

S.L. 2025-16 (H612): Fostering Care in NC Act Summary

Part I

Section 1.1 Definitions (effective Oct 1, 2025 and applies to actions pending or filed on or after that date)

- (1) Amends “abused juveniles” in G.S. 7B-101(1) to reflect criminal statutes and ensure any changes made to criminal statutes are incorporated in the definition of abused juveniles so they align.
- (2) Adds G.S. 7B-101(11a) a definition for Division of Social Services since it’s referenced throughout the statutes and makes corresponding number changes to definitions.
- (3) Adds G.S. 7B-101(16a) “post-adoption contact agreement and order”. This is a new process in adoptions that is limited only to children who are in DSS custody as a result of an order entered in an A/N/D case where adoption is a permanent plan. Placement in G.S. Chapter 7B (juvenile proceedings) vs. Chapter 48 (adoptions) reflects this limitation. See Section 1.18.

Section 1.2 Jurisdiction (effective when becomes law and applies to actions pending or filed on or after that date)

Amends G.S. 7B-201 to clarify the court’s jurisdiction terminates upon the child’s death.

Section 1.3. Pre-Petition; Attorney Review (effective October 1, 2025 for reviews or actions filed on or after that date)

1. Removes a duplicate sentence in G.S. 7B-302(a).
2. Amends G.S. 7B-302(f) to creates a new process for a reporter of suspected abuse, neglect, or dependency to seek a review by DHHS Division of Social Services when DSS screens a case out. The Division may affirm the screen out or direct DSS to conduct an assessment.
3. Amends G.S. 7B-302(g), -305, -306, and -308 to change the review of a DSS decision to not file a petition to add DHHS Division of Social Services. Current law has a review by the county prosecutor, and that role is still preserved. This change recognizes that DHHS is the supervising agency of the county administered child welfare system and is the principal in this agency relationship. Reviews are conducted by both entities (the county prosecutor and the Division).
4. Amends G.S. 7B-303(c) to change “Clear, cogent, and convincing evidence” to “clear and convincing evidence” for interferences petitions. Under case law, these two standards are the same; the amendment removes the extra word, “cogent.”

Section 1.4. Conflicts of Interest (effective for all actions pending or filed on or after Oct. 1, 2025)

1. This section creates a law, G.S. 7B-302.1, to address conflicts of interest with a county DSS and the family who receives protective services (which starts with a report). The definition of conflict of interest primarily mirrors what exists in the Administrative Code and is law now (10A NCAC 70A .0103). It creates a procedure where a county DSS must try to refer the case

out to another county DSS and if unsuccessful seek a review and decision about the conflict and county DSS assignment for the case by the Division. Financial responsibility remains with the county with the conflict unless there is an agreement between the counties. Parties in the case are notified of the conflict and the new county DSS that will manage the case and has a process for review with the Division, if requested.

2. Amends G.S. 7B-400(c) to allow for a substitute DSS party in a court case when a change of venue is granted pre-adjudication and there is a conflict of interest with the original DSS that filed the petition.

Section 1.5. Intervention and Removal of Parties (effective for all actions pending or filed on or after Oct. 1, 2025)

1. Amends G.S. 7B-401.1(h) by authorizing intervention in an A/N/D action by a current caretaker or current foster parent and expands it from foster parent only to any current caretaker (e.g., a relative) who has standing to commence a termination of parental rights action. Repeals G.S. 7B-401.1(e1) as a result.
2. Amends G.S. 7B-401.1(g) by limiting removal of parties to after an adjudication and changes the two prongs the court must consider by replacing one prong that caused confusion as to whether a Ch. 50 custodian may be removed with one prong that requires the removal of the party be in the child's best interests.

Section 1.6. After-Hours Petitions; Nonsecure Custody (effective for all actions pending or filed on or after Oct. 1, 2025)

1. Amends G.S. 7B-502 by limiting who the chief district court judge can authorize to approve a nonsecure custody order to a judge or magistrate, rather a judge or any individual/agency. Requires each county have a judge or magistrate available at all times given an emergency exists such that DSS is seeking nonsecure custody at the time the petition is filed. Explicitly states a petition must be filed before a decision on the nonsecure custody request may be made.
2. Amends G.S. 7B-404(b) to make clear that an after-hours order is effective upon the signature of a judicial official since it cannot be "entered" until the clerk's office is open.

Section 1.7. After Hours Nonsecure Custody (effective for all actions pending or filed on or after Oct. 1, 2025)

Amends G.S. 7B-508 to provide clarification on who signs initial nonsecure custody orders that are approved telephonically, which is important for Title IV-E (federal funding) purposes to ensure there is a valid removal order. Requires the judge or magistrate deciding on the nonsecure custody order to have a copy of the petition.

Section 1.8. Co-Guardianship at Permanency (effective for all actions pending or filed on or after Oct. 1, 2025)

Amends G.S. 7B-600(b) and (b2) to address a gap in the current law when co-guardians are appointed as the permanent plan for the child and later, the co-guardians' relationship dissolves (e.g., divorce) and what remedy the court may order as a result, which includes visitation, placement and decision making between the co-guardians.

Section 1.9. Minor Parents and Rule 17 GAL (effective for all actions pending or filed on or after Oct. 1, 2025)

Amends G.S. 7B-602(b) to limit the automatic appointment of a Rule 17 GAL of substitution for a minor parent to a minor parent who is 15 years old or younger. Allows for discretionary appointment of a Rule 17 GAL for an unemancipated minor parent who is 16 or 17 years old. This change recognizes an older minor parent's constitutional rights to care, custody, and control of their child, right to make decisions for their child, and ability to execute a consent or relinquishment for their child's adoption without a GAL being appointed to them. See G.S. 48-3-605(b); 48-3-702(b).

Section 1.10. Legal Representation for DSS (effective April 1, 2026 and applies to petitions filed on or after that date)

1. Adds G.S. 7B-101(14a), a new definition of "legal counsel for the department."
2. Adds a new statute, G.S. 7B-604, that requires a DSS to be represented by an attorney in court actions brought under Subchapter I of GS Chapter 7B (currently this is required because of the unauthorized practice of law). Additionally requires DSS attorney training in child welfare law before the attorney represents DSS in a child welfare action and ongoing training. DHHS is required to work with DSS representatives (directors and attorneys) to establish training standards. Currently, there is no training requirement for DSS attorneys. In contrast, parent attorneys and GAL Attorney Advocates are required to complete certain trainings to be approved on the roster maintained by IDS and/or the GAL Program.
3. Amends G.S. 7B-302(c) and (d), - 303(a), and -403(a) to require an attorney for DSS to review and sign (i) the initial petition alleging abuse, neglect, dependency and (ii) a petition alleging interference with an assessment. If the attorney does not sign, the director must attest that legal counsel for DSS has reviewed the petition. This helps to ensure the paperwork is correct and reduces court time with needed amendments made to those pleadings after an attorney reviews them after they have been filed.

Section 1.11. Placement Issues (effective when becomes law and applies to actions pending or filed on or after that date)

1. Amends G.S. 7B-903.1(c) to clarify that Rylan's law observations by DSS applies to the person the child was removed from. Changes DSS observations before recommending unsupervised visits or return home to the event that occurs first rather than both events. Clarifies before ordering unsupervised visits with the removal parent, guardian, custodian, or caretaker the court find it is the child's best interests and for the child's return to that person's custody, that the juvenile will receive proper care and supervision in a safe home.
2. Amends G.S. 7B-903(a)(6) and 7B-505(a) to address DSS authority regarding placement at nonsecure custody and disposition stages and requires an order approving placement in an unlicensed facility or a facility that is not licensed to provide care for juveniles before the placement is made.

Section 1.12. Hearings when Juvenile in DSS Custody in Hospital for Mental Health Treatment (effective when becomes law and applies to actions pending or filed on are after that date)

Amends provisions in G.S. 7B-903.2 related to an emergency hearing when a juvenile in DSS custody no longer requires hospitalization for mental health treatment. Companion amendments are made to G.S. 122C-142.2 in Section 1.16.

1. Removes limitation for children in DSS custody that the law applies only when mental health treatment is sought at a hospital emergency department.
2. Requires service of the motion by Rule 4 of the Rules of Civil Procedure. Although DHHS is served, the Division is not automatically a party but must have the opportunity to be heard at the hearing.
3. Evidence of a hospital's failure to reasonably comply with provisions in G.S. 122C-142.2 is added as a defense in the hearing.
4. Imposes a short time limit for the hearing to be held.
5. Changes word choice from "medical necessity" to "hospital discharge criteria" as triggering event.
6. Authorizes a different court case to proceed re: monetary damages if juvenile is discharged. If the hearing is dismissed because the juvenile is discharged, the hospital may seek damages but in a proceeding that is not about the juvenile's abuse, neglect, or dependency.

Section 1.13. Permanency Planning (effective for all actions pending or filed on or after Oct. 1, 2025)

1. Makes technical correction to G.S. 7B-906.1(a) clarifying when a review vs permanency planning hearing is required based on order at initial disposition. This resolves questions about which hearing type should be held when there is a caretaker and whether nonsecure custody is considered.
2. Amends G.S. 7B-906.1(d)(1a) to remove reference to a review hearing being scheduled as a permanency planning hearing (these have separate criteria for when they are held).
3. Amends G.S. 7B-906.1(d1) to limit the criteria the court may consider to remove a child from a parent, guardian, or custodian at a review hearing to certain types of events that impact the child's safety that occurred since the last hearing.
4. Amends G.S. 7B-906.1(d2) applying to review hearings to establish a one-year limit for the parent, guardian, or custodian to correct the conditions and have the court terminate jurisdiction if the child remains in that person's custody during the case.
5. Amends G.S. 7B-906.1(k) and (k1) to make clarifying changes to distinguish when the statute is referring to a review or a permanency planning hearing and to address holding those hearings.
6. Amends G.S. 7B-906.1(n) to allow the court to waive further permanency planning hearings when all the parties consent regardless of the time period the child has resided in the permanent placement (currently, there is a 6-month requirement for consent).
7. Amends G.S. 7B-906.2(a1) and (b) to remove concurrent planning as a requirement in every case when a permanent plan has not been achieved and only requires concurrent planning when reunification is a permanent plan. Per DHHS, concurrent planning is not required by federal law when reunification is not the plan and has presented problems during the federal audit.
8. Adds G.S. 7B-906.2(b1). When adoption is a primary or secondary permanent plan, DSS is required to file a motion before moving a child in its custody from a placement with a

caretaker that the child has resided in for 12 months when the caretaker objects. Criteria and procedures for the hearing, including the right for the current caretaker (who is not a party) to address the court, cross-examine witnesses, present evidence, and be represented by an attorney at their own expense, on this issue are established. This provision does not apply when the change of placement is reunification with a parent, guardian, or custodian or there are allegations of abuse or neglect of the juvenile while under the care and supervision of the current caretaker.

9. Adds G.S. 7B-906.2(f) to require the judge to advise a permanent guardian or custodian of the right to seek child support after the order of permanent guardianship or custody has been ordered.

Section 1.14. Child Support in Juvenile Case; TPR (effective dates vary)

1. Amends G.S. 7B-904(d) to have court find any order that parent pay child support when custody is vested with someone else is in the child's best interests. (effective when becomes law and applies to actions filed or pending on or after that date)
2. Amends G.S. 7B-904(d1) and (e) to change the court's authority over respondents to when the court has personal jurisdiction, removing language of when respondent is served with a summons (court may have personal jurisdiction when respondent waives service and makes a general appearance). (effective when becomes law and applies to actions filed or pending on or after that date)
3. Amends G.S. 7B-1109(f) to change "clear, cogent, and convincing evidence" to "clear and convincing evidence" for a TPR adjudication (under case law, these standards are the same) (effective for all actions pending or filed on or after Oct. 1, 2025)
4. Amends G.S. 7B-1114 to allow a former parent to seek to reinstate their parental rights in limited situations where reinstatement is permissible. Creates a pretrial procedure to address whether motion is appropriate and what information the parent has a right to access. (effective when becomes law and applies to action filed or pending on or after that date)

Section 1.15 does not exist

Section 1.16. Hospitals and Juveniles in DSS Custody for Mental Health Treatment (effective when becomes law and applies to actions pending or filed on or after that date)

Amends G.S. 122C-142.2 to

1. Define the Rapid Response Team.
2. Expand the provision to apply to children in DSS custody who are present in a hospital for mental health treatment unless the juvenile is in the hospital through an existing involuntary commitment or judicial admission review orders (this expands the application from only those juveniles in DSS custody who present to a hospital emergency department for mental health treatment).
3. Change some timelines.
4. Limits when the hospital may release the juvenile (this addresses safety concerns for juveniles who do not have a placement)

5. Increases who may notify and the circumstances warranting notification to the Rapid Response Team for assistance, identifies what occurs at the Rapid Response Team, who may be invited to the meetings, and confidentiality of information shared at the meetings.
6. Requires data for the number of juveniles affected by this statute to be provided to DHHS.

By April 1, 2026, DHHS is required to consult with hospitals, health plans, and county DSSs to develop uniform guidance about the roles and responsibilities of the different entities that are providing services to the juveniles who are in DSS custody and at a hospital for mental health treatment.

Section 1.17. DHHS oversight of DSS (effective when becomes law)

Known as “Christal’s Law”, this section amends G.S. 108A-74 regarding DHHS oversight as supervising agency/principal of county DSS. DHHS may engage in reviews as part of regular monitoring or in response to complaints received about a county DSS when services were provided or a report was made within the previous 12 months. DHHS can access child protective records and review social work or legal practice and delivery of child welfare services by a county DSS. Violations of law require notice by DHHS Secretary to county. Failure to comply with directive by DHHS Secretary breaks the agency relationship and protects state from liability of actions taken by county DSS in violation of state law when DSS has been notified by DHHS to correct their violations. Nothing limits immunity or defenses for the county, director, or other county official or employee.

Section 1.18. Open Adoptions in Limited Cases (effective for all actions pending or filed on or after Oct. 1, 2025)

Three new statutes are created: 7B-909.2, 7B-909.3, and 50-13.2B. These statutes allow for voluntary mediated post-adoption contact agreements between a parent and a prospective adoptive parent *only* in those cases where juvenile is in DSS custody pursuant to an order entered in an abuse, neglect, or dependency case. This occurs prior to the execution of a relinquishment. It is believed this will reduce the number of TPRs and appeals of TPRs. The juvenile court accepts and orders the agreement, which becomes a Ch. 50 civil order that is withheld from public inspection and can be enforced or modified. The new G.S. 50-13.2B cross references the juvenile statutes if an enforcement or modification motion is filed. Nothing about the agreement invalidates the adoption so finality of the adoption is secured. Procedures for the agreement, order, and enforcement are included. The AOC must create forms to implement this section. A cross-reference to G.S. Chapter 50 is included. Corresponding and limited amendments are made to G.S. Chapter 48 to address post-adoption contact agreement and order.

Section 1.19. Expungement from Responsible Individuals List (RIL) (effective for all actions pending or filed on or after Oct. 1, 2025)

Creates an expungement process from the Responsible Individuals’ List (RIL) through a new statute: G.S. 7B-325. Currently, placement on the RIL is for life, unlike a sex offender registry. Concerns about a lack of expunction process for lists like this was raised by the court of appeals in *Taylor-Colman v. DHHS DCDEE*, ___ N.C. App. ___, 909 S.E.2d 551 (Nov. 19, 2024). The process has specific timelines that must have passed before an expungement may be sought, which are based on different criteria (at least 1 year, 5 years, or 8 years). Someone who is convicted of sexual abuse

of a child, human trafficking, or a child fatality related to abuse or neglect that arose from the same incident of abuse or serious neglect for placement on the RIL is ineligible to apply for expungement. There is a district court hearing, with procedures and criteria addressed in the statute.

Section 1.20. does not exist

Section 1.21. Child Support Owed to State (effective for all actions pending or filed on or after Oct. 1, 2025)

Amends G.S. 50-13.10 so that when a child is in DSS custody, past due child support is not owed and arrearages do not accrue for foster care assistance owed to the State.

Part II

Section 2.1 and 2.2 Definitions (effective when becomes law and applies to actions pending or filed on or after that date) (effective when becomes law)

Adds G.S. 108A-24(#), a definition for Division of Social Services. Allows Revisor of Statutes to renumber subdivisions

Section 2.3. Kinship Guardianship Assistance Program (KinGAP) (effective when becomes law)

1. Enacts G.S. 108A-50.10 to authorize kinship guardianship assistance payments when the six enumerated criteria are met, which includes guardianship with a relative (including a person with a substantial relationship with the child or parent before the child was placed in foster care), the child was eligible for federal foster care payments, the child was placed with the relative for at least six consecutive months before the guardianship agreement is executed, reunification or adoption are not appropriate, the child is at least 10 years old, the child was in DSS custody at the time of the guardianship agreement, and for children who are 14 or older, the teen as been consulted about the guardianship. Allows for continuing assistance under Foster Care 18-21 when guardianship is ordered when the juvenile is 16 or 17. Allows a sibling to be eligible when appropriate. Addresses when the guardian becomes incapacitated or dies. This statute is based on 10A NCAC 70P (which has a age limitation of children who are 14 or older).
2. Enacts G.S. 108A-50.11, which allows for State only funded guardianship assistance under the same criteria other than the child's eligibility for foster care payments under federal law.
3. Enacts G.S. 108A-50.12, which addresses the written guardianship assistance agreement and what must be specified in that binding written agreement.
4. Enacts G.S. 108A-50.13, which established the fate is the same as those established under G.S. 108A-49.1
5. Requires the Social Services Commission to adopt emergency rules, then temporary and then permanent rules.

Part III

Section 3.1. Permanent No Contact Order Against Convicted Violent Offender (effective for offenses committed on or after Dec. 1, 2025; does not abate or affect prosecutions for offenses committed before Dec. 1, 2025)

Amends G.S. 15A-1340.50 to replace “convicted sex offender” with “convicted violent offender.” Includes definition of “violent offense.” Expands relief from order to victim’s immediate family. Allows the order to be modified.

Section 3.2 Child abuse as a felony (effective for offenses committed on or after Dec. 1, 2025; does not abate or affect prosecutions for offenses committed before Dec. 1, 2025)

Amends G.S. 14-318.4 to make technical corrections and to add (a7), which to address conduct that results in a Class B2 felony.

Part IV

Section 4.1: Criminal history record check for city and county employees who work with children (effective to employment offers on or after Oct. 1, 2025)

Amends G.S. 153A-94.2(a) to make a technical change and add (b) to require that an applicant who is offered a position is subject to a criminal history check such that the offer is conditional.

Section 4.2: Criminal history record check of employees (effective to employment offers on or after Oct. 1, 2025)

Amends G.S. 160A-2 regarding city employees to make a technical correction in (a) and under a newly enacted (b) require that an applicant who is offered a position is subject to a criminal history check such that the offer is conditional.