



HOUSE BILL 537: Alena's Law & Office of Vital Records Changes.

2025-2026 General Assembly

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| Committee: | Senate Rules and Operations of the Senate | Date: | June 18, 2025 |
| Introduced by: | Reps. Greene, Stevens | Prepared by: | Michael Johnston* |
| Analysis of: | Second Edition | | Staff Attorney |

OVERVIEW: *House Bill 537 would do all of the following:*

- *Amend laws that relate to receivership proceedings to administer property of missing persons to account for federal written findings of presumed death and the disappearance of persons that coincide with disaster declarations.*
- *Require the Office of Vital Records and local register of deeds offices to process birth and death certificate amendment requests within 30 days after receipt of the completed application, required proof, and payment of the applicable fee.*
- *Prohibit telework by employees of the Office of Vital Records, except in certain circumstances.*

CURRENT LAW & BILL ANALYSIS:

Sections 1 & 2: Presumption of Death in Receivership Proceedings.

Chapter 28C of the General Statutes outlines procedures that relate to receivership proceedings in the superior court system to administer the property/interests of persons in this State that disappear and are absent from their place of residence for a period of 30 days or more.

Current law does not specify how a federal finding of presumed death or a disappearance coincident to a disaster declaration should be treated for the purposes of these proceedings.

Sections 1 and 2 of the bill would do all of the following:

- Provide that in a receivership proceeding, a federal written finding of presumed death would be considered prima facie evidence of death by a judge or would be considered sufficient evidence of death to be submitted to a jury, as applicable.
- Provide that the disappearance and continued absence, for at least 90 days, of a person that coincides with a State or federally declared disaster declaration would create a rebuttable presumption of death.
- Require that the complaint filed in superior court to initiate a receivership proceeding include, as applicable, the existence of a federal written finding of presumed death or an averment of disappearance and continued absence for at least 90 days coincident to a State or federally declared disaster.

Section 3: Deadline for Processing Amendment Requests for Birth and Death Certificates.

Under G.S. 130A-118, an amendment is required to change or alter a birth or death certificate after it has been accepted for registration by the State Registrar. Administrative rules determine the form of requests

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for an amendment and the type and amount of proof required. The fee for an amendment is limited to fifteen dollars by statute.

Section 3 of the bill would require the Office of Vital Records and each local register of deeds offices to process birth or death certificate amendment requests within 30 days of receiving the completed application, required proof, and payment of the applicable fee. This section would apply to birth and death certificate amendment requests made on or after the effective date of the act.

Section 4: Telework Restrictions for the Office of Vital Records.

Section 4 of the bill would generally prohibit permanent and temporary employees of the Office of Vital Records from teleworking. This prohibition would not apply when the Secretary of the North Carolina Department of Health and Human Services determines telework is necessary during a statutorily declared disaster or emergency.

EFFECTIVE DATE: This bill would become effective when it becomes law, and Sections 1 and 2 of the bill would apply to complaints for actions for receiver filed on or after that date.

** Brad Krehely, Howard Marsilio, and Stewart Sturkie, Staff Attorneys for the Legislative Analysis Division, contributed substantially to this summary.*