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HOUSE BILL 612
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Senate Health Care Committee Substitute Adopted 6/5/25

Short Title: Fostering Care in NC Act.

(Public)

Sponsors:

Referred to:

April 1, 2025

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS AFFECTING JUVENILES AND ASSOCIATED SERVICES, COUNTY SOCIAL SERVICES BOARDS AND DEPARTMENTS, REGIONAL SOCIAL SERVICES BOARDS AND DEPARTMENTS, CONSOLIDATED HUMAN SERVICES BOARDS AND AGENCIES, AND THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO EXPAND GUARDIANSHIP ASSISTANCE PROGRAM ELIGIBILITY TO YOUTH TEN YEARS OF AGE, TO ALLOW A JUDGE TO ISSUE A PERMANENT NO CONTACT ORDER AGAINST A DEFENDANT CONVICTED OF CERTAIN VIOLENT OFFENSES AND TO PROVIDE THAT IT IS FELONY CHILD ABUSE FOR ANY PERSON PROVIDING CARE TO OR SUPERVISION OF A CHILD LESS THAN SIXTEEN YEARS OF AGE TO COMMIT OR ALLOW THE COMMISSION OF A SEXUAL ACT UPON THE CHILD, AND TO PROVIDE THAT COUNTIES AND CITIES REQUIRE CRIMINAL HISTORY RECORD CHECKS FOR APPLICANTS FOR EMPLOYMENT IF THE POSITION BEING FILLED REQUIRES THE APPLICANT TO WORK WITH CHILDREN IN ANY CAPACITY.

The General Assembly of North Carolina enacts:

PART I. CHILD WELFARE AND ADOPTION

SECTION 1.1. G.S. 7B-101 reads as rewritten:

"§ 7B-101. Definitions.

As used in this Subchapter, unless the context clearly requires otherwise, the following words have the listed meanings:

(1) Abused juveniles. – Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or unlawful sale, surrender, or purchase of a minor under G.S. 14-43.14 or (ii) whose parent, guardian, custodian, or caretaker:

...

d. Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile: ~~first degree forcible rape, as provided in G.S. 14-27.21; second degree forcible rape as provided in G.S. 14-27.22; statutory rape of a child by an adult as provided in G.S. 14-27.23; first degree statutory rape as provided in G.S. 14-27.24; first degree forcible sex offense as provided in~~



~~G.S. 14-27.26; second degree forcible sex offense as provided in G.S. 14-27.27; statutory sexual offense with a child by an adult as provided in G.S. 14-27.28; first degree statutory sexual offense as provided in G.S. 14-27.29; sexual activity by a substitute parent or custodian as provided in G.S. 14-27.31; sexual activity with a student as provided in G.S. 14-27.32; unlawful sale, surrender, or purchase of a minor, as provided in G.S. 14-43.14; a sexually violent offense as provided in G.S. 14-208.6(5); crime against nature, as provided in G.S. 14-177; incest, as provided in G.S. 14-178; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in G.S. 14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in G.S. 14-190.6; dissemination of obscene material to the juvenile as provided in G.S. 14-190.7 and G.S. 14-190.8; and displaying or disseminating material harmful to the juvenile as provided in G.S. 14-190.14 and G.S. 14-190.15; first and second degree sexual exploitation of the juvenile as provided in G.S. 14-190.16 and G.S. 14-190.17; promoting the prostitution of the juvenile as provided in G.S. 14-205.3(b); and taking indecent liberties with the juvenile, as provided in G.S. 14-202.1; G.S. 14-190.15.~~

...

(11a) Division. – The Division of Social Services of the Department of Health and Human Services.

~~(11a)~~(11b) Family assessment response. – A response to selected reports of child neglect and dependency as determined by the Director using a family-centered approach that is protection and prevention oriented and that evaluates the strengths and needs of the juvenile's family, as well as the condition of the juvenile.

~~(11b)~~(11c) Investigative assessment response. – A response to reports of child abuse and selected reports of child neglect and dependency as determined by the Director using a formal information gathering process to determine whether a juvenile is abused, neglected, or dependent.

...

(16a) Post-adoption contact agreement and order. – A voluntary mediated agreement that is approved by a district court judge and incorporated into a district court order under Article 9 of this Subchapter that allows specifically described post-adoption contact with a child, including visitation, sharing of information, and communication such as the exchange of letters, electronic communication, and telephone contact.

(17) Prosecutor. – The district attorney or assistant district attorney assigned by the district attorney to juvenile proceedings.

...."

SECTION 1.2.(a) G.S. 7B-201(a) reads as rewritten:

"(a) When the court obtains jurisdiction over a juvenile, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 18 years or is otherwise emancipated, or upon the juvenile's death, whichever occurs first."

SECTION 1.2.(b) This section is effective when it becomes law and applies to any action pending or filed on or after that date.

SECTION 1.3.(a) G.S. 7B-302 reads as rewritten:

"§ 7B-302. Assessment by director; military affiliation; access to confidential information; notification of person making the report.

1 (a) When a report of abuse, neglect, or dependency is received, the director of the
2 department of social services shall make a prompt and thorough assessment, using either a family
3 assessment response or an investigative assessment response, in order to ascertain the facts of the
4 case, including collecting information concerning the military affiliation of the parent, guardian,
5 custodian, or caretaker of the juvenile alleged to have been abused or neglected, the extent of the
6 abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective
7 services should be provided or the complaint filed as a petition. When the report alleges abuse,
8 the director shall immediately, but no later than 24 hours after receipt of the report, initiate the
9 assessment. When the report alleges neglect or dependency, the director shall initiate the
10 assessment within 72 hours following receipt of the report. When the report alleges abandonment
11 of a juvenile or unlawful transfer of custody under G.S. 14-321.2, the director shall immediately
12 initiate an assessment. When the report alleges abandonment, the director shall also take
13 appropriate steps to assume temporary custody of the juvenile, and take appropriate steps to
14 secure an order for nonsecure custody of the juvenile. The assessment and evaluation shall
15 include a visit to the place where the juvenile resides, except when the report alleges abuse or
16 neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes.
17 ~~When a report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter~~
18 ~~110 of the General Statutes, a visit to the place where the juvenile resides is not required.~~ When
19 the report alleges abandonment, the assessment shall include a request from the director to law
20 enforcement officials to investigate through the North Carolina Center for Missing Persons and
21 other national and State resources whether the juvenile is a missing child.

22 ...

23 (d1) Whenever a juvenile is removed from the home of a parent, guardian, custodian,
24 stepparent, or adult relative entrusted with the juvenile's care due to physical abuse, the director
25 shall conduct a thorough review of the background of the alleged abuser or abusers. This review
26 shall include a criminal history check and a review of any available mental health records. ~~If the~~
27 ~~review reveals that the alleged abuser or abusers have a history of violent behavior against people,~~
28 ~~the director shall petition the court to order the alleged abuser or abusers to submit to a complete~~
29 ~~mental health evaluation by a licensed psychologist or psychiatrist.~~

30 ...

31 (f) Within five working days after receipt of the report of abuse, neglect, or dependency,
32 the director shall give written notice to the person making the report, unless requested by that
33 person not to give notice, as to whether the report was accepted for ~~assessment~~ assessment, the
34 basis for that decision, and whether the report was referred to the appropriate State or local law
35 enforcement agency. In the event the director decides not to accept the report for an assessment,
36 the person making the report shall be informed in writing of the procedures necessary to request
37 a review by the Division of the director's decision. A request for review shall be made within five
38 working days of receipt of the written notification. The Division shall review the director's
39 decision within five working days of receiving a request for review and may affirm the decision
40 or direct the department to initiate an assessment of the report. Nothing in this section shall
41 prevent the person making the report from requesting a review by the director of the department
42 and from the director conducting such a review.

43 (g) Within five working days after completion of the protective services assessment, the
44 director shall give subsequent written notice to the person making the report, unless requested by
45 that person not to give notice, as to whether there is a finding of abuse, neglect, or dependency,
46 whether the county department of social services is taking action to protect the juvenile, and what
47 action it is taking, including whether or not a petition was filed. The person making the report
48 shall be informed of procedures necessary to request a review by the prosecutor or Division
49 of the director's decision not to file a petition. A request for review by the prosecutor or Division
50 shall be made within five working days of receipt of the second notification. The second
51 notification shall include notice that, if the person making the report is not satisfied with the

1 director's decision, the person may request review of the decision by the prosecutor or Division
2 within five working days of receipt. The person making the report may waive the person's right
3 to this notification, and no notification is required if the person making the report does not
4 identify himself to the director.

5"

6 **SECTION 1.3.(b)** G.S. 7B-303(c) reads as rewritten:

7 "(c) Upon filing of the petition, the court shall schedule a hearing to be held not less than
8 five days after service of the petition and summons on the respondent. Service of the petition and
9 summons and notice of hearing shall be made as provided by the Rules of Civil Procedure on the
10 respondent; the juvenile's parent, guardian, custodian, or caretaker; and any other person
11 determined by the court to be a necessary party. If at the hearing on the petition the court finds
12 by ~~clear, cogent, clear~~ and convincing evidence that the respondent, without lawful excuse, has
13 obstructed or interfered with an assessment required by G.S. 7B-302, the court may order the
14 respondent to cease such obstruction or interference. The burden of proof shall be on the
15 petitioner."

16 **SECTION 1.3.(c)** G.S. 7B-305 reads as rewritten:

17 "**§ 7B-305. Request for review by ~~prosecutor, prosecutor or Division.~~**

18 The person making the report shall have five working days, from receipt of the decision of
19 the director of the department of social services not to petition the court, to notify the prosecutor
20 or constituent concern line at the Division that the person is requesting a review. The prosecutor
21 or Division shall notify the person making the report and the director of the time and place for
22 the review, and the director shall immediately transmit to the prosecutor or Division a copy of a
23 summary of the assessment. Nothing precludes the person making a report from requesting a
24 review from both the prosecutor and the Division."

25 **SECTION 1.3.(d)** G.S. 7B-306 reads as rewritten:

26 "**§ 7B-306. Review by ~~prosecutor, prosecutor or Division.~~**

27 (a) Both the prosecutor and Division shall conduct a review when a request for review is
28 made to either or both agencies. Within two business days of receiving a request for review, the
29 prosecutor or Division that receives the request for review shall notify the other agency that a
30 request for review has been made. Each agency may conduct an independent or shared review
31 and may consult with one another as part of the review. The prosecutor or Division shall review
32 the director's determination that a petition should not be filed within 20 days after the person
33 making the report is notified. receipt of a request for review is made in accordance with
34 G.S. 7B-305. The review shall include conferences with the person making the report, the
35 protective services worker, the juvenile, if practicable, and other persons known to have pertinent
36 information about the juvenile or the juvenile's family.

37 (b) At the conclusion of the ~~conferences, review,~~ the prosecutor or Division may affirm
38 take any of the following actions:

39 (1) Affirm the decision made by the ~~director, may request director.~~

40 (2) Request the appropriate local law enforcement agency to investigate the
41 ~~allegations, or may direct allegations.~~

42 (3) Direct the director to file a petition. If either the prosecutor or Division directs
43 a petition be filed, the director shall file a petition. The Division may also
44 direct the director to take a specific action to provide protective services."

45 **SECTION 1.3.(e)** G.S. 7B-308(b) reads as rewritten:

46 "(b) Immediately upon receipt of judicial authority to retain custody, the physician, the
47 administrator, or that person's designee shall so notify the director of social services for the
48 county in which the facility is located. The director shall treat this notification as a report of
49 suspected abuse and shall immediately begin an assessment of the case.

50 (1) If the assessment reveals (i) that it is the opinion of the certifying physician
51 that the juvenile is in need of medical treatment to cure or alleviate physical

1 distress or to prevent the juvenile from suffering serious physical injury, and
2 (ii) that it is the opinion of the physician that the juvenile should for these
3 reasons remain in the custody of the facility for 12 hours, but (iii) that the
4 juvenile's parent, guardian, custodian, or caretaker cannot be reached or, upon
5 request, will not consent to the treatment within the facility, the director shall
6 within the initial 12-hour period file a juvenile petition alleging abuse and
7 setting forth supporting allegations and shall seek a nonsecure custody order.
8 A petition filed and a nonsecure custody order obtained in accordance with
9 this subdivision shall come on for hearing under the regular provisions of this
10 Subchapter unless the director and the certifying physician together
11 voluntarily dismiss the petition.

- 12 (2) In all cases except those described in subdivision (1) above, the director shall
13 conduct the assessment and may initiate juvenile proceedings and take all
14 other steps authorized by the regular provisions of this Subchapter. If the
15 director decides not to file a petition, the physician, the administrator, or that
16 person's designee may ask the prosecutor or Division to review this decision
17 according to the provisions of G.S. 7B-305 and G.S. 7B-306."

18 **SECTION 1.3.(f)** G.S. 7B-403(b) reads as rewritten:

19 "(b) A decision of the director of social services not to file a report as a petition shall be
20 reviewed by the prosecutor or Division if review is requested pursuant to G.S. 7B-305."

21 **SECTION 1.3.(g)** G.S. 7B-503(b) reads as rewritten:

22 "~~(b) Whenever a petition is filed under G.S. 7B-302(d1), the court shall rule on the petition
23 prior to returning the child to a home where the alleged abuser or abusers are or have been present.
24 If the court finds that the alleged abuser or abusers have a history of violent behavior against
25 people, the court shall order the alleged abuser or abusers to submit to a complete mental health
26 evaluation by a licensed psychologist or psychiatrist. The court may order the alleged abuser or
27 abusers to pay the cost of any mental health evaluation required under this section.~~"

28 **SECTION 1.3.(h)** This section is effective October 1, 2025, and applies to any action
29 filed on or after that date.

30 **SECTION 1.4.(a)** Article 3 of Subchapter I of Chapter 7B of the General Statutes is
31 amended by adding a new section to read:

32 "**§ 7B-302.1. Conflicts of interest.**

33 (a) A conflict of interest shall exist when the reported abuse, neglect, or dependency
34 involves any of the following:

- 35 (1) An employee of the county department of social services.
36 (2) A relative of an employee of the child welfare division of the county
37 department of social services.
38 (3) A relative of an employee of the county department of social services outside
39 of the child welfare division when, in the professional judgment of the
40 director, the county department of social services has a conflict of interest.
41 (4) A foster parent supervised by the county department of social services.
42 (5) The county manager, an assistant county manager, a member of the Board of
43 County Commissioners, or a member of the county's governing board for
44 social services, as defined in G.S. 108A-1.
45 (6) A caretaker in a sole-source contract group home.
46 (7) A juvenile's parent, guardian, custodian, or caretaker who has been
47 determined to be an incompetent adult and subject to guardianship under
48 Chapter 35A of the General Statutes and is a ward, as defined in
49 G.S. 35A-1101, of that county department of social services.
50 (8) A juvenile in the custody of the department who is also a parent or caretaker.

1 (9) A juvenile who is subject to a new report of abuse or neglect arising from
2 events that occurred while in the custody of the department.

3 (10) A perceived conflict of interest that is identified through the professional
4 judgment of the director of the county department of social services.

5 (b) The director of the county department of social services that receives the report where
6 the conflict exists shall request that another county department conduct the assessment. The
7 director shall notify the Division of the conflict of interest and the county that accepted the report
8 for assessment.

9 (c) If the director makes requests of two or more other counties, and if no other county is
10 willing or able to accept the case for assessment, then the county director where the conflict exists
11 shall notify the Division. The Division shall evaluate the conflict and make the following
12 determinations:

13 (1) The Division shall evaluate the conflict and determine whether the county
14 with the conflict is able to manage the case by implementing measures to
15 sufficiently obviate the conflict.

16 (2) If the Division determines the conflict cannot be managed in the county that
17 receives the report, the Division shall appoint another county department that
18 shall assume management of the case. The county with the conflict of interest
19 bears the financial responsibility of the case unless otherwise agreed upon by
20 the counties involved in the conflict of interest.

21 (d) The county department of social services with the conflict of interest shall inform, in
22 writing, the parent, guardian, custodian, or caretaker of the conflict and the county that assumes
23 the management of the case. The written notice shall include the contact information for the
24 constituent concern line at the Division.

25 (e) If the county department of social services has a conflict of interest at the time of the
26 report or any time while managing the case and the county department of social services does not
27 refer the case to another county, a parent, guardian, custodian, caretaker, juvenile, or their
28 representative may seek to have the case transferred to another county by contacting the
29 constituent concern line at the Division, and the Division shall apply this section."

30 **SECTION 1.4.(b)** G.S. 7B-400(c) reads as rewritten:

31 "(c) For good cause, the court may grant a motion for a change of venue before
32 adjudication. A pre-adjudication change of venue shall not affect the identity of the
33 petitioner. ~~petitioner~~, unless a conflict of interest arising under G.S. 7B-302.1 necessitates a
34 substitution of parties."

35 **SECTION 1.5.** G.S. 7B-401.1 reads as rewritten:

36 "**§ 7B-401.1. Parties.**

37 ...

38 ~~(e1) Foster Parent.—A foster parent as defined in G.S. 131D-10.2(9a) providing foster~~
39 ~~care for the juvenile is not a party to the case and may be allowed to intervene only if the foster~~
40 ~~parent has authority to file a petition to terminate the parental rights of the juvenile's parents~~
41 ~~pursuant to G.S. 7B-1103.~~

42 ...

43 (g) Removal of a Party. – ~~If After an adjudication, if a guardian, custodian, or caretaker~~
44 ~~is a party, the court may discharge that person from the proceeding, making the person no longer~~
45 ~~a party, if the court finds that the person does not have legal rights that may be affected by the~~
46 ~~action and that the person's continuation as a party is not necessary to meet the juvenile's~~
47 ~~needs, needs and that removal of the person as a party is in the best interests of the juvenile.~~

48 (h) Intervention. – Except as provided in G.S. 7B-1103(b) and ~~subsections (e1) and~~
49 ~~subsection (e2) of this section, the court shall not allow intervention by a person who is not the~~
50 ~~juvenile's parent, guardian, or custodian, but custodian. The court may allow intervention by (i)~~
51 ~~a current caretaker or current foster parent, as defined in G.S. 131D-10.2(9a), providing care for~~

1 the juvenile only if the current caretaker or current foster parent has authority to file a petition to
2 terminate the parental rights of the juvenile's parents under G.S. 7B-1103, or (ii) another county
3 department of social services that has an interest in the proceeding. This section shall not prohibit
4 the court from consolidating a juvenile proceeding with a civil action or claim for custody
5 pursuant to G.S. 7B-200.

6"

7 **SECTION 1.6.(a)** G.S. 7B-502 reads as rewritten:

8 "**§ 7B-502. Authority to issue custody orders; delegation.**

9 ...

10 (b) Any district court judge shall have the authority to issue nonsecure custody orders
11 pursuant to ~~G.S. 7B-503~~ G.S. 7B-503, once the action is commenced with the filing of a juvenile
12 petition under G.S. 7B-405. The chief district court judge may delegate the court's authority to
13 ~~persons other than district court judges~~ any magistrate by administrative order which shall be
14 filed in the office of the clerk of superior court. ~~The administrative order shall specify which~~
15 ~~persons shall be contacted for approval of a nonsecure custody order pursuant to~~
16 ~~G.S. 7B-503.~~ Each county shall have available at all times a judge or delegated magistrate with
17 whom the department may request nonsecure custody of a juvenile or juveniles."

18 **SECTION 1.6.(b)** G.S. 7B-506 reads as rewritten:

19 "**§ 7B-506. Hearing to determine need for continued nonsecure custody.**

20 (a) No juvenile shall be held under a nonsecure custody order for more than seven
21 calendar days without a hearing on the merits or a hearing to determine the need for continued
22 custody. A hearing on nonsecure custody conducted under this subsection may be continued for
23 up to 10 business days with the consent of the juvenile's parent, guardian, custodian, or caretaker
24 and, if appointed, the juvenile's guardian ad litem. In addition, the court may require the consent
25 of additional parties or may schedule the hearing on custody despite a party's consent to a
26 continuance. In every case in which an order has been entered by ~~an official~~ a magistrate
27 exercising authority delegated pursuant to G.S. 7B-502, a hearing to determine the need for
28 continued custody shall be conducted on the day of the next regularly scheduled session of district
29 court in the city or county where the order was entered if such session precedes the expiration of
30 the applicable time period set forth in this subsection: Provided, that if such session does not
31 precede the expiration of the time period, the hearing may be conducted at another regularly
32 scheduled session of district court in the district where the order was entered.

33"

34 **SECTION 1.6.(c)** G.S. 7B-404 reads as rewritten:

35 "**§ 7B-404. Immediate need for petition when clerk's office is closed.**

36 (a) When the office of the clerk is closed, a magistrate shall accept for filing the
37 following:

- 38 (1) A petition alleging a juvenile to be abused, neglected, or dependent.
39 (2) A petition alleging the obstruction of or interference with an assessment
40 required by G.S. 7B-302.

41 (b) The authority of the magistrate under this section is limited to emergency situations
42 when a petition must be filed to obtain a nonsecure custody order or an order under G.S. 7B-303.
43 Any nonsecure custody order or order under G.S. 7B-303 that is approved pursuant to
44 G.S. 7B-502 when the office of the clerk is closed shall be effective and enforceable after the
45 order is signed by a judicial official. Any petition accepted for filing under this section shall be
46 delivered to the clerk's office for processing as soon as that office is open for business."

47 **SECTION 1.7.** G.S. 7B-508 reads as rewritten:

48 "**§ 7B-508. Telephonic communication authorized.**

49 All communications, notices, orders, authorizations, and requests authorized or required by
50 G.S. 7B-501, 7B-503, and 7B-504 may be made by telephone when other means of
51 communication are impractical. A copy of the petition shall be provided to the judge or magistrate

1 who is delegated authority by G.S. 7B-502 by any appropriate secure method, including hand
2 delivery, fax, or encrypted electronic means, or through the court's electronic filing system. All
3 written orders pursuant to telephonic communication shall bear the name and the title of the
4 person communicating by telephone, requesting and receiving telephonic approval, the name and
5 title of the judge or magistrate approving the initial nonsecure custody order, the signature and
6 the title of the official entering the order, clerk or magistrate who accepted the petition for filing,
7 and the hour and the date of the authorization."

8 **SECTION 1.8.** G.S. 7B-600 reads as rewritten:

9 **"§ 7B-600. Appointment of guardian.**

10 ...

11 (b) In any case where the court has determined that the appointment of a relative or other
12 suitable person as guardian of the person for a juvenile is the permanent plan for the juvenile and
13 appoints a guardian under this section, the guardian becomes a party to the proceeding. The court
14 may appoint co-guardians of the juvenile. The court may terminate the permanent guardianship
15 only if (i) the court finds that the relationship between the guardian and the juvenile is no longer
16 in the juvenile's best interest, (ii) the guardian is unfit, (iii) the guardian has neglected a guardian's
17 duties, ~~or~~(iv) the guardian is unwilling or unable to continue assuming a guardian's ~~duties.~~duties,
18 or (v) the circumstances of subsection (b2) of this section apply.

19 ...

20 (b2) When co-guardians have been appointed as the permanent plan for the juvenile and
21 the relationship between the permanent co-guardians dissolves, any party may file a motion under
22 G.S. 7B-906.1. The court shall consider the needs of the juvenile and enter an order addressing
23 the guardianship and whether the guardianship is in the best interest of the juvenile. The court
24 may maintain the juvenile's placement under review or order any disposition authorized by
25 G.S. 7B-903. The court may terminate the permanent guardianship of both or one of the
26 co-guardians based on the dissolution of the relationship of the co-guardians and the best interest
27 of the juvenile. The court may maintain the co-guardianship and modify the order to address
28 physical and legal custody of the juvenile, including placement, visitation, and decision making
29 between the co-guardians. The court shall consider whether custody rather than guardianship is
30 in the juvenile's best interests and, if so, enter an order pursuant to G.S. 7B-911.

31"

32 **SECTION 1.9.** G.S. 7B-602 reads as rewritten:

33 **"§ 7B-602. Parent's right to counsel; guardian ad litem.**

34 ...

35 (b) ~~In addition to the right to appointed counsel set forth above, The appointment of a~~
36 ~~guardian ad litem shall be appointed in accordance with the provisions of G.S. 1A-1, Rule 17, to~~
37 ~~represent a~~ under this section for any parent who is under the age of 18 years and who is not
38 ~~married or otherwise emancipated. The appointment of a guardian ad litem under this subsection~~
39 shall not affect the minor parent's entitlement to a guardian ad litem pursuant to G.S. 7B-601 in
40 the event that the minor parent is the subject of a separate juvenile petition.

41 (c) On motion of any party or on the court's own motion, the court may appoint a guardian
42 ad litem for a parent who is incompetent in accordance with G.S. 1A-1, Rule 17. For a minor
43 parent, a G.S. 1A-1, Rule 17 guardian ad litem may be appointed when the parent is incompetent
44 but shall not be appointed based solely on the parent being under the age of 18.

45"

46 **SECTION 1.10.(a)** G.S. 7B-101 is amended by adding a new subdivision to read:

47 "(14a) Legal counsel for the department. – An attorney representing the department
48 in proceedings under this Subchapter, regardless of whether the attorney is a
49 county attorney, department attorney, or contract attorney."

50 **SECTION 1.10.(b)** Article 6 of Subchapter I of Chapter 7B of the General Statutes
51 is amended by adding a new section to read:

1 **"§ 7B-604. Legal counsel for department.**

2 (a) The county department of social services shall be represented by legal counsel for the
3 department in proceedings governed by this Subchapter.

4 (b) Prior to representing the county department of social services in proceedings
5 governed by this Subchapter, legal counsel for the department shall complete a minimum of six
6 hours of training addressing State and federal child welfare law and procedures.

7 (c) The Division in consultation with (i) representatives of county directors and (ii) legal
8 counsel for the department who are department attorneys shall establish ongoing training and
9 practice standards that apply to legal counsel for the department."

10 **SECTION 1.10.(c)** G.S. 7B-302(c) reads as rewritten:

11 "(c) If the assessment indicates that abuse, neglect, or dependency has occurred, the
12 director shall decide whether immediate removal of the juvenile or any other juveniles in the
13 home is necessary for their protection. If immediate removal does not seem necessary, the
14 director shall immediately provide or arrange for protective services. If the parent, guardian,
15 custodian, or caretaker refuses to accept the protective services provided or arranged by the
16 director, the director shall sign a petition ~~seeking and if the legal counsel for the department has~~
17 not also signed the petition, the director shall attest that the petition has been reviewed by the
18 legal counsel for the department. The petition shall allege the applicable facts to invoke the
19 jurisdiction of the court for the protection of the juvenile or juveniles."

20 **SECTION 1.10.(d)** G.S. 7B-302(d) reads as rewritten:

21 "(d) If immediate removal seems necessary for the protection of the juvenile or other
22 juveniles in the home, the director shall sign a petition ~~that alleges and if the legal counsel for the~~
23 department has not also signed the petition, the director shall attest that the petition has been
24 reviewed by the legal counsel for the department. The petition shall allege the applicable facts to
25 invoke the jurisdiction of the court. Where the assessment shows that it is warranted, a protective
26 services worker may assume temporary custody of the juvenile for the juvenile's protection
27 pursuant to Article 5 of this Chapter."

28 **SECTION 1.10.(e)** G.S. 7B-303(a) reads as rewritten:

29 "(a) If any person obstructs or interferes with an assessment required by G.S. 7B-302, the
30 director may sign and file a petition naming that person as respondent and requesting an order
31 directing the respondent to cease the obstruction or interference. The petition shall contain the
32 name and date of birth and address of the juvenile who is the subject of the assessment; shall
33 include a concise statement of the basis for initiating the assessment, shall specifically describe
34 the conduct alleged to constitute obstruction of or interference with the assessment; and shall be
35 verified. If the legal counsel for the department has not also signed the petition, the director shall
36 attest that the petition has been reviewed by the legal counsel for the department."

37 **SECTION 1.10.(f)** G.S. 7B-403(a) reads as rewritten:

38 "(a) All reports concerning a juvenile alleged to be abused, neglected, or dependent shall
39 be referred to the director of the department of social services for screening. Thereafter, if it is
40 determined by the director that a report should be filed as a petition, the petition shall be ~~drawn~~
41 drafted or reviewed by the director, legal counsel for the department, signed by the director, and
42 verified before an official authorized to administer oaths, and filed by the clerk, recording the
43 date of filing. If the legal counsel for the department has not also signed the petition, the director
44 shall attest that the petition has been reviewed by the legal counsel for the department."

45 **SECTION 1.10.(g)** This section is effective on April 1, 2026.

46 **SECTION 1.11.(a)** G.S. 7B-903.1 reads as rewritten:

47 **"§ 7B-903.1. Juvenile placed in custody of a department of social services.**

48 ...

49 (c) If a juvenile is removed from the home and placed in the custody or placement
50 responsibility of a county department of social services, the director shall not allow unsupervised
51 visitation with or return physical custody of the juvenile to the parent, guardian, custodian, or

1 caretaker from whom the juvenile was removed without a hearing at which the court finds that
 2 the juvenile will receive proper care and supervision in a safe home. hearing. Before a county
 3 department of social services may recommend unsupervised visits or return of physical custody
 4 of the ~~juvenile~~ juvenile, whichever occurs first, to the parent, guardian, custodian, or caretaker
 5 from whom the juvenile was removed, a county department of social services shall first observe
 6 that parent, guardian, custodian, or caretaker with the juvenile for at least two visits that support
 7 the recommendation. Each observation visit shall consist of an observation of not less than one
 8 hour with the juvenile, shall be conducted at least seven days apart, and shall occur within 30
 9 days of the hearing at which the department of social services makes the recommendation. A
 10 department of social services shall provide documentation of any observation visits that it
 11 conducts ~~to the court for its~~ at the hearing for the court's consideration as to whether unsupervised
 12 visits or physical custody, whichever occurs first, should be granted to the parent,
 13 guardian, custodian, or caretaker from whom the juvenile was removed. Before custody of the
 14 juvenile can be returned to the parent, guardian, custodian, or caretaker from whom the juvenile
 15 was removed, the court must find that the juvenile will receive proper care and supervision in a
 16 safe home. Before unsupervised visitation between the parent, guardian, custodian, or caretaker
 17 from whom the juvenile was removed and the juvenile can occur, the court must find that the
 18 unsupervised visits are in the best interest of the juvenile.

19"

20 **SECTION 1.11.(b)** G.S. 7B-903 reads as rewritten:

21 "**§ 7B-903. Dispositional alternatives for abused, neglected, or dependent juvenile.**

22 (a) The following alternatives for disposition shall be available to any court exercising
 23 jurisdiction, and the court may combine any of the applicable alternatives when the court finds
 24 the disposition to be in the best interests of the juvenile:

25 ...

26 (6) Place the juvenile in the custody of the department of social services in the
 27 county of the juvenile's residence. In the case of a juvenile who has legal
 28 residence outside the State, the court may place the juvenile in the physical
 29 custody of the department of social services in the county where the juvenile
 30 is found so that agency may return the juvenile to the responsible authorities
 31 in the juvenile's home state. The department is authorized to place the juvenile
 32 in any of the following:

- 33 a. A licensed foster home or home otherwise authorized by law to
 34 provide such care.
- 35 b. A facility operated by the department of social services.
- 36 c. A facility licensed to provide care to juveniles.
- 37 d. Any other home approved by the department, including the home of a
 38 relative, nonrelative kin, or other person with legal custody of a sibling
 39 of the juvenile.

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

43"

44 **SECTION 1.11.(c)** G.S. 7B-505 reads as rewritten:

45 "**§ 7B-505. Placement while in nonsecure custody.**

46 (a) A juvenile meeting the criteria set out in G.S. 7B-503 may be placed in nonsecure
 47 custody with the department of social services or a person designated in the ~~order~~ order, including
 48 the parent from whom the juvenile was not removed. The department with placement
 49 responsibility is authorized to place the juvenile for temporary residential placement in any of
 50 the following:

- 1 (1) A licensed foster home or a home otherwise authorized by law to provide such
2 care.
- 3 (2) A facility operated by the department of social services.
- 4 (2a) A facility licensed to provide care to juveniles.
- 5 (3) Any other home or facility, including the home of a parent, relative,
6 nonrelative kin, or other person with legal custody of a sibling of the juvenile,
7 approved by the court and designated in the order.

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

11"

12 **SECTION 1.11.(d)** This section is effective when it becomes law and applies to any
13 action pending or filed on or after that date.

14 **SECTION 1.12.(a)** G.S. 7B-903.2 reads as rewritten:

15 "**§ 7B-903.2. Emergency motion for placement and payment.**

16 (a) If the requirements of G.S. 122C-142.2(b) through ~~(f)-(f1)~~ are not satisfied, a party to
17 the juvenile case, ~~the Department of Health and Human Services,~~ the hospital where the juvenile
18 is currently located, the local management entity/managed care organization, or the prepaid
19 health plan may make a limited appearance for the sole purpose of filing a motion in the district
20 court in the county with jurisdiction over the juvenile in the abuse, neglect, and dependency
21 matter regarding the juvenile's continued stay in ~~an emergency department or subsequent~~
22 ~~admission at the hospital.~~

23 (b) The motion shall contain a specific description of the requirements of
24 G.S. 122C-142.2(b) through ~~(f)-(f1)~~ which were not satisfied.

25 (b1) Information regarding any failure of a hospital to reasonably cooperate in providing
26 access to the juvenile under G.S. 122C-142.2 may be provided to the court as evidence in a
27 hearing on a motion made under this section of a defense for the alleged violation by the county
28 department or local management entity/managed care organization or prepaid health plan.

29 (c) The motion shall be served on all parties to the juvenile proceeding pursuant to
30 G.S. 1A-1, Rule 5. The motion shall also be served upon the hospital where the juvenile is
31 receiving services, the local management entity/managed care organization or prepaid health plan
32 for the juvenile, and ~~the Department of Health and Human Services, Division,~~ in accordance with
33 G.S. 1A-1, Rule 4. The hospital, hospital and the local management entity/managed care
34 organization or prepaid health plan for the juvenile, and the Department of Health and Human
35 Services, upon service of the motion, shall automatically become a party to the juvenile
36 proceeding for the limited purpose of participating in hearings held in relation to and for
37 complying with orders entered by the court pursuant to this section. The Division, as supervising
38 principal of the local county department of social services, shall be provided the opportunity to
39 be heard in any hearing on any motion filed under this subsection.

40 ...

41 ~~The~~ Within 10 business days of when the motion is served or the next scheduled
42 juvenile court session, whichever occurs later, the motion shall be heard in the district court with
43 jurisdiction over the juvenile in the abuse, neglect, and dependency matter. The rules of evidence
44 in civil cases shall apply. Any person or party served with notice of the motion pursuant to
45 subsection (b) of this section may request to be heard by the court and present evidence. The
46 hearing shall be conducted in accordance with G.S. 7B-801.

47 (f) The court shall make written findings of fact and conclusions of law, including
48 whether:

- 49 (1) The movant established by clear and convincing evidence that ~~there is no~~
50 ~~medical necessity for the juvenile to remain in the hospital.~~ the juvenile met
51 hospital discharge criteria.

1 (2) The responsible party has not satisfied the requirements of
 2 G.S. 122C-142.2(b) through ~~(f)-(f1)~~.

3 (g) When the court finds that there is clear and convincing evidence that ~~there is no~~
 4 ~~medical necessity for the juvenile to remain in the hospital~~ the juvenile has met hospital discharge
 5 criteria and that the responsible party has not satisfied the requirements of G.S. 122C-142.2(b)
 6 through ~~(f)-(f1)~~, the court may order any of the following:

7 (1) That the responsible party pay reasonable hospital charges of the juvenile's
 8 continued ~~admission~~ stay at the hospital. The reasonable charges shall be
 9 limited to those incurred after the date ~~it was no longer medically necessary~~
 10 ~~for the juvenile to remain in the hospital~~ the juvenile met hospital discharge
 11 criteria.

12 (2) That the responsible party pay for any damage to property caused by the
 13 juvenile incurred after the date ~~it was no longer medically necessary for the~~
 14 ~~juvenile to remain in the hospital~~ the juvenile met hospital discharge criteria.

15 (3) That the responsible party satisfy the requirements of G.S. 122C-142.2(b)
 16 through ~~(f)-(f1)~~.

17 (4) Any relief the court finds appropriate.

18 (h) The order shall be reduced to writing, signed, and entered no later than 72 hours
 19 following the completion of the hearing. The clerk of court for juvenile matters shall schedule a
 20 subsequent hearing for review within 30 days of entry of the order.

21 (i) If at any time after the motion is filed, the juvenile is discharged from the hospital and
 22 placed by the director, the court shall dismiss the motion. The dismissal shall not preclude a
 23 separate cause of action for monetary damages.

24 (j) All parties to the hearing shall bear their own costs."

25 **SECTION 1.12.(b)** This section is effective when it becomes law and applies to any
 26 action pending or filed on or after that date.

27 **SECTION 1.13.(a)** G.S. 7B-906.1 reads as rewritten:

28 "**§ 7B-906.1. Review and permanency planning hearings.**

29 (a) The court shall conduct a review or permanency planning hearing within 90 days from
 30 the date of the initial dispositional hearing held pursuant to G.S. 7B-901. Review or permanency
 31 planning hearings shall be held at least every six months thereafter. If custody has not been
 32 removed from a parent, guardian, ~~caretaker~~, or ~~eustodian~~, custodian at initial disposition, the
 33 hearing shall be designated as a review hearing. If custody has been removed from a parent,
 34 guardian, or ~~eustodian~~, custodian at initial disposition, the hearing shall be designated as a
 35 permanency planning hearing.

36 ...
 37 (d) At each hearing, the court shall consider the following criteria and make written
 38 findings regarding those that are relevant:

39 ...
 40 (1a) Reports on the juvenile's continuation in the home of the parent, guardian, or
 41 custodian; and the appropriateness of the juvenile's continuation in that home.
 42 If the juvenile is removed from the custody of a parent, guardian, or custodian
 43 at a review hearing, the court shall schedule a permanency planning hearing
 44 within 30 days of the ~~review~~, ~~unless the hearing was noticed and heard as a~~
 45 ~~permanency planning hearing~~ review.

46 ...
 47 (d1) At any review hearing, the court may maintain the juvenile's placement under review
 48 or order a different placement, appoint an individual guardian of the person pursuant to
 49 G.S. 7B-600, or order any disposition authorized by G.S. 7B-903, including the authority to place
 50 the child in the custody of either parent or any relative found by the court to be suitable and found
 51 by the court to be in the best interests of the juvenile. An order that removes the juvenile from a

1 parent, guardian, or custodian shall only be made if the court finds that after the completion of
2 the initial disposition or the prior review hearing either of the following:

3 (1) At least one factor under G.S. 7B-503(a)(1) through (a)(4) has occurred, or at
4 least one factor specified in G.S. 7B-901(c) has occurred and the juvenile has
5 experienced or is at substantial risk of experiencing physical or emotional
6 harm as a result.

7 (2) The parent, guardian, or custodian consents to the order of removal.

8 (d2) The purpose of review hearings is to review the progress of the parent, guardian, or
9 custodian with their court-ordered services. The parent, guardian, or custodian shall (i) complete
10 court-ordered services within 12 months from the date of the filing of the petition, (ii)
11 demonstrate that the circumstances precipitating the department's involvement with the family
12 have been resolved to the satisfaction of the court, and (iii) provide a safe home for the juvenile.
13 Absent extraordinary circumstances, when the parent, guardian, or custodian has successfully
14 completed the court-ordered services and the juvenile is residing in a safe home, the court ~~may~~
15 ~~waive further review hearings or shall~~ terminate its jurisdiction in accordance with this subsection
16 or G.S. 7B-911.

17 ...

18 (i) ~~The~~ At any permanency planning hearing, the court may maintain the juvenile's
19 placement under review or order a different placement, appoint a guardian of the person for the
20 juvenile pursuant to G.S. 7B-600, or order any disposition authorized by G.S. 7B-903, including
21 the authority to place the child in the custody of either parent or any relative found by the court
22 to be suitable and found by the court to be in the best interests of the juvenile.

23 ...

24 (k) If at any time a juvenile has been removed from a parent and legal custody is awarded
25 to either parent or findings are made in accordance with subsection (n) of this section, the court
26 shall be relieved of the duty to conduct ~~periodic judicial reviews of the placement-permanency~~
27 planning hearings. The court shall not refuse to conduct a permanency planning hearing if a party
28 files a motion seeking the hearing.

29 (k1) The court shall not ~~waive or~~ refuse to conduct a review hearing if a party files a motion
30 seeking the review ~~hearing and alleges a significant fact~~ hearing.

31 (l) If the court ~~orders or~~ continues the juvenile's placement in the custody or placement
32 responsibility of a county department of social services, the provisions of G.S. 7B-903.1 shall
33 apply to any order entered under this section.

34 ...

35 (n) Notwithstanding other provisions of this Article, the court may waive the holding of
36 permanency planning hearings required by this section, may require written reports to the court
37 by the agency or person holding custody in lieu of permanency planning hearings, or order that
38 permanency planning hearings be held less often than every six months if the court finds by ~~clear,~~
39 e~~o~~gent, ~~clear~~ and convincing evidence each of the following:

40 (1) The juvenile has resided in the placement for a period of at least one year or
41 ~~the juvenile has resided in the placement for at least six consecutive months~~
42 the parties are in agreement and the court enters a consent order pursuant to
43 G.S. 7B-801(b1).

44 (2) The placement is stable and continuation of the placement is in the juvenile's
45 best interests.

46 (3) Neither the juvenile's best interests nor the rights of any party require that
47 permanency planning hearings be held every six months.

48 (4) All parties are aware that the matter may be brought before the court for
49 review at any time by the filing of a permanency planning or modification
50 motion ~~for review~~ or on the court's own motion.

- 1 (5) The court order has designated the relative or other suitable person as the
2 juvenile's permanent custodian or guardian of the person.

3 The court may not waive or refuse to conduct a hearing if a party files a motion seeking the
4 hearing. However, if a guardian of the person has been appointed for the juvenile and the court
5 has also made findings in accordance with subsection (n) of this section that guardianship is the
6 permanent plan for the juvenile, the court shall ~~proceed in accordance with~~ apply the criteria of
7 G.S. 7B-600(b).

8 (o) Permanency planning hearings under this section shall be replaced by post
9 termination of parental rights' placement review hearings when required by G.S. 7B-908."

10 **SECTION 1.13.(b)** G.S. 7B-906.2 reads as rewritten:

11 "**§ 7B-906.2. Permanent plans; concurrent planning.**

12 (a) At any permanency planning hearing pursuant to G.S. 7B-906.1, the court shall adopt
13 one or more of the following permanent plans the court finds is in the juvenile's best interest:

- 14 (1) Reunification as defined by G.S. 7B-101.
15 (2) Adoption under Article 3 of Chapter 48 of the General Statutes.
16 (3) Guardianship pursuant to G.S. 7B-600(b).
17 (4) Custody to a relative or other suitable person.
18 (5) Another Planned Permanent Living Arrangement (APPLA) pursuant to
19 G.S. 7B-912.
20 (6) Reinstatement of parental rights pursuant to G.S. 7B-1114.

21 (a1) Concurrent planning shall continue until (i) a permanent plan is or has been
22 achieved ~~achieved~~ or (ii) reunification is not identified as a permanent plan as provided for in
23 subsection (b) of this section.

24 (b) At any permanency planning ~~hearing,~~ hearing where the court is ordering
25 reunification as a permanent plan, the court shall adopt concurrent permanent plans and shall
26 identify the primary plan and secondary plan. Reunification shall be a primary or secondary plan
27 unless the court relieved the department of making reunification efforts at initial disposition
28 under G.S. 7B-901(c), previously made written findings under G.S. 7B-901(e) or
29 G.S. 7B-906.1(d)(3), the permanent plan is or has been achieved in accordance with subsection
30 (a1) of this section, achieved, or the court makes written findings that reunification efforts clearly
31 would be unsuccessful or would be inconsistent with the juvenile's health or safety. The finding
32 that reunification efforts clearly would be unsuccessful or inconsistent with the juvenile's health
33 or safety may be made at any permanency planning hearing, and if made, shall eliminate
34 reunification as a plan. When reunification has been eliminated as a permanent plan, concurrent
35 planning is not required. Unless permanence has been achieved, the court shall order the county
36 department of social services to make efforts toward finalizing the primary and secondary
37 permanent plans and may specify efforts that are reasonable to timely achieve permanence for
38 the juvenile.

39 (b1) When a juvenile is not being reunified with a parent, guardian, or custodian, prior to
40 any change in placement for the juvenile, the department shall file a motion before the court and
41 request that a hearing be held within 30 days when all of the following criteria exist:

- 42 (1) The juvenile is in the custody of a county department of social services.
43 (2) The juvenile has resided with the caretaker for the preceding 12 consecutive
44 months, and the caretaker objects to the removal.
45 (3) The current caretaker is one of the following individuals:
46 a. A relative caretaker.
47 b. A nonrelative caretaker, and there are no relatives who are willing and
48 able to provide proper care and supervision of the juvenile in a safe
49 home.
50 (4) The court-ordered primary or secondary permanent plan is adoption.

1 (5) The current caretaker objects to the removal and has notified the department
2 of their desire to adopt the juvenile.

3 The clerk shall give notice of the hearing to the parties, the parties' attorneys, and the current
4 caretaker. The department of social services shall either provide to the clerk the name and address
5 of the juvenile's current caretaker for notice under this subsection or file written documentation
6 with the clerk that the juvenile's current caretaker was sent notice of hearing. The court shall
7 provide the current caretaker the opportunity to address the court, present evidence,
8 cross-examine witnesses, and be represented by an attorney at the caretaker's own expense.
9 Nothing in this subsection shall be construed to make the current caretaker a party to the
10 proceeding. The court may consider any evidence, including hearsay evidence as defined in
11 G.S. 8C-1, Rule 801, or testimony or evidence from any person that is not a party, that the court
12 finds to be relevant, reliable, and necessary to determine the needs of the juvenile. At the hearing
13 to review the change of placement, the court shall determine whether it is in the best interests of
14 the juvenile to be removed. This subsection shall not apply to cases when there are allegations of
15 abuse or neglect of the juvenile while under the care and supervision of the current caretaker.

16 (c) Unless reunification efforts were previously ceased, at each permanency planning
17 hearing the court shall make a finding about whether the reunification efforts of the county
18 department of social services were reasonable. In every subsequent permanency planning hearing
19 held pursuant to G.S. 7B-906.1, the court shall make written findings about the efforts the county
20 department of social services has made toward the primary permanent plan and any secondary
21 permanent plans in effect prior to the hearing. The court shall make a conclusion about whether
22 efforts to finalize the permanent plan were reasonable to timely achieve permanence for the
23 juvenile.

24 ~~(d) At any permanency planning hearing under subsections (b) and (c) of this section, the~~
25 ~~court shall make written findings as to each of the following, which shall demonstrate the degree~~
26 ~~of success or failure toward reunification:~~

- 27 ~~(1) Whether the parent is making adequate progress within a reasonable period of~~
28 ~~time under the plan.~~
29 ~~(2) Whether the parent is actively participating in or cooperating with the plan,~~
30 ~~the department, and the guardian ad litem for the juvenile.~~
31 ~~(3) Whether the parent remains available to the court, the department, and the~~
32 ~~guardian ad litem for the juvenile.~~
33 ~~(4) Whether the parent is acting in a manner inconsistent with the health or safety~~
34 ~~of the juvenile.~~

35 (e) If the juvenile is 14 years of age or older, the court shall make written findings in
36 accordance with G.S. 7B-912(a), regardless of the juvenile's permanent plan.

37 (f) When a permanent plan of guardianship or custody is achieved, the court shall advise
38 the guardian or custodian of the right to seek child support after the order awarding permanent
39 guardianship or custody has been entered. In no event shall the court in the juvenile proceeding
40 order child support."

41 **SECTION 1.14.(a)** G.S. 7B-904 reads as rewritten:

42 **"§ 7B-904. Authority over parents of juvenile adjudicated as abused, neglected, or**
43 **dependent.**

44 ...

45 ~~(d) At the dispositional hearing or a subsequent hearing, when legal custody of a juvenile~~
46 ~~is vested in someone other than the juvenile's parent, if the court finds that the parent is able to~~
47 ~~do so, the court may order that the parent pay a reasonable sum that will cover, in whole or in~~
48 ~~part, the support of the juvenile after the order is entered. If the court requires the payment of~~
49 ~~child support, the amount of the payments shall be determined as provided in G.S. 50-13.4(e). If~~
50 ~~the court places a juvenile in the custody of a county department of social services and if the~~
51 ~~court finds that the parent is unable to pay the cost of the support required by the juvenile, the~~

1 eost shall be paid by the county department of social services in whose custody the juvenile is
 2 placed, provided the juvenile is not receiving care in an institution owned or operated by the State
 3 or federal government or any subdivision thereof. When the juvenile is placed in the custody of a
 4 department, the department shall not seek child support in any type of proceeding and the court
 5 shall not order child support in any type of proceeding.

6 (d1) At the dispositional hearing or a subsequent hearing, the court may order the parent,
 7 guardian, custodian, or caretaker ~~served with a copy of the summons pursuant to G.S. 7B-407 to~~
 8 over whom the court has personal jurisdiction do any of the following:

- 9 (1) Attend and participate in parental responsibility classes if those classes are
 10 available in the judicial district in which the parent, guardian, custodian, or
 11 caretaker resides.
- 12 (2) Provide, to the extent that person is able to do so, transportation for the
 13 juvenile to keep appointments for medical, psychiatric, psychological, or other
 14 treatment ordered by the court if the juvenile remains in or is returned to the
 15 home.
- 16 (3) Take appropriate steps to remedy conditions in the home that led to or
 17 contributed to the juvenile's adjudication or to the court's decision to remove
 18 custody of the juvenile from the parent, guardian, custodian, or caretaker.

19 (e) Upon motion of a party or upon the court's own motion, the court may issue an order
 20 directing the parent, guardian, custodian, or caretaker ~~served with a copy of the summons~~
 21 pursuant to G.S. 7B-407 over whom the court has personal jurisdiction to appear and show cause
 22 why the parent, guardian, custodian, or caretaker should not be found or held in civil or criminal
 23 contempt for willfully failing to comply with an order of the court. Chapter 5A of the General
 24 Statutes shall govern contempt proceedings initiated pursuant to this section."

25 **SECTION 1.14.(b)** G.S. 7B-1109 reads as rewritten:

26 "**§ 7B-1109. Adjudicatory hearing on termination.**

27 ...

28 (f) The burden in such proceedings shall be upon the petitioner or movant and all findings
 29 of fact shall be based on ~~clear, cogent, clear~~ and convincing evidence. The rules of evidence in
 30 civil cases shall apply. No husband-wife or physician-patient privilege shall be grounds for
 31 excluding any evidence regarding the existence or nonexistence of any circumstance authorizing
 32 the termination of parental rights."

33 **SECTION 1.14.(c)** G.S. 7B-1111 reads as rewritten:

34 "**§ 7B-1111. Grounds for terminating parental rights.**

35 (a) The court may terminate the parental rights upon a finding of one or more of the
 36 following:

- 37 (1) The parent has abused or neglected the juvenile. The juvenile shall be deemed
 38 to be abused or neglected if the court finds the juvenile to be an abused
 39 juvenile within the meaning of G.S. 7B-101 or a neglected juvenile within the
 40 meaning of G.S. 7B-101. For purposes of termination of parental rights,
 41 neglect shall include a biological or possible biological father of a child born
 42 out of wedlock who within three months of the child's birth or within 30 days
 43 of the discovery that the mother committed fraud in concealing her pregnancy
 44 or the child's birth, whichever is greater in time, has not made efforts to
 45 acknowledge or establish his paternity of the child and formed or attempted
 46 to form a relationship with the child.

47 ...

- 48 (3) ~~The juvenile has been placed in the custody of a county department of social~~
 49 ~~services, a licensed child placing agency, a child caring institution, or a foster~~
 50 ~~home, and the parent has for a continuous period of six months immediately~~
 51 ~~preceding the filing of the petition or motion willfully failed to pay a~~

1 reasonable portion of the cost of care for the juvenile although physically and
 2 financially able to do so.

3 (4) ~~One parent has been awarded custody of the juvenile by judicial decree or has~~
 4 ~~eustody by agreement of the parents, and the other parent whose parental~~
 5 ~~rights are sought to be terminated has for a period of one year or more next~~
 6 ~~preceding the filing of the petition or motion willfully failed without~~
 7 ~~justification to pay for the care, support, and education of the juvenile, as~~
 8 ~~required by the decree or custody agreement.~~

9 (5) ~~The father of a juvenile born out of wedlock has not, prior to the filing of a~~
 10 ~~petition or motion to terminate parental rights, done any of the following:~~

11 a. ~~Filed an affidavit of paternity in a central registry maintained by the~~
 12 ~~Department of Health and Human Services. The petitioner or movant~~
 13 ~~shall inquire of the Department of Health and Human Services as to~~
 14 ~~whether such an affidavit has been so filed and the Department's~~
 15 ~~certified reply shall be submitted to and considered by the court.~~

16 b. ~~Legitimated the juvenile pursuant to provisions of G.S. 49-10,~~
 17 ~~G.S. 49-12.1, or filed a petition for this specific purpose.~~

18 c. ~~Legitimated the juvenile by marriage to the mother of the juvenile.~~

19 d. ~~Provided substantial financial support or consistent care with respect~~
 20 ~~to the juvenile and mother.~~

21 e. ~~Established paternity through G.S. 49-14, 110-132, 130A-101,~~
 22 ~~130A-118, or other judicial proceeding.~~

23"

24 **SECTION 1.14.(d)** G.S. 7B-1114 reads as rewritten:

25 **"§ 7B-1114. Reinstatement of parental rights.**

26 (a) A juvenile whose parent's rights have been terminated, the guardian ad litem attorney,
 27 the parent whose rights have been terminated, or a county department of social services with
 28 custody of the juvenile may file a motion to reinstate the parent's rights if all of the following
 29 conditions are satisfied:

30 (1) The juvenile is at least 12 years of age or, if the juvenile is younger than 12,
 31 the motion alleges extraordinary circumstances requiring consideration of the
 32 motion.

33 (2) The juvenile does not have a legal parent, is not in an adoptive placement, and
 34 is not likely to be adopted within a reasonable period of time.

35 (3) The order terminating parental rights was entered at least three years before
 36 the filing of the motion, unless the court has found or the juvenile's attorney
 37 advocate and the county department of social services with custody of the
 38 juvenile stipulate that the juvenile's permanent plan is no longer adoption.

39 (b) If a motion could be filed under subsection (a) of this section and the parent whose
 40 rights have been terminated contacts the county department of social services with custody of the
 41 juvenile or the juvenile's guardian ad litem regarding reinstatement of the parent's rights, the
 42 department or the guardian ad litem shall notify the juvenile that the juvenile has a right to file a
 43 motion for reinstatement of parental rights.

44 (c) If a motion to reinstate parental rights is filed and the juvenile does not have a
 45 guardian ad litem appointed pursuant to G.S. 7B-601, the court shall appoint a guardian ad litem
 46 to represent the best interests of the juvenile. The appointment, duties, and payment of the
 47 guardian ad litem and the guardian ad litem attorney shall be the same as in G.S. 7B-601 and
 48 G.S. 7B-603.

49 (d) The party filing a motion to reinstate parental rights shall serve the motion on each of
 50 the following who is not the movant:

51 (1) The juvenile.

1 (2) The juvenile's guardian ad litem or the guardian ad litem attorney.
 2 (3) The county department of social services with custody of the juvenile.
 3 (4) The former parent whose rights the motion seeks to have reinstated.
 4 A former parent ~~who is served under this subsection is not a party to the proceeding and is not~~
 5 entitled to appointed counsel but may retain counsel at the former parent's own expense.

6 (d1) The movant shall ask the clerk to calendar the case for a pretrial hearing within 10
 7 days from the filing of the motion at a session of court scheduled for the hearing of juvenile
 8 matters. The court shall consider all of the following:

- 9 (1) The identification of the parties.
- 10 (2) Whether the motion meets the criteria of subsection (a) of this section.
- 11 (3) The appointment of a guardian ad litem in accordance with subsection (c) of
 12 this section.
- 13 (4) Discovery and related issues, including what information from the court file
 14 and records of the county department of social services and the guardian ad
 15 litem the former parent has the right to have access to.
- 16 (5) Any other issue that can be properly addressed as a preliminary matter.

17 If the court determines the motion does not meet subdivision (2) of this subsection, the court
 18 shall dismiss the motion.

19 (e) The movant shall ask the clerk to calendar the case for a preliminary hearing on the
 20 motion for reinstatement of parental rights within 60 days of the filing of the motion at a session
 21 of court scheduled for the hearing of juvenile matters. The movant shall give at least 15 days'
 22 notice of the hearing and state its purpose to the persons listed in subdivisions (d)(1) through
 23 (d)(4) of this section. In addition, the movant shall send a notice of the hearing to the juvenile's
 24 placement provider. Nothing in this section shall be construed to make the ~~former parent or the~~
 25 juvenile's placement provider a party to the proceeding based solely on being served with the
 26 motion or receiving notice and the right to be heard.

27 (f) ~~At~~ Unless ordered sooner by the court at the pretrial hearing, at least seven days before
 28 the preliminary hearing, the department of social services and the juvenile's guardian ad litem
 29 shall provide to the court, court and the other parties, and the former parent parties reports that
 30 address the factors specified in subsection (g) of this section.

31"

32 **SECTION 1.14.(e)** Sections 1.14(a) and 1.14(b) of this act are effective when this
 33 act becomes law and apply to any action pending or filed on or after that date. Sections 1.14(c)
 34 and 1.14(d) of this act are effective when this act becomes law and apply to any action filed on
 35 or after that date.

36 **SECTION 1.15.(a)** G.S. 48-3-601 reads as rewritten:

37 "**§ 48-3-601. Persons whose consent to adoption is required.**

38 Unless consent is not required under G.S. 48-3-603, a petition to adopt a minor may be
 39 granted only if consent to the adoption has been executed by:

- 40 (1) The minor to be adopted if 12 or more years of ~~age;~~ age.
- 41 (2) In a direct placement, by:
 - 42 a. The mother of the ~~minor;~~ minor.
 - 43 b. Any man who may or may not be the biological father of the minor
 44 but ~~who;~~ who meets one of the following:
 - 45 1. Is or was married to the mother of the minor if the minor was
 46 born during the marriage or within 280 days after the marriage
 47 is terminated or the parties have separated pursuant to a written
 48 separation agreement or an order of separation entered under
 49 Chapters 50 or 50B of the General Statutes or a similar order
 50 of separation entered by a court in another
 51 ~~jurisdiction;~~ jurisdiction.

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- 2. Attempted to marry the mother of the minor before the minor's birth, by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the minor is born during the attempted marriage, or within 280 days after the attempted marriage is terminated by annulment, declaration of invalidity, divorce, or, in the absence of a judicial proceeding, by the cessation of ~~cohabitation;~~ cohabitation.
 - 3. Before the filing of the ~~petition,~~ petition or within three months of the child's birth, whichever occurs later, has legitimated the minor under the law of any ~~state;~~ state.
 - 4. Before the ~~earlier of the filing of the petition~~ petition, within three months of the child's birth, within 30 days of the discovery that the mother committed fraud in identifying the father or withholding the known identity of the father, or the date of a hearing under G.S. 48-2-206, whichever occurs later, has acknowledged his paternity of the minor and meets one of the following:
 - I. Is obligated to support the minor under written agreement or by court ~~order;~~ order.
 - II. Has ~~provided,~~ provided or attempted to provide, in accordance with his financial means, reasonable and consistent payments for the support of the biological mother during or after the term of pregnancy, or the support of the minor, or both, which may include the payment of medical expenses, living expenses, or other tangible means of support, and has regularly visited or communicated, or attempted to visit or communicate with the biological mother during or after the term of pregnancy, or with the minor, or with ~~both;~~ or both.
 - III. After the minor's birth but before the minor's placement for adoption or the mother's relinquishment, has married or attempted to marry the mother of the minor by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared ~~invalid;~~ or invalid.
 - 5. Before the filing of the ~~petition,~~ petition or within three months of the child's birth, whichever occurs later, has received the minor into his home and openly held out the minor as his biological ~~child;~~ or child.
 - 6. Is the adoptive father of the ~~minor;~~ and minor.
- c. A guardian of the ~~minor;~~ and minor.
- (3) In an agency placement by:
- a. The agency that placed the minor for adoption; and
 - b. Each individual described in subdivision (2) of this section who has not relinquished the minor pursuant to Part 7 of Article 3 of this Chapter."

SECTION 1.15.(b) This section is effective when it becomes law and applies to adoptions and prebirth determinations pursuant to G.S. 48-2-206 filed on or after that date.

SECTION 1.16.(a) G.S. 122C-142.2 reads as rewritten:

1 "§ 122C-142.2. ~~Presentation~~ Presence at a hospital for mental health ~~treatment.~~ treatment;
2 assessment and placement upon discharge of juvenile in department of social
3 services custody.

4 (a) Definitions. – The following definitions apply in this section:

5 (1) Assessment. – A comprehensive clinical assessment, psychiatric evaluation,
6 or a substantially equivalent assessment.

7 (2) Director. – The director of the county department of social services ~~in the~~
8 ~~county in which the juvenile resides or is found,~~ with custody of the juvenile,
9 or the director's representative as authorized in G.S. 108A-14.

10 (3) Reserved for future codification purposes.

11 (4) Rapid Response Team. – A Department of Health and Human Services team
12 of representatives from all of the following:

13 a. The Division of Child and Family Well-Being.

14 b. The Division of Health Benefits.

15 c. The Division of Mental Health, Developmental Disabilities, and
16 Substance Use Services.

17 d. The Division of Social Services.

18 (b) If a juvenile (i) is in the custody of a department of social services ~~presents to a~~
19 ~~hospital emergency department for the services,~~ (ii) requires mental health treatment, and (iii) is
20 present in the hospital by any means other than an involuntary commitment or voluntary
21 admission order that is in effect, the hospital shall contact the director to notify the director of
22 the juvenile's presence in the hospital. The director shall contact the appropriate LME/MCO or
23 prepaid health plan ~~within as soon as practicable and, in any event, no later than 24 hours of~~ ~~after~~
24 the determination that the juvenile should not remain at the hospital and no appropriate placement
25 is immediately available, to request an assessment.

26 (c) Consistent with the care coordination responsibilities under G.S. 122C-115.4(b)(5),
27 the LME/MCO or prepaid health plan must, when applicable or required by their contract with
28 the Department, arrange for an assessment to be performed by either the juvenile's clinical home
29 provider; the hospital, if able and willing; or other qualified licensed clinician within five ~~three~~
30 business days following notification under subsection (b) of this section from the director. For
31 purposes of this section, "business days" shall mean Monday through Friday, inclusive of
32 holidays. The hospital shall reasonably cooperate with the LME/MCO or prepaid health plan to
33 provide access to the juvenile during the juvenile's stay in the hospital.

34 (d) Based on the findings and recommendations of ~~the assessment,~~ an assessment
35 conducted pursuant to this section, all of the following must occur:

36 (1) If the comprehensive clinical assessment recommends a traditional foster
37 home or a Level I group home, the director shall identify and provide the
38 placement within five business days. The county department of social services
39 shall be responsible for transporting the juvenile to the identified placement
40 ~~within as soon as practicable but no later than five business days.~~ ~~days after~~
41 the recommendation is made.

42 (2) If the assessment recommends a level of care requiring ~~prior~~ authorization by
43 the LME/MCO or prepaid health plan, the LME/MCO or prepaid health plan
44 shall authorize an appropriate level of care and identify appropriate providers
45 within five business days and assign a care ~~coordinator~~ manager for the
46 duration that the LME/MCO or prepaid health plan provides services to the
47 juvenile. Once an appropriate level of care has been authorized and providers
48 identified, the director shall place the juvenile in the appropriate placement
49 ~~within as soon as practicable but no later than five business days.~~ ~~days after~~
50 the recommendation is made. The county department of social services shall
51 be responsible for transporting the juvenile to the identified placement.

1 (d1) The hospital shall not release the juvenile unless the juvenile meets hospital discharge
2 criteria and at least one of the following conditions exists:

3 (1) The placement as recommended by the assessment is available.

4 (2) The consent of the individual or director authorized to consent to treatment
5 pursuant to G.S. 7B-505.1.

6 (e) The county department of social services shall provide ongoing case management,
7 virtually or in person, to address the juvenile's educational and social needs during the juvenile's
8 stay in the hospital. The hospital shall cooperate with the county department of social services to
9 provide access to the juvenile during the juvenile's stay in the hospital.

10 ~~(f) If, on~~ The director, an LME/MCO, or a prepaid health plan shall notify the Rapid
11 Response Team of any of the following circumstances:

12 (1) After completion of the assessment, the director under subdivision (d)(1) of
13 this section or the LME/MCO or prepaid health plan under subdivision (d)(2)
14 of this section is anticipates being unable to identify an appropriate available
15 placement or treatment provider for the juvenile, or if the juvenile.

16 (2) The assessment recommendations differ, the director shall immediately notify
17 the Department of Health and Human Services' Rapid Response Team. differ
18 from the preferences of the individual or director authorized to consent to
19 treatment pursuant to G.S. 7B-505.1 or from services readily available.

20 (3) There are delays in accessing needed behavioral health assessments.

21 (4) The juvenile has been released from the hospital in violation of subsection
22 (d1) of this section.

23 ~~(f1) The director, pursuant to G.S. 7B-302(a1)(1), is~~ G.S. 7B-302(a1)(1) and the
24 LME/MCO, or the prepaid health plan, are authorized to disclose confidential information to the
25 Rapid Response Team to ensure the juvenile is protected from abuse or neglect and for the
26 provision of protective services to the juvenile. All confidential information disclosed to the
27 Rapid Response Team shall remain confidential, shall not be further redisclosed unless
28 authorized by State or federal law or regulations, and shall not be considered a public record.
29 Notification to the Rapid Response Team does not relieve the director, LME/MCO, prepaid
30 health plan, or any other entity from carrying out their responsibilities to the juvenile.

31 ~~(g) The Rapid Response Team shall be comprised of representatives of the Department~~
32 ~~of Health and Human Services from the Division of Social Services; the Division of Mental~~
33 ~~Health, Developmental Disabilities, and Substance Use Services; the Division of Child and~~
34 ~~Family Well-Being; and the Division of Health Benefits. Upon receipt of a notification from a~~
35 ~~director, made in accordance with subsection (f) of this section, the Rapid Response Team shall~~
36 ~~evaluate the information provided and coordinate a response to determine if action from the~~
37 ~~Rapid Response Team is necessary to address the immediate needs of the juvenile, which may~~
38 ~~include any of the following: juvenile. If action is necessary, the Rapid Response Team shall~~
39 ~~develop a plan with the county department of social services, LME/MCO or prepaid health plan,~~
40 ~~and hospital regarding the steps needed to meet the treatment needs of the juvenile. Any plan~~
41 ~~shall include the means by which to monitor the implementation of the plan.~~

42 ~~(1) Identifying an appropriate level of care for the juvenile.~~

43 ~~(2) Identifying appropriate providers or other placement for the juvenile.~~

44 ~~(3) Making a referral to qualified services providers.~~

45 ~~(4) Developing an action plan to ensure the needs of the juvenile are met.~~

46 ~~(5) Developing a plan to ensure that relevant parties carry out any responsibilities~~
47 ~~to the juvenile.~~

48 (h) Meetings of the Rapid Response Team convened under this section shall be limited
49 to members of the Rapid Response Team and individuals from the relevant county department
50 of social services, LME/MCOs, prepaid health plans, and the hospital that are invited by the
51 Rapid Response Team, or other individuals or providers only if invited by the Rapid Response

1 Team. The meetings of the Rapid Response Team shall not be open to the public. Subsection (f1)
2 of this section shall apply to any information gathered for the meeting. Information shared at the
3 meeting or documents created during the course of the meetings or during the course of
4 evaluating and developing any response in accordance with subsection (g) of this section shall
5 not be public record and shall not be disclosed or redisclosed unless authorized under State or
6 federal law.

7 (i) The LME/MCO or prepaid health plan shall notify monthly the Division of Social
8 Services of the Department of Health and Human Services of all of the following information:

9 (1) The number of county department of social services notifications of
10 assessments.

11 (2) The length of time to find placement for the juvenile.

12 (3) The number of recommendations at each level of care."

13 **SECTION 1.16.(b)** By April 1, 2026, the Department of Health and Human Services
14 shall consult with hospitals, prepaid health plans, and county departments of social services to
15 develop and distribute uniform guidance on the roles and responsibilities of each entity involved
16 in the delivery of case management services during a juvenile's stay in a hospital. This guidance
17 shall apply to any juvenile receiving protective services from a county department of social
18 services regardless of the juvenile's custody status. The guidance shall address, at a minimum,
19 the following:

20 (1) The nature, frequency, type, and duration of services offered, visitation, and
21 other contact with the juvenile while staying in the hospital.

22 (2) The nature, frequency, and type of communication among each entity
23 involved in providing services regarding ongoing treatment, referrals to
24 potential placements, and any additional information relevant to the juvenile's
25 services. There must be at least five days' notice of court hearings and
26 appearances related to the juvenile.

27 **SECTION 1.16.(c)** Section 1.16(a) of this act is effective when this act becomes law
28 and applies to any action pending or filed on or after that date. The remainder of this section is
29 effective when it becomes law.

30 **SECTION 1.17.(a)** This section shall be entitled "Christal's Law."

31 **SECTION 1.17.(b)** G.S. 108A-74 reads as rewritten:

32 **"§ 108A-74. Counties and regional social services departments required to enter into**
33 **annual written agreement for all social services programs other than medical**
34 **assistance; local department failure to comply with the written agreement or**
35 **applicable law; corrective action; State intervention in or control of service**
36 **delivery.**

37 ...

38 (a5) Except where prohibited by federal law and notwithstanding other applicable State
39 law, the Secretary shall have access to records and information pertaining to any open or closed
40 child welfare case of the department of social services, to inquire into and review any county
41 social work practice, or inquire into and review the legal practice of the county or regional
42 department of social services as it pertains to the delivery of child welfare services for a particular
43 child welfare case or all child welfare cases of the department of social services. This authority
44 may be exercised by the Secretary as part of regular monitoring of the performance of a
45 department of social services, or in response to complaints received by the Department regarding
46 either of the following:

47 (1) A juvenile who has been the subject of a report of abuse, neglect, or
48 dependency pursuant to G.S. 7B-301 within the previous 12 months.

49 (2) A case in which the juvenile or the juvenile's family was a recipient of child
50 welfare services within the previous 12 months.

1 If the Secretary finds violations of State law or applicable rules occurring in any specific case
2 or cases, the Secretary shall provide the county director written notice of the violations, a
3 directive to remedy the violations in accordance with applicable statutes or rules, and the
4 timeframe in which the violations must be remedied. If the identified concerns are not remedied
5 by the county director within the time frame specified by the Secretary, the Secretary shall notify
6 the board of county commissioners, the county manager, and the board of social services and
7 direct the director of social services to remedy the violation by taking immediate action in a
8 manner prescribed by the Secretary that is consistent with State law and applicable rules. Nothing
9 contained herein shall prohibit the Secretary from exercising any other authority under this
10 section.

11 A director's failure to comply with the directive of the Secretary made pursuant to this section
12 falls outside the scope of the county department's agency relationship with the Department of
13 Health and Human Services. The Department of Health and Human Services shall not be liable
14 for any claim that may arise from the director's failure to comply with any law or rule identified
15 by the Secretary pursuant to this section. This subsection shall not be construed to waive, modify,
16 or eliminate any immunity or other legal defenses that would otherwise be available to the county,
17 director, or any other county official or employee.

18"

19 **SECTION 1.17.(c)** This section is effective when it becomes law.

20 **SECTION 1.18.(a)** Article 9A of Subchapter I of Chapter 7B of the General Statutes
21 is amended by adding a new section to read:

22 **"§ 7B-909.2. Post-adoption contact agreements; orders from minors in department of social**
23 **services custody.**

24 (a) Prior to executing a relinquishment, the parent or parents of a minor adoptee who is
25 in the custody of a county department of social services pursuant to an order entered under this
26 Subchapter and the prospective adoptive parent or parents may voluntarily participate in a
27 court-approved mediation program to reach a voluntarily mediated post-adoption contact
28 agreement. The court with jurisdiction over the proceeding involving the minor under this
29 Subchapter may make the referral to mediation when the county department notifies the court it
30 would accept a relinquishment that specifies the prospective adoptive parent or parents. A
31 biological parent who has not reached 18 years of age shall have legal capacity to enter a
32 post-adoption contact agreement and shall be as fully bound by the agreement and order as if the
33 biological parent had attained 18 years of age.

34 (b) The Administrative Office of the Courts shall develop and make available appropriate
35 standardized forms for implementation of this section.

36 (c) Jurisdiction and venue for approval of such agreement shall be before the district court
37 with jurisdiction over the proceeding involving the minor under this Subchapter.

38 (d) Other people may be invited to participate in the mediation by mutual consent of the
39 parent or parents executing a relinquishment and the prospective adoptive parent or parents.
40 However, these invitees shall not be parties to any agreement reached during that mediation and
41 shall not receive copies of any agreement.

42 (e) Mediation proceedings and information relating to those proceedings under this
43 section shall be confidential. Information or the statements of any person participating in the
44 mediation shall not be disclosed or used in any subsequent proceeding. Regardless, evidence that
45 would otherwise be admissible at trial shall not be rendered inadmissible as a result of its use in
46 a mediation proceeding. Except for the voluntary mediated agreement, there shall be no record
47 made of any mediation proceedings under this section and the mediator shall destroy all of his or
48 her notes immediately after the mediation.

49 (f) The voluntarily mediated agreement shall be reviewed by the court having jurisdiction
50 of the minor under this Subchapter within two business days of when the agreement is signed to
51 determine whether the agreement should be incorporated into a court order.

1 (g) To be approved by the court, a voluntarily mediated agreement shall be signed under
2 oath by the parties or accompanied by an affidavit made under oath that affirmatively states that
3 the agreement was entered into knowingly and voluntarily and is not the product of coercion,
4 fraud, or duress. The affidavit may be executed jointly or separately. The agreement shall contain
5 the following statements:

6 (1) This agreement is entered into pursuant to this section.

7 (2) Any breach, modification, invalidation, or termination of the agreement, or
8 any part of it, shall not affect the validity of the relinquishment or the final
9 decree of adoption.

10 (3) The parties acknowledge that either the parent or prospective adoptive parents
11 who have entered into the agreement have the right to seek enforcement as set
12 forth in G.S. 7B-909.3.

13 (4) The parties have not relied on any representations other than those contained
14 in the agreement.

15 (h) The court shall not enter an order to approve the post-adoption contact agreement
16 unless the agreement is in writing and executed prior to or as part of the relinquishment. When
17 the court approves the post-adoption contact agreement:

18 (1) The court shall enter a post-adoption contact agreement and order and instruct
19 the clerk to treat the order as an initiation of a civil action for custody.

20 (2) The court shall designate the caption of the action and the parties to the action.
21 The civil filing fee is waived unless the court orders one or more of the parties
22 to pay the filing fee for a civil action into the office of the clerk of superior
23 court.

24 (3) The post-adoption contact agreement and order shall constitute a custody
25 determination, and any motion to enforce, modify, or terminate the order shall
26 be filed in the newly created civil action and is governed by G.S. 7B-909.3.
27 The Administrative Office of the Courts may adopt rules and shall develop
28 and make available appropriate forms for establishing a civil file to implement
29 this section and G.S. 7B-909.3.

30 (4) The record of the civil action shall be withheld from public inspection and
31 may only be examined by the parties to the civil action and their attorneys, the
32 minor adoptee, or by order of the court.

33 (i) A post-adoption contact agreement and order shall automatically terminate on the date
34 the child turns 18 years of age or is otherwise emancipated."

35 **SECTION 1.18.(b)** Article 9A of Subchapter I of Chapter 7B of the General Statutes
36 is amended by adding a new section to read:

37 **"§ 7B-909.3. Modification, enforcement, and termination of a post-adoption contact**
38 **agreement and order; no right to appeal; rights of adoptive parents.**

39 (a) A party to a court-approved post-adoption contact agreement and order may seek to
40 modify, enforce, or terminate the agreement by filing a motion in the civil action created pursuant
41 to G.S. 7B-909.2(h). Issues set forth in the motion shall be set for mediation unless the court
42 waives mediation for good cause. A court order for modification, enforcement, or termination of
43 the terms of the voluntarily mediated agreement shall be the sole remedies for breach of the
44 agreement.

45 (b) In a proceeding under this section, the persons who executed the post-adoption
46 contact agreement are the sole parties to the action. The court shall not allow intervention by any
47 other person or agency. The parties shall not be entitled to the appointment of counsel but may
48 retain counsel at their own expense.

49 (c) The court may modify the terms of the post-adoption contact agreement and order if
50 the court finds by a preponderance of the evidence that there has been a material and substantial
51 change in the circumstances and that the modification is in the best interests of the child. A

1 court-imposed modification of a previously approved agreement may limit, restrict, condition,
 2 decrease, or terminate the sharing of information and contact between the former parent or
 3 parents and the child, but in no event shall a court-imposed modification serve to expand, enlarge,
 4 or increase the amount of contact between the former parent or parents and the child. The court
 5 also may impose appropriate sanctions consistent with its equitable powers but not inconsistent
 6 with this section, including the power to issue restraining orders.

7 (d) If the court finds that an action brought under this section was wholly insubstantial,
 8 frivolous, and not advanced in good faith, the court may award attorneys' fees and costs to the
 9 prevailing parties.

10 (e) A party subject to an order under this section has no right to appeal the order.

11 (f) Nothing contained in this section or G.S. 7B-909.2 shall be construed to abrogate the
 12 rights of the adoptive parent or parents to make decisions on behalf of the child, except as
 13 provided in the court-approved post-adoption contact agreement and order."

14 **SECTION 1.18.(c)** Article 1 of Chapter 50 of the General Statutes is amended by
 15 adding a new section to read:

16 **"§ 50-13.2B. Modification or enforcement of post-adoption contact agreement and order.**

17 A former parent or adoptive parent who is party to a post-adoption contact agreement and
 18 order entered pursuant to G.S. 7B-909.2 shall be governed by G.S. 7B-909.3."

19 **SECTION 1.18.(d)** Chapter 48 of the General Statutes reads as rewritten:

20 **"Chapter 48.**

21 **"Adoptions.**

22 **"Article 1.**

23 **"General Provisions.**

24 **"§ 48-1-100. Legislative findings and intent; construction of Chapter.**

25 ...

26 **"§ 48-1-101. Definitions.**

27 In this Chapter, the following definitions apply:

28 ...

29 (13a) "Post-adoption contact agreement and order" means a voluntary mediated
 30 agreement that is approved by a district court judge and incorporated into a
 31 district court order under Article 9A of Chapter 7B of the General Statutes
 32 that allows specifically described post-adoption contact, including visitation,
 33 sharing of information, and communication such as the exchange of letters,
 34 electronic communication, and telephone contact.

35 ...

36 **"§ 48-1-106. Legal effect of decree of adoption.**

37 ...

38 (c) Subject to subsection (d) of this section, a decree of adoption severs the relationship
 39 of parent and child between the individual adopted and that individual's biological or previous
 40 adoptive parents. After the entry of a decree of adoption, the former parents are relieved of all
 41 legal duties and obligations due from them to the adoptee, except that a former parent's duty to
 42 make past-due payments for child support is not terminated, and the former parents are divested
 43 of all rights with respect to the adoptee. If applicable, a former parent may exercise rights
 44 established in a post-adoption contact agreement and order pursuant to Article 9A of Chapter 7B
 45 of the General Statutes.

46 ...

47 **"§ 48-2-100. Jurisdiction.**

48 (a) Adoption shall be by a special proceeding before the clerk of superior court.

49 (a1) The district court shall have jurisdiction over post-adoption contact agreements and
 50 orders pursuant to Article 9A of Chapter 7B of the General Statutes.

51 ...

1 **"§ 48-2-305. Petition for adoption; additional documents.**

2 The petitioner shall file or cause to be filed the following documents:

3 ...

- 4 (2) Any required consent or relinquishment that has been ~~executed~~executed and,
5 if applicable, a certified copy of any post-adoption contact agreement and
6 order pursuant to G.S. 7B-909.2.

7 ...

8 **"§ 48-3-610. Collateral agreements.**

9 If a person executing a consent and the prospective adoptive parent or parents enter into an
10 agreement regarding visitation, communication, support, and any other rights and duties with
11 respect to the minor, this agreement shall not be a condition precedent to the consent itself, failure
12 to perform shall not invalidate a consent already given, and the agreement itself shall not be
13 enforceable. This section shall not apply to a post-adoption contact agreement and order governed
14 by G.S. 7B-909.2 and G.S. 7B-909.3.

15 ...

16 **"§ 48-3-702. Procedures for relinquishment.**

17 ...

18 (b1) An individual before whom a relinquishment is signed and acknowledged under
19 subsection (a) of this section shall certify in writing that to the best of the individual's knowledge
20 or belief, the parent, guardian, or minor to be adopted executing the relinquishment has met each
21 of the following:

22 ...

- 23 (3) Been given an original or copy of his or her fully executed
24 ~~relinquishment~~relinquishment and, if applicable, the post-adoption contact
25 agreement and order entered pursuant to G.S. 7B-909.2.

26 ...

27 **"§ 48-3-703. Content of relinquishment; mandatory provisions.**

28 (a) A relinquishment executed by a parent or guardian under G.S. 48-3-701 must be in
29 writing and state the following:

30 ...

- 31 (8) That the individual executing the relinquishment understands that when the
32 adoption is final, all rights and duties of the individual executing the
33 relinquishment with respect to the minor will be extinguished and all other
34 aspects of the legal relationship between the minor child and the parent will
35 be ~~terminated~~terminated, except for rights and duties contained in a
36 post-adoption contact agreement and order entered pursuant to G.S. 7B-909.2.

37 ...

38 **"§ 48-3-705. Consequences of relinquishment.**

39 ...

40 (c) A relinquishment terminates:

- 41 (1) Any right and duty of the individual who executed the relinquishment with
42 respect to the legal and physical custody of the ~~minor~~minor, except those
43 rights and duties contained in a post-adoption contact agreement and order
44 entered pursuant to G.S. 7B-909.2.

45 ...

46 **"§ 48-3-706. Revocation of relinquishments.**

47 ...

48 (c1) Any post-adoption contact agreement and order entered pursuant to G.S. 7B-909.2 is
49 void if any relinquishment is revoked as provided for in G.S. 48-3-704 or G.S. 48-3-706 or
50 rescinded, set aside, or voided pursuant to G.S. 48-3-707 or G.S. 7B-909(b1).

51"

1 **SECTION 1.19.(a)** G.S. 7B-323(e) reads as rewritten:

2 "(e) Notwithstanding any time limitations contained in this section or the provisions of
3 G.S. 7B-324(a)(4), upon the filing of a petition for judicial review by an individual identified by
4 a director as a responsible individual, the district court of the county in which the abuse or neglect
5 report arose may review a director's determination of abuse or serious neglect ~~at any time if less~~
6 than one year has passed since the person's placement on the responsible individuals list and if
7 the review serves the interests of justice or for extraordinary circumstances, good cause. If the
8 district court undertakes such a review, a hearing shall be held pursuant to this section at which
9 the director shall have the burden of establishing by a preponderance of the evidence abuse or
10 serious neglect and the identification of the individual seeking judicial review as a responsible
11 individual. If the court concludes that the director has not established by a preponderance of the
12 evidence abuse or serious neglect or the identification of the responsible individual, the court
13 shall reverse the director's determination and order the director to expunge the individual's name
14 from the responsible individuals list."

15 **SECTION 1.19.(b)** Article 3A of Subchapter I of Chapter 7B of the General Statutes
16 is amended by adding a new section to read:

17 **"§ 7B-325. Petition for expungement.**

18 (a) A person whose name has been placed on the responsible individuals list may file a
19 petition for expungement of the individual's name from the responsible individuals list if at least
20 one of the following conditions is satisfied:

21 (1) At least one year has passed since the person was placed on the responsible
22 individuals list without judicial review, though eligible for review.

23 (2) At least five years have passed since the person was placed on the responsible
24 individuals list after judicial review.

25 (3) At least eight years have passed since the person, who was criminally
26 convicted as a result of the same incident that placed the person on the
27 responsible individuals list completed their sentence, complied with all
28 post-release conditions and has not subsequently been convicted of any felony
29 or misdemeanor other than a traffic violation under a jurisdiction in this State
30 or any other United States jurisdiction. No person is eligible to petition for
31 expungement of the individual's name from the responsible individuals list
32 under this subsection if the conviction is related to sexual abuse of a child,
33 human trafficking, or a child fatality related to abuse or neglect.

34 (b) The petition for expungement shall be filed with the district court of the county in
35 which the abuse or serious neglect report arose. A copy shall be delivered in person or by certified
36 mail, return receipt requested, to the director of the county department of social services of that
37 county. The petition for expungement shall contain the name, date of birth, and address of the
38 individual seeking expungement, the name of the juvenile who was the subject of the
39 determination of abuse or serious neglect, and facts that invoke the jurisdiction of the court.

40 (c) The clerk of court shall maintain a separate docket for expungement actions. Upon
41 the filing of a petition for expungement, the clerk shall calendar the matter for hearing within 45
42 days from the date the petition is filed at a session of district court hearing juvenile matters or, if
43 there is no such session, at the next session of juvenile court. The clerk shall send notice of the
44 hearing to the petitioner and to the director of the county department of social services that
45 determined the abuse or serious neglect and identified the individual as a responsible individual.
46 Upon the request of a party, the court shall close the hearing to all persons, except officers of the
47 court, the parties, and their witnesses. The hearing shall be before a judge without a jury. The
48 burden shall be upon the petitioner and all findings of fact shall be based on a preponderance of
49 the evidence. The court may consider any evidence, including hearsay evidence as defined in
50 G.S. 8C-1, Rule 801, or testimony or evidence from any person that is not a party that the court
51 finds to be relevant, reliable, and necessary.

1 (d) At the hearing, the following rights of the parties shall be preserved:

2 (1) The right to present sworn evidence, law, or rules that bear upon the case.

3 (2) The right to represent themselves or obtain the services of an attorney at their
 4 own expense.

5 (3) The right to subpoena witnesses, cross-examine witnesses of the other party,
 6 and make a closing argument summarizing the party's view of the case and
 7 the law. The juvenile who was the subject of the abuse or serious neglect shall
 8 not be required to participate in the proceeding.

9 (e) In considering whether to grant a petition filed under this section, the court shall
 10 consider all of the following:

11 (1) The nature of the abuse or serious neglect based on documentation maintained
 12 by the county department of social services.

13 (2) The amount of time since the placement on the responsible individuals list.

14 (3) Any activities that would reflect upon the person's changed behavior or
 15 circumstances, such as therapy, employment, or education.

16 (4) Any other circumstances relevant to whether the petition should be granted.

17 (f) The court may grant the petition if the court finds, by clear and convincing evidence,
 18 that there is little likelihood that the petitioner will be a future perpetrator of child abuse or
 19 neglect.

20 (g) Within 30 days after completion of the hearing, the court shall enter an order
 21 containing findings of fact and conclusions of law. The clerk shall serve a copy of the order on
 22 each party or the party's attorney of record. If the court concludes that the petition should be
 23 granted, the court shall order the director to expunge the individual's name from the responsible
 24 individuals list.

25 (h) A party may appeal the district court's decision under G.S. 7A-27(b)(2)."

26 **SECTION 1.21.(a)** G.S. 50-13.10 reads as rewritten:

27 **"§ 50-13.10. Past due child support vested; not subject to retroactive modification; entitled**
 28 **to full faith and credit.**

29 ...

30 (d) For purposes of this section, a child support payment or the relevant portion thereof,
 31 is not past due, and no arrearage ~~accrues~~accrues during the following:

32 (1) From and after the date of the death of the minor child for whose support the
 33 payment, or relevant portion, is ~~made~~made.

34 (2) From and after the date of the death of the supporting ~~party~~party.

35 (3) During any period when the child is living with the supporting party pursuant
 36 to a valid court order or to an express or implied written or oral agreement
 37 transferring primary custody to the supporting ~~party~~party.

38 (4) During any period when the supporting party is incarcerated, is not on work
 39 release, and has no resources with which to make the payment.

40 (5) For foster care assistance owed to the State by the supporting party during any
 41 period when the child is placed in the custody of a department of social
 42 services.

43"

44 **SECTION 1.21.(b)** Article 9 of Chapter 110 of the General Statutes is amended by
 45 adding a new section to read:

46 **"§ 110-135.1. Foster care assistance payments.**

47 (a) Upon motion in the cause by either party and a showing that the child has been placed
 48 in the custody of a department of social services, all of the following shall occur:

49 (1) The obligor's child support obligation, if owed to the State, shall be suspended
 50 during any period when the child is placed in the custody of a county
 51 department of social services.

(2) Any foster care assistance arrears owed to the State for past paid foster care assistance shall be reduced to zero under G.S. 50-13.10.

(b) Nothing in this section shall be construed to create a debt owed to the obligor."

SECTION 1.22. Except as otherwise provided, Part I of this act becomes effective October 1, 2025, and applies to all actions pending or filed on or after that date.

PART II. EXPAND GUARDIANSHIP ASSISTANCE PROGRAM ELIGIBILITY TO YOUTH 10 YEARS OF AGE

SECTION 2.1. G.S. 108A-50.3 through G.S. 108A-50.9 are reserved for future codification purposes.

SECTION 2.2. G.S. 108A-24 reads as rewritten:

"§ 108A-24. Definitions.

As used in Chapter 108A:

...

(3a) "Division" is the Division of Social Services of the Department of Health and Human Services.

~~(3a)~~(3b) "Electing County" means a county that elects to develop and is approved to administer a local Work First Program.

~~(3b)~~(3c) "Employment" means work that requires either a contribution to FICA or the filing of a State N.C. Form D-400, or the equivalent.

~~(3e)~~(3d) "Family" means a unit consisting of a minor child or children and one or more of their biological parents, adoptive parents, stepparents, or grandparents living together. For purposes of the Work First Program, family also includes a blood or half-blood relative or adoptive relative limited to brother, sister, great-grandparent, great-great-grandparent, uncle, aunt, great-uncle, great-aunt, great-great-uncle, great-great-aunt, nephew, niece, first cousin, stepbrother, and stepsister.

~~(3d)~~(3e) "Federal TANF funds" means the Temporary Assistance for Needy Families block grant funds provided for in Title IV-A of the Social Security Act.

~~(3e)~~(3f) "Fee-for-service program" means a payment model for the Medicaid program operated by the Department of Health and Human Services pursuant to its authority under Part 6 of Article 2 of Chapter 108A of the General Statutes in which the Department pays enrolled providers for services provided to Medicaid recipients rather than contracting for the coverage of services through a capitated payment arrangement.

~~(3f)~~(3g) Repealed by Session Laws 2009-489, s. 1, effective August 26, 2009.

~~(3g)~~(3h) "FICA" means the taxes imposed by the Federal Insurance Contribution Act, 26 U.S.C. § 3101, et seq.

~~(3h)~~(3i) "Full-time employment" means employment which requires the employee to work a regular schedule of hours per day and days per week established as the standard full-time workweek by the employer, but not less than an average of 30 hours per week.

...."

SECTION 2.3. Article 2 of Chapter 108A of the General Statutes is amended by adding a new Part to read:

"Part 4A. Guardianship Assistance.

"§ 108A-50.10. Kinship guardianship assistance program (KinGAP).

(a) Assistance. – The Division may provide for the financial support of children who have exited foster care into relative guardianship that comply with 42 U.S.C. § 673. A child is eligible for kinship guardianship assistance payments under this Part if the child meets the requirements of subsection (b) of this section.

1 **(b) Eligibility.** – Until the child is 18 years of age, the child is eligible for kinship
2 guardianship assistance payments if all of the criteria are met:

- 3 **(1)** The child was removed from his or her home due to a voluntary placement
4 agreement or as a result of judicial determination to the effect that
5 continuation in the home would be contrary to the welfare of the child.
6 **(2)** The child was eligible for foster care maintenance payments pursuant to 42
7 U.S.C. § 672 while residing for at least six consecutive months in the home of
8 a licensed prospective relative guardian. "Relative" for the purposes of this
9 Part is a person related to the minor child by blood, marriage, adoption, or an
10 individual that has a substantial relationship with the minor child or the minor
11 child's parent prior to the child being placed in foster care.
12 **(3)** A determination has been made that reunification or adoption are not
13 appropriate options for the child.
14 **(4)** The child has attained 10 years of age and demonstrates a strong attachment
15 to the prospective relative guardian and the relative guardian has a strong
16 commitment to caring permanently for the child.
17 **(5)** At the time of entry into the guardianship agreement, a North Carolina county
18 child welfare agency has placement and care of the child.
19 **(6)** If a child is 14 years of age, the child has been consulted regarding the kinship
20 guardianship arrangement.

21 **(c) Continuation of Assistance.** – Individuals or youth who exited foster care under a
22 guardianship assistance agreement may continue to receive kinship guardianship assistance
23 payments after attaining 18 years of age if (i) the individual or child attained 16 years of age
24 before the kinship guardianship assistance agreement became effective, (ii) he or she chooses to
25 continue receiving guardianship services until attaining 21 years of age, and (iii) the Division
26 determines that the individual or child meets any of the following:

- 27 **(1)** Is completing secondary education or a program leading to an equivalent
28 credential.
29 **(2)** Is enrolled in an institution that provides postsecondary or vocational
30 education.
31 **(3)** Is participating in a program or activity designed to promote or remove
32 barriers to employment.
33 **(4)** Is employed for at least 80 hours per month.
34 **(5)** Is incapable of completing the educational or employment requirements of
35 subdivisions (1) through (4) of this subsection due to a medical condition or
36 disability that is supported by regularly updated information in the case plan
37 for the individual.

38 **(d) Sibling Eligibility.** – A child is eligible for kinship guardianship assistance payments
39 if (i) the child has not yet attained 10 years of age, (ii) their sibling meets the requirements of this
40 Part for kinship guardianship assistance payments, and (iii) the county child welfare agency and
41 the prospective relative guardian agree on whether the guardianship arrangement is appropriate
42 for the sibling.

43 **(e)** In the event of the death or incapacity of the relative guardian, the eligibility of a child
44 to receive kinship guardianship assistance payments under this Part shall not be affected by
45 reason of the replacement of the relative guardian with a successor legal guardian identified in
46 the kinship guardianship assistance agreement entered into under this Part.

47 **"§ 108A-50.11. Guardianship assistance program.**

48 **(a)** The Division may provide for the financial support of children who exit foster care
49 into legal guardianship with State funds allocated for foster care if the Division determines that
50 all of the following criteria are met:

- 1 (1) The child has attained 10 years of age and demonstrates a strong attachment
2 to the licensed prospective guardian and the prospective guardian has a strong
3 commitment to caring permanently for the child.
- 4 (2) The child is in a permanent family placement setting for at least six
5 consecutive months prior to the execution of the guardianship agreement.
- 6 (3) The prospective guardian is eligible to be appointed as a legal guardian
7 pursuant to G.S. 7B-600(b).
- 8 (4) The child is unlikely to achieve permanency through reunification or adoption.
- 9 (5) At the time of entry into the guardianship agreement, a North Carolina county
10 child welfare agency has placement and care of the child.
- 11 (6) If a child has attained 14 years of age, the child has been consulted regarding
12 the kinship guardianship arrangement.

13 (b) Individuals or youth who exited foster care under a guardianship assistance agreement
14 may continue to receive guardianship assistance payments after attaining 18 years of age if (i)
15 the individual or youth attained 16 years of age before the guardianship assistance agreement
16 became effective, (ii) he or she chooses to continue receiving guardianship services until attaining
17 21 years of age, and (iii) the Division determines that the individual or child meets any of the
18 following:

- 19 (1) Is completing secondary education or a program leading to an equivalent
20 credential.
- 21 (2) Is enrolled in an institution that provides postsecondary or vocational
22 education.
- 23 (3) Is participating in a program or activity designed to promote or remove
24 barriers to employment.
- 25 (4) Is employed for at least 80 hours per month.
- 26 (5) Is incapable of completing the educational or employment requirements of
27 subdivisions (1) through (4) of this subsection due to a medical condition or
28 disability that is supported by regularly updated information in the case plan
29 for the individual.

30 **"§ 108A-50.12. Guardianship assistance agreement.**

31 (a) In order to receive payments under this Part, the county child welfare agency shall (i)
32 negotiate and enter into a written, binding guardianship assistance agreement with the
33 prospective guardian of a child who meets the eligibility requirements of this Part and (ii) provide
34 the prospective guardian with a copy of the agreement.

35 (b) The guardianship agreement shall specify, at a minimum, all of the following:

- 36 (1) The amount of and manner in which each guardianship assistance payment
37 will be provided under the agreement, and the manner in which the payment
38 may be adjusted.
- 39 (2) The additional services and assistance that the child and guardian will be
40 eligible for under the agreement.
- 41 (3) The procedure by which the guardian may apply for additional services as
42 needed.
- 43 (4) The State will pay the total cost of nonrecurring expenses associated with
44 obtaining legal guardianship of the child to the extent the total cost does not
45 exceed two thousand dollars (\$2,000).

46 (c) A guardianship agreement entered into under this section shall provide that the
47 agreement shall remain in effect without regard to the State residency of the guardian.

48 **"§ 108A-50.13. Reimbursement for guardians.**

49 The guardianship assistance program rates shall reimburse legal and relative guardians for
50 room and board and be set at the same rate as the foster care room and board rates in accordance
51 with rates established under G.S. 108A-49.1."

- 1 (4) Order the defendant not to abuse or injure the ~~victim~~victim, the victim's
2 immediate family, or both.
- 3 (5) Order the defendant not to contact the ~~victim~~victim, the victim's immediate
4 family, or both by telephone, written communication, or electronic means.
- 5 (6) Order the defendant to refrain from entering or remaining present at the
6 ~~victim's residence, school, place of employment, school, or place of~~
7 employment of the victim, the victim's immediate family, or both, or other
8 specified places at times when the ~~victim~~victim, the victim's immediate
9 family, or both are present.
- 10 (7) Order other relief deemed necessary and appropriate by the court.

11 ...

12 (h) At any time after the issuance of the order, the State, at the request of the victim, or
13 the defendant may make a motion to rescind or modify the permanent no contact order. If the
14 court determines that reasonable grounds for the ~~victim~~victim, the victim's immediate family, or
15 both to fear any future contact with the defendant no longer exist, the court may rescind or modify
16 the permanent no contact order.

17 "

18 **SECTION 3.2.** G.S. 14-318.4 reads as rewritten:

19 "**§ 14-318.4. Child abuse a felony.**

20 (a) A parent or any other person providing care to or supervision of a child less than 16
21 years of age who intentionally inflicts any serious physical injury upon or to the child or who
22 intentionally commits an assault upon the child which results in any serious physical injury to
23 the child is guilty of a Class D felony, except as otherwise provided in subsection (a3) of this
24 section.

25 (a1) ~~Any A parent or any other person providing care to or supervision of a child less than~~
26 16 years of ~~age, or any other person providing care to or supervision of the child, age~~ who
27 commits, permits, or encourages any act of prostitution with or by the child is guilty of child
28 abuse and shall be punished as a Class D felon.

29 (a2) ~~Any A parent or legal guardian of any other person providing care to or supervision~~
30 of a child less than 16 years of age who commits or allows the commission of any sexual act
31 upon the child is guilty of a Class D felony.

32 (a3) A parent or any other person providing care to or supervision of a child less than 16
33 years of age who intentionally inflicts any serious bodily injury to the child or who intentionally
34 commits an assault upon the child which results in any serious bodily injury to the child, or which
35 results in permanent or protracted loss or impairment of any mental or emotional function of the
36 child, is guilty of a Class B2 felony.

37 (a4) A parent or any other person providing care to or supervision of a child less than 16
38 years of age who, for the purpose of causing fear, emotional injury, or deriving sexual
39 gratification, intentionally and routinely (i) inflicts physical injury on that child and (ii) deprives
40 that child of necessary food, clothing, shelter, or proper physical care is guilty of a Class B2
41 felony.

42 ~~(a4)~~(a5) A parent or any other person providing care to or supervision of a child less than
43 16 years of age whose willful act or grossly negligent omission in the care of the child shows a
44 reckless disregard for human life is guilty of a Class E felony if the act or omission results in
45 serious bodily injury to the child.

46 ~~(a5)~~(a7) A parent or any other person providing care to or supervision of a child less than
47 16 years of age whose willful act or grossly negligent omission in the care of the child shows a
48 reckless disregard for human life is guilty of a Class G felony if the act or omission results in
49 serious physical injury to the child.

1 (a6) For purposes of this section, a "grossly negligent omission" in providing care to or
2 supervision of a child includes the failure to report a child as missing to law enforcement as
3 provided in G.S. 14-318.5(b).

4 (b) The felony of child abuse is an offense additional to other civil and criminal
5 provisions and is not intended to repeal or preclude any other sanctions or remedies.

6 (c) Abandonment of an infant less than seven days of age pursuant to G.S. 14-322.3 may
7 be treated as a mitigating factor in sentencing for a conviction under this section involving that
8 infant.

9 (d) The following definitions apply in this section:

10 (1) Grossly negligent omission. – In the context of providing care to or
11 supervision of a child, this term includes the failure to report a child as missing
12 to law enforcement as provided in G.S. 14-318.5(b).

13 (2) Serious bodily injury. – Bodily injury that creates a substantial risk of death
14 or that causes serious permanent disfigurement, coma, a permanent or
15 protracted condition that causes extreme pain, or permanent or protracted loss
16 or impairment of the function of any bodily member or organ, or that results
17 in prolonged hospitalization.

18 ~~(2)~~(3) Serious physical injury. – Physical injury that causes great pain and suffering.
19 The term includes serious mental injury."

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

23 **SECTION 3.4.** Sections 3.1 and 3.2 of this act become effective December 1, 2025,
24 and apply to offenses committed on or after that date.

25 26 **PART IV. CRIMINAL HISTORY RECORD CHECK REQUIREMENT FOR** 27 **APPLICANTS FOR CITY AND COUNTY EMPLOYMENT WORKING WITH** 28 **CHILDREN**

29 **SECTION 4.1.** G.S. 153A-94.2 reads as rewritten:

30 **"§ 153A-94.2. Criminal history record checks of employees permitted.**

31 (a) The board of commissioners may adopt or provide for rules and regulations or
32 ordinances concerning a requirement that any applicant for employment be subject to a criminal
33 history record check of State and National Repositories of Criminal Histories conducted by the
34 State Bureau of Investigation in accordance with ~~G.S. 143B-1209.25~~ [G.S. 143B-1209.26].
35 G.S. 143B-1209.26. The local or regional public employer may consider the results of these
36 criminal history record checks in its hiring decisions.

37 (b) Notwithstanding the provisions of subsection (a) of this section, if the position being
38 filled requires an applicant for employment to work with children in any capacity, the board of
39 commissioners shall require the applicant, if offered the position, be subject to a criminal history
40 record check conducted by the State Bureau of Investigation in accordance with
41 G.S. 143B-1209.26. The local or regional public employer must extend a conditional offer of the
42 position pending the results of a criminal history record check required by this section."

43 **SECTION 4.2.** G.S. 160A-164.2 reads as rewritten:

44 **"§ 160A-164.2. Criminal history record check of employees permitted.**

45 (a) The council may adopt or provide for rules and regulations or ordinances concerning
46 a requirement that any applicant for employment be subject to a criminal history record check of
47 State and National Repositories of Criminal Histories conducted by the State Bureau of
48 Investigation in accordance with ~~G.S. 143B-1209.25~~ [G.S. 143B-1209.26]. G.S. 143B-1209.26.
49 The city may consider the results of these criminal history record checks in its hiring decisions.

50 (b) Notwithstanding the provisions of subsection (a) of this section, if the position being
51 filled requires an applicant for employment to work with children in any capacity, the council

1 shall require the applicant, if offered the position, be subject to a criminal history record check
2 conducted by the State Bureau of Investigation in accordance with G.S. 143B-1209.26. The city
3 must extend a conditional offer of the position pending the results of a criminal history record
4 check required by this section."

5 **SECTION 4.3.** Section 4 of this act would become effective October 1, 2025, and
6 would apply to offers of employment on or after that date.

7
8 **PART V. EFFECTIVE DATE**

9 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
10 law.