



HOUSE BILL 612: Fostering Care in NC Act, Part I: Child Welfare and Adoption

2025-2026 General Assembly

Analysis of: S.L. 2025-16, Part I

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Part I of S.L. 2025-16 (House Bill 612) does the following:

Definitions and Jurisdiction:

- Amends the definition of "abused juvenile" and creates definitions for "Division" and "post-adoption contact agreement and order."
- Adds the death of a juvenile as an event terminating the court's jurisdiction. This section became effective June 26, 2025, and applies to all actions pending or filed on or after that date.

Assessment by Director of and Notification of Person Making Report:

- Requires a home visit where a juvenile resides when there is an allegation of abuse or neglect in a child care facility.
- Allows for a review to be requested by the reporter if the director of the department of social services (director) decides not to accept a report of abuse, neglect, or dependency for an assessment.
- Changes the standard of proof to clear and convincing evidence at a hearing on interference with an assessment.
- Allows the person making the report to request a review by the prosecutor or the Division of Social Services (DSS), Department of Health and Human Services (DHHS), if the director decides not to file a petition, previous requests were only to the prosecutor, and modifies the process for the review to incorporate the DSS.
- This section became effective October 1, 2025, and applies to requests for review or actions filed on or after that date.

Conflicts of Interest:

- Creates a new procedure for handling conflicts of interest (G.S. 7B-302.1) when the reported abuse, neglect or dependency involves specified criteria.

Parties:

- Allows the court to include foster parents or the current caretaker in the procedure for intervention if they would have the authority to file a petition to terminate parental rights. The court is permitted to remove a guardian, custodian, or caretaker as a party after adjudication, if their continuation as a party is not in the juvenile's best interest.

Authority to Issue Custody Orders:

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- Authorizes a district court judge to (i) enter a nonsecure custody order once a petition is filed and (ii) delegate the court's authority to a magistrate. Each county is required to always have a judge or delegated magistrate available with whom the DHHS must request nonsecure custody of a juvenile.

Petition when Clerk's Office is Closed and Telephonic Communications:

- Clarifies orders signed by a judicial official when the office of the clerk is closed are effective and enforceable after the order is signed.
- Updates the requirements for petitions and written orders made by telephonic communication.

Co-Guardians:

- Allows for co-guardians to be appointed and establishes a procedure if the relationship between the co-guardians dissolves.

Guardian Ad Litem:

- Reduces the age for mandatory appointment of a guardian for a parent from under 18 years of age to under 16 years of age. The appointment of a guardian ad litem for a parent who is 16 or 17 years of age, unemancipated, and unmarried, is optional and is only ordered upon a motion by any party or the court.

Legal Counsel for the Department:

- Defines "legal counsel for the department" (legal counsel), requires the county DSS to be represented by legal counsel in proceedings, and requires the director to attest legal counsel has reviewed various petitions if the petition is not signed by legal counsel.
- This section becomes effective April 1, 2026, and applies to petitions filed on or after that date.

Placement of Juveniles:

- Allows DSS to recommend unsupervised visits or return of physical custody, whichever occurs first. The court findings for either recommendation are amended. The court must find (i) the juvenile will receive proper care and supervision in a safe home for custody to be returned or (ii) it in the best interests of the juvenile for unsupervised visits to occur.
- Authorizes additional places for DSS to place juveniles within its custody and prohibits placement in an unlicensed facility without a court order.
- Authorizes the following additional placements for juveniles in nonsecure custody: (i) placement with the parent from whom the juvenile was not removed, or (ii) temporary placement in a facility licensed to provide care to juveniles. Placements in an unlicensed facility are prohibited without a court order.
- This section became effective June 26, 2025, and applies to all actions pending or filed on or after that date.

Emergency Motion for Placement and Payment:

Amends the procedure for seeking court intervention to assess costs and other relief related to a juvenile's continued stay in an emergency room or hospital when the statutory requirements for presentation at a hospital for mental health treatment (G.S. 122C-142.2) are not met in the following ways:

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- Removes the standing of the DHHS to file a motion in the matter and gives the DSS the opportunity to be heard at any hearing on any motion as the supervising principal of the DSS.
- Authorizes evidence of a hospital's failure to cooperate in a juvenile's assessment in defense of alleged violations by DSS, the local management entity/managed care organization (LME/MCO), or prepaid health plan.
- Requires a hearing on the motion within ten business days of service or the next scheduled juvenile court session, whichever is later.
- Requires the court to make findings as to whether the juvenile met hospital discharge criteria. The date on which the court determined the juvenile met hospital discharge criteria determines the date after which payment of hospital charges and property damage is required from the responsible party.
- Clarifies dismissal of a motion due to discharge of the juvenile from the hospital does not preclude a separate cause of action for monetary damages.
- This section became effective June 26, 2025, and applies to all actions pending or filed on or after that date.

Review and Permanency Planning Hearings:

- Removes a child from the parent, guardian, or custodian only if the court finds specific criteria after initial disposition or the prior review hearing.
- Clarifies the purpose of a review hearing is to review the parent's progress on court-ordered services, including (i) the completion the court-ordered services within 12 months; (ii) the demonstration that the circumstances leading to the DSS involvement have been resolved to the court's satisfaction and (iii) providing a safe home for the juvenile.
- Terminates the court's jurisdiction when the parent, guardian, or custodian successfully completes court-ordered services and the child is residing in the home, absent extraordinary circumstances.

Permanent Plans and Concurrent Planning:

- Adds termination of concurrent planning when reunification is not identified as a permanent plan.
- Creates a procedure for a hearing when a juvenile is not being reunified with a parent, guardian, or custodian, prior to any change in placement for the juvenile, if specified criteria are met.
- Requires the court to inform the guardian or custodian of their right to pursue child support when the permanent plan of guardianship or custody has been achieved.

Authority over Parents:

- Adds to the court's findings that payment of child support is in the best interest of the child prior to ordering a parent to pay a reasonable sum that will cover support of the juvenile when legal custody is vested in someone other than the juvenile's parent.
- This provision became effective June 26, 2025, and applies to all actions pending or filed on or after that date.

Termination of Parental Rights:

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- Changes the standard of proof to clear and convincing evidence at a hearing on termination of parental rights. This provision became effective October 1, 2025, and applies to any actions filed on or after that date.
- Adds a parent whose parental rights have been terminated to the list of permissible individuals who may file a petition to reinstate parental rights. The parent is not entitled to court-appointed counsel. This provision became effective June 26, 2025, and applies to any actions filed on or after that date.

Reinstatement of Parental Rights:

- Establishes a procedure for a pretrial hearing to consider specified criteria and requires the court to dismiss the motion if the criteria are not met. This provision became effective June 26, 2025, and applies to any actions filed on or after that date.

Presentation at a Hospital for Mental Health Treatment:

- Requires the hospital to contact the DSS director if the juvenile (i) is in DSS custody, (ii) requires mental health treatment, and (iii) is present at the hospital for reasons other than involuntary commitment or a voluntary admission order.
- Shortens the timeframe to three days for the LME/MCO to arrange for an assessment to be conducted.
- Prohibits the hospital from releasing the juvenile unless hospital discharge criteria are met and either (i) the recommended placement is available or (ii) the director or individual consents to release.
- Specifies when the director, an LME/MCO, or prepaid health plan must notify the Rapid Response Team (RRT). If notified, the RRT determines if action is needed to address the juvenile's needs, and then develops a plan with DSS, the LME/MCO, and the hospital on steps needed to meet the juvenile's treatment needs.
- Provides the meetings of the RRT and relevant individuals are confidential and not public record.
- Requires DHHS to develop and distribute uniform guidance to hospitals, DSS, and prepaid health plans on the roles and responsibilities of each entity involved in case management during a juvenile's hospital stay by April 1, 2026.
- This section became effective June 26, 2025, and applies to any action pending or filed on or after that date.

Christal's Law:

- Authorizes the Secretary of the DHHS to (i) access records pertaining to open or closed child welfare cases of DSS, (ii) inquire into and review county social work practice, and (iii) inquire and review local DSS legal practice for the delivery of child welfare services for a particular case or all cases of the DSS.
- Addresses violations by creating a protocol that notifies specified individuals with a directive to remedy the violation within a certain timeframe.
- This section became effective on June 26, 2025.

Post-Adoption Contact Agreements and Orders:

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- Creates a new pathway to allow the parents of a minor adoptee in the custody of DSS and the prospective adoptive parents to enter a voluntary mediated post-adoption contact agreement prior to relinquishment of the child. A post-adoption contact agreement 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.
- Requires the court to review the agreement within two days of the signing of the agreement to determine if the agreement is to be incorporated into a court order. The written agreement must be entered into without coercion, fraud, or duress, evidenced by oath or affidavit. When approved by the court, the post-adoption contract agreement and order constitute a custody determination and create a civil action. The record of the civil action is withheld from public inspection and terminates when the child turns 18 or is emancipated.
- Requires a party to a court approved post-adoption contact agreement and order seeking to modify, enforce, or terminate the agreement to file a motion in the civil action, and mediation is required unless waived by the court. The court must modify the terms of the agreement if it finds by a preponderance of evidence that there has been a material and substantial change in the circumstances and the modifications are in the best interest of the child. The modifications are permitted to reduce but not expand the information and contact with the former parents. Frivolous actions must result in attorneys' fees to the prevailing party, and there would be no right to appeal the order.
- Clarifies that custody actions between parties of a post-adoption contact agreement and order are governed by State law and makes conforming changes.

Responsible Individual's List (List):

- Shortens the timeframe for an individual to petition the court for review of his or her inclusion on the List to less than one year from placement on the List and modifies the reason for the review to replace extraordinary circumstances with good cause.
- Allows individuals to petition the court for expungement from the List if specified conditions are met. Petitions for expungement from the List are maintained on a separate docket and provided a closed hearing before a judge without a jury, with the burden upon the petitioner to show by a preponderance of evidence. In determining whether to grant the petition, the court considers the nature of abuse or serious neglect, the amount of time since placement on the list, activities that reflect changed behavior or circumstances, and any other relevant circumstances. The court must grant the petition to remove the person's name from the list if the court finds by the preponderance of the evidence that there is little likelihood that the petitioner will be a future perpetrator of child abuse or neglect.

Past Due Child Support:

- Adds foster care assistance owed to the State by the supporting party during any period when the child is placed in the custody of DSS to the situations when child support payments are not past due, and no arrearages accrue.

Except as otherwise provided, Part I became effective October 1, 2025, and applies to all actions pending or filed on or after that date.