HOUSE BILL 612:
Fostering Care in NC Act.

2025-2026 General Assembly

Committee:	Senate Rules and Operations of the Senate	**Date:**	June 12, 2025
Introduced by:	Reps. Chesser, Bell, Loftis, Alston	**Prepared by:**	Debbie Griffiths
Analysis of:	Fifth Edition		Staff Attorney

OVERVIEW: House Bill 612 would do the following:

- ***Part I - Make various changes to child welfare and adoption laws and associated services.***
- ***Part II -Expand guardianship assistance program eligibility to youth ten years of age.***
- ***Part III -Revise laws regarding permanent no-contact orders and felony child abuse.***
- ***Part IV – Require criminal history record checks for applicants offered employment with a city or county in any position working with children and that the offer of employment is contingent upon receipt of the criminal record check.***

CURRENT LAW: Current law is underlined throughout the document.

BILL ANALYSIS:

PART I. CHILD WELFARE AND ADOPTION LAW REVISIONS.

Section 1.1. 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 the "Division" and "post-adoption contact agreement and order" would be added.

Section 1.2.(a) G.S. 7B-201(a)-Retention and termination of jurisdiction

Jurisdiction over a juvenile in an abuse, neglect, or dependency action terminates (i) by court order, or (ii) when the juvenile turns 18 or is otherwise emancipated, whichever occurs first. Death of the juvenile would be added as an event terminating the court's jurisdiction.

Section 1.2.(b) Section 1.2 of this act would become effective when the act becomes law and apply to any action pending or filed on or after that date.

Section 1.3.(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) exempts a home visit where a juvenile resides when there is a allegation of abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes. This exemption would be removed.

G.S. 7B-302(f) requires the director to give the person making a report written notice within five days of receiving the report as to whether the report was accepted for assessment and whether the report was referred to the appropriate State or local law enforcement agency. The statute does not have a procedure

for a reporter to appeal the decision of a director to not accept the report for assessment. Written notice to the reporter would also be required to contain the basis for the decision not to accept the report for assessment and 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) allows the reporter to request a review by the prosecutor's office of a director's decision to not file a petition. The request for review would be made to the prosecutor or Division.

Section 1.3.(b) G.S. 7B-303(c)-Interference with assessment.

The standard of proof would be changed from clear, cogent, and convincing evidence to clear and convincing evidence.

Section 1.3.(c) G.S. 7B-305-Request for review by the prosecutor or Division.

A person who makes a report may request the prosecutor to review a director's decision not to file a petition alleging the abuse, neglect, or dependency of a juvenile.

The person who makes a report would be able to request review of the director's decision to not file a petition through the prosecutor or constituent concern line at the Division. Nothing would prevent the reporter from making the request to both offices.

Section 1.3.(d) G.S. 7B-306-Review by the prosecutor or Division.

The prosecutor is required to conduct the investigation within 20 days of receiving a request for review of the director's decision. The prosecutor may take any of the following actions: (i) affirm the director's decision, (ii) instruct law enforcement to investigate the allegations, and (iii) direct the director to file a petition.

The agency receiving the request would be required to conduct the review. Within two days of receiving a request for review, the agency receiving the request must notify the other agency that a request for review has been made. The other agency may also conduct a review. The agencies may conduct an independent review or conduct a shared review, and the agencies may consult with one another. At the conclusion of the review, the reviewing agency may take any action above and the Division may also direct the director to take specific action to provide protective services. If either agency directs that a petition be filed, the director shall file a petition.

Section 1.3.(e) G.S. 7B-308(b)-Authority of medical professionals in abuse cases.

A physician, administrator, or that person's designee may request the prosecutor to review the director's decision not to file a petition. The request would be made to the prosecutor or Division.

Section 1.3(f) G.S. 7B-403-Receipt of reports; filing of petition.

A decision by the director not to file a report as a petition must be reviewed by the prosecutor if a request is made pursuant to G.S. 7B-305. The requested review would be conducted by the prosecutor or Division pursuant to G.S. 7B-306.

Section 1.3.(h) Section 1.3 of this act would become effective October 1, 2025, and would apply to any request for review or actions filed on or after that date.

Section 1.4.(a) G.S. 7B-302.1-Conflicts of interest and Section 4.(b) G.S. 7B-400(c) Venue.

A new procedure would be created for handling conflicts of interest that arise in abuse, neglect, and 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.
- 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 would be required to request another county department of social services to handle the assessment when a conflict exists and would be required to 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 the counties are unable or are unwilling to accept the assessment, the county director would be required to notify the Division, and the Division would be required to determine how the conflict will be handled. The county department with the conflict of interest would be required to 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 would be able to 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 1.5. G.S. 7B-401.1-Parties

G.S. 7B-401.1 would be restructured to allow 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 would also be allowed to remove a guardian, custodian, or caretaker as a party after adjudication, if 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 1.6.(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.

A district court judge would be authorized to enter a nonsecure custody order once a petition is filed under G.S. 7B-405 and to delegate the court's authority to a magistrate. A district court judge or delegated magistrate would be required to be available at all times in each county for the department seeking nonsecure custody.

Section 1.6.(b) G.S. 7B-506-Hearing to determine need for continued nonsecure custody.

Conforming changes related to a delegated magistrate would be made.

Section 1.6.(c) G.S. 7B-404-Immediate need for petition when clerk's office is closed.

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 1.7. G.S. 7B-508-Telephonic communication authorized.

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

The petition would be required to 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 system, and the requirements for the contents of an order obtained through telephonic communication would be updated.

Section 1.8. G.S. 7B-600-Appointment of Guardian.

The appointment of a single guardian is allowed.

The appointment of co-guardians would be allowed and a procedure for addressing the co-guardianship if the relationship between the co-guardians dissolves would be established.

Section 1.9. G.S. 7B-602-Parent's right to counsel; guardian ad litem.

A parent under the age of 18 who is not married or emancipated is appointed a guardian ad litem pursuant to G.S. 1A-1, Rule 17. If this parent is also a minor subject to a petition alleging abuse, neglect, or dependency, the minor would also be appointed a guardian ad litem pursuant to G.S. 7B-601. A minor parent under the age of 16 would be appointed a Rule 17 guardian ad litem automatically and a minor parent who is 16 or 17 years old would be appointed a Rule 17 guardian ad litem by order of the court upon motion of a party or the court's own motion. Both age groups would still be appointed a guardian ad litem under G.S. 7B-601 if the minor is also a minor subject to a petition alleging abuse, neglect, or dependency.

Section 1.10.(a) G.S. 7B-101 Definitions

"Legal counsel for the department" would be defined as an attorney representing the department in proceedings under this Subchapter, regardless of whether the attorney is a county attorney, department attorney, or contract attorney.

Section 1.10.(b) G.S. 7B-604-Legal counsel for the department.

A new section would require (i) a county to be represented by legal counsel in all abuse, neglect, dependency actions, (ii) 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, and (iii) the Division to consult with county directors and legal counsel for the department to develop ongoing training and practice standards for legal counsel for the department.

Section 1.10.(c) and (d) G.S. 7B-302-Assessment by director; military affiliation; access to confidential information; notification of person making the report.

G.S. 7B-302(c) and (d) requires the county director to sign a petition when a parent, guardian, caretaker, or custodian refuses services arranged for or provided by the director or when immediate removal is necessary for the protection of the juvenile. Signature of legal counsel for the county department would also be required and if that signature is not on the petition, the director would be required to attest that the petition was reviewed by the legal counsel for the county.

Section 1.10.(e) G.S. 7B-303(a)-Interference with assessment.

The director may file a petition alleging that an individual has obstructed or interfered with an assessment. The director would also have the option to sign a petition alleging interference with an assessment. If legal counsel for the department does not sign the petition, the director would be required to attest that the petition was reviewed by legal counsel for the department.

Section 1.10.(f) G.S. 7B-403(a)-Receipt of reports; filing of petition.

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

Section 1.10.(g) Section 1.10 of this act would become effective on April 1, 2026.

Section 1.11.(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 but that it is whichever recommendation occurs first and that a hearing is only required to return physical custody of the juvenile to a parent, guardian, custodian, or caretaker from whose custody the child was removed.

Section 1.11.(b) G.S. 7B-903-Dispositional alternatives for abused, neglected, or dependent juvenile.

A county department with custody of a juvenile would be authorized to place the 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 1.11.(c) G.S. 7B-505-Placement while in nonsecure custody.

The department is authorized to place a juvenile held in nonsecure custody in (i) a licensed foster home or a home otherwise authorized by law to provide such care, (ii) a facility operated by the department of social services, or (iii) with approval by the court and designation in the order, any other home or facility.

A facility licensed to provide care to a juvenile would be added as an authorized placement for a juvenile held in nonsecure custody. 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 1.11.(d) Section 1.11 of this act would become effective when the act becomes law and apply to any action pending or filed on or after that date.

Section 1.12.(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.

The statute would be amended as follows:

- The standing of DHHS to file a motion in the matter would be removed but the Division would have the opportunity to be heard in any hearing on any motion as the supervising principal of the county DSS.
- 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) would be authorized.
- A hearing on the motion within ten business days of service or the next scheduled juvenile court session, whichever is later, would be required.
- The court would be required to 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 1.12.(b) Section 1.12 of this act would become effective when the act becomes law and apply to any action pending or filed on or after that date.

Section 1.13.(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. The purpose of a review hearing is to review the progress being made with court-ordered services including completion of court-ordered services within 12 months of the filing of the petition, demonstration that 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. To remove a child from the parent, guardian, or custodian after initial disposition or the prior review hearing, the court must find one of the following: (i) at least one factor under G.S. 7B-503(a)(1) through (a)(4) or 7B-901(c) has occurred and the juvenile has experienced or is at substantial risk of experiencing physical or emotional harm as a result or (ii) the parent, guardian, or custodian consents to the removal. When the parent, guardian, or custodian successfully completes court-ordered services and the child is residing in the home, the court would be required to terminate jurisdiction absent extraordinary circumstances.

Section 1.13.(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:

- 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.

A hearing on the motion would be required to be held within 30 days of filing the motion and notice requirements and other rules and procedures for the hearing would be established. 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 1.14.(a) G.S. 7B-904-Authority over parents of juvenile adjudicated as abused, neglected, or dependent.

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.

The court would also be required to find that payment of child support would be in the best interest of the child.

Additionally, Section 1.14.(a) would clarify that subsections (d1) and (e) G.S. 7B-904 apply to parents, guardians, custodians, or caretakers over whom the court has personal jurisdiction rather than being served with a summons.

Section 1.14.(b) G.S. 7B-1109-Adjudicatory hearing on termination.

The standard of proof is clear, cogent, and convincing evidence.

The standard of proof would be changed to clear and convincing evidence.

Section 1.14.(d) G.S. 7B-1114-Reinstatement of parental rights.

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.

A parent whose parental rights have been terminated would be included in the list of permissible individuals who may file a petition to reinstate parental rights but would not be entitled to court-appointed counsel. A procedure would also be established 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. The court would be required to dismiss the motion if it determines the required criteria are not met.

Section 1.14.(e) Section 1.14.(a) would become effective when this act becomes law and would apply to any action pending or filed on or after that date. Section 1.14(b) would be effective October 1, 2025, and apply to actions filed on or after that date. Section 1.14.(d) of this act would become effective when this act becomes law and apply to any action filed on or after that date.

Sections 1.16.(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 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 1.16.(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 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 RRT. 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 1.16.(c) Section 1.16.(a) of the act would become effective when the act it becomes law and would apply to any action pending or filed on or after that date. The remainder of Section 16 would become effective when the act becomes law.

Sections 1.17.(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 authorizing 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 response to specific complaints. If the Secretary found violations, the DSS director would be notified in writing. If identified 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 1.17.(c) Section 1.17 of the act would become effective when the act becomes law.

Section 1.18.(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.

A new process would be created to allow 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 1.18.(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.

A party to a court-approved post-adoption contact agreement and order seeking to modify, enforce, or terminate the agreement would be required to file a motion in the civil action, and mediation would be required 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 1.18.(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 1.18.(d) Various conforming changes would be made to Chapter 48 related to the post-adoption contact agreement and order.

Section 1.19.(a) G.S. 7B-323(e)-Petition for judicial review; district court.

An identified individual may petition the court for judicial review of his or her inclusion on the responsible individual's list 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 to be 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 foster care, child care, or adoption services to consider in determining fitness of individuals to adopt or care for children.

The request for judicial review under subsection (e) would be limited to requests 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 1.19.(b) G.S. 7B-325-Petition for expungement.

A new process would be created to allow a petition for expungement from the responsible individuals list if the following conditions were met:

- At least one year has passed since the person was placed on the list without judicial review.
- At least five years have passed since the person was placed on the list after judicial review.
- At least eight years have passed since the person 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 from the responsible individuals list.

Petitions for expungement from the responsible individuals list 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 the preponderance of the evidence that there is little likelihood that the petitioner will be a future perpetrator of child abuse or neglect.

Section 1.21.(a) G.S. 50-13.10-Past due child support vested; not subject to retroactive modification; entitled to full faith and credit.

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 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.

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 would be added to the list above.

Section 1.22. Except as otherwise provided, Part I of this act would become effective October 1, 2025, and apply to all actions pending or filed on or after that date.

PART II. EXPAND GUARDIANSHIP ASSISTANCE PROGRAM (GAP) ELIGIBILITY TO YOUTH TEN YEARS OF AGE.

Section 9J.4 of S.L. 2023-134 allows the Division to use funds available for foster care to provide financial support for children who are (i) in a permanent family placement setting, (ii) eligible for legal guardianship, and (iii) otherwise unlikely to receive permanency. No additional expenses can be incurred beyond the funds budgeted for foster care for the GAP. This amount includes provisions for extending guardianship services for individuals and youth who exited foster care through GAP after 14 years of age or who have attained the age of 18 years and opt to continue to receive guardianship services until reaching 21 years of age, provided the individual is (i) completing secondary education or a program leading to an equivalent credential, (ii) enrolled in an institution that provides postsecondary or vocational education, (iii) participating in a program or activity designed to promote, or remove barriers to, employment, (iv) employed for at least 80 hours per month, or (v) incapable of completing the educational or employment requirements due to a medical condition or disability. GAP rates reimburse the legal guardian for room and board at the same rate as for foster care room and board established under G.S. 108A-49.1.

Sections 2.1. and 2.2. would make technical and conforming changes.

Section 2.3. would amend Article 2 of Chapter 108A of the General Statutes to add a new Part creating Guardianship Assistance by adding the following:

- The Division would have the option to provide financial support of children who exit foster care under a relative or legal guardianship if certain conditions are met.
- For **KinGAP payments**, the guardianship must meet the requirements of 42 U.S.C. §673 and until the child turns 18 years of age, the following criteria must be met:
    - The removal from the child's home was through a voluntary placement agreement or a judicial determination that continuing to remain in the home would be contrary to the child's welfare.
    - The child was eligible for foster care maintenance payments while residing with the licensed proposed relative guardian for at least six months. Under this Part, a "relative" would include a person related to the child by blood, marriage, adoption, or an individual with a substantial relationship with the child or a parent prior to placement in foster care.
    - A determination that reunification or adoption are not appropriate options.
    - The child has attained 10 years of age and demonstrates a strong attachment to the proposed relative guardian and the proposed relative guardian has a strong commitment to permanently caring for the child.
    - A North Carolina county child welfare agency has placement of the child when the agreement is entered.
    - If a child is 14 years old or older, the child has been consulted regarding the guardianship.

- Siblings of a child eligible for **KinGAP payments** would also be eligible for the payments if the child has not attained 10 years of age and the county child welfare agency and prospective relative guardian agree that the guardianship is appropriate for the sibling.
- Replacement of a relative guardian due to their death or incapacity by the successor legal guardian identified in the agreement would not affect the child's eligibility to receive guardianship assistance payments.
- The Division may also provide **guardianship assistance payments** if the following criteria are met:
    - The child is in a permanent family placement setting for at least six consecutive months prior to execution of the agreement.
    - The prospective guardian is eligible for appointment as legal guardian under G.S. 7B-600(b).
    - The child is unlikely to achieve permanence through reunification or adoption.
    - The child has attained 10 years of age and demonstrates a strong attachment to the proposed relative guardian and the proposed relative guardian has a strong commitment to permanently caring for the child.
    - A North Carolina county child welfare agency has placement of the child when the agreement is entered.
    - If a child is 14 years old or older, the child has been consulted regarding the guardianship.
- Individuals or youth who exited the foster care system under a guardianship assistance agreement for either type of guardianship may continue to receive those assistance payments after turning 18 if the following requirements are met:
    - The individual or youth attained the age of 16 before the agreement became effective.
    - He or she chooses to continue receiving assistance until turning 21.
    - The Division determines the individual or youth meets at least one of the following criteria:
        - Completing secondary education or a program leading to the equivalent credential.
        - Enrolled in postsecondary education or vocational education.
        - Participating in a program or activity designed to remove barriers to employment.
        - Employed at least 80 hours per month.
        - Incapable of completing the previous requirements because of a medical condition or disability supported by regular updating of information in the case plan.
- Written guardianship assistance agreements would be required between the county and the guardian to receive assistance payments and contain the following terms at a minimum:
    - The amount and manner of the payment, and the way the payment may be adjusted.
    - The additional services and assistance for which the child and guardian are eligible, and the procedure to apply for additional services.
    - The State will pay the total cost of nonrecurring expenses to obtain guardianship to the extent the total cost does not exceed two thousand dollars ($2,000).

  - An agreement entered under this statute remains in effect regardless of State of residency of the guardian.

- Relative and legal guardians would be reimbursed for room and board at the foster care room and board rates established under G.S. 108A-49.1.

Section 2.4. would require the Social Services Commission to adopt temporary and permanent rules to implement the requirements of this section.

Section 2.5. Sections 2.1, 2.2, and 2.3 of this act would become effective July 1, 2025. The remainder of Section 2 would become effective when the act becomes law.

PART III. REVISE LAWS REGARDING PERMANENT NO CONTACT ORDERS AND FELONY CHILD ABUSE.

Section 3.1. Allowing Judge to Issue a Permanent No Contact Order Against a Defendant Convicted of Certain Violent Offenses.

G.S. 15A-1340.50 allows a judge to enter a permanent no contact order against a defendant convicted of a sex offense requiring registration under Article 27A of Chapter 14 of the General Statutes and only prohibits contact with the victim.

A judge would be allowed to include members of the victim's immediate family in a permanent no contact order and would expand the crimes for which the permanent no contact order can be entered to include Class A through G felonies which do not require registration under Article 27A of Chapter 14 of the General Statutes and an offense under G.S. 13-32.4(b). If members of the victim's immediate family are included in the permanent no contact order, those members would have to be specifically identified in the order.

Section 3.2. Clarifying Changes to Felony Child Abuse Laws.

G.S. 14-318.4 describes the law on felony child abuse. It is a felony for a parent or other person providing care to or supervision of a child less than 16 years of age to do the following:

- Intentionally inflict serious physical injury or intentionally commit an assault which results in serious physical injury to the child. (Class D felony)
- Commit, permit, or encourage an act of prostitution with or by a child. (Class D felony)
- Intentionally inflict serious bodily injury or intentionally commit assault which results in serious bodily injury, or which results in a permanent or protracted loss or impairment of any mental or emotional function of the child. (Class B2 felony)
- Willfully act or commit a grossly negligent omission in the care of a child showing a reckless disregard for human life which results in serious bodily injury to the child. (Class E felony)
- Willfully act or commit a grossly negligent omission in the care of a child showing a reckless disregard for human life which results in serious physical injury to the child. (Class G felony)

G.S. 14.318.4(a2) makes it a Class D felony for any parent to commit or allow to be committed a sexual act on a child less than 16 years of age. This felony also applies to a legal guardian of the child rather than the expanded group of "any other person providing care to or supervision of a child less than 16 years of age" included in the other felonies.

G.S. 14-318.4(a2) would be amended to include any other person providing care to or supervision of a child less than 16 years old rather than being limited to legal guardians. The statute would remain applicable to the child's parent.

A new Class B2 felony offense for a parent of or any other person providing care to or supervision of a child less than 16 years of age who intentionally and routinely inflicts physical injury on the child and deprives the child of necessary food, clothing, shelter, or proper physical care for the purpose of causing fear, emotional injury, or deriving sexual gratification would be created.

Section 3.3 Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions.

Section 3.4 Sections 3.1 and 3.2 of this act would become effective December 1, 2025, and apply to offenses committed on or after that date. The remainder of Section 3 of this act would be effective when it becomes law.

PART IV. REQUIRE CRIMINAL HISTORY RECORD CHECKS FOR APPLICANTS OFFERED EMPLOYMENT WITH A CITY OR COUNTY IN ANY POSITION WORKING WITH CHILDREN AND THAT THE OFFER OF EMPLOYMENT IS CONTINGENT UPON RECEIPT OF THE CRIMINAL RECORD CHECK.

A board of county commissioners, under G.S. 153A-94.2, and a city council, under G.S. 160A-164.2, may require any applicant for employment to be subject to a criminal history record check of the State and National Repositories of Criminal Histories conducted by the State Bureau of Investigation. The county and city may consider the results of the criminal history check in its hiring decisions.

Sections 4.1. and 4.2. of the bill would require that a criminal history check be conducted by the State Bureau of Investigation of any applicant offered employment in a position with a local government that requires the applicant to work with children in any capacity and that the offer of employment must be contingent on receipt of the criminal background check.

Section 4.3. Sections 4.1 and 4.2 of this act would become effective October 1, 2025, and would apply to offers of employment on or after that date.

Section 5. Except as otherwise provided, this act would become effective when it becomes law.