



HOUSE BILL 354: Civil Procedure/Gatekeeper Orders/Database.

2025-2026 General Assembly

Committee:	House Judiciary 1. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 1, 2025
Introduced by:	Reps. Pyrtle, Miller, B. Jones, Greene	Prepared by:	Brad Krehely
Analysis of:	PCS to First Edition H354-CSRN-6		Committee Co-Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 354 would provide that a person who has been adjudicated incompetent and has been prohibited from filing pleadings in court could only file a pleading with the court through the person's guardian or counsel. If the Administrative Office of the Courts (AOC) identified a person meeting these criteria, then the court would be required to strike any pleading that was not filed by the person's guardian or counsel and issue a gatekeeper order to prevent the person from executing filings on his or her own.*

The PCS does the following: (1) clarifies that this applies to a person who has been adjudicated incompetent and has been prohibited from filing pleadings in court; (2) provides that a gatekeeper order must be served on the person's guardian and counsel; (3) provides that this does not prohibit a person who has been adjudicated incompetent from filing any pleading without the assistance of that person's guardian or counsel in five specific instances; (4) requires the court to withdraw the gatekeeper order if the person's competency has been restored; and (5) clarifies that AOC must update the database when a person has been adjudicated incompetent, when guardianship has been modified, and competency has been restored.

CURRENT LAW: Rule 17 of the North Carolina Rules of Civil Procedure generally addresses when a guardian ad litem must be appointed to act on behalf of an incompetent person, a minor child, and unborn and unascertained persons in certain proceedings.

BILL ANALYSIS: The PCS for House Bill 354 would amend Rule 17 of the North Carolina Rules of Civil Procedure to provide that a person who has been adjudicated incompetent and has been prohibited from filing pleadings in court could only file a pleading with the court through the person's guardian or counsel. If the Administrative Office of the Courts (AOC) identified a person meeting these criteria, then the court would be required to (i) strike any pleading that was not filed by the person's guardian or counsel and (ii) issue a gatekeeper order to prevent the person from executing filings on his or her own. A gatekeeper order would have to be served on the person's guardian and counsel.

The PCS would not prohibit a person who has been adjudicated incompetent from filing any pleading without the assistance of that person's guardian or counsel in any of the following: (i) an action against that person's guardian or counsel; (ii) an action appealing the determination of being adjudicated incompetent; (iii) an action petitioning for modification of guardianship; (iv) an action to restore the person's competency; and (v) an action in which the person who has been adjudicated incompetent is sued. The court would be required to withdraw the gatekeeper order if the person's competency was restored.

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The PCS also would require AOC to develop a database of all persons adjudicated incompetent and ensure that the database is updated. The database would be have to be accessible to judges and the Clerks of Superior Court.

EFFECTIVE DATE: The act would become effective December 1, 2025, and would apply to actions and proceedings brought or pending on or after that date.

BACKGROUND: Judges are authorized to enter gatekeeper orders or prefiling injunctions that restrict a person from filing new actions or other papers without getting approval from the court first. *See generally, Estate of Dalenko v. Monroe*, 197 N.C. App. 231 (2009) (unpublished). Gatekeeper orders are designed to address situations in which individuals make repeated or frivolous filings. These filings can burden the court system, cause needless expense to the parties, and lead to harassment of parties or courts.