

**S.L. 2016-25, Section 1.19(b) (Effective October 1, 2025)**

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

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

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

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

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

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

(c) The clerk of court shall maintain a separate docket for expungement actions. Upon the filing of a petition for expungement, the clerk shall calendar the matter for hearing within 45 days from the date the petition is filed at a session of district court hearing juvenile matters or, if there is no such session, at the next session of juvenile court. The clerk shall send notice of the hearing to the petitioner and to the director of the county department of social services that determined the abuse or serious neglect and identified the individual as a responsible individual. Upon the request of a party, the court shall close the hearing to all persons, except officers of the court, the parties, and their witnesses. The hearing shall be before a judge without a jury. The burden shall be upon the petitioner and all findings of fact shall be based on a preponderance of the evidence. The court may consider any evidence, including hearsay

evidence as defined in G.S. 8C-1, Rule 801, or testimony or evidence from any person that is not a party that the court finds to be relevant, reliable, and necessary.

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

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

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

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

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

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

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

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

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

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

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

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