

Child Welfare Update

2025 Fall Conference for District Court Judges

By Sara DePasquale, UNC School of Government



Things were different 1 year ago...

Advance Child Welfare Certifications!



Congratulations

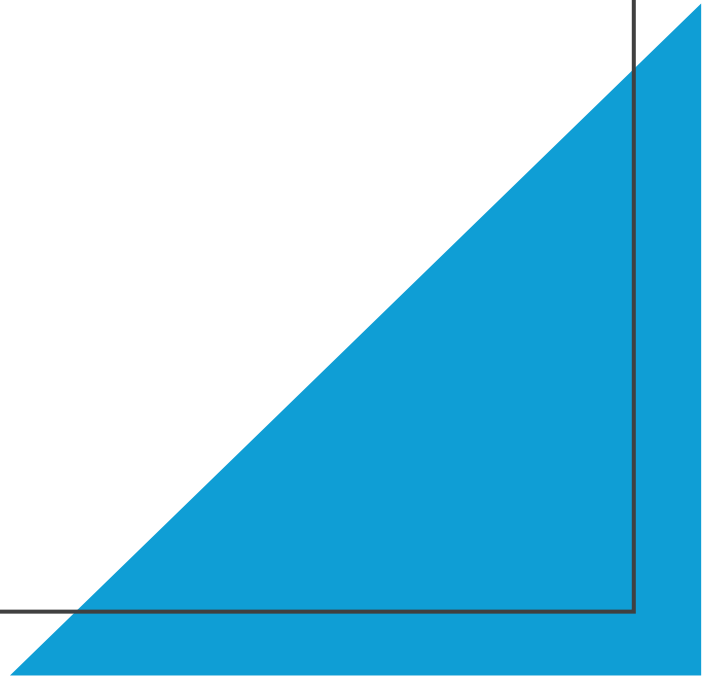


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Major Legislative Changes



But first,
3 cases
3 takeaways



Stipulations:
One parent cannot bind another
parent who objects

In re T.C

Unexplained Nonaccidental Injuries Neglect of Sibling – Remedy Injurious Environment

In re E.H.

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graph LR; A[G.S. 7B-906.1(j)] --> B[Verification of Adequate Resources  
(In re A.J.J.)]; B --> C[Stable placement for 6 consecutive months = evidence]
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G.S. 7B-906.1(j)

Verification
of Adequate
Resources
(In re A.J.J.)

Stable placement
for 6 consecutive
months = evidence

Major Legislative Changes



Vast Majority in S.L. 2025-16 (H612)

Various Effective Dates:
June 25, 2025; October 1, 2025; April 1, 2026

Resources: On the Civil Side Blog

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The Fostering Care in NC Act: Changes to Child Welfare and DSS that Are Effective Now



This entry was contributed by Sara DePasquale on June 30, 2025 at 5:44 am and is filed under Child Welfare Law.

On June 26, 2025, H612 was signed by the Governor and became [S.L. 2025-16](#). This session law makes significant amendments to the laws addressing juvenile abuse, neglect, and dependency (A/N/D) and the oversight provided by the North Carolina Department of Health and Human Services (NCDHHS) over county departments of social services (DSS). The session law also affects termination of parental rights, adoptions of minors, permanent no contact orders, felony child abuse, and criminal history checks for applicants for city and county jobs that involve working with children. Finally, this session law enacts a guardianship assistance program for certain children who were in DSS custody when guardianship was ordered. The various sections of this significant 32-page session law have different effective dates, with some sections effective on June 26, 2025 and others not effective until as late as April 1, 2026. This blog only summarizes the changes that are effective now.

Section 1.2 addresses the termination of jurisdiction in an A/N/D action. Under G.S. 7B-201(a), the district court's jurisdiction in an A/N/D action continues until the court terminates its jurisdiction by court order or the juvenile turns 18 or is otherwise emancipated, whichever occurs first. Under S.L. 2025-16, G.S. 7B-201 now provides that the court's jurisdiction also terminates upon the juvenile's death – something that unfortunately happens as a result of the abuse or neglect or for other reasons, such as a car accident or natural causes. This amendment clarifies that for any action pending on or filed after June 26, 2025, the case for that child ends at death.

Section 1.11(a) makes amendments to when Rylan's Law observations are required by a county DSS. These amendments apply to any action that is pending or filed on or after June 26, 2025.

Categories

- Adoptions
- Adult Protective Services
- Appeals
- Child Welfare Law
- Civil Law
- Civil Practice
- Civil Procedure-General
- Clerks of Superior Court
- Constitutional Issues
- Contempt
- Court Costs and Fees
- Dispute Resolution
- Domestic Violence
- Estates
- Family Law
- Foreclosures
- Guardianship
- Incompetency
- Judicial Authority
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- Small Claims Law
- Social Services
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- Uncategorized

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The Fostering Care in NC Act: Changes to Child Welfare Effective October 1, 2025, Part 1

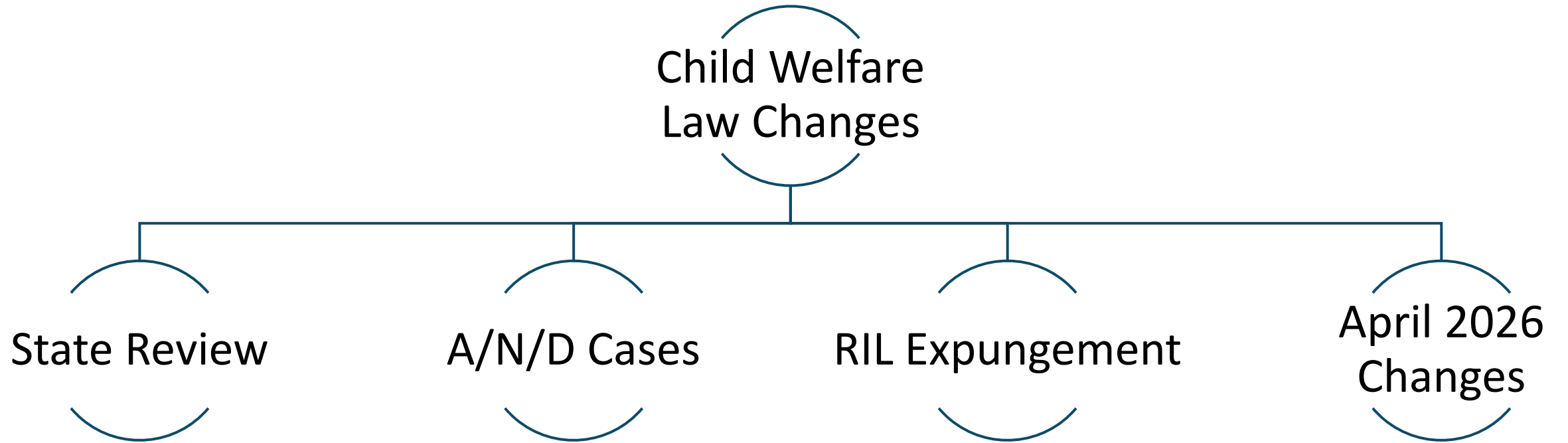


This entry was contributed by Sara DePasquale on August 20, 2025 at 2:17 pm and is filed under Child Welfare Law.

This is my second 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. Some sections became effective on June 26, 2025 and are discussed in my previous post – <https://civil.sog.unc.edu/the-fostering-care-in-nc-act-changes-to-child-welfare-and-dss-that-are-effective-now/> – and my colleague's post discussing changes to DHHS oversight <https://civil.sog.unc.edu/state-oversight-of-county-departments-of-social-services-changes-in-session-law-2025-16/>.

Other sections are effective on October 1, 2025. The focus of this blog is on most of the provisions in Part I of S.L. 2025-16 that become effective on October 1, which is not that far away.

Subtopics



Subtopics

Child Welfare
Law Changes



Reviews of DSS decision

Screen Out
Review by
Division

Not File Petition
Reviewed by
prosecutor or
Division

Changes to 7B-302(g)



Conflict of Interest:

G.S. 7B-302.1

Defines COI

Request another county DSS

If no by 2, Division decides

Can it be managed or not

If not, appoint another county DSS

Conflict of Interest

Written notice to P, G, C, C

- Of conflict
- County that takes case
- Constituent concern line at Division

G.S. 7B-400(c)

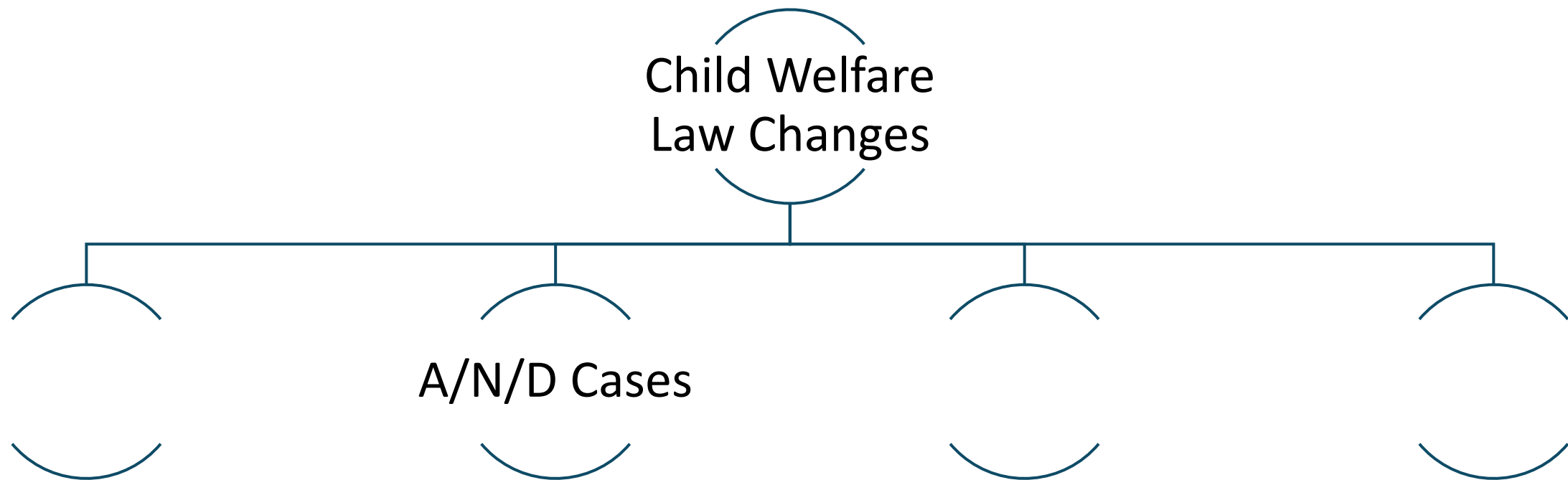


Pre-adjudication
change of venue



Allows
substitution of
petitioner if COI

Subtopics



Jurisdiction

Child's Death

G.S. 7B-201(a)

Definitions

G.S. 7B-101

- Abused juvenile
- Division
- Post-adoption contact agreement and order

S.L. 2025-59

July 3, 2025

≠ abuse or neglect

"§ 7B-102. Limitation.

Raising a juvenile consistent with the juvenile's biological sex, or referring to a juvenile consistent with the juvenile's biological sex, shall not be a basis supporting the filing of a petition supporting abuse or neglect under this Subchapter. This section shall not be construed to authorize or allow any other acts or omissions prohibited by this Subchapter that would constitute abuse or neglect, including abandonment or the creation of an injurious environment."

Agency Placement Adoption: G.S. 48-3-203

- (a1) No agency shall deny or delay (i) the opportunity to become an adoptive parent or (ii) the placement of a child for adoption on the basis of ~~race~~, any of the following:
- (1) Race, color, or national origin of the person or the child involved.
 - (2) The adoptive parents' refusal, unwillingness, or lack of support to enable the child to engage in a gender transition.

S.L. 2025-54

Effective July 2, 2025

AOC FORMS NOT MODIFIED

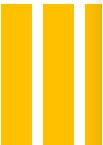
or

NOTATE MODIFIED AND THE
CHANGES MADE

"§ 7A-232. Forms.

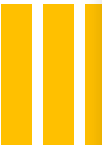
The following forms are sufficient for the purposes indicated under this article. Substantial conformity is sufficient. Forms promulgated by the Administrative Office of the Courts shall not be modified in a way that maintains an appearance that the form was promulgated by the Administrative Office of the Courts. Any attorney or party who modifies a form promulgated by the Administrative Office of the Courts must clearly notate that the form has been modified from the version promulgated by the Administrative Office of the Courts and specify what changes were made to the form.

"



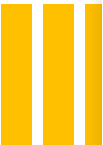
S.L. 2025-16: Administrative Order G.S. 7B-502

“The chief district court judge may delegate the court’s authority to **any magistrate...**”



G.S. 7B-502

“Each county shall have available at all times a judge or delegated magistrate with whom the department may request nonsecure custody of a juvenile or juveniles.”

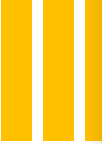


G.S. 7B-502

Request for Nonsecure Custody

“...once the action is commenced with the **filing of a juvenile petition** under G.S. 7B-405.”

G.S. 7B-508
Telephonic Communication
Authorized



G.S. 7B-508

“A copy of the petition shall be provided to the judge... by any appropriate secure method...”

G.S. 7B-508

Signature/Telephonic Approval



Name and title of person requesting and receiving telephonic approval



Name and title of judge or magistrate approving order



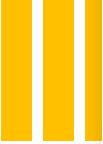
Signature and title of clerk or magistrate who accepted petition for filing



Hour and date of authorization



Date		Signature Of Judge/Delegated Magistrate	
Maximum Duration Of Custody		Name Of Judge/Delegated Magistrate (type or print)	☐ Judge ☐ Delegated Magistrate
Complete the following section when seeking an order by telephonic communication pursuant to G.S. 7B-508:			
Date Of Authorization	Time Of Authorization ☐ AM ☐ PM	Name And Title Of Person Requesting And Receiving Telephonic Approval	
Name Of Judge/Delegated Magistrate Approving The Order ☐ Judge ☐ Delegated Magistrate		Signature And Title Of Clerk/Magistrate Who Accepted The Petition For Filing	



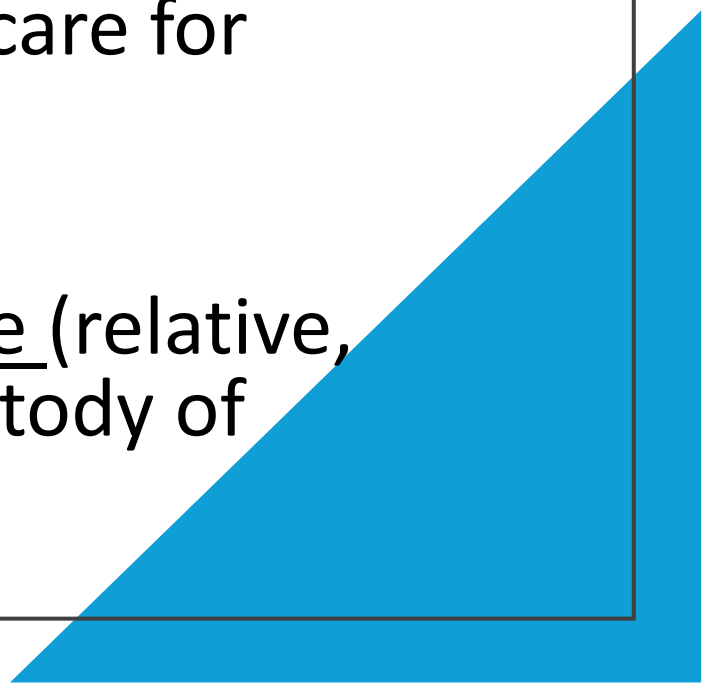
G.S. 7B-504

“... effective and enforceable after the order is signed by a judicial official.”

DSS Placements

Nonsecure
7B-505(a)

Disposition
7B-903(a)6)

- Licensed foster home/authorized by law
 - Facility operated by DSS
 - Facility licensed to care for juveniles
 - DSS approved home (relative, nonrelative kin, custody of sibling)
- 
- A large blue right-angled triangle is positioned in the bottom right corner of the slide, pointing towards the top left.

Need Court Approval & Designated in Order

- Unlicensed facility
 - Facility not licensed to care for juveniles
- 
- A large blue right-angled triangle is positioned in the bottom right corner of the slide, pointing towards the top left.

Nonsecure custody to
nonremoval parent
G.S. 7B-505(a)

Procedures related to Parties

Removal [7B-401.1(g)]

Intervention [G.S. 7B-401.1(h)]

Rule 17 GAL for minor parent in
A/N/D (not TPR) [G.S. 7B-602(b)]

Mental Health & Hospitalization

G.S. 7B-903.2

G.S. 122C-142.2

- All hospitalizations unless IVC or vol admission order in effect
- “hospital discharge criteria”
- Hospital not release unless available placement or consent by 7B-505.1 authority
- Dismissal not preclude \$ action

Mental Health & Hospitalization

G.S. 7B-903.2

G.S. 122C-142.2

- Rule 4 service
- DHHS not party but may be heard
- Hearing later of w/in 10 days of service or next juvenile session
- Defense: hospital failed to reasonably cooperate
- Dismissal not preclude \$ action

Review Hearings

G.S. 7B-906.1

Custody removed
at initial
disposition

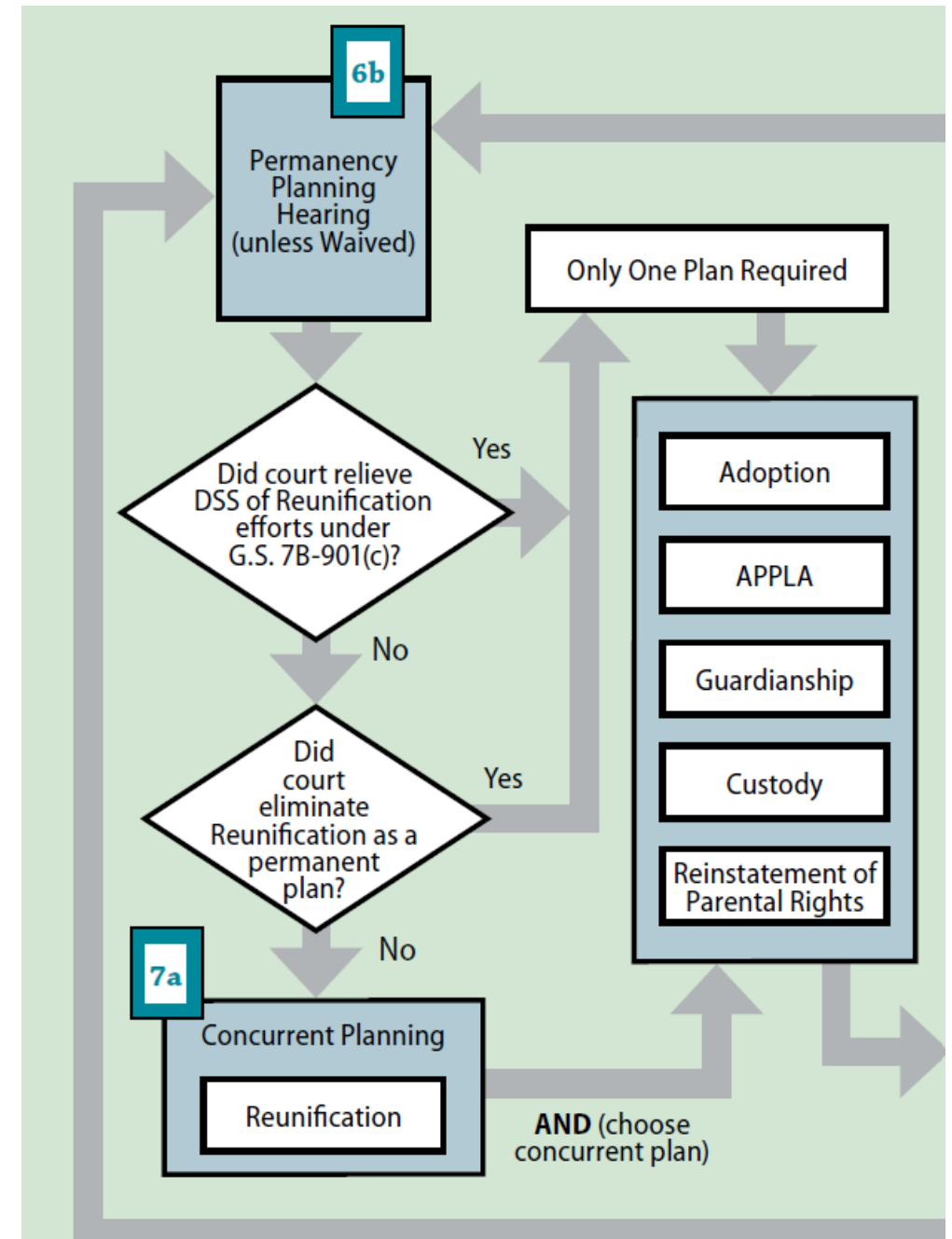
Limited basis to
remove at review

Review:
12 months,
then terminate

PERMANENCY PLANNING

CONCURRENT
PLANNING ONLY IF
REUNIFICATION A
PERMANENT PLAN

G.S. 7B-906.2



Waive Permanency Planning Hearings

- TIME PERIOD WAIVED IF
CONSENT

G.S. 7B-906.1(N)



+

•

Rylan's Law Observations: G.S. 7B-903.1(c)

Unsupervised
visits

Return of
physical custody

WHICHEVER OCCURS FIRST

7B-903.1(c)

Hearing & Findings

- Physical custody: proper care and supervision in a safe home
- Unsupervised visits: in the child's best interests finding

Child Support and DSS custody

No arrearage to
state when in
custody of DSS;
nothing accrues
[G.S. 50-13.10(d)]

Order if find
payment in BIC
[G.S. 7B-904(d)]

DSS file motion before moving juvenile (PPH)

G.S. 7B-906.2(b1)

Not reunification

DSS custody

12 consecutive preceding months

Current caretaker objects

Adoption is a permanent plan

Hearing w/in 30 days; current caretaker opportunity to participate

Not apply if abuse or neglect by caretaker



Co-Guardianship and Dissolution

G.S. 7B-600(b), (b2)

Basis to
terminate

Maintain or
modify
co-guardianship

Consider G.S. 7B-
911

GAP and KinGAP

G.S. 108A-50.10, -
50.11

10 or older (siblings)

Reunification or adoption not appropriate

6 consecutive months with prospective guardian

Strong attachment to prospective guardian with strong commitment to permanently caring for child

If 14, consulted about guardianship

Written agreement: DSS and guardian

Post-Adoption Contact Agreement & Order

G.S. 7B-909.2; - 909.3
G.S. 50-13.2B

DSS agree for specific relinquishment

Mediation: parents only

Reviewed by court w/in 2 bus. days of signing

Part of relinquishment

CVD file (confidential)

Terminate upon 18 or emancipated

Not void adoption

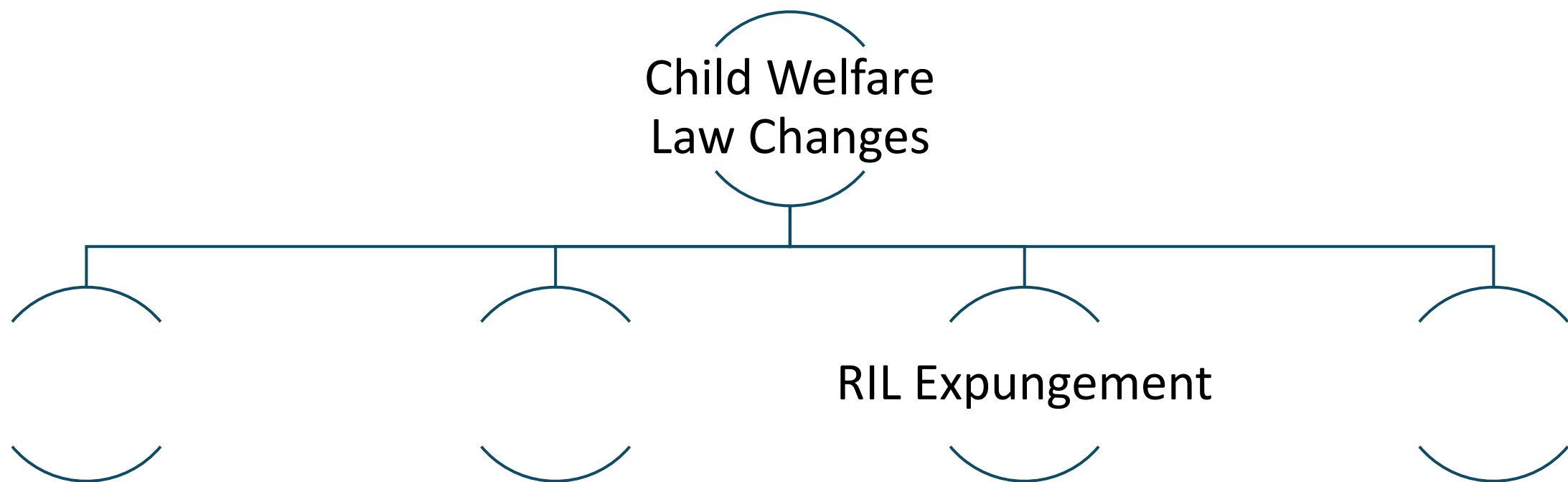
Modify or enforce in CVD case

Reinstatement of Parental Rights

G.S. 7B-1114

- Motion may be filed by a
... parent whose rights
have been terminated...

Subtopics



RIL Expungement G.S. 7B-325



Procedure

District court where report arose

Copy to director

Hearing w/in 45 days or next juvenile session

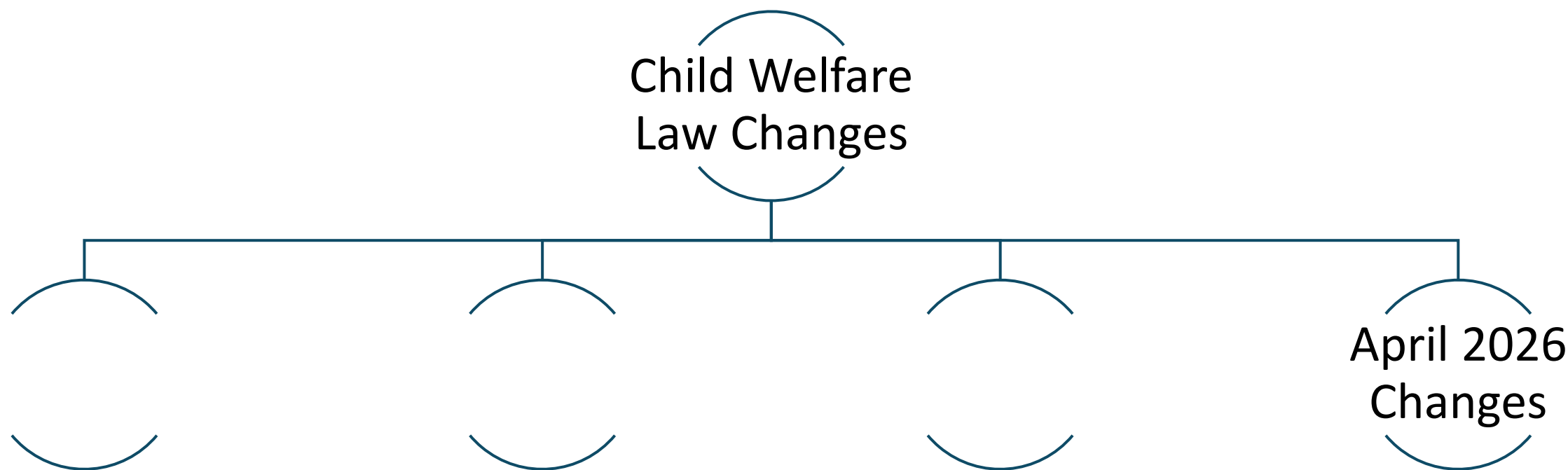
Burden on petitioner

Relevant, reliable, necessary evidence

Preponderance of the evidence

Little likelihood petitioner would be future perpetrator

Subtopics





April 1, 2026 (on or after)

- **G.S. 7B-604**

- Legal Counsel for Department
 - Min. 6 hours training
 - Division with directors/attorneys establish ongoing training & practice standards
-



Signature on Petitions

Director and
attorney or

Director attest
attorney
reviewed

Is it subject matter
jurisdiction?

In re T.R.P., 360 N.C. 588 (2006)



