



HOUSE BILL 377: 2026 Court Changes.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2025-2026 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	May 19, 2026
Introduced by:	Rep. Stevens	Prepared by:	Robert Ryan
Analysis of:	PCS to Second Edition H377-CSCE-34		Committee Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) for H377 makes multiple changes to the laws related to the administration of the North Carolina court system.*

CURRENT LAW AND BILL ANALYSIS:

Section 1 would modify certain laws relating to adoption to facilitate the electronic filing of adoptions with courts and electronic transmission of adoption records to the Division of Social Services for indexing. This section would become effective October 1, 2026.

Section 2 would modify G.S. 42-34.1, Rent pending execution of judgement, to clarify how a defendant-renter maintains a stay of execution pending appeal. Specifically, if the defendant continues to pay periodic rent, that payment will satisfy and maintain the stay of execution during the 30-day time period for taking an appeal. This section would become effective when it becomes law and would apply to actions pending and filed on or after that date.

Section 3 would remove the requirement that the North Carolina Administrative Office of the Courts (AOC) approve a first mortgage or deed of trust securing a bond in a decedent's estate. It also updates a statute reference related to a guardian's bond. This section would become effective when it becomes law.

Section 4 would modify laws related to appeal after a judgment in certain property cases. G.S. 14-159.53 governs the appeal after a ruling in a case brought for expedited removal of unauthorized persons from residential property. G.S. 42A-25 governs the appeal after a ruling in a case brought for Expedited Eviction Proceeding related to a vacation rental. Both laws would be modified to provide that notice of appeal may be given orally in open court, and if notice is not given in open court written notice of appeal must be filed within 10 days after a judgment is entered. This section would become effective when it becomes law.

Section 5 would amend G.S. 50-10, material facts found by judge or jury in divorce or annulment proceedings. Generally, this law provides that material facts in the case are deemed to be denied by the defendant and must be determined by the finder of fact, even if the defendant takes no action. However, there is an exception in subsection (e) which provides that the clerk may enter judgment in cases where the only claim is for absolute divorce if the "defendant has been defaulted for failure to appeal." This section amends this phrasing to provide that the defendant "failed to appear." This would clarify that a clerk does not enter a default judgment. This section would become effective when it becomes law and would apply to actions for absolute divorce filed or pending on or after that date.

Section 6 would repeal an obsolete provision regarding electronic filing in certain court cases. This section would become effective when it becomes law.

Kara McCraw
Director



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Section 7 would modify G.S. 8B-8, which governs the payment of translators for deaf individuals. This section currently provides DHHS sets the fee schedule. The law would be modified to provide that DHHS shall set the fee schedule for a translator, except if the relevant proceeding is in the General Courts of Justice. In such cases, the fee would be set by the director of the AOC. This section would become effective October 1, 2026.

Section 8 would make a clarifying change regarding the filing of documents with the courts. This section would become effective October 1, 2026.

Section 9 would modify G.S. 7A-452 which provides that when an indigent person has entered notice of appeal and appellate counsel has been appointed by the Office of Indigent Defense Services (IDS), the clerk of superior court is required to make a copy of the complete trial division file for the IDS counsel. This law would be modified to clarify that clerks may electronically provide this file access to IDS counsel. This section would become effective October 1, 2026.

Section 10 would modify G.S. 31-11 which governs the safekeeping of wills by the clerk of superior court. Under current law, the clerk is authorized to receive a will or provide the will for review from or to the "testator, an agent, or an attorney for the testator." This would make a clarifying change to remove the reference to an agent and replace it with "a testator's agent with sufficient authority under a power of attorney instrument." This section would become effective October 1, 2026.

Section 11 would correct citation errors in the Surviving Spouses Chapter of the General Statutes. This section would become effective when it becomes law.

Section 12 would clarify the use of a summons in caveat proceedings under Article 6 of Chapter 31 of the General Statutes, Wills. This section would become effective October 1, 2026.

Section 13 would update the safe babies court statutes to allow children up to age 5 to participate. This section would become effective October 1, 2026.

Section 14 would modify the county jury commission statutes to (i) clarify that if an appointing authority does not make an appointment to the jury commission by September 1, the incumbent on the jury commission would serve for an additional two-year term, (ii) require jury commissions to prepare the master list of prospective jurors no later November 15, and (iii) require the Commissioner of Motor vehicles to provide the list of licensed drivers to each county jury commission no later than September 1. This section would become effective when it becomes law.

Section 15 would (i) clarify that a presiding district court judge and designated court staff can inspect confidential juvenile court records, (ii) clarify that a court order is needed to copy a recording of a hearing in an abuse, neglect, or dependency proceeding, (iii) provide a process for persons not authorized to examine a juvenile's court record to request access to the records, and (iv) clarify the confidentiality of juvenile emancipation records. This section would become effective when it becomes law.

Section 16 would modify the special registration plates available to certain judicial officials. This section would become effective when it becomes law.

Section 17 would clarify that a judge can request access to confidential expungement records maintained by the Administrative Office of the Courts to determine whether a defendant has been previously granted a discharge or an expungement regardless of when the expungement petition was filed. This section would become effective when it becomes law.

Section 18 would change the title "executive secretary" to "executive director" in the conference of clerks of superior court statutes. This section would become effective when it becomes law.

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Section 19 would clarify that, when appealing a decision of a Statewide panel regarding a challenge to candidacy for elective office, the written appeal can be electronically filed with the Court of Appeals as provided by the rules of appellate procedure. This section would become effective October 1, 2026.

Section 20 would provide that whenever a motion to proceed as an indigent is filed pro se by an inmate in the custody of the Department of Adult Correction or any sheriff in North Carolina, or whenever a motion to proceed as an indigent is filed pro se by any person or entity and the complaint is brought against a federal, state, or local government entity, or government employee in their official capacity, or government employee in their individual capacity but based on the employee's work for the government, the motion to proceed as an indigent and the complaint shall be presented to any superior court judge of the judicial district. The court would be required to dismiss the action if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks relief against a defendant who is immune from such relief. The proceeding would be automatically stayed until the judge rules on the motion to proceed as indigent. This section would also allow the clerk to reject certain filings unless the filing is accompanied by any necessary fees or a motion to proceed as indigent. This section would become effective October 1, 2026.

Section 21 would modify G.S. 7A-47.3 which is the law governing the rotation and assignment of judges. This section would create a new assignment rule for the Chief Justice of the Supreme Court to assign superior court judges "to more evenly spread the burden placed on smaller judicial districts from having judges who were elected for those districts holding court mostly in other judicial districts consisting of larger counties." This section is effective when it becomes law, and applies to rotations on or after that date.

Section 22 would modify G.S. 7A-300.1 which provides laws related to local supplementation of salaries for certain officers and employees. Under current law AOC may contract with a city or county for the provision of local funds to supplement the salaries of Judicial Department employees, except for elected officials and magistrates. This section would remove the exception related to magistrates, so that magistrates would then be able to receive a local supplement payment. This section is effective when it becomes law.

Section 23 would modify G.S. 7A-356 which currently provides: "The duties of each trial court administrator shall be to assist in managing civil dockets, to improve jury utilization and to perform such duties as may be assigned by the senior resident superior court judge of the district or set of districts as defined in G.S. 7A-41.1(a) or by other judges designated by that senior resident superior court judge." This section would add a new limitation to this law to provide that trial court administrators cannot impose additional rules of practice other than those authorized by the Supreme Court, local rules authorized by the General Assembly, or other act of the General Assembly. This section is effective when it becomes law, and applies to actions commenced on or after that date.

Section 24 would modify G.S. 7A-173 which contains the laws related to the suspension and removal of magistrates. Under current law a magistrate can be suspended by the chief district court judge or the Chief Justice of the Supreme Court. Once the magistrate is suspended the matter would then be sent to superior court for the senior regular resident superior court judge or a regular superior court judge to hold a hearing and determine whether to remove the magistrate from office. This section would modify this law to remove the chief district court judge's ability to suspend a magistrate and remove the ability of a regular superior court judge to remove a magistrate from office. The senior regular resident superior court judge would be granted the ability to suspend a magistrate in addition to being able to also ultimately remove the magistrate after a hearing. This section becomes effective December 1, 2026, and applies to suspensions of and removals of magistrates on or after that date.

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Section 25 would modify G.S. 7A-305 to clarify that fees can be awarded to the prevailing party in a civil action. This section is effective when it becomes law.

Section 26 would require that AOC and IDS submit certain reports. This section is effective when it becomes law.

EFFECTIVE DATE: Except as otherwise provided this bill is effective when it becomes law.