



# HOUSE BILL 612: Fostering Care in NC Act.

2025-2026 General Assembly

<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	April 15, 2025
<b>Introduced by:</b>	Reps. Chesser, Bell, Loftis, Alston	<b>Prepared by:</b>	Debbie Griffiths
<b>Analysis of:</b>	Second Edition		Staff Attorney

**OVERVIEW:** *House Bill 612 would make various changes to laws affecting juveniles and associated services including the following changes:*

- *Amending the definition of "Abused juveniles" to include a juvenile who is a victim of an unlawful sale, surrender, or purchase of a minor or whose parent, custodian, guardian, custodian, or caretaker commits, permits, or encourages the commission of a sexually violent act by, with, or upon the juvenile and other conforming changes to definitions.*
- *Adding death of the juvenile as a terminating event for the court's jurisdiction.*
- *Removing the exemption for a required home visit where the juvenile resides when allegations are for abuse occurring at a child care center.*
- *Requiring that a petition alleging abuse, neglect, or dependency or interference with an assessment must also be signed by legal counsel for the department and if it is not, the director must attest that it was reviewed by legal counsel for the department prior to filing, that the county must be represented by legal counsel for the department, and that prior to serving as legal counsel for the department.*
- *Establishing a procedure for a reporter to request that the Division review a director's decision to not accept a report for assessment or to not file a petition based on the report.*
- *Establishing a procedure for addressing conflicts of interest when a report alleging abuse, neglect, or dependency is made.*
- *Allowing intervention by a current caretaker or foster parent if the individual has the authority to file a petition to terminate parental rights.*
- *Allowing the district court judge to delegate authority to a magistrate to receive a petition and enter a nonsecure custody order, requiring each county to have a district court judge or delegated magistrate available at all times to receive petitions and enter nonsecure custody orders, allowing a petition to be provided to a district court judge or delegated magistrate by any secure means, and clarifying that an order entered after the clerk's office is closed is effective when it is signed by a judicial official.*
- *Allowing the appointment of co-guardians and the procedure for terminating a co-guardianship if that relationship dissolves.*
- *Establishing procedures for mental health treatment and assessments for children in the custody of the department of social services.*

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Legislative Analysis  
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- *Clarifying the procedures for review and permanency planning hearings.*
- *Revising the grounds for termination of parental rights and inclusion of a parent whose rights have been terminated as an additional authorized individual to request reinstatement of his or her parental rights.*
- *Revising the requirements for when consent is required for adoption of a child.*
- *Providing authority to the Secretary to review any child welfare cases, requiring the Secretary to notify the county board of commissioners and other county officials when a violation of federal or State law is found, and to require the director of the county social services office to take immediate action to correct the violations. A director's failure to comply with a directive from the Secretary would fall outside the scope of the county's agency relationship with the Department of Health and Human Services (DHHS) and DHHS would not be liable for any claim arising from the director's failure to comply with any law or rule identified by the Secretary. This provision would not be a waiver, modification, or elimination of any immunity or other legal defense otherwise available to the county, director, or any other county official.*
- *Allowing post-adoption contact agreements to be entered and enforced as a court order if certain requirements are met.*
- *Establishing a procedure for expungement from the responsible individuals list if certain requirements are met.*
- *Removing the requirement for payment of child support to the State when a child is in the custody of a county department of social services.*
- *Various technical and conforming changes.*

**CURRENT LAW:** Current law is underlined throughout the document.

## **BILL ANALYSIS:**

### **Section 1. G.S. 7B-101-Definitions**

The definition of abused juvenile would be amended to include a juvenile who is a victim of an unlawful sale, surrender, or purchase of a minor or whose parent, custodian, guardian, custodian, or caretaker commits, permits, or encourages the commission of a sexually violent act by, with, or upon the juvenile. Definitions for legal counsel for the department, the Division, and post-adoption contact agreement and order would be added, and the definition of prosecutor would be deleted to conform with revisions to other Chapter 7B provisions.

### **Section 2.(a) G.S. 7B-201(a)-Retention and termination of jurisdiction**

Death of the juvenile would be added as an event terminating the court's jurisdiction over the juvenile.

**Section 2.(b)** This section would become effective when it becomes law and apply to any action pending or filed on or after that date.

### **Section 3.(a) G.S. 7B-302-Assessment by director; military affiliation; access to confidential information; notification of person making the report.**

G.S. 7B-302(a) does not require a home visit where the juvenile resides when there is a report of alleged abuse or neglect at a child care center. This exemption would be removed.

G.S. 7B-302(c) and (d) do not require legal counsel for the county to sign a petition when a parent, guardian, caretaker, or custodian refuses services arranged for or provided by the director or when

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immediate removal is necessary for the protection of the juvenile. Signature of legal counsel for the county department would be required and if that signature is not on the petition, the director must attest that the petition was reviewed by the legal counsel for the county.

G.S. 7B-302(d1) requires that the director petition the court to order an alleged abuser to submit to a complete mental health evaluation if the review reveals that the alleged abuser has a history of violent behavior against people. This provision would be removed.

G.S. 7B-302(f) does not have a procedure for a reporter to appeal the decision of a director to not accept the report for assessment. If the director decides to not accept a report for assessment, the director would be required to notify the reporter in writing of the procedure to follow to request a review by the Division of the director's decision. This request would have to be made within five days of receipt of the notice and the Division must review the director's decision within five days of receiving the request. The Division may affirm the decision or require that an assessment be performed. The reporter may also ask the director to review the decision of the department and that director conducting the review.

G.S. 7B-302(g) currently allows the reporter to request a review by the prosecutor's office of a director's decision not to file a petition. This would be changed to require the Division to handle this review.

## **Section 3.(b) G.S. 7B-303-Interference with assessment.**

If legal counsel for the department does not sign the petition for interference with the assessment, the director would be required to attest that the petition was reviewed by legal counsel for the department and the standard of proof would be changed from clear, cogent, and convincing evidence to clear and convincing evidence.

## **Section 3.(c) G.S. 7B-403-Receipt of reports; filing of petition.**

The director is authorized to draft petitions alleging abuse, neglect, or dependency. Legal counsel for the department would be required to review or draft the petitions and the director would be authorized to sign the petitions. If legal counsel for the department does not sign the petition, the director would be required to attest that legal counsel review the petition.

## **Section 3.(d) G.S. 7B-503-Criteria for nonsecure custody.**

G.S. 7B-503(b) would be repealed to conform to the amendments to G.S. 7B-302(d1).

**Section 3.(e)** This section would become effective April 1, 2026, and would apply to actions filed on or after that date.

## **Section 4.(a) G.S. 7B-302.1-Conflicts of interest and Section 4.(b) G.S. 7B-400(c) Venue.**

Section 4.(a) would create a procedure for handling conflicts of interest that arise in abuse, neglect, dependency matters as follows:

A conflict of interest would exist when the reported abuse, neglect, or dependency involves one of several individuals including:

- Any employee of the county department of social services.
- A relative of an employee of the child welfare division of the county department of social services.
- A relative of an employee of the county department of social services outside of the child welfare division when the director determines there is a conflict of interest.
- A foster parent supervised by the county department of social services.

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- A juvenile who is the subject of a new report alleging abuse or neglect arising from events occurring while in the custody of the department.
- A perceived conflict of interest that is identified through the professional judgment of the director of the county department of social services.

The director must request another county department of social services to handle the assessment when a conflict exists and must notify the Division that a conflict of interest exists and the county that will handle the assessment. If the director contacts two or more counties and they are unable or are unwilling to accept the assessment, the county director must notify the Division, and the Division must determine how the conflict will be handled. The county department with the conflict of interest must provide written notification to the parent, guardian, caretaker, or custodian of the conflict, which county will assume handling the case, and the constituent concern line contact information. If there is a conflict at any point during the case and the county with the conflict does not refer the case out, the parent, guardian, custodian, or caretaker may request a transfer through the constituent concern line.

A substitution of parties would be required if there is a pre-adjudication change of venue due to a conflict of interest under G.S. 7B-302.1.

## **Section 5. G.S. 7B-401.1-Parties**

Currently, 7B-401.1 includes a subsection addressing foster parents intervening in the action and a separate subsection addressing intervention in the action.

Section 5 would restructure G.S. 7B-401.1 to allow the court to include foster parents or the current taker in the procedure for intervention if they would have the authority to file a petition to terminate parental rights. Section 5 would also allow the court to remove a guardian, custodian, or caretaker as a party after adjudication, if they are a party, and their continuation as a party is not necessary to meet the needs of the juvenile and it is in the juvenile's best interest.

## **Section 6.(a) G.S. 7B-502-Authority to issue custody orders; delegation.**

G.S. 7B-502 does not specifically state when the district court judge can enter a nonsecure custody order, and it allows a district court judge to delegate authority to persons other than the district court judge.

Section 6.(a) would clarify that a district court judge may enter a nonsecure custody order once a petition is filed under G.S. 7B-405 and that a district court judge may delegate that authority to a magistrate. Section 6.(a) would require that a district court judge or delegated magistrate must be available at all times in each county for filing a petition to seek nonsecure custody.

## **Section 6.(b) G.S. 7B-506-Hearing to determine need for continued nonsecure custody.**

Section 6.(b) makes conforming changes related to a delegated magistrate.

## **Section 6.(c) G.S. 7B-404-Immediate need for petition when clerk's office is closed.**

Clarifies that any nonsecure custody order entered under G.S. 7B-303 and approved pursuant to G.S. 7B-502 when the clerk's office is closed would be effective and enforceable after the order is signed by a judicial official.

## **Section 7. G.S. 7B-508-Telephonic communication authorized.**

Currently, G.S. 7B-508 allows that certain orders, notices, communications, and authorizations may be made by telephone when other methods are not practical.

Section 7 would clarify that the petition must be provided to the judge or delegated magistrate by any secure means including hand delivery, fax, encrypted electronic delivery, or the court's electronic filing

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system, and update the requirements for the contents of an order obtained through telephonic communication.

## **Section 8. G.S. 7B-600-Appointment of Guardian.**

Currently, G.S. 7B-600 allows the appointment of a single guardian.

Section 8 would allow the appointment of co-guardians and establish a procedure for addressing the co-guardianship if the relationship between the co-guardians dissolves.

## **Section 9. G.S. 7B-602-Parent's right to counsel; guardian ad litem.**

Section 9 would clarify that the appointment of a guardian ad litem for a minor parent under G.S. 7B-602 would not impact the minor parent's right to a guardian ad litem if the minor parent is also the subject of a separate juvenile petition and that a parent is not entitled to a guardian ad litem under Rule 17 of the North Carolina Rules of Civil Procedure solely because they are an unemancipated minor.

## **Section 10.(a) G.S. 7B-604-Legal counsel for the department.**

Section 10.(a) would create a new section requiring a county to be represented by legal counsel in all abuse, neglect, dependency actions and that legal counsel for the county complete a minimum of six hours of continuing education on federal and State child welfare laws prior to representing a county.

**Section 10.(b)** Section 10.(a) of this act would become effective on April 1, 2026.

## **Section 11.(a) G.S. 7B-903.1- Juvenile placed in custody of a department of social services.**

G.S. 7B-903.1(a) would be amended to clarify that it is not required for unsupervised visitations with the parent to occur before custody is returned to a parent and that a hearing is required to return physical custody of the juvenile to a parent, guardian, custodian, or caretaker from whose custody the child was removed, or caretaker from whose custody the child was removed.

## **Section 11.(b) G.S. 7B-903-Dispositional alternatives for abused, neglected, or dependent juvenile.**

G.S. 7B-903(a)(6) would be amended to authorize the department to place a juvenile in any of the following:

- A licensed foster home or home otherwise authorized by law to provide such care.
- A facility operated by the department of social services.
- A facility licensed to provide care to juveniles.
- Any other home approved by the department, including the home of a relative, nonrelative kin, or other person with legal custody of a sibling of the juvenile.

The department would be prohibited from placing the juvenile in any unlicensed facility or facility not licensed to provide care for juveniles without court approval with such approval being included in an order prior to placement.

## **Section 11.(c) G.S. 7B-505-Placement while in nonsecure custody.**

G.S. 7B-505(c) would be amended to clarify that nonsecure custody can be placed with a parent from whom the juvenile was not removed. It would also add a facility licensed to provide care to a juvenile as an authorized placement. The department would be prohibited from placing the juvenile in any unlicensed facility or facility not licensed to provide care for juveniles without court approval with such approval being included in an order prior to placement.

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**Section 11. (d)** This section would become effective when it becomes law and apply to any action pending or filed on or after that date.

## **Section 12.(a) G.S. 7B-903.2-Emergency motion for placement and payment.**

G.S. 122C-142.2 provides a process for assessment of a juvenile in the custody of the department of social services (DSS) when the juvenile presents to a hospital emergency department for mental health treatment, and a determination of the appropriate placement and treatment for the juvenile following the hospital stay. G.S. 7B-903.2 provides a means 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 requirements of G.S. 122C-142.2 are not met.

Section 12.(a) would make the following changes:

- Remove the standing of the Department of Health and Human Services (DHHS) to file a motion in the matter but authorize the Division the opportunity to be heard in any hearing on any motion as the supervising principal of the county DSS.
- Authorize evidence of a hospital's failure to cooperate in a juvenile's assessment in defense of alleged violations by DSS or an LME/MCO or prepaid health plan (LME/MCO).
- Require a hearing on the motion within ten business days of service or the next scheduled juvenile court session, whichever is later.
- Require the court make findings as to whether the juvenile met hospital discharge criteria instead of whether there was no medical necessity for the juvenile to remain in the hospital. The date on which the court determined the juvenile met hospital discharge criteria would be used to determine the date after which payment of hospital charges and property damage would be required from the responsible party.
- Dismissal of a motion due to discharge of the juvenile from the hospital would not preclude a separate cause of action for monetary damages.

**Section 12.(b)** This section would become effective when it becomes law and apply to any action pending or filed on or after that date.

## **Section 13.(a) G.S. 7B-906.1-Review and permanency planning hearings.**

G.S. 7B-906.1 provides that a review hearing is conducted when custody has not been removed from a parent, guardian, caretaker, or custodian and that a permanency planning hearing is held when custody has been removed from a parent, guardian, or custodian.

G.S. 7B-906.1 would be amended to remove caretakers and clarify that review hearings are when custody has not been removed from a parent, guardian, or custodian at initial disposition, and that permanency planning hearings are held when custody has been removed from a parent, guardian, or custodian at initial disposition. A parent, guardian, or custodian would be required to complete court-ordered services within 12 months of the filing of the petition, demonstrate the circumstances leading to the department's involvement have been resolved to the court's satisfaction, and that a safe home can be provided for the juvenile. When the parent, guardian, or custodian successfully completes court ordered services and the child is residing in the home, the court shall terminate jurisdiction absent extraordinary circumstances.

## **Section 13.(b) G.S. 7B-906.2-Permanent plans; concurrent planning.**

Concurrent planning ends when a permanent plan is or has been achieved. Concurrent planning would also end when reunification is not identified as a permanent plan.

A procedure would be created when there is a proposed change in placement and reunification is not a plan when the following criteria are met:

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- The juvenile must be in the custody of the department of social services.
- The juvenile has resided with the caretaker for the preceding 12 consecutive months, and the caretaker objects to the removal.
- The current caretaker is a relative caretaker or a nonrelative caretaker and there are no relatives willing and able to provide proper care and supervision of the juvenile in a safe home.
- The court ordered primary permanent plan is adoption.
- The current caretaker objects to the removal and has notified the department of their desire to adopt the juvenile.

The hearing on the motion must be held within 30 days of filing the motion. Section 13.(b) also establishes the requirements for hearing notice and other rules and procedures for the hearing. The caretaker would be allowed to address the court, present evidence, cross-examine witnesses, and be represented by an attorney at the caretaker's expense. Participation in this hearing would not make the caretaker a party to the action.

The section would not apply in cases where there are allegations of abuse or neglect of the juvenile while under the care and supervision of the caretaker.

The court would be required to inform the guardian or custodian of their right to pursue child support when the permanent plan of guardianship or custody has been achieved.

## **Section 14.(a) G.S. 7B-904-Authority over parents of juvenile adjudicated as abused, neglected, or dependent.**

Currently, G.S. 7B-904(d) requires that a parent pay a reasonable sum in child support when legal custody of the child is vested in someone other than a parent if the court finds the parent is able to do so.

Section 14.(a) would prohibit the department from seeking child support in any type of proceeding and prohibit the court from ordering child support in any type of proceeding when the juvenile is in the custody of the department. Additionally, Section 14.(a) would clarify that subsections (d1) and (e) apply to parents, guardians, custodians, or caretakers over whom the court has personal jurisdiction rather being served with a summons.

## **Section 14.(b) G.S. 7B-1109-Adjudicatory hearing on termination.**

Currently the standard of proof is clear, cogent, and convincing evidence.

Section 14(b) would change the standard of proof to clear and convincing evidence.

## **Section 14.(c) G.S. 7B-1111-Grounds for terminating parental rights.**

Section 14.(c) would amend the grounds for terminating parental rights as follows:

- For purposes of terminating parental rights, neglect would include a biological or possible biological father of a child born out of wedlock who within three months of the child's birth or within 30 days of the discovery that the mother committed fraud in concealing her pregnancy or the child's birth, whichever is greater in time, failed to make efforts to acknowledge or establish paternity of the child and failed to form or to attempt to form a relationship with the child.
- By repealing G.S. 7B-1111(a)(3-4) which address failure to pay child support as a ground for terminating parental rights.
- By repealing G.S. 7B-1111(a)(5) which addresses failure of a father to take certain steps to establish paternity, legitimate, or support a child born out of wedlock.

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## **Section 14.(d) G.S. 7B-1114-Reinstatement of parental rights.**

Currently, G.S. 7B-1114 allows only the child whose parent's rights have been terminated, the guardian ad litem attorney, or a department of social services with custody of the child to file a motion to reinstate a parent's rights.

Section 14.(d) would allow a parent whose parental rights have been terminated to be included in the list of permissible individuals who may file a petition to reinstate parental rights and clarify that parent is not entitled to court appointed counsel but may retain private counsel of his or her choosing. Section 14.(d) would also establish a procedure for a pretrial hearing to consider the identification of the parties, whether the motion to reinstate meets the required criteria, the appointment of a guardian ad litem, discovery and related issues, and any other issue that can be addressed at a pretrial hearing. If the court determines that the motion does not meet the required criteria, the court must dismiss the motion.

**Section 14.(e)** Sections 14.(a) and (b) of this act would become effective when they become law and would apply to any action pending or filed on or after that date. Sections 14.(c) and (d) would become effective when this act becomes law and apply to any action filed on or after that date.

## **Section 15.(a) G.S. 48-3-601-Persons whose consent to adoption is required.**

Section 15.(a) would amend three of the six scenarios to make conforming changes where the consent of a man who may or may not be child's father is required as follows:

- Any male who legitimates the child prior to filing the adoption petition or within three months of the child's birth, whichever occurs later.
- Prior to the filing of the adoption petition, within three months of the child's birth, or within 30 days of discovering that the mother committed fraud in identifying the father or withheld the known identify of the father, or, if applicable, prior to the date of the prebirth determination of right to consent hearing, whichever occurs later, the man acknowledges paternity of the child and meets one of the following: (i) obligated to support the child under a written agreement or court order, (ii) has provided or attempted to provide support in accordance with his financial means to the mother, the child, or both during and after pregnancy and regularly visited or communicated with the mother, the child, or both, during and after the pregnancy; or, (iii) before the child's placement for adoption or the mother's relinquishment, has married or attempted to marry the mother by a marriage solemnized in apparent compliance with law, although the marriage is or could be held invalid.
- Any male who receives the child into his home and openly holds the child out as his biological child prior to the adoption petition being filed or within three months of the child's birth, whichever occurs later.

**Section 15.(b)** This section would become effective when it becomes law.

## **Sections 16.(a) and (b) G.S. 122C-142.2-Presentation at a hospital for mental health treatment.**

G.S. 122C-142.2 addresses the process and steps that must be taken when a juvenile in county department of social services (county DSS) custody presents to a hospital emergency department for mental health treatment. The DSS director must contact the appropriate LME/MCO or prepaid health plan (LME/MCO) to request an assessment within 24 hours of determination that the juvenile will be released and no appropriate placement is immediately available. The LME/MCO must arrange for an assessment within 5 business days. Based on the assessment, the juvenile should be placed in the appropriate placement within 5 business days. If no appropriate placement is available, the Department of Health and Human Services Rapid Response Team (RRT) must be contacted to coordinate a response to address the immediate needs



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of the juvenile. This team includes representatives of the Division of Social Services, Division of Mental Health Developmental Disabilities, and Substance Abuse, Division of Child and Family Well-Being, and Division of Health Benefits.

Sections 16(a) and (b) would make the following changes:

- Require the hospital to contact the DSS director if the juvenile if in DSS custody, requires mental health treatment, and is present at the hospital for reasons other than involuntary commitment or a voluntary admission order.
- Require actions to ensure post-hospital placement to be taken as soon as practicable.
- Require the LME/MCO to arrange an assessment to occur within three business days and business days, as used in this section, would be defined as Monday through Friday, inclusive of holidays.
- Prohibit the hospital from releasing the juvenile from the hospital unless the juvenile both meets hospital discharge criteria and either (i) the recommended placement is available or (ii) the DSS director or individual authorized to consent to treatment (consenting adult) consents to release.
- The DSS director or LME/MCO must notify the RRT if:
  - It is anticipated that no appropriate available placement or treatment provider will be available.
  - The assessment recommendations differ from the wishes of the consenting adult or readily available services.
  - There are delays in accessing needed behavioral health assessments.
  - The juvenile has been released by the hospital in violation of this section.
- If notified, the RRT must determine if action is needed to address the juvenile's needs. If so, the RRT must develop a plan with the DSS, LME/MCO, and hospital on steps needed to meet the juvenile's treatment needs, and a plan to monitor implementation.
- RRT meetings are limited to its members, the DSS, LME/MCOS, hospital, and invitees of the RTT. The meetings are not public, and the information remains confidential and are not public records.
- LME/MCOs must monthly notify the Division of Social Services of the Department of Health and Human Services (DHHS) of information on the number of notifications of assessment, length of time to find placement, and number of recommendations at each level of care.
- By April 1, 2026, DHHS must develop and distribute uniform guidance to hospitals, county DSS, and prepaid health plans on the roles and responsibilities of each entity involved in case management during a juvenile's hospital stay.

**Section 16.(c)** Section 16.(a) would become effective when it becomes law and would apply to any action pending or filed on or after that date. The remainder of the section would become effective when it becomes law.

**Sections 17.(a) and (b) G.S. 108A-74-Counties and regional social services departments required to enter into annual written agreement for all social services programs other than medical assistance; local department failure to comply with written agreement or applicable law; corrective action; State intervention in or control of service delivery.**

This section would be entitled "Christal's Law."

A new subdivision would be added authorize the Secretary of DHHS to access records pertaining to open or closed child welfare cases of county DSS, inquire into and review county social work practice, and inquire and review local DSS legal practice for the delivery of child welfare services for a particular case or all cases of the DSS. The Secretary could exercise this authority as part of regular monitoring or in

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response to specific complaints. If the Secretary found violations, the DSS director would be notified in writing. If concerns were not addressed within a timeframe specified by the Secretary, the Secretary would notify the county commissioners, county manager, and board of social services, and direct the DSS director to remedy the violation through immediate action prescribed by the Secretary. A DSS director's failure to comply would fall outside of the scope of the county DSS agency relationship with DHHS, and DHHS would not be liable for claims arising from the DSS director's failure to comply with the law.

**Section 17.(c)** This section would become effective when it becomes law.

**Section 18.(a). G.S. 7B-909.2-Post-adoption contact agreements; orders from minors in department of social services custody.**

Post-adoption contact agreements are currently unenforceable in North Carolina.

Section 18(a) would create a process to all parents of a minor adoptee in the custody of the county department of social services and the prospective adoptive parents to enter into a voluntary mediated post-adoption contact agreement prior to relinquishment of the child. The agreement would be reviewed by the court with jurisdiction over the minor within 2 days of the signing of the agreement to determine if the agreement would be incorporated into a court order. The written agreement would have to 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 would constitute a custody determination and create a civil action. The record of the civil action would be withheld from public inspection and would terminate when the child turns 18 or is emancipated.

**Section 18.(b) G.S. 7B-909.3-Modification, enforcement, and termination of a post-adoption contact agreement and order; no right to appeal; rights of adoptive parents.**

Section 18(b) would authorize a party to a court-approved post-adoption contact agreement and order to seek to modify, enforce, or terminate the agreement by filing a motion in the civil action, and would be resolved through mediation unless waived by the court. The court could modify the terms of the agreement if the court found by a preponderance of evidence that there had been a material and substantial change in the circumstances and the modifications were in the best interest of the child. The modification could reduce but not expand the information and contact with the former parents. Frivolous actions could result in attorneys' fees to the prevailing party, and there would be no right to repeal the order.

**Section 18.(c) G.S. 50-13.2B-Modification or enforcement of post-adoption contact agreement and order.**

A new provision would be created in Chapter 50 of the General Statutes to clarify that custody actions between parties of a post-adoption contact agreement and order are governed by G.S. 7B-909.3.

**Section 18.(d)** would make various conforming changes to Chapter 48 related to the post-adoption contact agreement and order.

**Section 19.(a) G.S. 7B-323(e)-Petition for judicial review; district court.**

G.S. 7B-323 provides a process for judicial review for determination that a person is a responsible individual for abuse or serious neglect of a child. An identified individual may petition the court for judicial review at any time if the review serves the interest of justice or for extraordinary circumstances. An individual identified as a responsible individual who (i) fails to petition for judicial review in a timely manner after notification, (ii) is determined by a court as a responsible individual after judicial review, or (iii) is criminally convicted as a result of the same incident is placed on the responsible individuals list under G.S. 7B-311. This list is provided by DHHS to child care institutions and agencies that provide

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foster care, child care, or adoption services to consider in determining fitness of individuals to adopt or care for children.

Section 19(a) would reduce the timing of the request to less than one year from placement on the responsible individual's list and change the reasons to serving the interest of justice or for good cause.

## **Section 19.(b) G.S. 7B-325-Petition for expungement.**

Section 19.(b) would create a new process to petition for expungement from the responsible individuals list if the following conditions were met:

- At least one year since the person was placed on the list without judicial review.
- At least three years since the person was placed on the list after judicial review.
- At least five years since the person has completed their sentence and all post-release conditions if criminally convicted of the incident that placed them on the list and has had no additional felony or misdemeanor convictions.

Individuals with convictions related to child sexual abuse, human trafficking, or a child fatality are not eligible for the expungement.

Petitions for expungement would be maintained on a separate docket and provide 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 would consider 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 may grant the petition to remove the person's name from the list if the court finds by clear and convincing evidence that there is little likelihood that the petitioner will be a future perpetrator of child abuse or neglect.

## **Section 20.(a) G.S. 7B-305-Request for review by Division.**

Currently, G.S. 7B-305 provides that a person requesting review of a director's decision to not file a petition alleging the abuse, neglect, or dependency of a juvenile make the request to the prosecutor.

Section 20.(a) would make conforming changes substituting the Division for the prosecutor and would require that the request for review be made through the constituent concern line at the Division.

## **Section 20.(b) G.S. 7B-306-Review by Division.**

Currently, G.S. 7B-306 requires the prosecutor to conduct the investigation after receiving a request for review of the director's decision, the requirements for the investigation, and the actions which may be taken.

Section 20.(b) would make conforming changes substituting the Division for the prosecutor, clarify that the review would be conducted if the request is received in accordance with G.S. 7B-305, and would allow the Division to affirm the director's decision, request law enforcement to investigate the allegations, or direct the director to take specific action to provide protective services or file a petition.

## **Section 20.(c) G.S. 7B-308-Authority of medical professionals in abuse cases.**

Section 20.(c) would make conforming changes substituting the Division for the prosecutor.

## **Section 21.(a) G.S. 50-13.10-Past due child support vested; not subject to retroactive modification; entitled to full faith and credit.**

Currently, G.S. 50-13.10 provides that a child support payment, or any portion thereof, is not past due and no arrearage accrues (1) from and after the date of the child's death, (2) from and after the date of the supporting party's death, (3) during any period when the child is living with the supporting party pursuant

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to a court order or voluntary agreement between the parties, and (4) any period when the supporting party is incarcerated, is not on work release, and does not have other resources to pay child support.

Section 21.(a) would add foster care assistance owed to the State by the supporting party during any period when the child is placed in the custody of a department of social services to the list above.

## **Section 21.(b) G.S. 110-135.1-Foster care assistance payments.**

Section 21.(b) would add a new section creating the procedure to address foster care assistance payments. Upon filing a motion in the cause by either party showing that the child has been placed in foster care, the following would be required:

- The obligor's child support, if owed to the State, would be suspended during any time the child is placed in the custody of a county department of social services.
- Any foster care assistance payments owed to the State for past foster care assistance payments would be reduced to zero.

This new provision would not create a debt to be owed to the obligor.

**EFFECTIVE DATE:** Except as otherwise provided, this act would become effective October 1, 2025, and apply to all actions pending or filed on or after that date.