



HOUSE BILL 377: 2026 Court Changes.

2025-2026 General Assembly

Committee:
Introduced by: Rep. Stevens
Analysis of: Conference Committee Substitute
(H377-CCSCE-5)

Date: August 4, 2026
Prepared by: Robert Ryan
Staff Attorney

OVERVIEW: *The Conference Committee Substitute to House Bill 377 makes multiple changes to the laws related to the administration of the North Carolina court system, practice of law, and technical corrections to the estate planning statutes.*

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 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.

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.

Kara McCraw
Director



Legislative Analysis
Division
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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 section would make a clarifying change to this phrase and replace it with the following: "testator, a testator's agent under a valid power of attorney, or an attorney for the testator." This section would become effective October 1, 2026

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 14.1 would modify G.S. 143B-1278 (Compensation for services related to veterans' benefits matters) to clarify the application of limitations on compensation for services related to veterans' benefits matters. Specifically, it would clarify that G.S. 143B-1278 would not modify the requirements imposed on entities accredited and regulated by the U.S. Department of Veterans Affairs or the NC Department of Military and Veterans Affairs. This section is 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 17 would clarify that a judge can request access to confidential expungement records maintained by AOC 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.

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,

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

Section 27 would make technical corrections to the estate planning statutes as related to the procedure for determining the elective share. This section is effective when it becomes law.

Section 28 would modify laws in Article 30 of Chapter 7A of the General Statutes to allow suspension of trial judges pending investigations into misconduct. A new definition of a "trial judge" would be created which would be "any judge who is serving in the Superior Court Division or District Court Division of the General Court of Justice of North Carolina, including any retired justice or judge who is recalled for service as an emergency judge of the Superior Court Division or District Court Division of the General Court of Justice." A new procedure would then be created that would allow a trial judge to be suspended if during the pendency of an investigation the Judicial Standards Commission finds that immediate and irreparable injury, loss, or damage will result by the trial judge remaining in office. This section is effective when it becomes law.

Section 29 would add trial court administrators and judicial support staff to the definition of "court officer" in G.S. 14-16.10. This would make Article 5A of Chapter 14 of the General Statutes (Endangering Executive, Legislative, Court, and Local Elected Officers) apply to these individuals. This article provides for increased punishments for assaulting or threatening covered individuals. This section becomes effective December 1, 2026, and applies to offenses committed on or after that date.

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