

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

SESSION LAW 2025-44
HOUSE BILL 537

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

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

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



- (2) The date and circumstances of ~~his disappearance;~~the absentee's disappearance.
- (2a) If applicable, either of the following:
 - a. The existence of a written finding of presumed death, as described in G.S. 8-37.1.
 - b. An averment of disappearance and continued absence for at least 90 days coincident to a disaster declaration under G.S. 166A-19.3 or a federally declared disaster.
- (3) So far as known, a schedule of all his property within this State, including property in which ~~he the absentee~~ has an interest as tenant by the entirety, and other property in which ~~he the absentee~~ is co-owner with or without the right of ~~survivorship;~~survivorship.
- (4) The names and addresses of the person who would have an interest in the estate of such absentee if ~~he the absentee~~ were ~~deceased;~~deceased.
- (5) The names and addresses of all persons known to the complainant to claim an interest in the absentee's ~~property; and~~property.
- (6) A prayer, that ancillary to the principal action, a receiver be appointed by virtue of the provisions of this Chapter to take custody and control of such property of the absentee and to preserve and manage the same pending final disposition of the action as provided in G.S. 28C-11.

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

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

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

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

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

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

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

In the General Assembly read three times and ratified this the 25th day of June, 2025.

s/ Rachel Hunt
President of the Senate

s/ Destin Hall
Speaker of the House of Representatives

s/ Josh Stein
Governor

Approved 10:19 a.m. this 1st day of July, 2025