

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H

6

HOUSE BILL 612
Committee Substitute Favorable 4/15/25
Third Edition Engrossed 5/6/25
Senate Health Care Committee Substitute Adopted 6/5/25
Senate Judiciary Committee Substitute Adopted 6/11/25
Sixth Edition Engrossed 6/17/25

Short Title: Fostering Care in NC Act.

(Public)

Sponsors:

Referred to:

April 1, 2025

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING JUVENILES AND
ASSOCIATED SERVICES, COUNTY SOCIAL SERVICES BOARDS AND
DEPARTMENTS, REGIONAL SOCIAL SERVICES BOARDS AND DEPARTMENTS,
CONSOLIDATED HUMAN SERVICES BOARDS AND AGENCIES, AND THE NORTH
CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO EXPAND
GUARDIANSHIP ASSISTANCE PROGRAM ELIGIBILITY TO YOUTH TEN YEARS
OF AGE, TO ALLOW A JUDGE TO ISSUE A PERMANENT NO CONTACT ORDER
AGAINST A DEFENDANT CONVICTED OF CERTAIN VIOLENT OFFENSES, TO
PROVIDE THAT IT IS FELONY CHILD ABUSE FOR ANY PERSON PROVIDING
CARE TO OR SUPERVISION OF A CHILD LESS THAN SIXTEEN YEARS OF AGE TO
COMMIT OR ALLOW THE COMMISSION OF A SEXUAL ACT UPON THE CHILD,
AND TO PROVIDE THAT COUNTIES AND CITIES REQUIRE CRIMINAL HISTORY
RECORD CHECKS FOR APPLICANTS OFFERED A POSITION IF THE POSITION
REQUIRES THE APPLICANT TO WORK WITH CHILDREN IN ANY CAPACITY.

The General Assembly of North Carolina enacts:

PART I. CHILD WELFARE AND ADOPTION

SECTION 1.1. G.S. 7B-101 reads as rewritten:

"§ 7B-101. Definitions.

As used in this Subchapter, unless the context clearly requires otherwise, the following words
have the listed meanings:

(1) Abused juveniles. – Any juvenile less than 18 years of age (i) who is found to
be a minor victim of human trafficking under G.S. 14-43.15 or unlawful sale,
surrender, or purchase of a minor under G.S. 14-43.14 or (ii) whose parent,
guardian, custodian, or caretaker:

...

d. Commits, permits, or encourages the commission of a violation of the
following laws by, with, or upon the juvenile: ~~first-degree forcible
rape, as provided in G.S. 14-27.21; second-degree forcible rape as
provided in G.S. 14-27.22; statutory rape of a child by an adult as
provided in G.S. 14-27.23; first-degree statutory rape as provided in~~



* H 6 1 2 - V - 6 *

~~G.S. 14-27.24; first-degree forcible sex offense as provided in G.S. 14-27.26; second-degree forcible sex offense as provided in G.S. 14-27.27; statutory sexual offense with a child by an adult as provided in G.S. 14-27.28; first-degree statutory sexual offense as provided in G.S. 14-27.29; sexual activity by a substitute parent or eustodian as provided in G.S. 14-27.31; sexual activity with a student as provided in G.S. 14-27.32; unlawful sale, surrender, or purchase of a minor, as provided in G.S. 14-43.14; a sexually violent offense as provided in G.S. 14-208.6(5); crime against nature, as provided in G.S. 14-177; incest, as provided in G.S. 14-178; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in G.S. 14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in G.S. 14-190.6; dissemination of obscene material to the juvenile as provided in G.S. 14-190.7 and G.S. 14-190.8; and displaying or disseminating material harmful to the juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first and second-degree sexual exploitation of the juvenile as provided in G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of the juvenile as provided in G.S. 14-205.3(b); and taking indecent liberties with the juvenile, as provided in G.S. 14-202.1; G.S. 14-190.15.~~

...

(11a) Division. – The Division of Social Services of the Department of Health and Human Services.

(11a)(11d) Family assessment response. – A response to selected reports of child neglect and dependency as determined by the Director using a family-centered approach that is protection and prevention oriented and that evaluates the strengths and needs of the juvenile's family, as well as the condition of the juvenile.

(11b)(11h) Investigative assessment response. – A response to reports of child abuse and selected reports of child neglect and dependency as determined by the Director using a formal information gathering process to determine whether a juvenile is abused, neglected, or dependent.

...

(16a) Post-adoption contact agreement and order. – A voluntary mediated agreement that is approved by a district court judge and incorporated into a district court order under Article 9 of this Subchapter that allows specifically described post-adoption contact with a child, including visitation, sharing of information, and communication such as the exchange of letters, electronic communication, and telephone contact.

(17) Prosecutor. – The district attorney or assistant district attorney assigned by the district attorney to juvenile proceedings.

...."

SECTION 1.2.(a) G.S. 7B-201(a) reads as rewritten:

"(a) When the court obtains jurisdiction over a juvenile, jurisdiction shall continue until terminated by order of the court or court, until the juvenile reaches the age of 18 years or is otherwise emancipated, or upon the juvenile's death, whichever occurs first."

SECTION 1.2.(b) This section is effective when it becomes law and applies to any action pending or filed on or after that date.

SECTION 1.3.(a) G.S. 7B-302 reads as rewritten:

"§ 7B-302. Assessment by director; military affiliation; access to confidential information; notification of person making the report.

(a) When a report of abuse, neglect, or dependency is received, the director of the department of social services shall make a prompt and thorough assessment, using either a family assessment response or an investigative assessment response, in order to ascertain the facts of the case, including collecting information concerning the military affiliation of the parent, guardian, custodian, or caretaker of the juvenile alleged to have been abused or neglected, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition. When the report alleges abuse, the director shall immediately, but no later than 24 hours after receipt of the report, initiate the assessment. When the report alleges neglect or dependency, the director shall initiate the assessment within 72 hours following receipt of the report. When the report alleges abandonment of a juvenile or unlawful transfer of custody under G.S. 14-321.2, the director shall immediately initiate an assessment. When the report alleges abandonment, the director shall also take appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to secure an order for nonsecure custody of the juvenile. The assessment and evaluation shall include a visit to the place where the juvenile resides, except when the report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes. ~~When a report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes, a visit to the place where the juvenile resides is not required.~~ When the report alleges abandonment, the assessment shall include a request from the director to law enforcement officials to investigate through the North Carolina Center for Missing Persons and other national and State resources whether the juvenile is a missing child.

...

(f) Within five working days after receipt of the report of abuse, neglect, or dependency, the director shall give written notice to the person making the report, unless requested by that person not to give notice, as to whether the report was accepted for ~~assessment~~ assessment, the basis for that decision, and whether the report was referred to the appropriate State or local law enforcement agency. In the event the director decides not to accept the report for an assessment, the person making the report shall be informed in writing of the procedures necessary to request a review by the Division of the director's decision. A request for review shall be made within five working days of receipt of the written notification. The Division shall review the director's decision within five working days of receiving a request for review and may affirm the decision or direct the department to initiate an assessment of the report. Nothing in this section shall prevent the person making the report from requesting a review by the director of the department and from the director conducting such a review.

(g) Within five working days after completion of the protective services assessment, the director shall give subsequent written notice to the person making the report, unless requested by that person not to give notice, as to whether there is a finding of abuse, neglect, or dependency, whether the county department of social services is taking action to protect the juvenile, and what action it is taking, including whether or not a petition was filed. The person making the report shall be informed of procedures necessary to request a review by the prosecutor or Division of the director's decision not to file a petition. A request for review by the prosecutor or Division shall be made within five working days of receipt of the second notification. The second notification shall include notice that, if the person making the report is not satisfied with the director's decision, the person may request review of the decision by the prosecutor or Division within five working days of receipt. The person making the report may waive the person's right to this notification, and no notification is required if the person making the report does not identify himself to the director.

...."

SECTION 1.3.(b) G.S. 7B-303(c) reads as rewritten:

"(c) Upon filing of the petition, the court shall schedule a hearing to be held not less than five days after service of the petition and summons on the respondent. Service of the petition and summons and notice of hearing shall be made as provided by the Rules of Civil Procedure on the respondent; the juvenile's parent, guardian, custodian, or caretaker; and any other person determined by the court to be a necessary party. If at the hearing on the petition the court finds by ~~clear, cogent, clear~~ and convincing evidence that the respondent, without lawful excuse, has obstructed or interfered with an assessment required by G.S. 7B-302, the court may order the respondent to cease such obstruction or interference. The burden of proof shall be on the petitioner."

SECTION 1.3.(c) G.S. 7B-305 reads as rewritten:

"§ 7B-305. Request for review by ~~prosecutor~~ prosecutor or Division.

The person making the report shall have five working days, from receipt of the decision of the director of the department of social services not to petition the court, to notify the prosecutor or constituent concern line at the Division that the person is requesting a review. The ~~prosecutor~~ entity receiving the request for review shall notify the person making the report and the director of the time and place for the review, and the director shall immediately transmit to the ~~prosecutor~~ entity receiving the request a copy of a summary of the assessment. Nothing precludes the person making a report from requesting a review from both the prosecutor and the Division."

SECTION 1.3.(d) G.S. 7B-306 reads as rewritten:

"§ 7B-306. Review by ~~prosecutor~~ prosecutor or Division.

(a) The prosecutor or Division, respectively, receiving the request for review shall conduct the review. Within two business days of receiving a request for review, the reviewing entity shall notify the other entity that a request for review has been made. The other entity may also conduct a review. Reviews may be conducted as an independent or shared review and the entities may consult with one another as part of a review. The ~~prosecutor~~ reviewing entity shall review the director's determination that a petition should not be filed within 20 days after the ~~person making the report is notified~~ receipt of a request for review made in accordance with G.S. 7B-305. The review shall include conferences with the person making the report, the protective services worker, the juvenile, if practicable, and other persons known to have pertinent information about the juvenile or the juvenile's family.

(b) At the conclusion of the ~~conferences~~ review, the ~~prosecutor~~ a reviewing entity may affirm take any of the following actions:

(1) Affirm the decision made by the director, ~~may request director~~.

(2) Request the appropriate local law enforcement agency to investigate the allegations, ~~or may direct allegations~~.

(3) Direct the director to file a petition. ~~If both entities conduct a review and either entity directs that a petition be filed, the director shall file a petition. The Division may also direct the director to take a specific action to provide protective services.~~"

SECTION 1.3.(e) G.S. 7B-308(b) reads as rewritten:

"(b) Immediately upon receipt of judicial authority to retain custody, the physician, the administrator, or that person's designee shall so notify the director of social services for the county in which the facility is located. The director shall treat this notification as a report of suspected abuse and shall immediately begin an assessment of the case.

(1) If the assessment reveals (i) that it is the opinion of the certifying physician that the juvenile is in need of medical treatment to cure or alleviate physical distress or to prevent the juvenile from suffering serious physical injury, and (ii) that it is the opinion of the physician that the juvenile should for these reasons remain in the custody of the facility for 12 hours, but (iii) that the juvenile's parent, guardian, custodian, or caretaker cannot be reached or, upon request, will not consent to the treatment within the facility, the director shall

1 within the initial 12-hour period file a juvenile petition alleging abuse and
2 setting forth supporting allegations and shall seek a nonsecure custody order.
3 A petition filed and a nonsecure custody order obtained in accordance with
4 this subdivision shall come on for hearing under the regular provisions of this
5 Subchapter unless the director and the certifying physician together
6 voluntarily dismiss the petition.

- 7 (2) In all cases except those described in subdivision (1) above, the director shall
8 conduct the assessment and may initiate juvenile proceedings and take all
9 other steps authorized by the regular provisions of this Subchapter. If the
10 director decides not to file a petition, the physician, the administrator, or that
11 person's designee may ask the prosecutor or Division to review this decision
12 according to the provisions of G.S. 7B-305 and G.S. 7B-306."

13 **SECTION 1.3.(f)** G.S. 7B-403(b) reads as rewritten:

14 "(b) A decision of the director of social services not to file a report as a petition shall be
15 reviewed by the prosecutor ~~if review is requested or~~ Division pursuant to
16 ~~G.S. 7B-305-G.S. 7B-306."~~

17 **SECTION 1.3.(h)** This section is effective October 1, 2025, and applies to any
18 request for review made or action filed on or after that date.

19 **SECTION 1.4.(a)** Article 3 of Subchapter I of Chapter 7B of the General Statutes is
20 amended by adding a new section to read:

21 **"§ 7B-302.1. Conflicts of interest.**

22 (a) A conflict of interest shall exist when the reported abuse, neglect, or dependency
23 involves any of the following:

- 24 (1) An employee of the county department of social services.
25 (2) A relative of an employee of the child welfare division of the county
26 department of social services.
27 (3) A relative of an employee of the county department of social services outside
28 of the child welfare division when, in the professional judgment of the
29 director, the county department of social services has a conflict of interest.
30 (4) A foster parent supervised by the county department of social services.
31 (5) The county manager, an assistant county manager, a member of the Board of
32 County Commissioners, or a member of the county's governing board for
33 social services, as defined in G.S. 108A-1.
34 (6) A caretaker in a sole-source contract group home.
35 (7) A juvenile's parent, guardian, custodian, or caretaker who has been
36 determined to be an incompetent adult and subject to guardianship under
37 Chapter 35A of the General Statutes and is a ward, as defined in
38 G.S. 35A-1101, of that county department of social services.
39 (8) A juvenile in the custody of the department who is also a parent or caretaker.
40 (9) A juvenile who is subject to a new report of abuse or neglect arising from
41 events that occurred while in the custody of the department.
42 (10) A perceived conflict of interest that is identified through the professional
43 judgment of the director of the county department of social services.

44 (b) The director of the county department of social services that receives the report where
45 the conflict exists shall request that another county department conduct the assessment. The
46 director shall notify the Division of the conflict of interest and the county that accepted the report
47 for assessment.

48 (c) If the director makes requests of two or more other counties, and if no other county is
49 willing or able to accept the case for assessment, then the county director where the conflict exists
50 shall notify the Division. The Division shall evaluate the conflict and make the following
51 determinations:

(1) The Division shall evaluate the conflict and determine whether the county with the conflict is able to manage the case by implementing measures to sufficiently obviate the conflict.

(2) If the Division determines the conflict cannot be managed in the county that receives the report, the Division shall appoint another county department that shall assume management of the case. The county with the conflict of interest bears the financial responsibility of the case unless otherwise agreed upon by the counties involved in the conflict of interest.

(d) The county department of social services with the conflict of interest shall inform, in writing, the parent, guardian, custodian, or caretaker of the conflict and the county that assumes the management of the case. The written notice shall include the contact information for the constituent concern line at the Division.

(e) If the county department of social services has a conflict of interest at the time of the report or any time while managing the case and the county department of social services does not refer the case to another county, a parent, guardian, custodian, caretaker, juvenile, or their representative may seek to have the case transferred to another county by contacting the constituent concern line at the Division, and the Division shall apply this section."

SECTION 1.4.(b) G.S. 7B-400(c) reads as rewritten:

"(c) For good cause, the court may grant a motion for a change of venue before adjudication. A pre-adjudication change of venue shall not affect the identity of the petitioner-petitioner, unless a conflict of interest arising under G.S. 7B-302.1 necessitates a substitution of parties."

SECTION 1.5. G.S. 7B-401.1 reads as rewritten:

"§ 7B-401.1. Parties.

...

~~(e1) Foster Parent. — A foster parent as defined in G.S. 131D-10.2(9a) providing foster care for the juvenile is not a party to the case and may be allowed to intervene only if the foster parent has authority to file a petition to terminate the parental rights of the juvenile's parents pursuant to G.S. 7B-1103.~~

...

(g) Removal of a Party. — ~~If After an adjudication, if a guardian, custodian, or caretaker is a party, the court may discharge that person from the proceeding, making the person no longer a party, if the court finds that the person does not have legal rights that may be affected by the action and that the person's continuation as a party is not necessary to meet the juvenile's needs, needs and that removal of the person as a party is in the best interests of the juvenile.~~

(h) Intervention. — Except as provided in G.S. 7B-1103(b) and ~~subsections (e1) and subsection (e2)~~ of this section, the court shall not allow intervention by a person who is not the juvenile's parent, guardian, or ~~eustodian, but~~ custodian. The court may allow intervention by (i) a current caretaker or current foster parent, as defined in G.S. 131D-10.2(9a), providing care for the juvenile only if the current caretaker or current foster parent has authority to file a petition to terminate the parental rights of the juvenile's parents under G.S. 7B-1103, or (ii) another county department of social services that has an interest in the proceeding. This section shall not prohibit the court from consolidating a juvenile proceeding with a civil action or claim for custody pursuant to G.S. 7B-200.

...."

SECTION 1.6.(a) G.S. 7B-502 reads as rewritten:

"§ 7B-502. Authority to issue custody orders; delegation.

...

(b) Any district court judge shall have the authority to issue nonsecure custody orders pursuant to ~~G.S. 7B-503.~~ G.S. 7B-503, once the action is commenced with the filing of a juvenile petition under G.S. 7B-405. The chief district court judge may delegate the court's authority to

~~persons other than district court judges any magistrate~~ by administrative order which shall be filed in the office of the clerk of superior court. ~~The administrative order shall specify which persons shall be contacted for approval of a nonsecure custody order pursuant to G.S. 7B-503.~~ Each county shall have available at all times a judge or delegated magistrate with whom the department may request nonsecure custody of a juvenile or juveniles."

SECTION 1.6.(b) G.S. 7B-506 reads as rewritten:

"§ 7B-506. Hearing to determine need for continued nonsecure custody.

(a) No juvenile shall be held under a nonsecure custody order for more than seven calendar days without a hearing on the merits or a hearing to determine the need for continued custody. A hearing on nonsecure custody conducted under this subsection may be continued for up to 10 business days with the consent of the juvenile's parent, guardian, custodian, or caretaker and, if appointed, the juvenile's guardian ad litem. In addition, the court may require the consent of additional parties or may schedule the hearing on custody despite a party's consent to a continuance. In every case in which an order has been entered by ~~an official~~ a magistrate exercising authority delegated pursuant to G.S. 7B-502, a hearing to determine the need for continued custody shall be conducted on the day of the next regularly scheduled session of district court in the city or county where the order was entered if such session precedes the expiration of the applicable time period set forth in this subsection: Provided, that if such session does not precede the expiration of the time period, the hearing may be conducted at another regularly scheduled session of district court in the district where the order was entered.

...."

SECTION 1.6.(c) G.S. 7B-404 reads as rewritten:

"§ 7B-404. Immediate need for petition when clerk's office is closed.

(a) When the office of the clerk is closed, a magistrate shall accept for filing the following:

- (1) A petition alleging a juvenile to be abused, neglected, or dependent.
- (2) A petition alleging the obstruction of or interference with an assessment required by G.S. 7B-302.

(b) The authority of the magistrate under this section is limited to emergency situations when a petition must be filed to obtain a nonsecure custody order or an order under G.S. 7B-303. Any nonsecure custody order or order under G.S. 7B-303 that is approved pursuant to G.S. 7B-502 when the office of the clerk is closed shall be effective and enforceable after the order is signed by a judicial official. Any petition accepted for filing under this section shall be delivered to the clerk's office for processing as soon as that office is open for business."

SECTION 1.7. G.S. 7B-508 reads as rewritten:

"§ 7B-508. Telephonic communication authorized.

All communications, notices, orders, authorizations, and requests authorized or required by G.S. 7B-501, 7B-503, and 7B-504 may be made by telephone when other means of communication are impractical. A copy of the petition shall be provided to the judge or magistrate who is delegated authority by G.S. 7B-502 by any appropriate secure method, including hand delivery, fax, or encrypted electronic means, or through the court's electronic filing system. All written orders pursuant to telephonic communication shall bear the name and the title of the person ~~communicating by telephone, requesting and receiving telephonic approval, the name and title of the judge or magistrate approving the initial nonsecure custody order,~~ the signature and the title of the ~~official entering the order, clerk or magistrate who accepted the petition for filing,~~ and the hour and the date of the authorization."

SECTION 1.8. G.S. 7B-600 reads as rewritten:

"§ 7B-600. Appointment of guardian.

...

(b) In any case where the court has determined that the appointment of a relative or other suitable person as guardian of the person for a juvenile is the permanent plan for the juvenile and

1 appoints a guardian under this section, the guardian becomes a party to the proceeding. The court
2 may appoint co-guardians of the juvenile. The court may terminate the permanent guardianship
3 only if (i) the court finds that the relationship between the guardian and the juvenile is no longer
4 in the juvenile's best interest, (ii) the guardian is unfit, (iii) the guardian has neglected a guardian's
5 duties, ~~or~~ (iv) the guardian is unwilling or unable to continue assuming a guardian's ~~duties.~~ duties,
6 or (v) the circumstances of subsection (b2) of this section apply.

7 ...

8 (b2) When co-guardians have been appointed as the permanent plan for the juvenile and
9 the relationship between the permanent co-guardians dissolves, any party may file a motion under
10 G.S. 7B-906.1. The court shall consider the needs of the juvenile and enter an order addressing
11 the guardianship and whether the guardianship is in the best interest of the juvenile. The court
12 may maintain the juvenile's placement under review or order any disposition authorized by
13 G.S. 7B-903. The court may terminate the permanent guardianship of both or one of the
14 co-guardians based on the dissolution of the relationship of the co-guardians and the best interest
15 of the juvenile. The court may maintain the co-guardianship and modify the order to address
16 physical and legal custody of the juvenile, including placement, visitation, and decision making
17 between the co-guardians. The court shall consider whether custody rather than guardianship is
18 in the juvenile's best interests and, if so, enter an order pursuant to G.S. 7B-911.

19"

20 **SECTION 1.9.** G.S. 7B-602 reads as rewritten:

21 "**§ 7B-602. Parent's right to counsel; guardian ad litem.**

22 ...

23 (b) In addition to the right to appointed counsel set forth above, a guardian ad litem shall
24 be appointed in accordance with the provisions of G.S. 1A-1, Rule 17, to represent a parent who
25 is under the age of ~~18 years and who is not married or otherwise emancipated.~~ 16 years. On
26 motion of any party or on the court's own motion, the court may appoint a guardian ad litem for
27 a parent who is 16 or 17 years old and who is not married or otherwise emancipated. The
28 appointment of a guardian ad litem under this subsection shall not affect the minor parent's
29 entitlement to a guardian ad litem pursuant to G.S. 7B-601 in the event that the minor parent is
30 the subject of a separate juvenile petition.

31 (c) On motion of any party or on the court's own motion, the court may appoint a guardian
32 ad litem for a parent who is incompetent in accordance with G.S. 1A-1, Rule 17.

33"

34 **SECTION 1.10.(a)** G.S. 7B-101 is amended by adding a new subdivision to read:

35 "(14a) Legal counsel for the department. – An attorney representing the department
36 in proceedings under this Subchapter, regardless of whether the attorney is a
37 county attorney, department attorney, or contract attorney."

38 **SECTION 1.10.(b)** Article 6 of Subchapter I of Chapter 7B of the General Statutes
39 is amended by adding a new section to read:

40 "**§ 7B-604. Legal counsel for department.**

41 (a) The county department of social services shall be represented by legal counsel for the
42 department in proceedings governed by this Subchapter.

43 (b) Prior to representing the county department of social services in proceedings
44 governed by this Subchapter, legal counsel for the department shall complete a minimum of six
45 hours of training addressing State and federal child welfare law and procedures.

46 (c) The Division in consultation with (i) representatives of county directors and (ii) legal
47 counsel for the department who are department attorneys shall establish ongoing training and
48 practice standards that apply to legal counsel for the department."

49 **SECTION 1.10.(c)** G.S. 7B-302(c) reads as rewritten:

50 "(c) If the assessment indicates that abuse, neglect, or dependency has occurred, the
51 director shall decide whether immediate removal of the juvenile or any other juveniles in the

home is necessary for their protection. If immediate removal does not seem necessary, the director shall immediately provide or arrange for protective services. If the parent, guardian, custodian, or caretaker refuses to accept the protective services provided or arranged by the director, the director shall sign a petition ~~seeking~~ and if the legal counsel for the department has not also signed the petition, the director shall attest that the petition has been reviewed by the legal counsel for the department. The petition shall allege the applicable facts to invoke the jurisdiction of the court for the protection of the juvenile or juveniles."

SECTION 1.10.(d) G.S. 7B-302(d) reads as rewritten:

"(d) If immediate removal seems necessary for the protection of the juvenile or other juveniles in the home, the director shall sign a petition ~~that alleges~~ and if the legal counsel for the department has not also signed the petition, the director shall attest that the petition has been reviewed by the legal counsel for the department. The petition shall allege the applicable facts to invoke the jurisdiction of the court. Where the assessment shows that it is warranted, a protective services worker may assume temporary custody of the juvenile for the juvenile's protection pursuant to Article 5 of this Chapter."

SECTION 1.10.(e) G.S. 7B-303(a) reads as rewritten:

"(a) If any person obstructs or interferes with an assessment required by G.S. 7B-302, the director may sign and file a petition naming that person as respondent and requesting an order directing the respondent to cease the obstruction or interference. The petition shall contain the name and date of birth and address of the juvenile who is the subject of the assessment; shall include a concise statement of the basis for initiating the assessment, shall specifically describe the conduct alleged to constitute obstruction of or interference with the assessment; and shall be verified. If the legal counsel for the department has not also signed the petition, the director shall attest that the petition has been reviewed by the legal counsel for the department."

SECTION 1.10.(f) G.S. 7B-403(a) reads as rewritten:

"(a) All reports concerning a juvenile alleged to be abused, neglected, or dependent shall be referred to the director of the department of social services for screening. Thereafter, if it is determined by the director that a report should be filed as a petition, the petition shall be ~~drawn~~ reviewed by the director, legal counsel for the department, signed by the director, and verified before an official authorized to administer oaths, and filed by the clerk, recording the date of filing. If the legal counsel for the department has not also signed the petition, the director shall attest that the petition has been reviewed by the legal counsel for the department."

SECTION 1.10.(g) This section is effective April 1, 2026, and applies to petitions filed on or after that date.

SECTION 1.11.(a) G.S. 7B-903.1 reads as rewritten:

"§ 7B-903.1. Juvenile placed in custody of a department of social services.

...

(c) If a juvenile is removed from the home and placed in the custody or placement responsibility of a county department of social services, the director shall not allow unsupervised visitation with or return physical custody of the juvenile to the parent, guardian, custodian, or caretaker from whom the juvenile was removed without a hearing at which the court finds that the juvenile will receive proper care and supervision in a safe home. hearing. Before a county department of social services may recommend unsupervised visits or return of physical custody of the ~~juvenile~~ juvenile, whichever occurs first, to the parent, guardian, custodian, or caretaker from whom the juvenile was removed, a county department of social services shall first observe that parent, guardian, custodian, or caretaker with the juvenile for at least two visits that support the recommendation. Each observation visit shall consist of an observation of not less than one hour with the juvenile, shall be conducted at least seven days apart, and shall occur within 30 days of the hearing at which the department of social services makes the recommendation. A department of social services shall provide documentation of any observation visits that it conducts ~~to the court for its~~ at the hearing for the court's consideration as to whether unsupervised

visits or physical ~~custody~~ custody, whichever occurs first, should be granted to the parent, guardian, custodian, or caretaker from whom the juvenile was removed. Before custody of the juvenile can be returned to the parent, guardian, custodian, or caretaker from whom the juvenile was removed, the court must find that the juvenile will receive proper care and supervision in a safe home. Before unsupervised visitation between the parent, guardian, custodian, or caretaker from whom the juvenile was removed and the juvenile can occur, the court must find that the unsupervised visits are in the best interest of the juvenile.

...."

SECTION 1.11.(b) G.S. 7B-903 reads as rewritten:

"§ 7B-903. Dispositional alternatives for abused, neglected, or dependent juvenile.

(a) The following alternatives for disposition shall be available to any court exercising jurisdiction, and the court may combine any of the applicable alternatives when the court finds the disposition to be in the best interests of the juvenile:

...

(6) Place the juvenile in the custody of the department of social services in the county of the juvenile's residence. In the case of a juvenile who has legal residence outside the State, the court may place the juvenile in the physical custody of the department of social services in the county where the juvenile is found so that agency may return the juvenile to the responsible authorities in the juvenile's home state. The department is authorized to place the juvenile in any of the following:

- a. A licensed foster home or home otherwise authorized by law to provide such care.
- b. A facility operated by the department of social services.
- c. A facility licensed to provide care to juveniles.
- d. Any other home approved by the department, including the home of a relative, nonrelative kin, or other person with legal custody of a sibling of the juvenile.

The department shall not place a juvenile in any unlicensed facility or any facility that is not licensed to provide care for juveniles without the sanction of the court and so designated in the order prior to such placement being made.

...."

SECTION 1.11.(c) G.S. 7B-505 reads as rewritten:

"§ 7B-505. Placement while in nonsecure custody.

(a) A juvenile meeting the criteria set out in G.S. 7B-503 may be placed in nonsecure custody with the department of social services or a person designated in the ~~order~~ order, including the parent from whom the juvenile was not removed. The department with placement responsibility is authorized to place the juvenile for temporary residential placement in any of the following:

- (1) A licensed foster home or a home otherwise authorized by law to provide such care.
- (2) A facility operated by the department of social services.
- (2a) A facility licensed to provide care to juveniles.
- (3) Any other home or facility, including the home of a parent, relative, nonrelative kin, or other person with legal custody of a sibling of the juvenile, approved by the court and designated in the order.

The department shall not place a juvenile in any unlicensed facility or any facility that is not licensed to provide care for juveniles without the sanction of the court and so designated in the order prior to such placement being made.

...."

1 **SECTION 1.11.(d)** This section is effective when it becomes law and applies to any
2 action pending or filed on or after that date.

3 **SECTION 1.12.(a)** G.S. 7B-903.2 reads as rewritten:

4 **"§ 7B-903.2. Emergency motion for placement and payment.**

5 (a) If the requirements of G.S. 122C-142.2(b) through ~~(f)-(f1)~~ are not satisfied, a party to
6 the juvenile case, ~~the Department of Health and Human Services,~~ the hospital where the juvenile
7 is currently located, the local management entity/managed care organization, or the prepaid
8 health plan may make a limited appearance for the sole purpose of filing a motion in the district
9 court in the county with jurisdiction over the juvenile in the abuse, neglect, and dependency
10 matter regarding the juvenile's continued stay in ~~an emergency department or subsequent~~
11 ~~admission at the hospital.~~

12 (b) The motion shall contain a specific description of the requirements of
13 G.S. 122C-142.2(b) through ~~(f)-(f1)~~ which were not satisfied.

14 **(b1)** Information regarding any failure of a hospital to reasonably cooperate in providing
15 access to the juvenile under G.S. 122C-142.2 may be provided to the court as evidence in a
16 hearing on a motion made under this section of a defense for the alleged violation by the county
17 department or local management entity/managed care organization or prepaid health plan.

18 (c) The motion shall be served on all parties to the juvenile proceeding pursuant to
19 G.S. 1A-1, Rule 5. The motion shall also be served upon the hospital where the juvenile is
20 receiving services, the local management entity/managed care organization or prepaid health plan
21 for the juvenile, and the ~~Department of Health and Human Services.~~ Division, in accordance with
22 G.S. 1A-1, Rule 4. The hospital, hospital and the local management entity/managed care
23 organization or prepaid health plan for the juvenile, and the Department of Health and Human
24 Services, upon service of the motion, shall automatically become a party to the juvenile
25 proceeding for the limited purpose of participating in hearings held in relation to and for
26 complying with orders entered by the court pursuant to this section. The Division, as supervising
27 principal of the local county department of social services, shall be provided the opportunity to
28 be heard in any hearing on any motion filed under this subsection.

29 ...
30 **(e)** ~~The~~ Within 10 business days of when the motion is served or the next scheduled
31 juvenile court session, whichever occurs later, the motion shall be heard in the district court with
32 jurisdiction over the juvenile in the abuse, neglect, and dependency matter. The rules of evidence
33 in civil cases shall apply. Any person or party served with notice of the motion pursuant to
34 subsection (b) of this section may request to be heard by the court and present evidence. The
35 hearing shall be conducted in accordance with G.S. 7B-801.

36 (f) The court shall make written findings of fact and conclusions of law, including
37 whether:

38 (1) The movant established by clear and convincing evidence that ~~there is no~~
39 ~~medical necessity for the juvenile to remain in the hospital.~~ the juvenile met
40 hospital discharge criteria.

41 (2) The responsible party has not satisfied the requirements of
42 G.S. 122C-142.2(b) through ~~(f)-(f1)~~.

43 (g) When the court finds that there is clear and convincing evidence that ~~there is no~~
44 ~~medical necessity for the juvenile to remain in the hospital.~~ the juvenile has met hospital discharge
45 criteria and that the responsible party has not satisfied the requirements of G.S. 122C-142.2(b)
46 through ~~(f)-(f1)~~, the court may order any of the following:

47 (1) That the responsible party pay reasonable hospital charges of the juvenile's
48 continued ~~admission stay~~ at the hospital. The reasonable charges shall be
49 limited to those incurred after the date ~~it was no longer medically necessary~~
50 ~~for the juvenile to remain in the hospital.~~ the juvenile met hospital discharge
51 criteria.

(2) That the responsible party pay for any damage to property caused by the juvenile incurred after the date ~~it was no longer medically necessary for the juvenile to remain in the hospital~~. the juvenile met hospital discharge criteria.

(3) That the responsible party satisfy the requirements of G.S. 122C-142.2(b) through ~~(f)-(f1)~~.

(4) Any relief the court finds appropriate.

(h) The order shall be reduced to writing, signed, and entered no later than 72 hours following the completion of the hearing. The clerk of court for juvenile matters shall schedule a subsequent hearing for review within 30 days of entry of the order.

(i) If at any time after the motion is filed, the juvenile is discharged from the hospital and placed by the director, the court shall dismiss the motion. The dismissal shall not preclude a separate cause of action for monetary damages.

(j) All parties to the hearing shall bear their own costs."

SECTION 1.12.(b) This section is effective when it becomes law and applies to any action pending or filed on or after that date.

SECTION 1.13.(a) G.S. 7B-906.1 reads as rewritten:

"§ 7B-906.1. Review and permanency planning hearings.

(a) The court shall conduct a review or permanency planning hearing within 90 days from the date of the initial dispositional hearing held pursuant to G.S. 7B-901. Review or permanency planning hearings shall be held at least every six months thereafter. If custody has not been removed from a parent, guardian, ~~caretaker, or custodian~~, custodian at initial disposition, the hearing shall be designated as a review hearing. If custody has been removed from a parent, guardian, or ~~eustodian, custodian at initial disposition~~, the hearing shall be designated as a permanency planning hearing.

...

(d) At each hearing, the court shall consider the following criteria and make written findings regarding those that are relevant:

...

(1a) Reports on the juvenile's continuation in the home of the parent, guardian, or custodian; and the appropriateness of the juvenile's continuation in that home. If the juvenile is removed from the custody of a parent, guardian, or custodian at a review hearing, the court shall schedule a permanency planning hearing within 30 days of the ~~review, unless the hearing was noticed and heard as a permanency planning hearing review.~~

...

(d1) At any review hearing, the court may maintain the juvenile's placement under review or order a different placement, appoint an individual guardian of the person pursuant to G.S. 7B-600, or order any disposition authorized by G.S. 7B-903, including the authority to place the child in the custody of either parent or any relative found by the court to be suitable and found by the court to be in the best interests of the juvenile. An order that removes the juvenile from a parent, guardian, or custodian shall only be made if the court finds that after the completion of the initial disposition or the prior review hearing either of the following:

(1) At least one factor under G.S. 7B-503(a)(1) through (a)(4) has occurred, or at least one factor specified in G.S. 7B-901(c) has occurred and the juvenile has experienced or is at substantial risk of experiencing physical or emotional harm as a result.

(2) The parent, guardian, or custodian consents to the order of removal.

(d2) The purpose of review hearings is to review the progress of the parent, guardian, or custodian with their court-ordered services. The parent, guardian, or custodian shall (i) complete court-ordered services within 12 months from the date of the filing of the petition, (ii) demonstrate that the circumstances precipitating the department's involvement with the family

have been resolved to the satisfaction of the court, and (iii) provide a safe home for the juvenile. Absent extraordinary circumstances, when the parent, guardian, or custodian has successfully completed the court-ordered services and the juvenile is residing in a safe home, the court ~~may waive further review hearings or shall~~ terminate its jurisdiction in accordance with this subsection or G.S. 7B-911.

...

(i) ~~The~~ At any permanency planning hearing, the court may maintain the juvenile's placement under review or order a different placement, appoint a guardian of the person for the juvenile pursuant to G.S. 7B-600, or order any disposition authorized by G.S. 7B-903, including the authority to place the child in the custody of either parent or any relative found by the court to be suitable and found by the court to be in the best interests of the juvenile.

...

(k) If at any time a juvenile has been removed from a parent and legal custody is awarded to either parent or findings are made in accordance with subsection (n) of this section, the court shall be relieved of the duty to conduct ~~periodic judicial reviews of the placement, permanency planning hearings. The court shall not refuse to conduct a permanency planning hearing if a party files a motion seeking the hearing.~~

(k1) The court shall not ~~waive or refuse to conduct a review hearing if a party files a motion seeking the review hearing and alleges a significant fact hearing.~~

(l) If the court orders or continues the juvenile's placement in the custody or placement responsibility of a county department of social services, the provisions of G.S. 7B-903.1 shall apply to any order entered under this section.

...

(n) Notwithstanding other provisions of this Article, the court may waive the holding of permanency planning hearings required by this section, may require written reports to the court by the agency or person holding custody in lieu of permanency planning hearings, or order that permanency planning hearings be held less often than every six months if the court finds by ~~clear, cogent, clear~~ and convincing evidence each of the following:

- (1) The juvenile has resided in the placement for a period of at least one year or ~~the juvenile has resided in the placement for at least six consecutive months~~ the parties are in agreement and the court enters a consent order pursuant to G.S. 7B-801(b1).
- (2) The placement is stable and continuation of the placement is in the juvenile's best interests.
- (3) Neither the juvenile's best interests nor the rights of any party require that permanency planning hearings be held every six months.
- (4) All parties are aware that the matter may be brought before the court for review at any time by the filing of a permanency planning or modification motion ~~for review~~ or on the court's own motion.
- (5) The court order has designated the relative or other suitable person as the juvenile's permanent custodian or guardian of the person.

The court may not waive or refuse to conduct a hearing if a party files a motion seeking the hearing. However, if a guardian of the person has been appointed for the juvenile and the court has also made findings in accordance with subsection (n) of this section that guardianship is the permanent plan for the juvenile, the court shall ~~proceed in accordance with~~ apply the criteria of G.S. 7B-600(b).

(o) Permanency planning hearings under this section shall be replaced by post termination of parental rights' placement review hearings when required by G.S. 7B-908."

SECTION 1.13.(b) G.S. 7B-906.2 reads as rewritten:

"§ 7B-906.2. Permanent plans; concurrent planning.

(a) At any permanency planning hearing pursuant to G.S. 7B-906.1, the court shall adopt one or more of the following permanent plans the court finds is in the juvenile's best interest:

- (1) Reunification as defined by G.S. 7B-101.
- (2) Adoption under Article 3 of Chapter 48 of the General Statutes.
- (3) Guardianship pursuant to G.S. 7B-600(b).
- (4) Custody to a relative or other suitable person.
- (5) Another Planned Permanent Living Arrangement (APPLA) pursuant to G.S. 7B-912.
- (6) Reinstatement of parental rights pursuant to G.S. 7B-1114.

(a1) Concurrent planning shall continue until (i) a permanent plan is or has been achieved, achieved or (ii) reunification is not identified as a permanent plan as provided for in subsection (b) of this section.

(b) At any permanency planning hearing, hearing where the court is ordering reunification as a permanent plan, the court shall adopt concurrent permanent plans and shall identify the primary plan and secondary plan. Reunification shall be a primary or secondary plan unless the court relieved the department of making reunification efforts at initial disposition under G.S. 7B-901(c), previously made written findings under G.S. 7B-901(e) or G.S. 7B-906.1(d)(3), the permanent plan is or has been achieved in accordance with subsection (a1) of this section, achieved, or the court makes written findings that reunification efforts clearly would be unsuccessful or would be inconsistent with the juvenile's health or safety. The finding that reunification efforts clearly would be unsuccessful or inconsistent with the juvenile's health or safety may be made at any permanency planning hearing, and if made, shall eliminate reunification as a plan. When reunification has been eliminated as a permanent plan, concurrent planning is not required. Unless permanence has been achieved, the court shall order the county department of social services to make efforts toward finalizing the primary and secondary permanent plans and may specify efforts that are reasonable to timely achieve permanence for the juvenile.

(b1) When a juvenile is not being reunified with a parent, guardian, or custodian, prior to any change in placement for the juvenile, the department shall file a motion before the court and request that a hearing be held within 30 days when all of the following criteria exist:

- (1) The juvenile is in the custody of a county department of social services.
- (2) The juvenile has resided with the caretaker for the preceding 12 consecutive months, and the caretaker objects to the removal.
- (3) The current caretaker is one of the following individuals:
 - a. A relative caretaker.
 - b. A nonrelative caretaker, and there are no relatives who are willing and able to provide proper care and supervision of the juvenile in a safe home.
- (4) The court-ordered primary or secondary permanent plan is adoption.
- (5) The current caretaker objects to the removal and has notified the department of their desire to adopt the juvenile.

The clerk shall give notice of the hearing to the parties, the parties' attorneys, and the current caretaker. The department of social services shall either provide to the clerk the name and address of the juvenile's current caretaker for notice under this subsection or file written documentation with the clerk that the juvenile's current caretaker was sent notice of hearing. The court shall provide the current caretaker the opportunity to address the court, present evidence, cross-examine witnesses, and be represented by an attorney at the caretaker's own expense. Nothing in this subsection shall be construed to make the current caretaker a party to the proceeding. The court may consider any evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801, or testimony or evidence from any person that is not a party, that the court finds to be relevant, reliable, and necessary to determine the needs of the juvenile. At the hearing

1 to review the change of placement, the court shall determine whether it is in the best interests of
2 the juvenile to be removed. This subsection shall not apply to cases when there are allegations of
3 abuse or neglect of the juvenile while under the care and supervision of the current caretaker.

4 (c) Unless reunification efforts were previously ceased, at each permanency planning
5 hearing the court shall make a finding about whether the reunification efforts of the county
6 department of social services were reasonable. In every subsequent permanency planning hearing
7 held pursuant to G.S. 7B-906.1, the court shall make written findings about the efforts the county
8 department of social services has made toward the primary permanent plan and any secondary
9 permanent plans in effect prior to the hearing. The court shall make a conclusion about whether
10 efforts to finalize the permanent plan were reasonable to timely achieve permanence for the
11 juvenile.

12 ...
13 (e) If the juvenile is 14 years of age or older, the court shall make written findings in
14 accordance with G.S. 7B-912(a), regardless of the juvenile's permanent plan.

15 (f) When a permanent plan of guardianship or custody is achieved, the court shall advise
16 the guardian or custodian of the right to seek child support after the order awarding permanent
17 guardianship or custody has been entered."

18 **SECTION 1.14.(a)** G.S. 7B-904 reads as rewritten:

19 **"§ 7B-904. Authority over parents of juvenile adjudicated as abused, neglected, or**
20 **dependent.**

21 ...
22 (d) At the dispositional hearing or a subsequent hearing, when legal custody of a juvenile
23 is vested in someone other than the juvenile's parent, if the court finds that the parent is able to
24 do so, so and that payment would be in the best interest of the child, the court may order that the
25 parent pay a reasonable sum that will cover, in whole or in part, the support of the juvenile after
26 the order is entered. If the court requires the payment of child support, the amount of the payments
27 shall be determined as provided in G.S. 50-13.4(c). If the court places a juvenile in the custody
28 of a county department of social services and if the court finds that the parent is unable to pay
29 the cost of the support required by the juvenile, the cost shall be paid by the county department
30 of social services in whose custody the juvenile is placed, provided the juvenile is not receiving
31 care in an institution owned or operated by the State or federal government or any subdivision
32 thereof.

33 (d1) At the dispositional hearing or a subsequent hearing, the court may order the parent,
34 guardian, custodian, or caretaker ~~served with a copy of the summons pursuant to G.S. 7B-407 to~~
35 over whom the court has personal jurisdiction do any of the following:

- 36 (1) Attend and participate in parental responsibility classes if those classes are
37 available in the judicial district in which the parent, guardian, custodian, or
38 caretaker resides.
- 39 (2) Provide, to the extent that person is able to do so, transportation for the
40 juvenile to keep appointments for medical, psychiatric, psychological, or other
41 treatment ordered by the court if the juvenile remains in or is returned to the
42 home.
- 43 (3) Take appropriate steps to remedy conditions in the home that led to or
44 contributed to the juvenile's adjudication or to the court's decision to remove
45 custody of the juvenile from the parent, guardian, custodian, or caretaker.

46 (e) Upon motion of a party or upon the court's own motion, the court may issue an order
47 directing the parent, guardian, custodian, or caretaker ~~served with a copy of the summons~~
48 pursuant to G.S. 7B-407 over whom the court has personal jurisdiction to appear and show cause
49 why the parent, guardian, custodian, or caretaker should not be found or held in civil or criminal
50 contempt for willfully failing to comply with an order of the court. Chapter 5A of the General
51 Statutes shall govern contempt proceedings initiated pursuant to this section."

1 **SECTION 1.14.(b)** G.S. 7B-1109 reads as rewritten:

2 **"§ 7B-1109. Adjudicatory hearing on termination.**

3 ...

4 (f) The burden in such proceedings shall be upon the petitioner or movant and all findings
5 of fact shall be based on ~~clear, cogent, clear~~ and convincing evidence. The rules of evidence in
6 civil cases shall apply. No husband-wife or physician-patient privilege shall be grounds for
7 excluding any evidence regarding the existence or nonexistence of any circumstance authorizing
8 the termination of parental rights."

9 **SECTION 1.14.(d)** G.S. 7B-1114 reads as rewritten:

10 **"§ 7B-1114. Reinstatement of parental rights.**

11 (a) A juvenile whose parent's rights have been terminated, the guardian ad litem attorney,
12 the parent whose rights have been terminated, or a county department of social services with
13 custody of the juvenile may file a motion to reinstate the parent's rights if all of the following
14 conditions are satisfied:

- 15 (1) The juvenile is at least 12 years of age or, if the juvenile is younger than 12,
16 the motion alleges extraordinary circumstances requiring consideration of the
17 motion.
18 (2) The juvenile does not have a legal parent, is not in an adoptive placement, and
19 is not likely to be adopted within a reasonable period of time.
20 (3) The order terminating parental rights was entered at least three years before
21 the filing of the motion, unless the court has found or the juvenile's attorney
22 advocate and the county department of social services with custody of the
23 juvenile stipulate that the juvenile's permanent plan is no longer adoption.

24 (b) If a motion could be filed under subsection (a) of this section and the parent whose
25 rights have been terminated contacts the county department of social services with custody of the
26 juvenile or the juvenile's guardian ad litem regarding reinstatement of the parent's rights, the
27 department or the guardian ad litem shall notify the juvenile that the juvenile has a right to file a
28 motion for reinstatement of parental rights.

29 (c) If a motion to reinstate parental rights is filed and the juvenile does not have a
30 guardian ad litem appointed pursuant to G.S. 7B-601, the court shall appoint a guardian ad litem
31 to represent the best interests of the juvenile. The appointment, duties, and payment of the
32 guardian ad litem and the guardian ad litem attorney shall be the same as in G.S. 7B-601 and
33 G.S. 7B-603.

34 (d) The party filing a motion to reinstate parental rights shall serve the motion on each of
35 the following who is not the movant:

- 36 (1) The juvenile.
37 (2) The juvenile's guardian ad litem or the guardian ad litem attorney.
38 (3) The county department of social services with custody of the juvenile.
39 (4) The former parent whose rights the motion seeks to have reinstated.

40 A former parent ~~who is served under this subsection is not a party to the proceeding and~~ is not
41 entitled to appointed counsel but may retain counsel at the former parent's own expense.

42 (d1) The movant shall ask the clerk to calendar the case for a pretrial hearing within 10
43 days from the filing of the motion at a session of court scheduled for the hearing of juvenile
44 matters. The court shall consider all of the following:

- 45 (1) The identification of the parties.
46 (2) Whether the motion meets the criteria of subsection (a) of this section.
47 (3) The appointment of a guardian ad litem in accordance with subsection (c) of
48 this section.
49 (4) Discovery and related issues, including what information from the court file
50 and records of the county department of social services and the guardian ad
51 litem the former parent has the right to have access to.

(5) Any other issue that can be properly addressed as a preliminary matter.
If the court determines the motion does not meet subdivision (2) of this subsection, the court shall dismiss the motion.

(e) The movant shall ask the clerk to calendar the case for a preliminary hearing on the motion for reinstatement of parental rights within 60 days of the filing of the motion at a session of court scheduled for the hearing of juvenile matters. The movant shall give at least 15 days' notice of the hearing and state its purpose to the persons listed in subdivisions (d)(1) through (d)(4) of this section. In addition, the movant shall send a notice of the hearing to the juvenile's placement provider. Nothing in this section shall be construed to make the ~~former parent or the juvenile's placement provider~~ a party to the proceeding based solely on being served with the motion or receiving notice and the right to be heard.

(f) ~~At~~ Unless ordered sooner by the court at the pretrial hearing, at least seven days before the preliminary hearing, the department of social services and the juvenile's guardian ad litem shall provide to the court, court and the other parties, and the former parent parties reports that address the factors specified in subsection (g) of this section.

...."

SECTION 1.14.(e) Section 1.14(a) of this act is effective when this act becomes law and applies to any actions pending or filed on or after that date. Section 1.14(b) of this act is effective October 1, 2025, and applies to any actions filed on or after that date. Section 1.14(d) of this act is effective when this act becomes law and applies to any actions filed on or after that date.

SECTION 1.16.(a) G.S. 122C-142.2 reads as rewritten:

"§ 122C-142.2. Presentation-Presence at a hospital for mental health treatment;treatment; assessment and placement upon discharge of juvenile in department of social services custody.

(a) Definitions. – The following definitions apply in this section:

- (1) Assessment. – A comprehensive clinical assessment, psychiatric evaluation, or a substantially equivalent assessment.
- (2) Director. – The director of the county department of social services ~~in the county in which the juvenile resides or is found,~~ with custody of the juvenile, or the director's representative as authorized in G.S. 108A-14.
- (3) Reserved for future codification purposes.
- (4) Rapid Response Team. – A Department of Health and Human Services team of representatives from all of the following:
 - a. The Division of Child and Family Well-Being.
 - b. The Division of Health Benefits.
 - c. The Division of Mental Health, Developmental Disabilities, and Substance Use Services.
 - d. The Division of Social Services.

(b) If a juvenile (i) is in the custody of a department of social services presents to a hospital emergency department for the services, (ii) requires mental health treatment, and (iii) is present in the hospital by any means other than an involuntary commitment or voluntary admission order that is in effect, the hospital shall contact the director to notify the director of the juvenile's presence in the hospital. The director shall contact the appropriate LME/MCO or prepaid health plan within as soon as practicable and, in any event, no later than 24 hours of after the determination that the juvenile should not remain at the hospital and no appropriate placement is immediately available, to request an assessment.

(c) Consistent with the care coordination responsibilities under G.S. 122C-115.4(b)(5), the LME/MCO or prepaid health plan must, when applicable or required by their contract with the Department, arrange for an assessment to be performed by either the juvenile's clinical home provider; the hospital, if able and willing; or other qualified licensed clinician within five-three

business days following notification under subsection (b) of this section from the director. For purposes of this section, "business days" shall mean Monday through Friday, inclusive of holidays. The hospital shall reasonably cooperate with the LME/MCO or prepaid health plan to provide access to the juvenile during the juvenile's stay in the hospital.

(d) Based on the findings and recommendations of ~~the assessment~~, an assessment conducted pursuant to this section, all of the following must occur:

(1) If the comprehensive clinical assessment recommends a traditional foster home or a Level I group home, the director shall identify and provide the placement within five business days. The county department of social services shall be responsible for transporting the juvenile to the identified placement ~~within~~ as soon as practicable but no later than five business days ~~days after the recommendation is made.~~

(2) If the assessment recommends a level of care requiring ~~prior~~ authorization by the LME/MCO or prepaid health plan, the LME/MCO or prepaid health plan shall authorize an appropriate level of care and identify appropriate providers within five business days and assign a care ~~coordinator~~ manager for the duration that the LME/MCO or prepaid health plan provides services to the juvenile. Once an appropriate level of care has been authorized and providers identified, the director shall place the juvenile in the appropriate placement ~~within~~ as soon as practicable but no later than five business days ~~days after the recommendation is made.~~ The county department of social services shall be responsible for transporting the juvenile to the identified placement.

(d1) The hospital shall not release the juvenile unless the juvenile meets hospital discharge criteria and at least one of the following conditions exists:

(1) The placement as recommended by the assessment is available.

(2) The consent of the individual or director authorized to consent to treatment pursuant to G.S. 7B-505.1.

(e) The county department of social services shall provide ongoing case management, virtually or in person, to address the juvenile's educational and social needs during the juvenile's stay in the hospital. The hospital shall cooperate with the county department of social services to provide access to the juvenile during the juvenile's stay in the hospital.

(f) ~~If, on~~ The director, an LME/MCO, or a prepaid health plan shall notify the Rapid Response Team of any of the following circumstances:

(1) After completion of the assessment, the director under subdivision (d)(1) of this section or the LME/MCO or prepaid health plan under subdivision (d)(2) of this section is anticipates being unable to identify an appropriate available placement or treatment provider for the juvenile, or if the juvenile.

(2) The assessment recommendations differ, the director shall immediately notify the Department of Health and Human Services' Rapid Response Team. differ from the preferences of the individual or director authorized to consent to treatment pursuant to G.S. 7B-505.1 or from services readily available.

(3) There are delays in accessing needed behavioral health assessments.

(4) The juvenile has been released from the hospital in violation of subsection (d1) of this section.

(f1) The director, pursuant to ~~G.S. 7B-302(a1)(1)~~, is G.S. 7B-302(a1)(1) and the LME/MCO, or the prepaid health plan, are authorized to disclose confidential information to the Rapid Response Team to ensure the juvenile is protected from abuse or neglect and for the provision of protective services to the juvenile. All confidential information disclosed to the Rapid Response Team shall remain confidential, shall not be further redisclosed unless authorized by State or federal law or regulations, and shall not be considered a public record.

Notification to the Rapid Response Team does not relieve the director, LME/MCO, prepaid health plan, or any other entity from carrying out their responsibilities to the juvenile.

~~(g) The Rapid Response Team shall be comprised of representatives of the Department of Health and Human Services from the Division of Social Services; the Division of Mental Health, Developmental Disabilities, and Substance Use Services; the Division of Child and Family Well-Being; and the Division of Health Benefits. Upon receipt of a notification from a director, made in accordance with subsection (f) of this section, the Rapid Response Team shall evaluate the information provided and coordinate a response to determine if action from the Rapid Response Team is necessary to address the immediate needs of the juvenile, which may include any of the following: juvenile. If action is necessary, the Rapid Response Team shall develop a plan with the county department of social services, LME/MCO or prepaid health plan, and hospital regarding the steps needed to meet the treatment needs of the juvenile. Any plan shall include the means by which to monitor the implementation of the plan.~~

~~(1) Identifying an appropriate level of care for the juvenile.~~

~~(2) Identifying appropriate providers or other placement for the juvenile.~~

~~(3) Making a referral to qualified services providers.~~

~~(4) Developing an action plan to ensure the needs of the juvenile are met.~~

~~(5) Developing a plan to ensure that relevant parties carry out any responsibilities to the juvenile.~~

(h) Meetings of the Rapid Response Team convened under this section shall be limited to members of the Rapid Response Team and individuals from the relevant county department of social services, LME/MCOs, prepaid health plans, and the hospital that are invited by the Rapid Response Team, or other individuals or providers only if invited by the Rapid Response Team. The meetings of the Rapid Response Team shall not be open to the public. Subsection (f1) of this section shall apply to any information gathered for the meeting. Information shared at the meeting or documents created during the course of the meetings or during the course of evaluating and developing any response in accordance with subsection (g) of this section shall not be public record and shall not be disclosed or redisclosed unless authorized under State or federal law.

(i) The LME/MCO or prepaid health plan shall notify monthly the Division of Social Services of the Department of Health and Human Services of all of the following information:

(1) The number of county department of social services notifications of assessments.

(2) The length of time to find placement for the juvenile.

(3) The number of recommendations at each level of care."

SECTION 1.16.(b) By April 1, 2026, the Department of Health and Human Services shall consult with hospitals, prepaid health plans, and county departments of social services to develop and distribute uniform guidance on the roles and responsibilities of each entity involved in the delivery of case management services during a juvenile's stay in a hospital. This guidance shall apply to any juvenile receiving protective services from a county department of social services regardless of the juvenile's custody status. The guidance shall address, at a minimum, the following:

(1) The nature, frequency, type, and duration of services offered, visitation, and other contact with the juvenile while staying in the hospital.

(2) The nature, frequency, and type of communication among each entity involved in providing services regarding ongoing treatment, referrals to potential placements, and any additional information relevant to the juvenile's services. There must be at least five days' notice of court hearings and appearances related to the juvenile.

1 **SECTION 1.16.(c)** Section 1.16(a) of this act is effective when this act becomes law
2 and applies to any action pending or filed on or after that date. The remainder of this section is
3 effective when it becomes law.

4 **SECTION 1.17.(a)** This section shall be entitled "Christal's Law."

5 **SECTION 1.17.(b)** G.S. 108A-74 reads as rewritten:

6 **"§ 108A-74. Counties and regional social services departments required to enter into**
7 **annual written agreement for all social services programs other than medical**
8 **assistance; local department failure to comply with the written agreement or**
9 **applicable law; corrective action; State intervention in or control of service**
10 **delivery.**

11 ...

12 (a5) Except where prohibited by federal law and notwithstanding other applicable State
13 law, the Secretary shall have access to records and information pertaining to any open or closed
14 child welfare case of the department of social services, to inquire into and review any county
15 social work practice, or inquire into and review the legal practice of the county or regional
16 department of social services as it pertains to the delivery of child welfare services for a particular
17 child welfare case or all child welfare cases of the department of social services. This authority
18 may be exercised by the Secretary as part of regular monitoring of the performance of a
19 department of social services, or in response to complaints received by the Department regarding
20 either of the following:

21 (1) A juvenile who has been the subject of a report of abuse, neglect, or
22 dependency pursuant to G.S. 7B-301 within the previous 12 months.

23 (2) A case in which the juvenile or the juvenile's family was a recipient of child
24 welfare services within the previous 12 months.

25 If the Secretary finds violations of State law or applicable rules occurring in any specific case
26 or cases, the Secretary shall provide the county director written notice of the violations, a
27 directive to remedy the violations in accordance with applicable statutes or rules, and the
28 timeframe in which the violations must be remedied. If the identified concerns are not remedied
29 by the county director within the time frame specified by the Secretary, the Secretary shall notify
30 the board of county commissioners, the county manager, and the board of social services and
31 direct the director of social services to remedy the violation by taking immediate action in a
32 manner prescribed by the Secretary that is consistent with State law and applicable rules. Nothing
33 contained herein shall prohibit the Secretary from exercising any other authority under this
34 section.

35 A director's failure to comply with the directive of the Secretary made pursuant to this section
36 falls outside the scope of the county department's agency relationship with the Department of
37 Health and Human Services. The Department of Health and Human Services shall not be liable
38 for any claim that may arise from the director's failure to comply with any law or rule identified
39 by the Secretary pursuant to this section. This subsection shall not be construed to waive, modify,
40 or eliminate any immunity or other legal defenses that would otherwise be available to the county,
41 director, or any other county official or employee.

42 "

43 **SECTION 1.17.(c)** This section is effective when it becomes law.

44 **SECTION 1.18.(a)** Article 9A of Subchapter I of Chapter 7B of the General Statutes
45 is amended by adding a new section to read:

46 **"§ 7B-909.2. Post-adoption contact agreements; orders from minors in department of social**
47 **services custody.**

48 (a) Prior to executing a relinquishment, the parent or parents of a minor adoptee who is
49 in the custody of a county department of social services pursuant to an order entered under this
50 Subchapter and the prospective adoptive parent or parents may voluntarily participate in a
51 court-approved mediation program to reach a voluntarily mediated post-adoption contact

1 agreement. The court with jurisdiction over the proceeding involving the minor under this
2 Subchapter may make the referral to mediation when the county department notifies the court it
3 would accept a relinquishment that specifies the prospective adoptive parent or parents. A
4 biological parent who has not reached 18 years of age shall have legal capacity to enter a
5 post-adoption contact agreement and shall be as fully bound by the agreement and order as if the
6 biological parent had attained 18 years of age.

7 (b) The Administrative Office of the Courts shall develop and make available appropriate
8 standardized forms for implementation of this section.

9 (c) Jurisdiction and venue for approval of such agreement shall be before the district court
10 with jurisdiction over the proceeding involving the minor under this Subchapter.

11 (d) Other people may be invited to participate in the mediation by mutual consent of the
12 parent or parents executing a relinquishment and the prospective adoptive parent or parents.
13 However, these invitees shall not be parties to any agreement reached during that mediation and
14 shall not receive copies of any agreement.

15 (e) Mediation proceedings and information relating to those proceedings under this
16 section shall be confidential. Information or the statements of any person participating in the
17 mediation shall not be disclosed or used in any subsequent proceeding. Regardless, evidence that
18 would otherwise be admissible at trial shall not be rendered inadmissible as a result of its use in
19 a mediation proceeding. Except for the voluntary mediated agreement, there shall be no record
20 made of any mediation proceedings under this section and the mediator shall destroy all of his or
21 her notes immediately after the mediation.

22 (f) The voluntarily mediated agreement shall be reviewed by the court having jurisdiction
23 of the minor under this Subchapter within two business days of when the agreement is signed to
24 determine whether the agreement should be incorporated into a court order.

25 (g) To be approved by the court, a voluntarily mediated agreement shall be signed under
26 oath by the parties or accompanied by an affidavit made under oath that affirmatively states that
27 the agreement was entered into knowingly and voluntarily and is not the product of coercion,
28 fraud, or duress. The affidavit may be executed jointly or separately. The agreement shall contain
29 the following statements:

30 (1) This agreement is entered into pursuant to this section.

31 (2) Any breach, modification, invalidation, or termination of the agreement, or
32 any part of it, shall not affect the validity of the relinquishment or the final
33 decree of adoption.

34 (3) The parties acknowledge that either the parent or prospective adoptive parents
35 who have entered into the agreement have the right to seek enforcement as set
36 forth in G.S. 7B-909.3.

37 (4) The parties have not relied on any representations other than those contained
38 in the agreement.

39 (h) The court shall not enter an order to approve the post-adoption contact agreement
40 unless the agreement is in writing and executed prior to or as part of the relinquishment. When
41 the court approves the post-adoption contact agreement:

42 (1) The court shall enter a post-adoption contact agreement and order and instruct
43 the clerk to treat the order as an initiation of a civil action for custody.

44 (2) The court shall designate the caption of the action and the parties to the action.
45 The civil filing fee is waived unless the court orders one or more of the parties
46 to pay the filing fee for a civil action into the office of the clerk of superior
47 court.

48 (3) The post-adoption contact agreement and order shall constitute a custody
49 determination, and any motion to enforce, modify, or terminate the order shall
50 be filed in the newly created civil action and is governed by G.S. 7B-909.3.
51 The Administrative Office of the Courts may adopt rules and shall develop

and make available appropriate forms for establishing a civil file to implement this section and G.S. 7B-909.3.

(4) The record of the civil action shall be withheld from public inspection and may only be examined by the parties to the civil action and their attorneys, the minor adoptee, or by order of the court.

(i) A post-adoption contact agreement and order shall automatically terminate on the date the child turns 18 years of age or is otherwise emancipated."

SECTION 1.18.(b) Article 9A of Subchapter I of Chapter 7B of the General Statutes is amended by adding a new section to read:

"§ 7B-909.3. Modification, enforcement, and termination of a post-adoption contact agreement and order; no right to appeal; rights of adoptive parents.

(a) A party to a court-approved post-adoption contact agreement and order may seek to modify, enforce, or terminate the agreement by filing a motion in the civil action created pursuant to G.S. 7B-909.2(h). Issues set forth in the motion shall be set for mediation unless the court waives mediation for good cause. A court order for modification, enforcement, or termination of the terms of the voluntarily mediated agreement shall be the sole remedies for breach of the agreement.

(b) In a proceeding under this section, the persons who executed the post-adoption contact agreement are the sole parties to the action. The court shall not allow intervention by any other person or agency. The parties shall not be entitled to the appointment of counsel but may retain counsel at their own expense.

(c) The court may modify the terms of the post-adoption contact agreement and order if the court finds by a preponderance of the evidence that there has been a material and substantial change in the circumstances and that the modification is in the best interests of the child. A court-imposed modification of a previously approved agreement may limit, restrict, condition, decrease, or terminate the sharing of information and contact between the former parent or parents and the child, but in no event shall a court-imposed modification serve to expand, enlarge, or increase the amount of contact between the former parent or parents and the child. The court also may impose appropriate sanctions consistent with its equitable powers but not inconsistent with this section, including the power to issue restraining orders.

(d) If the court finds that an action brought under this section was wholly insubstantial, frivolous, and not advanced in good faith, the court may award attorneys' fees and costs to the prevailing parties.

(e) A party subject to an order under this section has no right to appeal the order.

(f) Nothing contained in this section or G.S. 7B-909.2 shall be construed to abrogate the rights of the adoptive parent or parents to make decisions on behalf of the child, except as provided in the court-approved post-adoption contact agreement and order."

SECTION 1.18.(c) Article 1 of Chapter 50 of the General Statutes is amended by adding a new section to read:

"§ 50-13.2B. Modification or enforcement of post-adoption contact agreement and order.

A former parent or adoptive parent who is party to a post-adoption contact agreement and order entered pursuant to G.S. 7B-909.2 shall be governed by G.S. 7B-909.3."

SECTION 1.18.(d) Chapter 48 of the General Statutes reads as rewritten:

"Chapter 48.

"Adoptions.

"Article 1.

"General Provisions.

"§ 48-1-100. Legislative findings and intent; construction of Chapter.

...

"§ 48-1-101. Definitions.

In this Chapter, the following definitions apply:

1 ...
2 (13a) "Post-adoption contact agreement and order" means a voluntary mediated
3 agreement that is approved by a district court judge and incorporated into a
4 district court order under Article 9A of Chapter 7B of the General Statutes
5 that allows specifically described post-adoption contact, including visitation,
6 sharing of information, and communication such as the exchange of letters,
7 electronic communication, and telephone contact.

8 ...
9 **"§ 48-1-106. Legal effect of decree of adoption.**

10 ...
11 (c) Subject to subsection (d) of this section, a decree of adoption severs the relationship
12 of parent and child between the individual adopted and that individual's biological or previous
13 adoptive parents. After the entry of a decree of adoption, the former parents are relieved of all
14 legal duties and obligations due from them to the adoptee, except that a former parent's duty to
15 make past-due payments for child support is not terminated, and the former parents are divested
16 of all rights with respect to the adoptee. If applicable, a former parent may exercise rights
17 established in a post-adoption contact agreement and order pursuant to Article 9A of Chapter 7B
18 of the General Statutes.

19 ...
20 **"§ 48-2-100. Jurisdiction.**

21 (a) Adoption shall be by a special proceeding before the clerk of superior court.
22 (a1) The district court shall have jurisdiction over post-adoption contact agreements and
23 orders pursuant to Article 9A of Chapter 7B of the General Statutes.

24 ...
25 **"§ 48-2-305. Petition for adoption; additional documents.**

26 The petitioner shall file or cause to be filed the following documents:

27 ...
28 (2) Any required consent or relinquishment that has been ~~executed~~executed and,
29 if applicable, a certified copy of any post-adoption contact agreement and
30 order pursuant to G.S. 7B-909.2.

31 ...
32 **"§ 48-3-610. Collateral agreements.**

33 If a person executing a consent and the prospective adoptive parent or parents enter into an
34 agreement regarding visitation, communication, support, and any other rights and duties with
35 respect to the minor, this agreement shall not be a condition precedent to the consent itself, failure
36 to perform shall not invalidate a consent already given, and the agreement itself shall not be
37 enforceable. This section shall not apply to a post-adoption contact agreement and order governed
38 by G.S. 7B-909.2 and G.S. 7B-909.3.

39 ...
40 **"§ 48-3-702. Procedures for relinquishment.**

41 ...
42 (b1) An individual before whom a relinquishment is signed and acknowledged under
43 subsection (a) of this section shall certify in writing that to the best of the individual's knowledge
44 or belief, the parent, guardian, or minor to be adopted executing the relinquishment has met each
45 of the following:

46 ...
47 (3) Been given an original or copy of his or her fully executed
48 relinquishment-relinquishment and, if applicable, the post-adoption contact
49 agreement and order entered pursuant to G.S. 7B-909.2.

50 ...
51 **"§ 48-3-703. Content of relinquishment; mandatory provisions.**

(a) A relinquishment executed by a parent or guardian under G.S. 48-3-701 must be in writing and state the following:

...

(8) That the individual executing the relinquishment understands that when the adoption is final, all rights and duties of the individual executing the relinquishment with respect to the minor will be extinguished and all other aspects of the legal relationship between the minor child and the parent will be ~~terminated~~ terminated, except for rights and duties contained in a post-adoption contact agreement and order entered pursuant to G.S. 7B-909.2.

...

"§ 48-3-705. Consequences of relinquishment.

...

(c) A relinquishment terminates:

(1) Any right and duty of the individual who executed the relinquishment with respect to the legal and physical custody of the ~~minor~~ minor, except those rights and duties contained in a post-adoption contact agreement and order entered pursuant to G.S. 7B-909.2.

...

"§ 48-3-706. Revocation of relinquishments.

...

(c1) Any post-adoption contact agreement and order entered pursuant to G.S. 7B-909.2 is void if any relinquishment is revoked as provided for in G.S. 48-3-704 or G.S. 48-3-706 or rescinded, set aside, or voided pursuant to G.S. 48-3-707 or G.S. 7B-909(b1).

...."

SECTION 1.19.(a) G.S. 7B-323(e) reads as rewritten:

"(e) Notwithstanding any time limitations contained in this section or the provisions of G.S. 7B-324(a)(4), upon the filing of a petition for judicial review by an individual identified by a director as a responsible individual, the district court of the county in which the abuse or neglect report arose may review a director's determination of abuse or serious neglect ~~at any time if less than one year has passed since the person's placement on the responsible individuals list and if the review serves the interests of justice or for extraordinary circumstances.~~ good cause. If the district court undertakes such a review, a hearing shall be held pursuant to this section at which the director shall have the burden of establishing by a preponderance of the evidence abuse or serious neglect and the identification of the individual seeking judicial review as a responsible individual. If the court concludes that the director has not established by a preponderance of the evidence abuse or serious neglect or the identification of the responsible individual, the court shall reverse the director's determination and order the director to expunge the individual's name from the responsible individuals list."

SECTION 1.19.(b) Article 3A of Subchapter I of Chapter 7B of the General Statutes is amended by adding a new section to read:

"§ 7B-325. Petition for expungement.

(a) A person whose name has been placed on the responsible individuals list may file a petition for expungement of the individual's name from the responsible individuals list if at least one of the following conditions is satisfied:

(1) At least one year has passed since the person was placed on the responsible individuals list without judicial review, though eligible for review.

(2) At least five years have passed since the person was placed on the responsible individuals list after judicial review.

(3) At least eight years have passed since the person, who was criminally convicted as a result of the same incident that placed the person on the responsible individuals list completed their sentence, complied with all

1 post-release conditions and has not subsequently been convicted of any felony
2 or misdemeanor other than a traffic violation under a jurisdiction in this State
3 or any other United States jurisdiction. No person is eligible to petition for
4 expungement of the individual's name from the responsible individuals list
5 under this subsection if the conviction is related to sexual abuse of a child,
6 human trafficking, or a child fatality related to abuse or neglect.

7 (b) The petition for expungement shall be filed with the district court of the county in
8 which the abuse or serious neglect report arose. A copy shall be delivered in person or by certified
9 mail, return receipt requested, to the director of the county department of social services of that
10 county. The petition for expungement shall contain the name, date of birth, and address of the
11 individual seeking expungement, the name of the juvenile who was the subject of the
12 determination of abuse or serious neglect, and facts that invoke the jurisdiction of the court.

13 (c) The clerk of court shall maintain a separate docket for expungement actions. Upon
14 the filing of a petition for expungement, the clerk shall calendar the matter for hearing within 45
15 days from the date the petition is filed at a session of district court hearing juvenile matters or, if
16 there is no such session, at the next session of juvenile court. The clerk shall send notice of the
17 hearing to the petitioner and to the director of the county department of social services that
18 determined the abuse or serious neglect and identified the individual as a responsible individual.
19 Upon the request of a party, the court shall close the hearing to all persons, except officers of the
20 court, the parties, and their witnesses. The hearing shall be before a judge without a jury. The
21 burden shall be upon the petitioner and all findings of fact shall be based on a preponderance of
22 the evidence. The court may consider any evidence, including hearsay evidence as defined in
23 G.S. 8C-1, Rule 801, or testimony or evidence from any person that is not a party that the court
24 finds to be relevant, reliable, and necessary.

25 (d) At the hearing, the following rights of the parties shall be preserved:

26 (1) The right to present sworn evidence, law, or rules that bear upon the case.

27 (2) The right to represent themselves or obtain the services of an attorney at their
28 own expense.

29 (3) The right to subpoena witnesses, cross-examine witnesses of the other party,
30 and make a closing argument summarizing the party's view of the case and
31 the law. The juvenile who was the subject of the abuse or serious neglect shall
32 not be required to participate in the proceeding.

33 (e) In considering whether to grant a petition filed under this section, the court shall
34 consider all of the following:

35 (1) The nature of the abuse or serious neglect based on documentation maintained
36 by the county department of social services.

37 (2) The amount of time since the placement on the responsible individuals list.

38 (3) Any activities that would reflect upon the person's changed behavior or
39 circumstances, such as therapy, employment, or education.

40 (4) Any other circumstances relevant to whether the petition should be granted.

41 (f) The court may grant the petition if the court finds, by the preponderance of the
42 evidence, that there is little likelihood that the petitioner will be a future perpetrator of child abuse
43 or neglect.

44 (g) Within 30 days after completion of the hearing, the court shall enter an order
45 containing findings of fact and conclusions of law. The clerk shall serve a copy of the order on
46 each party or the party's attorney of record. If the court concludes that the petition should be
47 granted, the court shall order the director to expunge the individual's name from the responsible
48 individuals list.

49 (h) A party may appeal the district court's decision under G.S. 7A-27(b)(2)."

50 **SECTION 1.21.(a)** G.S. 50-13.10 reads as rewritten:

"§ 50-13.10. Past due child support vested; not subject to retroactive modification; entitled to full faith and credit.

...

(d) For purposes of this section, a child support payment or the relevant portion thereof, is not past due, and no arrearage ~~accrues~~accrues during the following:

- (1) From and after the date of the death of the minor child for whose support the payment, or relevant portion, is ~~made~~made.
- (2) From and after the date of the death of the supporting ~~party~~party.
- (3) During any period when the child is living with the supporting party pursuant to a valid court order or to an express or implied written or oral agreement transferring primary custody to the supporting ~~party~~party.
- (4) During any period when the supporting party is incarcerated, is not on work release, and has no resources with which to make the payment.
- (5) For foster care assistance owed to the State by the supporting party during any period when the child is placed in the custody of a department of social services.

...."

SECTION 1.22. Except as otherwise provided, Part I of this act becomes effective October 1, 2025, and applies to all actions pending or filed on or after that date.

PART II. EXPAND GUARDIANSHIP ASSISTANCE PROGRAM ELIGIBILITY TO YOUTH 10 YEARS OF AGE

SECTION 2.1. G.S. 108A-50.3 through G.S. 108A-50.9 are reserved for future codification purposes.

SECTION 2.2.(a) G.S. 108A-24 reads as rewritten:

"§ 108A-24. Definitions.

As used in Chapter 108A:

...

- (#) "Division" is the Division of Social Services of the Department of Health and Human Services.

...."

SECTION 2.2.(b) The Revisor of Statutes is authorized to renumber the subdivisions of G.S. 108A-24 to ensure that the subdivisions are listed in alphabetical order and in a manner that reduces the current use of alphanumeric designations, to make conforming changes, and to reserve sufficient space to accommodate future additions to the statutory subsection.

SECTION 2.3. Article 2 of Chapter 108A of the General Statutes is amended by adding a new Part to read:

"Part 4A. Guardianship Assistance.

"§ 108A-50.10. Kinship guardianship assistance program (KinGAP).

(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 program.

(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.
- (2) The additional services and assistance that the child and guardian will be eligible for under the agreement.
- (3) The procedure by which the guardian may apply for additional services as needed.
- (4) The State will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child to the extent the total cost does not exceed two thousand dollars (\$2,000).
- (c) A guardianship agreement entered into under this section shall provide that the agreement shall remain in effect without regard to the State residency of the guardian.

"§ 108A-50.13. Reimbursement for guardians.

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

SECTION 2.4. The Social Services Commission shall adopt emergency rules to implement the provisions of this Part. The emergency rules adopted under this Part shall remain in effect until temporary rules are adopted that replace those emergency rules. The temporary rules adopted under this Part shall remain in effect until permanent rules are adopted that replace those temporary rules.

PART III. REVISIONS REGARDING PERMANENT NO CONTACT ORDERS AND FELONY CHILD ABUSE

SECTION 3.1. Article 81D of Chapter 15A of the General Statutes reads as rewritten:

"Permanent No Contact Order Against Convicted ~~Sex~~-Violent Offender.

(a) The following definitions apply in this Article:

(2) ~~Sex offense.—Any criminal offense that requires registration under Article 27A of Chapter 14 of the General Statutes.~~

(4) Violent offense. – Any of the following:

b. A Class A through G felony that is not otherwise covered under sub-subdivision a. of this subdivision.

(b) When sentencing a defendant convicted of a ~~sex-violent~~ offense, the judge, at the request of the district attorney, shall determine whether to issue a permanent no contact order. The judge shall order the defendant to show cause why a permanent no contact order shall not be issued and shall hold a show cause hearing as part of the sentencing procedures for the defendant.

...

(f) The court may grant one or more of the following forms of relief in a permanent no contact order under this Article:

(2) Order the defendant not to follow the victim, the victim's immediate family, or both, including at ~~the victim's~~ each individual's workplace.

(4) Order the defendant not to abuse or injure the ~~victim~~victim, the victim's immediate family, or both.

(5) Order the defendant not to contact the ~~victim~~-victim, the victim's immediate family, or both by telephone, written communication, or electronic means.

(6) Order the defendant to refrain from entering or remaining present at the ~~victim's residence, school, place of employment, school, or place of~~ employment of the victim, the victim's immediate family, or both, or other

specified places at times when the ~~victim-victim~~, the victim's immediate family, or both are present.

(7) Order other relief deemed necessary and appropriate by the court.

...

(h) At any time after the issuance of the order, the State, at the request of the victim, or the defendant may make a motion to rescind or modify the permanent no contact order. If the court determines that reasonable grounds for the ~~victim-victim~~, the victim's immediate family, or both to fear any future contact with the defendant no longer exist, the court may rescind or modify the permanent no contact order.

...."

SECTION 3.2. G.S. 14-318.4, as amended by S.L. 2025-4, reads as rewritten:

"§ 14-318.4. Child abuse a felony.

(a) A parent or any other person providing care to or supervision of a child less than 16 years of age who intentionally inflicts any serious physical injury upon or to the child or who intentionally commits an assault upon the child which results in any serious physical injury to the child is guilty of a Class D felony, except as otherwise provided in subsection (a3) of this section.

(a1) ~~Any A parent or any other person providing care to or supervision of a child less than 16 years of age, or any other person providing care to or supervision of the child, age~~ who commits, permits, or encourages any act of prostitution with or by the child is guilty of child abuse and shall be punished as a Class D felon.

(a2) ~~Any A parent or legal guardian of any other person providing care to or supervision of a child less than 16 years of age who commits or allows the commission of any sexual act upon the child is guilty of a Class D felony.~~

(a3) A parent or any other person providing care to or supervision of a child less than 16 years of age who intentionally inflicts any serious bodily injury to the child or who intentionally commits an assault upon the child which results in any serious bodily injury to the child, or which results in permanent or protracted loss or impairment of any mental or emotional function of the child, is guilty of a Class B2 felony.

(a4) A parent or any other person providing care to or supervision of a child less than 16 years of age whose willful act or grossly negligent omission in the care of the child shows a reckless disregard for human life is guilty of a Class E felony if the act or omission results in serious bodily injury to the child.

(a5) A parent or any other person providing care to or supervision of a child less than 16 years of age whose willful act or grossly negligent omission in the care of the child shows a reckless disregard for human life is guilty of a Class G felony if the act or omission results in serious physical injury to the child.

~~(a6) For purposes of this section, a "grossly negligent omission" in providing care to or supervision of a child includes the failure to report a child as missing to law enforcement as provided in G.S. 14-318.5(b).~~

(a7) A parent or any other person providing care to or supervision of a child less than 16 years of age who, for the purpose of causing fear, emotional injury, or deriving sexual gratification, intentionally and routinely (i) inflicts physical injury on that child and (ii) deprives that child of necessary food, clothing, shelter, or proper physical care is guilty of a Class B2 felony.

(b) The felony of child abuse is an offense additional to other civil and criminal provisions and is not intended to repeal or preclude any other sanctions or remedies.

(c) Abandonment of an infant less than 30 days of age pursuant to G.S. 14-322.3 may be treated as a mitigating factor in sentencing for a conviction under this section involving that infant.

(d) The following definitions apply in this section:

(1) Grossly negligent omission. – In the context of providing care to or supervision of a child, this term includes the failure to report a child as missing to law enforcement as provided in G.S. 14-318.5(b).

(1k) Serious bodily injury. – Bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.

(2) Serious physical injury. – Physical injury that causes great pain and suffering. The term includes serious mental injury."

SECTION 3.3. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

SECTION 3.4. Sections 3.1 and 3.2 of this act become effective December 1, 2025, and apply to offenses committed on or after that date.

PART IV. CRIMINAL HISTORY RECORD CHECK REQUIREMENT FOR APPLICANTS OFFERED A POSITION FOR CITY AND COUNTY EMPLOYMENT WORKING WITH CHILDREN

SECTION 4.1. G.S. 153A-94.2 reads as rewritten:

"§ 153A-94.2. Criminal history record checks of employees permitted.

(a) The board of commissioners may adopt or provide for rules and regulations or ordinances concerning a requirement that any applicant for employment be subject to a criminal history record check of State and National Repositories of Criminal Histories conducted by the State Bureau of Investigation in accordance with ~~G.S. 143B-1209.25~~ [G.S. 143B-1209.26]. G.S. 143B-1209.26. The local or regional public employer may consider the results of these criminal history record checks in its hiring decisions.

(b) Notwithstanding the provisions of subsection (a) of this section, if the position being filled requires an applicant for employment to work with children in any capacity, the board of commissioners shall require the applicant, if offered the position, be subject to a criminal history record check conducted by the State Bureau of Investigation in accordance with G.S. 143B-1209.26. The local or regional public employer must extend a conditional offer of the position pending the results of a criminal history record check required by this section."

SECTION 4.2. G.S. 160A-164.2 reads as rewritten:

"§ 160A-164.2. Criminal history record check of employees permitted.

(a) The council may adopt or provide for rules and regulations or ordinances concerning a requirement that any applicant for employment be subject to a criminal history record check of State and National Repositories of Criminal Histories conducted by the State Bureau of Investigation in accordance with ~~G.S. 143B-1209.25~~ [G.S. 143B-1209.26]. G.S. 143B-1209.26. The city may consider the results of these criminal history record checks in its hiring decisions.

(b) Notwithstanding the provisions of subsection (a) of this section, if the position being filled requires an applicant for employment to work with children in any capacity, the council shall require the applicant, if offered the position, be subject to a criminal history record check conducted by the State Bureau of Investigation in accordance with G.S. 143B-1209.26. The city must extend a conditional offer of the position pending the results of a criminal history record check required by this section."

SECTION 4.3. Sections 4.1 and 4.2 of this act become effective October 1, 2025, and apply to offers of employment on or after that date.

PART V. EFFECTIVE DATE

1 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
2 law.