may delay payment of the required fees described herein until filing the inventory or first accounting. A motion to proceed as indigent pursuant to G.S. 1-110 does not apply to the administration of the estates of decedents, minors, incompetents, or missing persons in the administration of trusts under wills and under powers of attorney.

...."

SECTION 20.(e) G.S. 7A-308 is amended by adding a new subsection to read:

"(d) The clerk may reject a filing that is not accompanied by the fees required in this section unless the filing is made by a county or municipality that pays costs in accordance with G.S. 7A-317."

SECTION 20.(f) This section becomes effective October 1, 2026.

MODIFY ROTATION OF SUPERIOR COURT JUDGES

SECTION 21.(a) G.S. 7A-47.3 is amended by adding a new subsection to read:

"(a1) In making assignment of the judges of the superior court for a district consisting of at least one county with a population over 1,000,000 according to the most recent federal decennial census, the Chief Justice of the Supreme Court shall include superior court judges from (i) other districts in that same judicial division and (ii) districts from any judicial division adjacent to the division with the district consisting of at least one county with a population over 1,000,000. A superior court judge from a district in an adjacent judicial division may only be assigned under the authorization set forth in this subsection one six-month term every five years. The purpose of this subsection is to more evenly spread the burden placed on smaller judicial districts from having judges who were elected for those districts holding court mostly in other judicial districts consisting of larger counties. Nothing in this subsection shall be construed to limit the authority of the Chief Justice of the Supreme Court under Article IV, Section 11 of the North Carolina Constitution to assign superior court judges to sessions or cases as necessary to balance the number of judges assigned in each division and to administer the courts and effectuate the principle of rotation among the various districts of a judicial division."

SECTION 21.(b) This section becomes effective January 1, 2027, and applies to rotations on or after that date.

AOC AND IDS REPORTS AND RECOMMENDATIONS

SECTION 26.(a) No later than March 1, 2027, the Administrative Office of the Courts, in consultation with the Office of Indigent Defense Services, shall report on processes to enforce correction of errors in global party records in Enterprise Justice and update records of civil judgments owed to the State of North Carolina.

SECTION 26.(b) No later than March 1, 2027, the Administrative Office of the Courts, in consultation with the Office of Indigent Defense Services, shall identify any potential legislative changes that would facilitate speedy correction of erroneous court records and to enforce requirement of judicial finding of indigency prior to appointment of counsel.

SECTION 26.(c) The Office of Indigent Defense Services (IDS) shall (i) study the location of duty stations for employees of the Office of Capital Defender, (ii) review utilization of all leased office space by all IDS employees with a duty station in Durham, North Carolina, and (iii) report to the General Assembly no later than March 1, 2027, on any cost-savings that might be attained by reducing footprint of leased office space.

SECTION 26.(d) This section is effective when it becomes law.

TECHNICAL CORRECTIONS TO THE ESTATE PLANNING STATUTES

SECTION 27.1.(a) G.S. 30-3.4 reads as rewritten:

"§ 30-3.4. Procedure for determining the elective share.

...

(e1) Procedure. – The verified petition shall be filed by the clerk upon payment of the costs assessed in G.S. 7A-307. An elective share proceeding shall be an estate proceeding and shall be conducted in accordance with the procedures of Article 2 of Chapter 28A of the General Statutes, except as modified or supplemented by the following:

- (1) Upon the filing of the verified petition, the petition shall be served upon the personal representative in accordance with G.S. 1A-1, Rule 4 of the Rules of Civil Procedure, without issuance of a summons. ~~The petition shall also be served on all responsible persons as those persons become known to the petitioner in accordance with G.S. 1A-1, Rule 4 of the Rules of Civil Procedure, without issuance of a summons. The failure to serve the petition for elective share on the personal representative or any other person within the six-month period described in subsection (b) of this section shall not render the claim for elective share as being untimely filed.~~
- (2) ~~After service under subdivision (1) of this subsection, the petitioner, the personal representative, or any other party may cause notice of a hearing before the clerk to be served upon all parties in accordance with G.S. 1A-1, Rule 5 of the Rules of Civil Procedure. At the hearing, the clerk may set deadlines as to the gathering and sharing of information concerning total net assets and may determine any other relevant procedural matters. The petition shall also be served on all responsible persons as such persons become known to the petitioner in accordance with G.S. 1A-1, Rule 4 of the Rules of Civil Procedure, with issuance of a summons. The summons and the claims in the petition shall relate back to the date of the filing of the petition. The requirement that a summons be issued within five days of the filing of the petition as set forth in G.S. 1A-1, Rule 4(a) of the Rules of Civil Procedure, shall not apply.~~
- (3) ~~Within 30 days following the entry of an order resulting from the hearing described in subdivision (2) of this subsection, any party who was present at the hearing may file a responsive pleading to the petition; provided, however, that failure to respond to any averment or claim in the petition shall not be deemed an admission of that averment or claim. An extension of time to file a responsive pleading to the petition may be granted as provided by G.S. 1A-1,~~

~~Rule 6 of the Rules of Civil Procedure.~~ The failure to serve the petition for elective share on the personal representative or any other person within the six-month period of limitations set forth in subsection (b) of this section shall not render the claim for elective share as being untimely filed.

- (4) After service under subdivision (1) of this subsection, the petitioner, the personal representative, or any other party may cause notice of a hearing before the clerk to be served upon all parties in accordance with G.S. 1A-1, Rule 5 of the Rules of Civil Procedure. At the hearing, the clerk may set deadlines as to the gathering and sharing of information concerning total net assets and determine any other relevant procedural matters.
- (5) Within 30 days following the entry of an order resulting from the hearing, any party who was present at the hearing may file a responsive pleading to the elective share petition, provided, however, that failure to respond to any averment or claim of the elective share petition shall not be deemed an admission of that averment or claim. An extension of time to file a responsive pleading to the petition may be granted as provided by G.S. 1A-1, Rule 6 of the Rules of Civil Procedure.

...."

SECTION 27.1.(b) This section is effective when it becomes law and applies to claims for elective share filed on or after that date.

SECTION 27.2.(a) G.S. 30-15(f) reads as rewritten:

"(f) A proceeding for a spouse's allowance shall be an estate proceeding governed by the provisions of Article 2 of Chapter ~~28-28A~~ of the General Statutes."

SECTION 27.2.(b) This section is effective when it becomes law and applies to petitions filed on or after that date.

SECTION 27.3.(a) G.S. 30-17(e) reads as rewritten:

"(e) A proceeding for a child's allowance shall be an estate proceeding governed by the provisions of Article 2 of Chapter ~~28-28A~~ of the General Statutes."

SECTION 27.3.(b) This section is effective when it becomes law and applies to petitions filed on or after that date.

SECTION 27.4.(a) G.S. 36C-6-606 reads as rewritten:

"§ 36C-6-606. Revocation of provisions in revocable trust by divorce or annulment; revival.

...

(b) This section shall not apply to a revocable trust if any of the following occur:

- (1) The settlor executes a subsequent valid amendment to the revocable ~~trust,~~ trust, which makes express reference to the revocable trust, such as by date of the revocable trust, and which modifies the revocable trust.
- (2) The settlor remarries the former spouse prior to the settlor's death, unless the remarriage is subsequently dissolved by absolute divorce or annulment.

(c) As used in this section, the term "former spouse" includes a purported former spouse."

SECTION 27.4.(b) This section is effective when it becomes law.

ALLOW SUSPENSION OF TRIAL COURT JUDGES PENDING INVESTIGATION

SECTION 28.(a) G.S. 7A-374.2 reads as rewritten:

"§ 7A-374.2. Definitions.

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this Article:

- (1) ~~"Censure" means a finding~~ Censure. – A ruling by the Supreme Court, based upon a written recommendation by the Commission, Court that a judge has willfully engaged in misconduct prejudicial to the administration of justice that brings the judicial office into disrepute, but which does not warrant the

suspension of the judge from the judge's judicial duties or the removal of the judge from judicial office. A censure may require that the judge follow a corrective course of action. Unless otherwise ordered by the Supreme Court, the judge shall personally appear in the Supreme Court to receive a censure.

- (2) ~~"Commission" means the Commission.~~ – The North Carolina Judicial Standards Commission.
- (3) ~~"Incapacity" means any Incapacity.~~ – Any physical, mental, or emotional condition that seriously interferes with the ability of a judge to perform the duties of judicial office.
- (4) ~~"Investigation" means the Investigation.~~ – The gathering of information with respect to alleged misconduct or disability.
- (5) ~~"Judge" means any Judge.~~ – Any justice or judge of the General Court of Justice of North Carolina, including any retired justice or judge who is recalled for service as an emergency judge of any division of the General Court of Justice.
- (6) ~~"Letter of caution" means a Letter of caution.~~ – A written action of the Commission that cautions a judge not to engage in certain conduct that violates the Code of Judicial Conduct as adopted by the Supreme Court.
- (7) ~~"Public reprimand" means a finding Public reprimand.~~ – A ruling by the Supreme Court, based upon a written recommendation by the Commission Court that a judge has violated the Code of Judicial Conduct and has engaged in conduct prejudicial to the administration of justice, but that misconduct is minor. A public reprimand may require that the judge follow a corrective course of action.
- (8) ~~"Remove" or "removal" means a finding Remove or removal.~~ – A ruling by the Supreme Court, based upon a written recommendation by the Commission, Court that a judge should be relieved of all duties of the judge's office and disqualified from holding further judicial office.
- (9) ~~"Suspend" or "suspension" means a finding Suspend or suspension.~~ – A ruling by the Supreme Court, Court or, for purposes of G.S. 7A-377(a7), the chief justice, based upon a written recommendation by the Commission, that a judge should be relieved of the duties of the judge's office for a period of time, and upon conditions, including those regarding treatment and compensation, as may be specified by the Supreme Court, Court or chief justice, respectively.
- (10) Trial judge. – Any judge who is serving in the Superior Court Division or District Court Division of the General Court of Justice of North Carolina, including any retired justice or judge who is recalled for service as an emergency judge of the Superior Court Division or District Court Division of the General Court of Justice."

SECTION 28.(b) G.S. 7A-377 reads as rewritten:

"§ 7A-377. Procedures.

...

(a5) If, after an investigation is completed, the Commission concludes that disciplinary proceedings should be instituted, the notice and statement of charges filed by the Commission, along with the answer and all other pleadings, remain confidential. Disciplinary hearings ordered by the Commission are confidential, and recommendations of the Commission to the Supreme Court, along with the record filed in support of such recommendations are confidential. Testimony and other evidence presented to the Commission is privileged in any action for defamation. At least five members of the Commission must concur in any recommendation to issue a public reprimand, censure, suspend, or remove any judge. A respondent who is recommended for public reprimand, censure, suspension, or removal is entitled to a copy of the

proposed record to be filed with the Supreme Court, and if the respondent has objections to it, to have the record settled by the Commission's chair. The respondent is also entitled to present a brief and to argue the respondent's case, in person and through counsel, to the Supreme Court. A majority of the members of the Supreme Court voting must concur in any order of public reprimand, censure, suspension, or removal. The Supreme Court may approve the recommendation, remand for further proceedings, or ~~reject—modify the recommendation.~~ recommendation and impose discipline at the Court's discretion. A justice of the Supreme Court or a member of the Commission who is a judge is disqualified from acting in any case in which he is a respondent.

...

(a7) If, during the pendency of an investigation or proceeding brought under this Article, the Commission finds that immediate and irreparable injury, loss, or damage will result to the public or to the administration of justice if a trial judge subject to an investigation or proceeding remains in office until resolution, the chief justice, upon recommendation of the Commission, may suspend without pay the trial judge from performing the duties of the office in accordance with rules promulgated by the Supreme Court for the Commission pursuant to G.S. 7A-375(g). The rules will ensure that due process rights are afforded to trial judges prior to suspension without pay. A trial judge who is suspended under this subsection shall receive no compensation during the period of that suspension. Upon resolution of the proceeding, a suspension enacted under this subsection shall end immediately and the trial judge's compensation shall be restored from the date of the suspension unless the Supreme Court has ordered the trial judge removed or suspended under G.S. 7A-376(b).

...."

SECTION 28.(c) This section is effective when it becomes law.

ADD TRIAL COURT ADMINISTRATOR AND STAFF TO DEFINITION OF COURT OFFICER

SECTION 29.(a) G.S. 14-16.10 reads as rewritten:

"§ 14-16.10. Definitions.

The following definitions apply in this Article:

- (1) Court officer. – Magistrate, clerk of superior court, acting clerk, assistant or deputy clerk, judge, or justice of the General Court of Justice; district attorney, assistant district attorney, or any other attorney designated by the district attorney to act for the State or on behalf of the district attorney; public defender or assistant defender; court reporter; juvenile court counselor as defined in G.S. 7B-1501(18a); any attorney or other individual employed by, contracted by, or acting on behalf of a county department of social services, as defined in G.S. 108A-24; trial court administrator or judicial support staff as defined in G.S. 9-7.1; any attorney or other individual appointed pursuant to G.S. 7B-601 or G.S. 7B-1108 or employed by the Guardian ad Litem Services Division of the Administrative Office of the Courts.
- (2) Executive officer. – A person named in G.S. 147-3(c).
- (3) Legislative officer. – A person named in G.S. 147-2(1), (2), or (3).
- (4) Local elected officer. – An elected officer of a political subdivision of this State."

SECTION 29.(b) This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

EFFECTIVE DATE

SECTION 30. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 6th day of August, 2026.

s/ Rachel Hunt
President of the Senate

s/ Mike Schietzelt
Presiding Officer of the House of Representatives

Josh Stein
Governor

Approved _____m. this _____ day of _____, 2026