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The Fostering Care in NC Act: Changes to Child Welfare Effective October 1, 2025, Part 2, and an On-Demand Webinar on the Legislative Changes



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This is my third post discussing S.L. 2025-16, the Fostering Care in NC Act. The various sections of this significant 32-page session law have different effective dates: June 26, 2025, October 1, 2025, December 1, 2025, and April 1, 2026. This post discusses two significant changes to child welfare law that are effective October 1st:

- the right to seek expungement from the Responsible Individuals List (RIL) through a district court action under the new G.S. 7B-325, and
- post-adoption contact agreement and orders between parents and prospective adoptive parents for children who are in DSS custody through an order entered in an abuse, neglect, or dependency (A/N/D) action under the new G.S. 7B-909.2, -909.3 and 50-13.2B.

Because the changes made in S.L. 2025-16 and some other shorter session laws addressing child welfare are so numerous, my colleague, Kristi Nickodem, and I made a 1.5 hour on-demand webinar discussing these changes. It is free of charge and can be viewed at any time. There are no continuing education credit hours available. You can view the webinar at <https://vimeo.com/1121169767>. The end of this post has a list of all the posts addressing the legislative changes discussed in the webinar.

Section 1.19 creates a procedure for the expungement of a person's name from the Responsible Individuals List (RIL). These amendments are effective October 1, 2025.

The RIL is a statewide list maintained by the North Carolina Department of Health and Human Services (DHHS) of "responsible individuals"—parents, guardians, custodians, caretakers, or individuals who have subjected a juvenile to human trafficking, who have been found by DSS to have seriously neglected or abused a juvenile. G.S. 7B-101(18b); -311(b); *see* G.S. 7B-101(1) (definition of "abused juvenile") and (19b) (definition of "serious neglect"). Information on the RIL

may be shared by DHHS with child-caring institutions; child-placing agencies; group homes; or other providers of foster care, adoption, or child care when the agency is determining a person's fitness to care for or adopt a juvenile. G.S. 7B-311(b).

There are three ways a person can be placed on the RIL: (1) DSS notifies the person of its intent to place them on the RIL and that person does not timely seek a judicial review of the decision, (2) the person seeks a timely judicial review of the decision by DSS to place them on the RIL and the court orders their placement on the RIL, or (3) DSS is unable to serve the person with notice of its intent to place the person on the RIL and obtains an ex parte court order allowing it to place the individual on the RIL. G.S. 7B-323(a), (a1), (d). A request for judicial review must be made within 15 days of when the person receives the notice from DSS of its intent to place them on the RIL. G.S. 7B-323(a). There is an exception to that time period in G.S. 7B-323(e), which is amended by S.L. 2025-16 to limit the time to within one year since the person was placed on the RIL. A second amendment changes one of the criteria for allowing a late petition for a judicial review from "extraordinary circumstances" to "good cause." The AOC-J-131 Petition for Judicial Review has been amended to reflect these changes.

For the vast majority of people who are on the RIL, there was no procedure to have their name expunged. There was one limited circumstance – when an untimely petition for judicial review was filed and granted – where an individual who was placed on the RIL would seek a court order requiring their name be expunged from the RIL. G.S. 7B-323(e). Concerns about the inability of getting off a list like this when compared to sex offenders who can seek removal from the Sex Offender Registry and felons who can seek expungement of their felony convictions was raised by the Mecklenburg County Superior Court and the N.C. Court of Appeals. *See Taylor-Coleman v. NC DHHS, Div. of Child Dev. & Early Education*, 296 N.C. App. 546 (2024) (discussing the Child Maltreatment Registry for caregivers who maltreated a child in a child care facility). The legislature addressed this concern as it relates to the RIL by enacting G.S. 7B-325 – a procedure for petitioning for expungement from the RIL.

Under G.S. 7B-325(a), a person who has been placed on the RIL may seek to have their name expunged from the RIL by filing a petition in district court when one of the following conditions is met:

- At least 1 year has passed since the person was placed on the RIL without a judicial review when a judicial review could have been conducted.
- At least 5 years have passed since the person was placed on the RIL pursuant to a judicial review order.
- At least 8 years have passed since the person who was criminally convicted of the same incident that placed them on the RIL completed their sentence, complied with post-release conditions, and has not been subsequently convicted of a misdemeanor or felony in any

U.S. jurisdiction with the exception of a traffic violation. A person whose conviction is related to child sexual abuse, human trafficking or a child fatality related to abuse or neglect is not eligible to petition for expungement from the RIL.

The petition for expungement is filed in the district court in the county where the abuse or serious neglect report arose. A copy of the petition must be personally delivered or sent by certified mail, return receipt requested, to the director of that DSS. The petition must include the name, date of birth, and address of the petitioner who is seeking the expungement; the name of the juvenile who was abused or seriously neglected; and facts that invoke the court's jurisdiction. G.S. 7B-325(b). The North Carolina Administrative Office of the Courts (AOC) has created a form "Petition for Expungement from Responsible Individuals List," [AOC-J-133](#).

A hearing must be scheduled within 45 days when the petition for expungement is filed. The clerk sends notice of the hearing to the petitioner and director of the DSS who made the responsible individual determination. G.S. 7B-325(c). Note that this DSS director may differ from the DSS director the petitioner sent the petition to, which is the DSS director where the report of abuse or serious neglect arose (e.g., when a conflict of interest existed such that the report was referred to another county DSS under G.S. 7B-302.1). *Compare* G.S. 7B-325(b) *with* (c). The AOC created a "Notice of Hearing Petition for Expungement from Responsible Individuals List," [AOC-J-134](#).

The petitioner has the burden of proving by a preponderance of the evidence that there is little likelihood they will be a future perpetrator of child abuse or neglect. G.S. 7B-325(c), (f). The court must consider (1) the nature of the abuse or serious neglect based on documentation maintained by DSS, (2) the time that has passed since the person was placed on the RIL, (3) any activities that reflect on the person's changed behavior or circumstances, and (4) any other relevant circumstances. G.S. 7B-325(e). The court may consider any evidence that is relevant, reliable, and necessary. G.S. 7B-325(c). The juvenile who was abused or seriously neglected is not required to participate in the hearing. G.S. 7B-325(d)(3). The petitioner may represent themselves or hire an attorney; there is no right to court-appointed counsel. G.S. 7B-325(d)(2).

There are two possible outcomes of the hearing. First, the court may grant the petition and enter an order directing the DSS director to expunge the petitioner's name from the RIL. Second, the court enters an order denying the petition, in which case the petitioner remains on the RIL. G.S. 7B-325(f), (g). The order must be entered within 30 days of when the hearing is completed. G.S. 7B-325(g). The AOC created an "Order on Petition for Expungement from Responsible Individuals List," [AOC-J-136](#). A party may appeal the order under G.S. 7A-27(b)(2). G.S. 7B-325(h).

Section 1.18 authorizes and establishes procedures for post-adoption contact agreements and orders for children who are in DSS custody through an abuse, neglect, and dependency (A/N/D) court order and whose parent will execute a relinquishment to DSS.

A new Article 9A of Subchapter I of G.S. Chapter 7B (the Juvenile Code) is created and consists of two new statutes – G.S. 7B-909.2 and -909.3. A companion statute – G.S. 50A-13.2B – is also enacted. Corresponding amendments are made to applicable statutes in G.S Chapter 48 (“Adoptions”). These changes are effective for all actions pending or filed on or after October 1, 2025. The changes recognize a post-adoption contact agreement and order, which is defined at a new G.S. 7B-101(16a) and 48-1-101(13a). These agreements and orders only apply to parents whose children are in DSS custody through a court order in an A/N/D proceeding. See G.S. 7B-909.2(a).

A parent may execute a relinquishment for their child’s adoption to a DSS. When there is an A/N/D action involving the juvenile and their parent is represented by an attorney in that action, before the parent executes the relinquishment, DSS must notify the attorney of the date, time and location of when the relinquishment will be executed and advise the parent of their right to consult with their attorney and have their attorney present. G.S. 7B-909.1. This existing statute does not appear to be incorporated into the new Article 9A.

A parent’s relinquishment may identify a specific prospective adoptive parent that DSS agrees to. G.S. 48-3-704. Under the new G.S. 7B-909.2, if a prospective adoptive parent is identified, the parent who intends to execute a relinquishment and the prospective adoptive parent may voluntarily participate in court mediation to reach a post-adoption contact agreement. If an agreement is reached, it will allow for “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.” G.S. 7B-101(16a).

The court hearing the A/N/D action makes the referral to mediation after receiving notice from DSS. G.S. 7B-909.2(a). The AOC created two new forms, AOC-J-213, “Notice to Court that Department of Social Services Will Accept Relinquishment of Juvenile for Adoption and Request to Refer to Mediation” and AOC-J-214, “Referral and Notice to Post-Adoption Contact Agreement Mediation.” Although not specified in the statute, the AOC has designated the permanency mediation program for this mediation. See NC AOC Permanency Mediation Program Uniform Rules. Mediation is confidential and except for the voluntary mediated agreement, no records of the mediation are maintained and the mediator must destroy their notes. G.S. 7B-909.2(e).

Parties to the mediation are limited to the parent(s) and prospective adoptive parent(s), although others may be invited by mutual consent of the parties. If others are invited, they are not parties to the agreement and do not receive copies of the agreement. G.S. 7B-909.2(d).

If an agreement between the parties is reached, the court hearing the A/N/D action must review the agreement within 2 business days of when the agreement is signed and decide whether the agreement should be incorporated into a court order. G.S. 7B-909.2(f). The agreement must include 4 statements designated in G.S. 7B-909.2(g), and one of those statements is that the validity of the relinquishment and final decree of adoption are not affected by any breach,

modification, invalidation, or termination of the post-adoption contact agreement and order. The parties must sign the agreement under oath or incorporate an affidavit that states the agreement was entered into knowingly and voluntarily and is not a product of coercion, fraud, or duress. G.S. 7B-909.2(g). The court cannot approve the agreement unless it is in writing and executed before or as part of the parent's relinquishment to DSS. G.S. 7B-909.2(h). The AOC created a form "Post-Adoption Contact Agreement and Order on Agreement," AOC-J-215. Relinquishment procedures require the person who is acknowledging the parent's relinquishment certify that to the best of their knowledge a copy of the post-adoption contact agreement and order was given to the parent. G.S. 48-3-702(b1)(3). A certified copy of the post-adoption contact agreement and order must be filed in the adoption proceeding along with the relinquishment. G.S. 48-2-305(2).

When a post-adoption contact agreement is approved by the court, the order initiates a new civil action for custody for that order only and exists outside of the A/N/D action. G.S. 7B-909.2(h). The court must instruct the clerk to treat the order as the initiation of a new civil action for custody and designate the caption and parties. G.S. 7B-909.2(h)(1)–(2). There is no civil filing fee unless the court orders one or more parties to pay the filing fee for a civil action. G.S. 7B-909.2(h)(2). The record of the civil action is withheld from public inspection and may only be examined by the parties to that action, their attorneys, the minor adoptee, or by order of the court. G.S. 7B-909.2(h)(4). The post-adoption contact agreement and order terminates automatically when the adoptee turns 18 or is otherwise emancipated. G.S. 7B-909.2(i). If the parent's relinquishment is revoked, rescinded, set aside, or voided, the post-adoption contact agreement and order is void. G.S. 48-3-706.

A post-adoption contact agreement and order may be enforced, modified, or terminated by court order in the newly created civil action. G.S. 7B-909.2(h)(3); -909.3; 50A-13.2B; *see* G.S. 48-2-100(a1). A motion may be filed by a party to the action. The parties to the agreement are the only parties to the proceeding, and intervention by any person or agency is not permitted. G.S. 7B-909.3(b). There is no right to court-appointed counsel. *Id.* Unless waived for good cause, the motion must be referred to mediation. The AOC created two forms – "Order on Mediation of Issues from Motion to Modify, Enforce, or Terminate Post-Adoption Contact Agreement and Order," AOC-CV-647, and "Motion to Waive Mediation of Issues from Motion to Modify, Enforce, or Termination Post-Adoption Contact Agreement and Order," AOC-CV-648. Because this is now a civil action, mediation will be held in the child custody and visitation mediation program.

To modify the post-adoption contact agreement and order, the court must find (1) by a preponderance of the evidence that there is a material and substantial change in circumstances and (2) modification is in the child's best interests. G.S. 7B-909.3(c). The court's authority to modify the order is confined to limiting, restricting, conditioning, decreasing, or terminating information sharing and contact between the former parent and child; the court cannot increase or expand contact. G.S. 7B-909.3(c). The court may impose other appropriate sanctions under its

equitable powers, and if the action is frivolous or not made in good faith, award attorneys' fees and costs to the prevailing party. G.S. 7B-909.3(c), (d). There is no right to appeal the order. G.S. 7B-909.3(e).

There's Still More

I will have one more blog post discussing S.L. 2025-16, which addresses attorney representation for DSS, but those changes are not effective until April 1, 2026. That post will be published next year.

On-Demand Webinar

In the meantime, remember the webinar addressing legislative changes to child welfare is available on demand at <https://vimeo.com/1121169767> and is accompanied by this post and four previously written posts:

- [The Foster Care in NC Act: Changes to Child Welfare and DSS that Are Effective Now](#)
- [State Oversight of County Departments of Social Services: Changes in Session Law 2025-16 – Coates' Canons NC Local Government Law](#)
- [New Criminal History Record Check Requirements for Some County and City Job Applicants – Coates' Canons NC Local Government Law](#)
- [The Foster Care in NC Act: Changes to Child Welfare Effective October 1, 2025, Part 1](#)

This entry was tagged with the following terms: abuse neglect and dependency, adoption, department of social services, Juvenile Code, new legislation, relinquishment, responsible individual.

Sara DePasquale

Sara DePasquale is a Professor at the School of Government specializing in child welfare law (abuse, neglect, dependency, termination of parental rights, and adoption) and juvenile court.