

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H

1

HOUSE BILL 1191

Short Title: Fostering Care in NC Act 2026. (Public)

Sponsors: Representatives Chesser, Loftis, Reeder, and Alston (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 2, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 5, 2026

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING JUVENILES AND
3 ASSOCIATED SERVICES, AGENCIES, AND DEPARTMENTS.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. CONFIDENTIALITY OF RECORDS**

7 **SECTION 1.1.** G.S. 7B-2901(a) reads as rewritten:

8 "(a) The clerk shall maintain a complete record of all juvenile cases brought pursuant to
9 Subchapter I of this Chapter and filed in the clerk's ~~office alleging abuse, neglect, or~~
10 ~~dependency-office.~~ The records shall be withheld from public inspection and, except as provided
11 in this subsection, may be examined only by order of the court. The record shall include the
12 summons, petition, custody order, court order, written motions, the electronic or mechanical
13 recording of the hearing, and other papers filed in the proceeding. The recording of the hearing
14 shall be reduced to a written transcript only when notice of appeal has been timely given. After
15 the time for appeal has expired with no appeal having been filed, the recording of the hearing
16 may be erased or destroyed upon the written order of the court or in accordance with a retention
17 schedule approved by the Director of the Administrative Office of the Courts and the Department
18 of Natural and Cultural Resources under G.S. 121-5(c).

19 The following persons may examine the juvenile's record maintained pursuant to this
20 subsection and obtain copies of written parts of the record without an order of the court:

- 21 (1) The person named in the petition as the ~~juvenile;~~juvenile, including the
22 juvenile who has reached the age of 18 or been emancipated, and their
23 attorney.
24 (2) The guardian ad ~~item;~~item.
25 (3) The county department of social ~~services;~~and services and the Division of
26 Social Services of the Department of Health and Human Services.
27 (4) ~~The juvenile's parent, guardian, or custodian, or the attorney for the juvenile~~
28 ~~or the juvenile's parent, guardian, or custodian.~~Any named party in the action
29 and the attorney for any named party in the action."

30 **SECTION 1.2.** G.S. 50-13.2 reads as rewritten:

31 "**§ 50-13.2. Who entitled to custody; terms of custody; visitation rights of grandparents;**
32 **taking child out of State; consideration of parent's military ~~service.~~service;**
33 **confidentiality of court file and records.**

34 ...



1 (g) In any custody proceeding where the (i) physical or mental health, (ii) substance use,
 2 or (iii) abuse or maltreatment against the minor child is raised, the court shall order that the entire
 3 file be sealed and kept from public inspection. The sealed records shall not be released except by
 4 order from the court to any person other than:

- 5 (1) The parties in the custody proceeding.
 6 (2) The attorneys for the parties in the custody proceeding.
 7 (3) Any court of competent jurisdiction hearing or reviewing the matter.
 8 (4) The department of social services when providing protective services pursuant
 9 to G.S. 7B-300.

10 For good cause shown, the court may order the records that are confidential under this
 11 subsection to be made available to a person or agency who is not listed in this subsection."

12 **SECTION 1.3.** Section 1.2 of this act becomes effective October 1, 2026, and applies
 13 to actions filed on or after that date.

14 **PART II. PROCEDURE FOR EXPUNGEMENT FROM RESPONSIBLE INDIVIDUALS** 15 **LIST**

16 **SECTION 2.1.** G.S. 7B-200(a) reads as rewritten:

17 "(a) The court has exclusive, original jurisdiction over any case involving a juvenile who
 18 is alleged to be abused, neglected, or dependent. This jurisdiction does not extend to cases
 19 involving adult defendants alleged to be guilty of abuse or neglect. The court also has exclusive
 20 original jurisdiction of the following proceedings:
 21

- 22 ...
 23 (9) ~~Petitions for judicial review of a director's determination~~Proceedings
 24 involving placement on or expungement from the responsible individuals list
 25 under Article 3A of this Chapter."

26 **SECTION 2.2.** G.S. 7B-325(b) reads as rewritten:

27 "(b) The petition for expungement shall be filed with the district court of the county in
 28 which the abuse or serious neglect report arose. A copy shall be delivered in person or by certified
 29 mail, return receipt requested, to the director ~~of the county department of social services of that~~
 30 ~~county who determined the abuse or serious neglect and identified the individual seeking~~
 31 expungement as a responsible individual. The petition for expungement shall contain the name,
 32 date of birth, and address of the individual seeking expungement, the name of the juvenile who
 33 was the subject of the determination of abuse or serious neglect, and facts that invoke the
 34 jurisdiction of the court."
 35

36 **PART III. CLARIFY CHILD WELFARE PROCEDURE**

37 **SECTION 3.1.** G.S. 7B-900.1(b) reads as rewritten:

38 "(b) Before ordering that a case be transferred to another county, the court shall find that
 39 the director of the department of social services in the county in which the action is pending and
 40 the director in the county to which transfer is contemplated have communicated about the case
 41 and that:

- 42 (1) The two directors are in agreement with respect to each county's responsibility
 43 for providing financial support for the juvenile and services for the juvenile
 44 and the juvenile's family; or
 45 (2) The Director of the Division of Social Services or the Director's designee has
 46 made that determination pursuant to ~~G.S. 153A-257(d)~~G.S. 153A-257(d) or
 47 appointed a county department to assume management of the case pursuant to
 48 G.S. 7B-302.1(c)."

49 **SECTION 3.2.** G.S. 7B-901(d) reads as rewritten:

50 "(d) When the court determines that reunification efforts are not required, ~~the~~reunification
 51 is excluded as a permanent plan. The court shall order ~~concurrent~~ a permanent plans plan as soon

1 as possible, after providing each party with a reasonable opportunity to prepare and present
2 ~~evidence.~~ evidence at a permanency planning hearing. The court shall schedule a permanency
3 planning hearing within 30 days from the completion of the initial dispositional hearing to
4 address the permanent ~~plans~~ plan in accordance with G.S. 7B-906.1 and G.S. 7B-906.2."

5 **SECTION 3.3.** G.S. 7B-903.1(c1) reads as rewritten:

6 "(c1) If juvenile siblings are removed from the home and placed in the ~~nonsecure~~ custody
7 of a county department of social services, the director shall make reasonable efforts to place the
8 juvenile siblings in the same home. The director is not required to make reasonable efforts under
9 this subsection if the director documents that placing the juvenile siblings would be contrary to
10 the safety or well-being of any of the juvenile siblings. If, after making reasonable efforts, the
11 director is unable to place the juvenile siblings in the same home, the director shall make
12 reasonable efforts to provide frequent sibling visitation and ongoing interaction between the
13 juvenile siblings, unless the director documents that frequent visitation or other ongoing
14 interaction between the juvenile siblings would be contrary to the safety or well-being of any of
15 the juvenile siblings."

16 **SECTION 3.4.** G.S. 7B-906.1 reads as rewritten:

17 "**§ 7B-906.1. Review and permanency planning hearings.**

18 ...

19 (e) At any permanency planning hearing where the juvenile is not placed with a parent,
20 the court shall additionally consider the following criteria and make written findings regarding
21 those that are relevant:

22 ...

23 (5) Whether the county department of social services has since the initial
24 permanency ~~plan~~ planning hearing made reasonable efforts to implement the
25 permanent plan for the juvenile.

26 ...

27 (g) At the conclusion of each permanency planning hearing, the court shall make specific
28 findings as to the best permanent plan or plans to achieve a safe, permanent home for the juvenile
29 within a reasonable period of time.

30 ...

31 (m) If the court finds that a proceeding to terminate the parental rights of the juvenile's
32 parents is necessary in order to perfect the primary or sole permanent plan for the juvenile, the
33 director of the department of social services shall file a petition to terminate parental rights within
34 60 calendar days from the date of the entry of the order unless the court makes written findings
35 regarding why the petition cannot be filed within 60 days. If the court makes findings to the
36 contrary, the court shall specify the time frame in which any needed petition to terminate parental
37 rights shall be filed.

38"

39 **SECTION 3.5.** G.S. 7B-906.2(b) reads as rewritten:

40 "(b) At any permanency planning hearing where the court is ordering reunification as a
41 permanent plan, the court shall adopt concurrent permanent plans and shall identify the primary
42 plan and secondary plan. Reunification shall be a primary or secondary plan unless the court
43 relieved the department of making reunification efforts at initial disposition under
44 G.S. 7B-901(c), previously made written findings under G.S. 7B-906.1(d)(3), the permanent plan
45 is or has been achieved, or the court makes written findings that reunification efforts clearly
46 would be unsuccessful or would be inconsistent with the juvenile's health or safety. The finding
47 that reunification efforts clearly would be unsuccessful or inconsistent with the juvenile's health
48 or safety may be made at any permanency planning hearing, and if made, shall eliminate
49 reunification as a plan. When reunification has been eliminated as a permanent plan, concurrent
50 planning is not required. Unless permanence has been achieved, the court shall order the county
51 department of social services to make efforts toward finalizing the primary and secondary

1 permanent plans or the sole permanent plan and may specify efforts that are reasonable to timely
2 achieve permanence for the juvenile."

3 **SECTION 3.6.** G.S. 7B-908(c) reads as rewritten:

4 "(c) The court shall consider at least the following in its review and make written findings
5 regarding the following that are relevant:

6 (1) The adequacy of the permanency plan or plans developed by the county
7 department of social services or a licensed child-placing agency for a
8 permanent placement in the juvenile's best interests and the efforts of the
9 department or agency to implement the plan or plans.

10"

11 **SECTION 3.7.** G.S. 7B-909.2(h) reads as rewritten:

12 "(h) The court shall not enter an order to approve the post-adoption contact agreement
13 unless the agreement is in writing and executed prior to or as part of the relinquishment. The
14 agreement and order shall not be filed in the juvenile proceeding. When the court approves the
15 post-adoption contact agreement:

16 ...

17 (4) The record of the civil action shall be withheld from public inspection and
18 may only be examined by the parties to the civil action and their attorneys, the
19 minor ~~adoptive~~adoptive after the adoptee turns eighteen years old or is
20 otherwise emancipated, or by order of the court."

21 **SECTION 3.8.** G.S. 7B-909.3 reads as rewritten:

22 "**§ 7B-909.3. Modification, enforcement, and termination of a post-adoption contact**
23 **agreement and order; ~~no right to appeal; rights of adoptive parents.~~**

24 ...

25 (e) A party subject to an order under this section has no right to appeal the ~~order~~order
26 which terminates, modifies, or enforces the post-adoption contact agreement and order. A party
27 to an order under this section has the right to appeal any order finding him or her in contempt of
28 the order as provided for in Chapter 5A of the General Statutes.

29"

30 **SECTION 3.9.** Part III of this act becomes effective October 1, 2026, and applies to
31 actions filed on or after that date.

32 **PART IV. TERMINATION OF PARENTAL RIGHTS**

33 **SECTION 4.1.** G.S. 7B-1101.1(b) reads as rewritten:

34 "(b) In addition to the right to appointed counsel under subsection (a) of this section, a
35 guardian ad litem shall be appointed in accordance with G.S. 1A-1, Rule 17, to represent any
36 parent who is under the age of ~~18 years and who is not married or otherwise emancipated~~16
37 years. On motion of any party or on the court's own motion, the court may appoint a guardian ad
38 litem for a parent who is 16 or 17 years old and who is not married or otherwise emancipated."

39 **SECTION 4.2.** G.S. 7B-1103(a) reads as rewritten:

40 "(a) A petition or motion to terminate the parental rights of either or both parents to his,
41 her, or their minor juvenile may only be filed by one or more of the following:

42 ...

43 (4) Any county department of social services, consolidated county human
44 services agency, or licensed child-placing agency to which the juvenile has
45 been ~~surrendered~~relinquished for adoption by one of the parents or by the
46 guardian of the person of the juvenile, pursuant to G.S. 48-3-701.

47 (4a) Any county department of social services who has received a safely
48 surrendered infant, pursuant to Article 5A of this Subchapter.

49"

50 **SECTION 4.3.** G.S. 7B-1112 reads as rewritten:

1 **"§ 7B-1112. Effects of termination order.**

2 An order terminating the parental rights completely and permanently terminates all rights and
3 obligations of the parent to the juvenile and of the juvenile to the parent arising from the parental
4 relationship, except that the juvenile's right of inheritance from the juvenile's parent shall not
5 terminate until a final order of adoption is issued. The parent is not thereafter entitled to notice
6 of proceedings to adopt the juvenile and may not object thereto or otherwise participate therein:

- 7 (1) If the juvenile had been placed in the custody of or released for adoption by
8 one parent to a county department of social services or licensed child-placing
9 agency and is in the custody of the agency at the time of the filing of the
10 petition or motion, including a petition or motion filed pursuant to
11 G.S. 7B-1103(a)(6), that agency shall, upon entry of the order terminating
12 parental rights, acquire all of the rights for placement of the juvenile, except
13 as otherwise provided in G.S. ~~7B-908(d)~~7B-908(d1), as the agency would
14 have acquired had the parent whose rights are terminated released the juvenile
15 to that agency pursuant to the provisions of Part 7 of Article 3 of Chapter 48
16 of the General Statutes, including the right to consent to the adoption of the
17 juvenile.

18"

19
20 **PART V. UNDISCIPLINED AND DELINQUENT JUVENILES; NONSECURE**
21 **CUSTODY**

22 **SECTION 5.1.** G.S. 7B-1905(a) reads as rewritten:

23 "(a) A juvenile meeting the criteria set out in G.S. 7B-1903(a), may be placed in nonsecure
24 custody with a department of social services or a person designated in the ~~order~~ order. The
25 department of social services with placement responsibility is authorized to place the juvenile for
26 temporary residential placement in one of the following:

- 27 (1) A licensed foster home or a home otherwise authorized by law to provide such
28 ~~care;~~care.
29 (2) A facility operated by a department of social ~~services;~~ services.
30 (2a) A facility licensed to provide care to juveniles.
31 (3) Any other home or ~~facility~~ facility, such as the home of a parent, relative,
32 nonrelative kin, or other person with legal custody of a sibling of the juvenile,
33 approved by the court and designated in the order.

34 The department shall not place a juvenile in any unlicensed facility or any facility that is not
35 licensed to provide care for juveniles without the sanction of the court and so designated in the
36 order prior to such placement being made.

37 In placing a juvenile in nonsecure custody, the court shall first consider whether a relative of
38 the juvenile is willing and able to provide proper care and supervision of the juvenile. If the court
39 finds that the relative is willing and able to provide proper care and supervision, the court shall
40 order placement of the juvenile with the relative unless the court finds that placement with the
41 relative would be contrary to the best interest of the juvenile. Placement of a juvenile outside of
42 this State shall be in accordance with the Interstate Compact on the Placement of Children set
43 forth in Article 38 of this Chapter."

44 **SECTION 5.2.** G.S. 7B-2001 reads as rewritten:

45 **"§ 7B-2001. Appointment of guardian.**

46 (a) ~~In any~~ Any time during a case when no parent, guardian, or custodian appears in a
47 hearing with the juvenile or when the court finds it would be in the best interests of the juvenile,
48 the court may appoint a guardian of the person for the juvenile. The court shall not appoint the
49 department of social services as a guardian of the person for a juvenile.

50 (b) The guardian shall operate under the supervision of the court with or without bond
51 and shall file only such reports as the court shall require. The court shall consider whether

1 ordering a limited guardianship would meet the needs and best interests of the juvenile. A limited
2 guardianship shall specify the powers and duties of the limited guardian over the juvenile's person
3 while the parent, guardian, or custodian retains certain legal rights and privileges including
4 physical custody, educational and medical decision-making, and religious upbringing. Unless the
5 court orders a limited guardianship that specifies the duties and rights of the guardian, otherwise,
6 the guardian:

- 7 (1) Shall have the care, custody, and control of the juvenile or may arrange a
8 suitable placement for the juvenile.
- 9 (2) May represent the juvenile in legal actions before any court.
- 10 (3) May consent to certain actions on the part of the juvenile in place of the parent
11 or custodian, including (i) marriage, (ii) enlisting in the Armed Forces of the
12 United States, and (iii) enrollment in school.
- 13 (4) May consent to any necessary remedial, psychological, medical, or surgical
14 treatment for the juvenile.

15 (c) The authority of the guardian shall continue until the guardianship is terminated by
16 court order, until the juvenile is emancipated pursuant to Subchapter IV of this Chapter, or until
17 the juvenile reaches the age of majority."
18

19 **PART VI. THIRD-PARTY BACKGROUND CHECK VENDORS**

20 **SECTION 6.1.** Municipalities and counties may enter contracts with third-party
21 vendors supplying background checks to conduct background checks required pursuant to
22 G.S. 153A-94.2(b) and G.S. 160A-164.2(b). All contracts entered pursuant to this section shall
23 terminate on or before December 1, 2026, or when the State Bureau of Investigation request for
24 proposal is awarded, whichever occurs later. The State Bureau of Investigation shall prescribe
25 minimum requirements for all background checks conducted by third-party vendors.
26

27 **PART VII. AUTOMATIC REFERRAL TO DIRECTOR FOR SEVERAL REPORTS**

28 **SECTION 7.1.** G.S. 7B-302(a) reads as rewritten:

29 "(a) When a report of abuse, neglect, or dependency is received, the director of the
30 department of social services shall make a prompt and thorough assessment, using either a family
31 assessment response or an investigative assessment response, in order to ascertain the facts of the
32 case, including collecting information concerning the military affiliation of the parent, guardian,
33 custodian, or caretaker of the juvenile alleged to have been abused or neglected, the extent of the
34 abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective
35 services should be provided or the complaint filed as a petition. When a department has received
36 and screened out three reports within six months or five reports within one year regarding the
37 same juvenile or the juvenile's household, the case shall immediately be referred to the director
38 of the department of social services. The director shall not delegate the review of the screened
39 out reports and shall determine whether the reports require an assessment be completed and, if
40 so, shall directed an assessment be initiated. When the report alleges abuse, the director shall
41 immediately, but no later than 24 hours after receipt of the report, initiate the assessment. When
42 the report alleges neglect or dependency, the director shall initiate the assessment within 72 hours
43 following receipt of the report. When the report alleges abandonment of a juvenile or unlawful
44 transfer of custody under G.S. 14-321.2, the director shall immediately initiate an assessment.
45 When the report alleges abandonment, the director shall also take appropriate steps to assume
46 temporary custody of the juvenile, and take appropriate steps to secure an order for nonsecure
47 custody of the juvenile. The assessment and evaluation shall include a visit to the place where
48 the juvenile resides, except when the report alleges abuse or neglect in a child care facility as
49 defined in Article 7 of Chapter 110 of the General Statutes. When the report alleges
50 abandonment, the assessment shall include a request from the director to law enforcement

1 officials to investigate through the North Carolina Center for Missing Persons and other national
2 and State resources whether the juvenile is a missing child."
3

4 **PART VIII. MOBILE COMMUNICATIONS PLATFORM**

5 **SECTION 8.1.** There is appropriated from the General Fund to the Administrative
6 Office of the Courts, Office of Indigent Services, the sum of two hundred and fifty thousand
7 dollars (\$250,000) in recurring funds beginning in the 2026-2027 fiscal year to contract with an
8 approved vendor, no later than October 1, 2026, for the implementation of a secure, web and
9 mobile based communications platform for abuse, neglect, and dependency proceedings, and
10 termination of parental rights proceedings arising from those matters to ensure compliance with
11 federal and State requirements for the following:

- 12 (1) Advanced notification via automated electronic methods such as text
13 messaging or email to all parties and their attorneys, to the persons providing
14 care to the juvenile, and to any other person or agency designated by the court
15 for all court hearings and for interagency team meetings initiated by the
16 county department of social services such as permanency planning review
17 meetings, child and family team meetings, and placement status change
18 meetings.
- 19 (2) Enhanced communication between attorneys and clients and between parties
20 to reduce court continuances, share discovery, and reduce barriers to
21 permanency.

22 **SECTION 8.2.** The Administrative Office of the Courts, Indigent Services of NC ,
23 the Guardian Ad Litem Program, the North Carolina Division of Social Services (DSS), and any
24 other State or county agency or department necessary for implementation of the platform under
25 Section 10.1 of this act shall enter into a data sharing agreement to enable the selected vendor to
26 receive data necessary to ensure timely notification of court hearings and DSS initiated
27 interagency team meetings to all parties and their attorneys, the person providing care for the
28 juvenile, and any other necessary persons or agencies, and to ensure the communication platform
29 between the attorneys and clients and between parties receives the most accurate information
30 without redundant data entry.

31 **SECTION 8.3.** Section 8.1 of this act becomes effective on July 1, 2026.
32

33 **PART IX. INCLUSION OF EASTERN BAND OF CHEROKEE INDIANS IN CHILD** 34 **ADVOCACY CENTERS**

35 **SECTION 9.1.** G.S. 108A-77.1 reads as rewritten:

36 **"§ 108A-77.1. Definitions.**

37 The following definitions apply in this Article:

- 38 ...
- 39 (7) Department. – As defined in G.S. ~~7B-101(8a)~~7B-101 and the Eastern Band
40 of Cherokee Indians Public Health and Human Services Department of
41 Human Services.
- 42 ...
- 43 (10) Multidisciplinary team. – A group of professionals who represent various
44 disciplines and work collaboratively pursuant to a written protocol to share
45 information on service provision and investigations by law enforcement or a
46 department to inform the investigation and prosecution of child maltreatment
47 cases and to coordinate services in response to reports made of child
48 maltreatment. The multidisciplinary team works solely on behalf of children
49 served by a Children's Advocacy Center. In addition to the members listed in
50 this subdivision, a multidisciplinary team may include other professionals
51 involved in the delivery of services to victims of child maltreatment and their

appropriate caregivers. Participation in a multidisciplinary team shall not preclude any member from carrying out any mandated responsibility of his or her profession. A Children's Advocacy Center's multidisciplinary team must include, at a minimum, the following professionals:

- a. A member of participating law enforcement agencies.
- b. The county district attorney or assistant district ~~attorney~~ or tribal prosecutor for the Eastern Band of Cherokee Indians.
- c. A member of the department's child protective services unit.
- d. A local mental health provider.
- e. A local health care provider.
- f. A victim advocate.
- g. Children's Advocacy Center staff.

...."

SECTION 9.2. G.S. 108A-77.4(c) reads as rewritten:

"(c) Disclosure of information and records outlined in subsection (b) of this section shall only be released or otherwise made available to the following:

- (1) The North Carolina Department of Health and Human Services and county departments.
- (2) Law enforcement agencies, a prosecuting district ~~attorney~~ attorney, a tribal prosecutor for the Eastern Band of Cherokee Indians, or the Attorney General.
- (3) Health care providers or local management entity/managed care organizations providing medical or psychiatric care or services to the child, in the case of medical or mental health records.
- (4) The North Carolina Child Fatality Task Force.
- (5) As permitted under G.S. 7B-3100."

PART X. EFFECTIVE DATE

SECTION 10.1. Except as otherwise provided, this act is effective when it becomes law.