

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H

2

HOUSE BILL 537
Senate Judiciary Committee Substitute Adopted 6/17/25

Short Title: Alena's Law & Office of Vital Records Changes.

(Public)

Sponsors:

Referred to:

March 27, 2025

A BILL TO BE ENTITLED
AN ACT TO ALLOW FOR A PRESUMPTION OF DEATH IN INSTANCES WHERE THE
DISAPPEARANCE AND CONTINUED ABSENCE OF A PERSON COINCIDES WITH
A DISASTER DECLARATION AND TO PROMOTE GREATER EFFICIENCY IN THE
OFFICE OF VITAL RECORDS BY ESTABLISHING A DEADLINE FOR PROCESSING
BIRTH AND DEATH CERTIFICATE AMENDMENT REQUESTS AND BY
PROHIBITING OFFICE OF VITAL RECORDS EMPLOYEES FROM TELEWORKING,
EXCEPT AS NECESSARY DURING DECLARED EMERGENCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 28C-1 reads as rewritten:

"§ 28C-1. Death not presumed from seven years' absence; exposure to peril and certain presumptions to be considered.

(a) Death Not to Be Presumed from Mere Absence. – In any action under this Chapter, where the death of a person and the date thereof, or either, is in issue the fact that he has been absent from his place of residence, unheard of for seven years, or for any other period, creates no presumption requiring the judge or the jury to find that he is now deceased. The issue shall be decided by the judge as one of fact upon the evidence.

(b) Exposure to Specific Peril to Be Considered. – If during such absence the person has been exposed to a specific peril of death, this fact shall be considered by the judge; or if there be a jury, shall be sufficient evidence to be submitted to the jury.

(c) Federal Finding of Presumed Death. – A written finding of presumed death, as described in G.S. 8-37.1, shall be prima facie evidence to be considered by the judge; or if there be a jury, shall be sufficient evidence to be submitted to the jury.

(d) Disappearance Coincident to Disaster Declaration. – The disappearance and continued absence for at least 90 days of a person that coincides with a disaster declaration, as defined in G.S. 166A-19.3, or a federally declared disaster, shall create a rebuttable presumption of the death of a person."

SECTION 2. G.S. 28C-2 reads as rewritten:

"§ 28C-2. Action for receiver; contents of complaint; parties.

(a) Action for Receiver to Be Instituted in the Superior Court. – If any person having an interest in any property in this State disappears and is absent from ~~his~~that person's place of residence and after diligent inquiry his whereabouts remains unknown to those persons most likely to know the same, for a period of 30 days or more, anyone who would be entitled to administer the estate of such absentee if ~~he~~the person were deceased, or any interested person, may commence a civil action and file a duly verified complaint in the superior court of either the



1 county of such absentee's domicile, or the county where any of ~~his~~ the absentee's property is
2 situated.

3 (b) Contents of the Complaint. – The complaint shall contain the following:

4 (1) The name, age, occupation, and last known residence or address of such
5 ~~absentee;~~ absentee.

6 (2) The date and circumstances of ~~his~~ disappearance; the absentee's
7 disappearance.

8 (2a) If applicable, either of the following:

9 a. The existence of a written finding of presumed death, as described in
10 G.S. 8-37.1.

11 b. An averment of disappearance and continued absence for at least 90
12 days coincident to a disaster declaration under G.S. 166A-19.3 or a
13 federally declared disaster.

14 (3) So far as known, a schedule of all his property within this State, including
15 property in which ~~he~~ the absentee has an interest as tenant by the entirety, and
16 other property in which ~~he~~ the absentee is co-owner with or without the right
17 of ~~survivorship;~~ survivorship.

18 (4) The names and addresses of the person who would have an interest in the
19 estate of such absentee if ~~he~~ the absentee were ~~deceased;~~ deceased.

20 (5) The names and addresses of all persons known to the complainant to claim an
21 interest in the absentee's ~~property;~~ and property.

22 (6) A prayer, that ancillary to the principal action, a receiver be appointed by
23 virtue of the provisions of this Chapter to take custody and control of such
24 property of the absentee and to preserve and manage the same pending final
25 disposition of the action as provided in G.S. 28C-11.

26 (c) Parties to the Action. – The absentee, all persons who would have an interest in the
27 estate of such absentee if ~~he~~ the absentee were deceased, all persons known to claim an interest
28 in the absentee's property, and all known insurers of the life of the absentee shall be made parties
29 to the action. A guardian ad litem shall be appointed for the absentee, and shall file an answer in
30 ~~his~~ the absentee's behalf."

31 **SECTION 3.(a)** G.S. 130A-118 is amended by adding a new subsection to read:

32 "(a1) The Office of Vital Records and each local register of deeds office shall process each
33 request for amendment of a certificate of birth or death within 30 calendar days after the date the
34 office receives the appropriate completed application, any required proof, and payment of any
35 applicable fee for the amendment."

36 **SECTION 3.(b)** Subsection (a) of this section applies to birth and death certificate
37 amendment requests made on or after the effective date of this act.

38 **SECTION 4.(a)** Notwithstanding any policy implemented by the Office of State
39 Human Resources or the Department of Health and Human Services, or any provision of State
40 law to the contrary, employees of the Office of Vital Records are not permitted to telework if
41 doing so will adversely impact the time line provided in G.S. 130A-118(a1), unless telework is
42 determined to be necessary by the Secretary of the Department of Health and Human Services
43 during any period of time when there is a declared disaster or emergency pursuant to Chapter
44 166A of the General Statutes. As used in this section, the term "telework" means to use the
45 internet, email, or telephone to perform work duties at a location other than an assigned primary
46 workstation.

47 **SECTION 4.(b)** Subsection (a) of this section applies to all permanent and
48 temporary employees of the Office of Vital Records.

49 **SECTION 5.** This act is effective when it becomes law, and Sections 1 and 2 of this
50 act apply to complaints for actions for receiver filed on or after that date.