

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS35153-ND-60

Short Title: AOC Agency Requests.-AB (Public)

Sponsors: Senators B. Newton, Britt, and Daniel (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY PROVISIONS AFFECTING THE COURTS OF NORTH CAROLINA
3 AND THE ADMINISTRATIVE OFFICE OF THE COURTS.
4 The General Assembly of North Carolina enacts:

5
6 **INCLUDE HIGH POINT UNIVERSITY SCHOOL OF LAW IN RECIPIENT LIST OF**
7 **STATE APPELLATE DIVISION REPORTS**

8 **SECTION 1.** G.S. 7A-343.1(a) reads as rewritten:

9 "(a) The Administrative Officer of the Courts shall, upon request and at the State's
10 expense, distribute such number of copies of the appellate division reports to federal, State
11 departments and agencies, and to educational institutions of instruction, as follows:

12 ...
13 University of North Carolina School of Law 5
14 North Carolina Central University School of Law 5
15 Duke University School of Law 5
16 Wake Forest University School of Law 5
17 Elon University School of Law 5
18 Campbell University School of Law 5
19 High Point University School of Law 5
20"

21
22 **MODIFY PROVISIONS AFFECTING JUDICIALLY MANAGED ACCOUNTABILITY**
23 **AND RECOVERY COURTS**

24 **SECTION 2.(a)** G.S. 7A-801 reads as rewritten:

25 "**§ 7A-801. Monitoring and annual report.**

26 The Administrative Office of the Courts shall monitor all local judicially managed
27 accountability and recovery courts, prepare an annual report on the implementation, operation,
28 and effectiveness of the State judicially managed accountability and recovery court program, and
29 submit the report to the chairs of the House and Senate Appropriations Committees on Justice
30 and Public Safety by March 1 of each year. Each judicially managed accountability and recovery
31 court and any court authorized to remain a ~~drug-treatment~~ local judicially managed accountability
32 and recovery court under G.S. 7A-802, shall submit evaluation reports to the Administrative
33 Office of the Courts as requested."

34 **SECTION 2.(b)** G.S. 7A-792 reads as rewritten:

35 "**§ 7A-792. Goals.**



1 The goals of the local judicially managed accountability and recovery courts ~~funded under~~
2 ~~this Article~~ include the following:

3"

4 **SECTION 2.(c)** G.S. 7A-793 reads as rewritten:

5 **"§ 7A-793. Establishment of North Carolina Judicially Managed Accountability and**
6 **Recovery Court Program.**

7 The North Carolina Judicially Managed Accountability and Recovery Court Program is
8 established in the Administrative Office of the Courts to facilitate the creation, administration,
9 and funding of local judicially managed accountability and recovery courts. The Director of the
10 Administrative Office of the Courts shall provide any necessary staff for planning, organizing,
11 and administering the program. Local judicially managed accountability and recovery court
12 programs ~~funded pursuant to this Article~~ shall be operated consistently with the guidelines
13 adopted pursuant to G.S. 7A-795. Local judicially managed accountability and recovery courts
14 established ~~and funded pursuant to this Article~~ may consist of local judicially managed
15 accountability and recovery court programs approved by the Administrative Office of the Courts.
16 With the consent of either the chief district court judge or the senior resident superior court judge,
17 a local judicially managed accountability and recovery court may be established."

18 **SECTION 2.(d)** This section becomes effective August 1, 2025.

19
20 **PROHIBIT USE OF MODIFIED ADMINISTRATIVE OFFICE OF THE COURTS**
21 **FORMS WITHOUT PROPER NOTICE TO CLIENTS**

22 **SECTION 3.(a)** G.S. 7A-232 reads as rewritten:

23 **"§ 7A-232. Forms.**

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

31"

32 **SECTION 3.(b)** This section is effective when it becomes law and applies to
33 modified forms used on or after that date.

34
35 **REPEAL REQUIREMENTS OF PUBLIC NOTICE OF NAME CHANGE AT**
36 **COURTHOUSE BEFORE FILING THE NAME CHANGE**

37 **SECTION 4.(a)** G.S. 101-2 reads as rewritten:

38 **"§ 101-2. Procedure for changing name; petition; notice.**

39 (a) A person who wishes, for good cause shown, to change his or her name must file an
40 application before the clerk of the superior court of the county in which the person ~~resides, after~~
41 ~~giving 10 days' notice of the application by publication in the area designated by the clerk of~~
42 ~~superior court for posting notices in the county.~~resides.

43 (b) ~~The publication in subsection (a) of this section is not required if the applicant:~~

44 (1) ~~Is a participant in the address confidentiality program under Chapter 15C of~~
45 ~~the General Statutes; or~~

46 (2) ~~Provides evidence that the applicant is a victim of domestic violence, sexual~~
47 ~~offense, or stalking. This evidence may include any of the following:~~

48 a. ~~Law enforcement, court, or other federal or state agency records or~~
49 ~~files.~~

1 b. ~~Documentation from a program receiving funds from the Domestic~~
2 ~~Violence Center Fund, if the applicant is alleged to be a victim of~~
3 ~~domestic violence.~~

4 (c) The application and the court's entire record of the proceedings relating to the
5 applicant's name change is not a matter of public record where the ~~applicant has complied with~~
6 ~~subsection (b)(1) or (b)(2) of this section.~~ applicant meets either of the following criteria:

7 (1) Is a participant in the address confidentiality program under Chapter 15C of
8 the General Statutes.

9 (2) Provides evidence that the applicant is a victim of domestic violence, sexual
10 offense, or stalking. This evidence may include any of the following:

11 a. Law enforcement, court, or other federal or state agency records or
12 files.

13 b. Documentation from a program receiving funds from the Domestic
14 Violence Center Fund, if the applicant is alleged to be a victim of
15 domestic violence.

16 Records qualifying under this subsection shall be maintained separately from other records,
17 shall be withheld from public inspection, and may be examined only by order of the court or with
18 the written consent of the applicant.
19 "

20 **SECTION 4.(b)** This section becomes effective December 1, 2025, and applies to
21 all applications for a name change pursuant to Chapter 101 of the General Statutes filed on or
22 after that date.

23
24 **MODIFY PROVISIONS RELATED TO GUARDIANSHIP FOR INCOMPETENT**
25 **PERSONS**

26 **SECTION 5.(a)** G.S. 35A-1230 reads as rewritten:
27 "**§ 35A-1230. Bond required before receiving property.**

28 Except as otherwise provided by G.S. 35A-1212.1 and G.S. 35A-1225(a), no general
29 guardian or guardian of the estate shall be permitted to receive the ward's property until he has
30 given sufficient surety, approved by the clerk, to account for and apply the same under the
31 direction of the court, provided that if the guardian is a nonresident of this State and the value of
32 the property received exceeds one thousand dollars (\$1,000) the surety shall be a bond under
33 G.S. 35A-1231(a) executed by a duly authorized surety company, or secured by cash in an
34 amount equal to the amount of the bond or by a mortgage executed under Chapter 109 of the
35 General Statutes on real estate located in the county, the value of which, excluding all prior liens
36 and encumbrances, shall be at least one and one-fourth times the amount of the bond; and further
37 provided that the nonresident shall appoint a resident agent to accept service of process in all
38 actions and proceedings with respect to the guardianship. The clerk shall not require a guardian
39 of the person who is a resident of North Carolina to post a bond; the clerk may require a
40 nonresident guardian of the person to post a bond or other security for the faithful performance
41 of the guardian's duties. As provided in G.S. 53-159 and G.S. 53-366(a)(10), no bond is required
42 of a bank or trust company licensed to do business in this State that has powers or privileges
43 granted in the charter to serve as guardian."

44 **SECTION 5.(b)** G.S. 35A-1231(a) reads as rewritten:

45 (a) Before issuing letters of appointment to a general guardian or guardian of the estate
46 the clerk shall require the guardian to give a bond payable to the State. The clerk shall determine
47 the value of all the ward's personal property and the rents and profits of the ward's real estate by
48 examining, under oath, the applicant for guardianship or any other person or persons. The penalty
49 in the bond shall be set as follows:

50 ...

1 The bond must be secured with two or more sufficient sureties, jointly and severally bound, and
2 must be acknowledged before and approved by the ~~clerk~~-clerk or notary public. The bond must
3 be conditioned on the guardian's faithfully executing the trust reposed in him as such and obeying
4 all lawful orders of the clerk or judge relating to the guardianship of the estate committed to him.
5 The bond must be recorded in the office of the clerk appointing the guardian, except, if the
6 guardianship is transferred to a different county, it must be recorded in the office of the clerk in
7 the county where the guardianship is docketed."

8 **SECTION 5.(c)** G.S. 35A-1261 reads as rewritten:

9 **"§ 35A-1261. Inventory or account within three months.**

10 Every guardian, within three months after his appointment, shall file with the clerk an
11 ~~inventory or account~~, inventory, upon oath, of the estate of his ward; but the clerk may extend
12 such time not exceeding six months, for good cause shown."

13 **SECTION 5.(d)** G.S. 35A-1295(a) reads as rewritten:

14 "(a) Every guardianship shall be terminated and all powers and duties of the guardian
15 provided in Article 9 of this Chapter shall cease when the ~~ward~~ward does any of the following:

16 (1) Ceases to be a minor as defined in ~~G.S. 35A-1202(12)~~, G.S. 35A-1202(12).

17 (2) Is adjudicated to be restored to competency pursuant to the provisions of
18 ~~G.S. 35A-1130~~, or G.S. 35A-1130.

19 (3) Dies.

20 (4) Is no longer under the jurisdiction of North Carolina because the court has
21 issued a final order confirming transfer pursuant to the provisions of
22 G.S. 35B-30(g)."

23 **SECTION 5.(e)** This section becomes effective December 1, 2025.

24 **MODIFY PROVISIONS RELATED TO THE ESTATE OF A DECEDENT**

25 **SECTION 6.(a)** G.S. 29-30 reads as rewritten:

26 **"§ 29-30. Election of surviving spouse to take life interest in lieu of intestate share provided.**

27 (a) Except as provided in this subsection, in lieu of the intestate share provided in
28 G.S. 29-14 or G.S. 29-21, or of the elective share provided in G.S. 30-3.1, the surviving spouse
29 of an intestate or the surviving spouse who has petitioned for an elective share is entitled to take
30 as the surviving spouse's intestate share or elective share a life estate in one third in value of all
31 the real estate of which the deceased spouse was seised and possessed of an estate of inheritance
32 at any time during ~~coverture~~-marriage. The surviving spouse is not entitled to take a life estate
33 in any of the following circumstances:

34 ...

35 (d) In case of election to take a life estate in lieu of an intestate share or elective share, as
36 provided in either G.S. 29-14, 29-21, or 30-3.1, the clerk of superior court, with whom the
37 petition has been filed, shall summon and appoint a ~~jury~~-commission of three disinterested
38 persons who being first duly sworn shall promptly allot and set apart to the surviving spouse the
39 life estate provided for in subsection (a) of this section and make a final report of this action to
40 the clerk.

41 (e) The final report shall be filed by the jury-commission not more than 60 days after the
42 summoning and appointment thereof, shall be signed by all jurors, and shall describe by metes
43 and bounds the real estate in which the surviving spouse shall have been allotted and set aside a
44 life estate. It shall be filed as a record of court and a certified copy thereof shall be filed and
45 recorded in the office of the register of deeds of each county in which any part of the real property
46 of the deceased spouse, affected by the allotment, is located.

47"

48 **SECTION 6.(b)** G.S. 28A-2A-15 reads as rewritten:

49 **"§ 28A-2A-15. Certified copy of will proved in another state or country.**

1 When a will, made by a ~~citizen-resident~~ of this State, is proved and allowed in some other
 2 state or country, and the original will cannot be removed from its place of legal deposit in such
 3 other state or country, for probate in this State, the clerk of the superior court of the county where
 4 the testator had his last usual residence or has any property, upon a duly certified copy or
 5 exemplification of such will being exhibited to him for probate, shall take every order and
 6 proceeding for proving, allowing and recording such copy as by law might be taken upon the
 7 production of the original."

8 **SECTION 6.(c)** G.S. 28A-2A-17(a) reads as rewritten:

9 "(a) Subject to the provisions of subsection (b) of this section, if the will of a ~~citizen~~
 10 resident or subject of another state or country is probated in accordance with the laws of that
 11 jurisdiction and a duly certified copy of the will and the probate proceedings are produced before
 12 a clerk of superior court of any county wherein the testator had property, the copy of the will
 13 shall be probated as if it were the original. If the jurisdiction is within the United States, the copy
 14 of the will and the probate proceedings shall be certified by the clerk of the court wherein the
 15 will was probated. If the jurisdiction is outside the United States, the copy of the will and probate
 16 proceedings shall be certified by any ambassador, minister, consul or commercial agent of the
 17 United States under his official seal."

18 **SECTION 6.(d)** G.S. 28A-5-1(b) reads as rewritten:

19 "(b) Implied Renunciation by Executor. – If any person named or designated as executor
 20 fails to qualify or to renounce within 30 days after the will had been admitted to probate, (i) the
 21 clerk of superior court may issue a notice to that person to qualify or move for an extension of
 22 time to qualify within ~~15-20~~ days, or (ii) any other person named or designated as executor in the
 23 will or any interested person may file a petition in accordance with Article 2 of this Chapter for
 24 an order finding that person named or designated as executor to be deemed to have renounced.
 25 If that person does not file a response to the notice or petition within ~~15-20~~ days from the date of
 26 service of the notice or petition, the clerk of superior court shall enter an order adjudging that the
 27 person has renounced. If the person files a response within ~~15-20~~ days from the date of service
 28 of the notice or petition requesting an extension of time within which to qualify or renounce,
 29 upon hearing, the clerk of superior court may grant to that person a reasonable extension of time
 30 within which to qualify or renounce for cause shown. If that person qualifies within ~~15-20~~ days
 31 of the date of service of the notice or petition, the clerk of superior court shall dismiss that notice
 32 or petition, without prejudice, summarily and without hearing."

33 **SECTION 6.(e)** G.S. 28A-21-3 reads as rewritten:

34 "**§ 28A-21-3. What accounts must contain.**

35 Accounts filed with the clerk of superior court pursuant to ~~G.S. 28A-21-1, G.S. 28A-21-1~~
 36 and G.S. 28A-2-2, signed and under oath, shall ~~contain~~ contain all of the following:

- 37 (1) The period which the account covers and whether it is an annual accounting
 38 or a final ~~accounting~~ accounting.
- 39 (2) The amount and value of the property of the estate according to the inventory
 40 and appraisal or according to the next previous accounting, the amount of
 41 income and additional property received during the period being accounted
 42 for, and all gains from the sale of any property or ~~otherwise~~ otherwise.
- 43 (3) All payments, charges, losses, and ~~distributions~~ distributions.
- 44 (4) The property on hand constituting the balance of the account, if ~~any~~ and any.
- 45 (5) Such other facts and information determined by the clerk to be necessary to
 46 an understanding of the account."

47 **SECTION 6.(f)** G.S. 28A-28-2(a) reads as rewritten:

48 "(a) The petition shall be signed by the surviving spouse and verified to be accurate and
 49 complete to the best of the spouse's knowledge and belief and shall state ~~as follows~~ all of the
 50 following:

- 1 (1) The name and address of the spouse and the fact that the spouse is the
2 surviving spouse of the ~~decedent~~; decedent.
- 3 (2) The name and domicile of the decedent at the time of ~~death~~; death.
- 4 (3) The date and place of death of the ~~decedent~~; decedent.
- 5 (4) The date and place of marriage of the spouse and the ~~decedent~~; decedent.
- 6 (5) A description sufficient to identify each tract of real property owned in whole
7 or in part by the decedent at the time of ~~death~~; death.
- 8 (6) A description of the nature of the decedent's personal property and the location
9 of such property, as far as these facts are known or can with reasonable
10 diligence be ~~ascertained~~; ascertained.
- 11 (7) The probable value of the decedent's personal property, so far as the value is
12 known or can with reasonable diligence be ~~ascertained~~; ascertained.
- 13 (8) That no application or petition for appointment of a personal representative is
14 pending or has been granted in this ~~State~~; State.
- 15 (9) That the spouse is the sole devisee or sole heir, or both, of the decedent, and
16 that there is no other devisee or heir; that the decedent's will, if any, does not
17 prohibit summary administration; and that any property passing to the spouse
18 under the will is not in ~~trust~~; trust.
- 19 (10) The name and address of any executor or coexecutor named by the will and
20 that, if the decedent died testate, a copy of the petition has been personally
21 delivered or sent by first-class mail by the spouse to the last-known address
22 of any executor or coexecutor named by the will, if different from the
23 ~~spouse~~; spouse.
- 24 (11) That, to the extent of the value of the property received by the spouse under
25 the will of the decedent or by intestate succession, the spouse assumes all
26 liabilities of the decedent that were not discharged by reason of death and
27 assumes liability for all taxes and valid claims against the decedent or the
28 estate, as provided in ~~G.S. 28A-28-6~~; and G.S. 28A-28-6.
- 29 (12) If the decedent died testate, that the decedent's will has been admitted to
30 probate in the court of the proper county; that a duly certified copy of the will
31 ~~has been~~ will be recorded in each county in which is located any real property
32 owned by the decedent at the time of death; and that a certified copy of the
33 decedent's will is attached to the petition."

34 **SECTION 6.(g)** G.S. 20-77(b) reads as rewritten:

35 "(b) In the event of transfer as upon inheritance or devise, the Division shall, upon a receipt
36 of a certified copy of a probated will, letters of administration and/or a certificate from the clerk
37 of the superior court showing that the motor vehicle registered in the name of the decedent owner
38 has been assigned to the owner's surviving spouse as part of the spousal year's allowance, transfer
39 both title and license as otherwise provided for transfers. If a decedent dies intestate and no
40 administrator has qualified or the clerk of superior court has not issued a certificate of assignment
41 as part of the spousal year's allowance, or if a decedent dies testate with a small estate and leaving
42 a purported will, which, in the opinion of the clerk of superior court, does not justify the expense
43 of probate and administration and probate and administration is not demanded by any interested
44 party entitled by law to demand same, and provided that the purported will is filed in the public
45 records of the office of the clerk of the superior court, the Division may upon affidavit executed
46 by all heirs effect such transfer. The affidavit shall state the name of the decedent, date of death,
47 that the decedent died intestate or ~~testate~~ leaving a purported will and no administration is
48 pending or expected, that all debts have been paid or that the proceeds from the transfer will be
49 used for that purpose, the names, ages and relationship of all heirs and devisees (if there be a
50 purported will), and the name and address of the transferee of the title. A surviving ~~spouse~~ parent
51 of a minor or incompetent may execute the affidavit and transfer the interest of the decedent's

1 minor or incompetent children where such minor or incompetent does not have a guardian. A
2 transfer under this subsection shall not affect the validity nor be in prejudice of any creditor's
3 lien."

4 **SECTION 6.(h)** G.S. 31-11 reads as rewritten:

5 "**§ 31-11. Depositories in offices of clerks of superior court where living persons may file**
6 **wills.**

7 (a) The clerk of the superior court in each county of North Carolina ~~shall be is~~ required
8 to keep a receptacle or depository in which any ~~person-testator~~ who desires to do so may file
9 deposit that person's-testator's original paper will for safekeeping; and the safekeeping. The clerk
10 is only authorized to receive the will from the testator, or an agent or an attorney for the testator.
11 Once a testator has died, the clerk is not authorized to receive the will for the clerk's receptacle
12 or depository from any agent or attorney for the testator.

13 (b) The clerk shall, upon written request of the testator, or the duly authorized agent or
14 attorney for the testator, permit said will or testament to be withdrawn from said depository or
15 receptacle at any time prior to the death of the testator: Provided, that testator.

16 (c) While in the clerk's receptacle or depository, the contents of said will shall not be
17 made public or open to the inspection of anyone other than the testator or the testator's duly
18 authorized agent or attorney until such time as the said will shall be offered for probate.the
19 testator has died. Once the clerk has received proof of the testator's death, the clerk is authorized
20 to allow the will to be made open to the inspection of any person interested in the testator's estate.
21 The will shall remain in the clerk's receptacle or depository until the will is offered for probate.

22 (d) The clerk is required to retain the original paper will until withdrawn, filed in the
23 deceased testator's estate file, or once 60 years have passed since the will was originally deposited
24 with the clerk. If after 60 years the will has not been withdrawn or filed in the deceased testator's
25 estate file, the clerk is authorized to comply with records retention rules for deposited wills set
26 by the Director of the Administrative Office of the Courts."

27 **SECTION 6.(i)** This section becomes effective December 1, 2025.

28
29 **CLARIFY THE JURISDICTION OF SUPERIOR COURT JUDGES ASSIGNED TO A**
30 **SPECIFIC CASE**

31 **SECTION 7.** Article 7 of Chapter 7A of the General Statutes is amended by adding
32 a new section to read:

33 "**§ 7A-47.4. Jurisdiction over assigned cases.**

34 When the Chief Justice assigns a resident judge, special judge, or emergency judge to preside
35 over a specific case, the assigned judge has the same power and authority over the assigned case
36 as that of a regular judge over matters arising in the regular judge's district or set of districts as
37 defined in G.S. 7A-41.1(a)."

38
39 **TECHNICAL CORRECTION TO REMOVE STATUTORY CROSS REFERENCE**

40 **SECTION 8.** G.S. 28C-10 reads as rewritten:

41 "**§ 28C-10. Claims against absentee.**

42 Immediately upon the appointment of a permanent receiver under this Chapter, the permanent
43 receiver shall publish a notice addressed to all persons having claims against the absentee
44 informing them of the action taken and requiring them to file their claims under oath with the
45 permanent receiver. If any claimant fails to file his sworn claim within six months from the date
46 of the first publication of such notice, the receiver may plead this fact in bar of his claim. Such
47 notice shall be published in the same manner as that now prescribed by statute (~~G.S. 28-47~~) for
48 claims against the estate of a decedent. Any party in interest may contest the validity of any claim
49 before the judge, on due notice given to the permanent receiver and the person whose claim is
50 contested."
51

1 **MODIFY PROVISIONS RELATED TO DOMESTIC VIOLENCE PROTECTIVE**
2 **ORDERS**

3 **SECTION 9.(a)** G.S. 50B-2 reads as rewritten:

4 "**§ 50B-2. Institution of civil action; motion for emergency relief; temporary orders;**
5 **temporary custody.**

6 (a) Any person residing in this State may seek relief under this Chapter by filing a civil
7 action or by filing a motion in any existing action filed under Chapter 50 of the General Statutes
8 alleging acts of domestic violence against himself or herself or a minor child who resides with or
9 is in the custody of such person. Any aggrieved party entitled to relief under this Chapter may
10 file a civil action and proceed pro se, without the assistance of legal counsel. The district court
11 division of the General Court of Justice shall have original jurisdiction over actions instituted
12 under this Chapter. Any action for a domestic violence protective order requires that a summons
13 be issued and served. The summons issued pursuant to this Chapter shall require the defendant
14 to answer within 10 days of the date of service. Attachments to the summons shall include the
15 complaint, notice of hearing, any temporary or ex parte order that has been issued, and other
16 papers ~~through the appropriate law enforcement agency where the defendant is to be served.~~ filed.
17 In compliance with the federal Violence Against Women Act, no court costs or attorneys' fees
18 shall be assessed for the filing, issuance, registration, or service of a protective order or petition
19 for a protective order or witness subpoena, except as provided in G.S. 1A-1, Rule 11.

20 (b) Emergency Relief. – A party may move the court for emergency relief if he or she
21 believes there is a danger of serious and immediate injury to himself or herself or a minor child.
22 A hearing on a motion for emergency relief, where no ex parte order is entered, shall be held
23 after five days' notice of the hearing to the other party or after five days from the date of service
24 of process on the other party, whichever occurs first, provided, however, that no hearing shall be
25 required if the service of process is not completed on the other party. If the party is proceeding
26 pro se and does not request an ex parte hearing, the clerk shall set a date for hearing and issue a
27 notice of hearing within the time periods provided in this subsection, and shall effect service of
28 the summons, complaint, notice, and other papers through the appropriate law enforcement
29 ~~agency~~ agency, if in North Carolina, where the defendant is to be served.

30 (c) Ex Parte Orders. –

31 ...

32 (7) Upon the issuance of an ex parte order under this subsection, if the party is
33 proceeding pro se, the Clerk shall set a date for hearing and issue a notice of
34 hearing within the time periods provided in this subsection, and shall effect
35 service of the summons, complaint, notice, order and other papers through the
36 appropriate law enforcement ~~agency~~ agency, if in North Carolina, where the
37 defendant is to be served.

38"

39 **SECTION 9.(b)** G.S. 50B-4(a) reads as rewritten:

40 "(a) A party may file a motion for contempt for violation of any order entered pursuant to
41 this Chapter. This party may file and proceed with that motion pro se, using forms provided by
42 the clerk of superior court or a magistrate authorized under G.S. 50B-2(c1). Upon the filing pro
43 se of a motion for contempt under this subsection, the clerk, or the authorized magistrate, if the
44 facts show clearly that there is danger of acts of domestic violence against the aggrieved party or
45 a minor child and the motion is made at a time when the clerk is not available, shall schedule and
46 issue notice of a show cause hearing with the district court division of the General Court of Justice
47 at the earliest possible date pursuant to G.S. 5A-23. The Clerk, or the magistrate in the case of
48 notice issued by the magistrate pursuant to this subsection, shall effect service of the motion,
49 notice, and other papers through the appropriate law enforcement ~~agency~~ agency, if in North
50 Carolina, where the defendant is to be served."

1 **SECTION 9.(c)** This section becomes effective December 1, 2025, and applies to
2 service of process occurring on or after that date.

3
4 **MODIFY PROVISIONS RELATED TO JUVENILE CUSTODY**

5 **SECTION 10.(a)** G.S. 7B-1903 reads as rewritten:

6 "**§ 7B-1903. Criteria for secure or nonsecure custody.**

7 (a) When a request is made for nonsecure custody, the court shall first consider release
8 of the juvenile to the juvenile's parent, guardian, custodian, or other responsible adult. An order
9 for nonsecure custody shall be made only when there is a reasonable factual basis to believe the
10 matters alleged in the ~~petition~~ petition, indictment, or information are true, and ~~that~~ that either of
11 the following circumstances exists:

12 (1) The juvenile is a runaway and consents to nonsecure ~~custody~~ or custody.

13 (2) The juvenile meets one or more of the criteria for secure custody, but the court
14 finds it in the best interests of the juvenile that the juvenile be placed in a
15 nonsecure placement.

16 (b) When a request is made for secure custody, the court may order secure custody only
17 where the court finds there is a reasonable factual basis to believe that the juvenile committed
18 the offense as alleged in the petition, indictment, or information, and that one of the following
19 circumstances exists:

20 ...

21 (3) The juvenile has willfully failed to appear on a pending delinquency or
22 criminal charge or on charges of violation of probation or post-release
23 supervision, providing the juvenile was properly notified.

24 (4) A delinquency or criminal charge is pending against the juvenile, and there is
25 reasonable cause to believe the juvenile will not appear in court.

26 "

27 **SECTION 10.(b)** G.S. 7B-1904 reads as rewritten:

28 "**§ 7B-1904. Order for secure or nonsecure custody.**

29 (a) The custody order shall be in writing and shall direct a law enforcement officer or
30 juvenile court counselor to assume custody of the juvenile and to make due return on the order.

31 (b) An initial order for secure custody may be issued following the filing of the petition
32 and before the juvenile has been served with the petition pursuant to G.S. 7B-1806. The official
33 executing the order shall give a copy of the order to the juvenile and the juvenile's parent,
34 guardian, or custodian. If the juvenile has not been served with the petition upon being detained,
35 the juvenile shall be served with the petition no more than 72 hours after the juvenile has been
36 detained. If the order is for nonsecure custody, the official executing the order shall also give a
37 copy of the petition and order to the person or agency with whom the juvenile is being placed. If
38 the order is for secure custody, copies of the petition and custody order shall accompany the
39 juvenile to the detention facility or holdover facility of the jail. A message of the Department of
40 Public Safety stating that a juvenile petition and secure custody order relating to a specified
41 juvenile are on file in a particular county shall be authority to detain the juvenile in secure custody
42 until a copy of the juvenile petition and secure custody order can be forwarded to the juvenile
43 detention facility. The copies of the juvenile petition and secure custody order shall be
44 transmitted to the detention facility no later than 72 hours after the initial detention of the
45 juvenile.

46 (c) An initial order for secure custody may be issued when the superior court has ordered
47 the removal of a case to juvenile court pursuant to G.S. 15A-960. The official executing the order
48 shall give a copy of the order to the juvenile and the juvenile's parent, guardian, or custodian. If
49 the order is for nonsecure custody, the official executing the order shall also give a copy of the
50 order to remove the case from superior court and nonsecure custody order to the person or agency
51 with whom the juvenile is being placed. If the order is for secure custody, copies of the order to

1 remove the case from superior court and the custody order shall accompany the juvenile to the
 2 detention facility or holdover facility of the jail. A message of the Department of Public Safety
 3 stating that an order to remove the case from superior court and secure custody order relating to
 4 a specified juvenile are on file in a particular county shall be authority to detain the juvenile in
 5 secure custody until copies of both orders can be forwarded to the juvenile detention facility. The
 6 copies of the order to remove the case from superior court and the secure custody order shall be
 7 transmitted to the detention facility no later than 72 hours after the initial detention of the
 8 juvenile."

9 **SECTION 10.(c)** G.S. 15A-960 is amended by adding a new subsection to read:

10 "(c) If the superior court removes the case to juvenile court for adjudication and the
 11 juvenile has been granted pretrial release as provided in G.S. 15A-533 and G.S. 15A-534, the
 12 obligor shall be released from the juvenile's bond upon the superior court's review of whether the
 13 juvenile shall be placed in secure custody as provided in G.S. 7B-1903."

14 **SECTION 10.(d)** G.S. 15A-534(h) reads as rewritten:

15 "(h) A bail bond posted pursuant to this section is effective and binding upon the obligor
 16 throughout all stages of the proceeding in the trial division of the General Court of Justice until
 17 the entry of judgment in the district court from which no appeal is taken or the entry of judgment
 18 in the superior court. The obligation of an obligor, however, is terminated at an earlier time
 19 if upon the occurrence of any of the following:

- 20 (1) A judge authorized to do so releases the obligor from ~~his bond; or the bond.~~
- 21 (2) The principal is surrendered by a surety in accordance with ~~G.S. 15A-540;~~
 22 ~~or G.S. 15A-540.~~
- 23 (3) The proceeding is terminated by voluntary dismissal by the State before
 24 forfeiture is ordered under ~~G.S. 15A-544.3; or G.S. 15A-544.3.~~
- 25 (4) Prayer for judgment has been continued indefinitely in the district ~~court;~~
 26 ~~or court.~~
- 27 (5) The court has placed the defendant on probation pursuant to a deferred
 28 prosecution or conditional discharge.
- 29 (6) The court's review of a juvenile's secure or nonsecure custody status pursuant
 30 to remand under G.S. 7B-2603 or the removal under G.S. 15A-960 for
 31 disposition as a juvenile case."

32 **SECTION 10.(e)** This section becomes effective December 1, 2025, and applies to
 33 proceedings occurring on or after that date.

34 **DIRECT CLERK TO SEND INPATIENT COMMITMENT ORDER TO CERTAIN** 35 **PERSONS**

36 **SECTION 11.(a)** G.S. 122C-271(b) reads as rewritten:

37 "(b) If the respondent has been held in a 24-hour facility pending the district court hearing
 38 pursuant to G.S. 122C-268, the court may make one of the following dispositions:

- 39 ...
- 40 (2) If the court finds by clear, cogent, and convincing evidence that the respondent
 41 has a mental illness and is dangerous to self, as defined in G.S. 122C-3(11)a.,
 42 or others, as defined in G.S. 122C-3(11)b., it may order inpatient commitment
 43 at a 24-hour facility described in G.S. 122C-252 for a period not in excess of
 44 90 days. However, no respondent found to have both an intellectual disability
 45 and a mental illness may be committed to a State, area, or private facility for
 46 individuals with intellectual disabilities. An individual who has a mental
 47 illness and is dangerous to self, as defined in G.S. 122C-3(11)a., or others, as
 48 defined in G.S. 122C-3(11)b., may also be committed to a combination of
 49 inpatient and outpatient commitment at both a 24-hour facility and an
 50 outpatient treatment physician or center for a period not in excess of 90 days.
 51

1 If the commitment proceedings were initiated as the result of the respondent's
 2 being charged with a violent crime, including a crime involving an assault
 3 with a deadly weapon, and the respondent was found incapable of proceeding,
 4 the commitment order shall so show. If the court orders inpatient commitment
 5 for a respondent who is under an outpatient commitment order, the outpatient
 6 commitment is terminated; and the clerk of the superior court of the county
 7 where the district court hearing is held shall send a notice of the inpatient
 8 commitment to the clerk of superior court where the outpatient commitment
 9 was being supervised. The clerk of court shall send a copy of the inpatient
 10 commitment order to the designated inpatient treatment physician or center
 11 and to the respondent client or the legally responsible person. The clerk of
 12 court shall also send a copy of the order to that LME/MCO. Copies of inpatient
 13 commitment orders sent by the clerk of court to an inpatient treatment center
 14 or physician under this section, including orders sent to an LME/MCO, shall
 15 be sent by the most reliable and expeditious means, but in no event less than
 16 48 hours after the hearing.

17"

18 SECTION 11.(b) G.S. 122C-287 reads as rewritten:

19 "§ 122C-287. Disposition.

20 The court may make one of the following dispositions:

- 21 (1) If the court finds by clear, cogent, and convincing evidence that the respondent
 22 is a substance abuser and is dangerous to self or others, it shall order for a
 23 period not in excess of 180 days commitment to and treatment by an area
 24 facility or physician who is responsible for the management and supervision
 25 of the respondent's commitment and treatment. The clerk of court shall send a
 26 copy of the commitment order to the designated area facility or physician
 27 responsible for the management and supervision of the respondent's
 28 commitment and treatment by the most reliable and expeditious means. Before
 29 ordering commitment to and treatment by an area facility or a physician who
 30 is not a physician at an inpatient facility, the court shall follow the procedures
 31 specified in G.S. 122C-271(a)(3) and G.S. 122C-271(b)(4), as applicable.

32"

33 SECTION 11.(c) This section is effective when it becomes law and applies to orders
 34 issued on or after that date.

35
 36 **INCLUDE REFERENCE TO RETIREMENT IN PROVISIONS REGARDING**
 37 **JUDICIAL SETTLEMENTS**

38 SECTION 12.(a) G.S. 1-283 reads as rewritten:

39 "§ 1-283. Trial judge empowered to settle record on appeal; effect of leaving office or of
 40 disability.

41 Except as provided in this section, only the judge of superior court or of district court from
 42 whose order or judgment an appeal has been taken is empowered to settle the record on appeal
 43 when judicial settlement is required. A judge retains power to settle a record on appeal
 44 notwithstanding he has resigned or retired or his term of office has expired without reappointment
 45 or reelection since entry of the judgment or order. Proceedings for judicial settlement when the
 46 judge empowered by this section to settle the record on appeal is unavailable for the purpose by
 47 reason of death, mental or physical incapacity, retirement, or absence from the State shall be as
 48 provided by the rules of appellate procedure."

49 SECTION 12.(b) This section is effective when it becomes law and applies to
 50 actions taken on or after that date.

1 **MODIFY PROVISIONS REGARDING THE SUSPENSION, REMOVAL, OR**
2 **REINSTATEMENT OF CLERKS**

3 **SECTION 13.(a)** G.S. 7A-105 reads as rewritten:

4 **"§ 7A-105. Suspension, removal, and reinstatement of clerk.**

5 (a) A clerk of superior court may be suspended or removed from office for willful
6 misconduct or mental or physical incapacity, and reinstated, under the same procedures as are
7 applicable to a superior court district attorney, except that the procedure shall be initiated by the
8 filing of a sworn affidavit with the chief district judge of the district in which the clerk resides,
9 and the hearing shall be conducted by the senior regular resident superior court judge serving the
10 county of the clerk's residence. If suspension is ordered, the judge shall appoint some qualified
11 person to act as clerk during the period of the suspension. ~~incapacity by the senior regular resident~~
12 superior court judge serving the county where the clerk resides.

13 (b) A proceeding to suspend or remove a clerk of superior court is commenced by filing
14 with the chief district court judge of the district in which the clerk resides a sworn affidavit
15 charging the clerk of superior court with one or more grounds for removal. The clerk shall collect
16 superior court costs set forth in G.S. 7A-305. No summons shall be issued.

17 (c) The chief district court judge shall immediately provide notice of the filing to the
18 senior regular resident superior court judge for the district or set of districts as defined in
19 G.S. 7A-41.1(a) in which the county is located. Within 10 days of payment of the costs required
20 under subsection (b) of this section, the senior regular resident superior court judge shall review
21 the sworn affidavit and determine, without a hearing, whether the charges, if true, constitute
22 grounds for removal and whether there is probable cause for believing that the charges are true.
23 If the judge finds either that the charges, if true, do not constitute grounds for removal or finds
24 that no probable cause exists for believing that the charges are true, the judge shall dismiss the
25 proceeding. Otherwise, the judge shall make written findings detailing which charges would
26 constitute grounds for removal and the probable cause for believing that those charges are true.
27 The judge also may enter an order suspending the clerk of superior court from performing the
28 duties of the office until a final determination of the charges on the merits. The salary of the clerk
29 of superior court continues during any such suspension. The sworn affidavit, written findings,
30 and order of suspension, if any, shall be served on the clerk of superior court in the manner
31 provided for service of a complaint under Rule 4(j) of the Rules of Civil Procedure within 10
32 days of the entry of written findings.

33 (d) If the proceeding is not dismissed, the senior regular resident superior court judge
34 shall set a hearing upon the charges found to be supported by probable cause under subsection
35 (c) of this section for not less than 10 days nor more than 30 days after service of the affidavit
36 and written findings on the clerk, unless continued for good cause shown. In the hearing, the
37 court shall hear evidence and make findings of fact and conclusions of law resolving the charges.
38 The hearing shall be recorded and open to the public. If the court concludes that grounds for
39 removal exist, the superior court judge shall enter an order permanently removing the clerk of
40 superior court from office and terminating the clerk's salary. If the court finds that no grounds
41 exist, any pending suspension of the clerk shall end immediately.

42 (e) The clerk of superior court may appeal from an order of removal to the Court of
43 Appeals on the basis of error of law by the presiding judge. Pending decision of the case on
44 appeal, the clerk of superior court shall not perform any of the duties of the office. If, upon final
45 determination, the clerk of superior court is ordered reinstated either by the appellate division or
46 by the superior court upon remand, the clerk's salary shall be restored from the date of the original
47 order of removal.

48 (f) If the clerk of superior court is prohibited from performing the duties of the office
49 under this section prior to resolution due either to an order of suspension or an appeal of an order
50 of removal, the judge shall appoint some qualified person to act as a clerk until final resolution.

(g) The sworn affidavit and other filings related to the proceedings are confidential unless the senior regular resident superior court judge makes written findings detailing that some or all of the charges would constitute grounds for removal and that there is probable cause for believing that some or all of the charges are true.

(h) If criminal charges are filed against the clerk that relate to factual allegations in a pending sworn affidavit for removal and a judge has found grounds for removal and probable cause to support those allegations pursuant to subsection (c) of this section, the presiding judge may stay the removal proceeding until the criminal case is resolved. A stay may be granted at any time in the proceeding following the probable cause determination."

SECTION 13.(b) This section is effective when it becomes law and applies to proceedings based upon clerk conduct occurring on or after that date.

MODIFY PROVISIONS REGARDING NORTH CAROLINA BUSINESS COURTS AND BUSINESS COURT JUDGES

SECTION 14.(a) G.S. 7A-45.3 reads as rewritten:

"§ 7A-45.3. Superior court judges designated for complex business cases.

The Chief Justice may exercise the authority under rules of practice prescribed pursuant to G.S. 7A-34 to designate ~~one or more up to six~~ of the special superior court judges authorized by G.S. 7A-45.1 to hear and decide complex business cases as prescribed by the rules of ~~practice-~~practice if the Chief Justice determines that the judge to be designated has the requisite expertise and experience to serve as a Business Court Judge. Any judge so designated shall be known as a Business Court Judge and shall preside in the Business Court. If there is more than one ~~business court judge, including any judge serving as a senior business court judge pursuant to G.S. 7A-52(a1) or upon recall pursuant to G.S. 7A-57,~~ Business Court Judge, the Chief Justice may designate one of them as the Chief Business Court Judge. If there is no designation by the Chief Justice, the ~~judge~~ Business Court Judge with the longest term of service on the court shall serve as Chief Business Court Judge until the Chief Justice makes an appointment to the position. The presiding Business Court Judge shall issue a written opinion in connection with any order granting or denying a motion under G.S. 1A-1, Rule 12, 56, 59, or 60, or any order finally disposing of a complex business case, other than an order effecting a settlement agreement or jury verdict."

SECTION 14.(b) G.S. 7A-45.4 reads as rewritten:

"§ 7A-45.4. Designation of complex business cases.

(a) Any party may designate as a mandatory complex business case an action that involves a material issue related to any of the following:

- ...
- (5) Disputes involving the ~~ownership, use, licensing, lease, installation, rights to~~ or performance of intellectual property, including computer software, software applications, information technology and systems, data and data security, pharmaceuticals, biotechnology products, and bioscience technologies.

(b) The following actions shall be designated as mandatory complex business cases:

- ...
- (5) An appeal of a decision of the North Carolina Oil and Gas Commission concerning trade secret or confidential information as provided in G.S. 113-391.1.
- (6) The Chief Justice may also designate any case or group of cases as "complex business" consistent with Rules 2.1 and 2.2 of the General Rules of Practice for the Superior and District Courts.

...

(d) The Notice of Designation shall be filed:

(3) By (i) any defendant or any other party within 30 days of receipt of service of the pleading seeking relief from the defendant or party-party or (ii) any defendant contemporaneously with the filing of a counterclaim, cross-claim, or third-party claim giving rise to designation under subsection (a) or (b) of this section.

...."

SECTION 14.(c) G.S. 113-391.1(e) reads as rewritten:

"(e) Appeal From Commission Decisions Concerning Confidentiality. – Within 10 days of any decision made pursuant to subsection (b) of this section, the Commission shall provide notice to any person who submits information asserted to be confidential (i) that the information is not entitled to confidential treatment and (ii) of any decision to release such information to any person who has requested the information. Notwithstanding the provisions of G.S. 132-9, or procedures for appeal provided under Article 4 of Chapter 150B of the General Statutes, any person who requests information and any person who submits information who is dissatisfied with a decision of the Commission to withhold or release information made pursuant to subsection (b) of this section shall have 30 days after receipt of notification from the Commission to appeal by filing an action in superior court and in accordance with the procedures for a mandatory complex business case set forth in G.S. 7A-45.4. Notwithstanding any other provision of As provided in G.S. 7A-45.4, the appeal shall be heard de novo by a judge designated as a Business Court Judge under G.S. 7A-45.3. The information may not be released by the Commission until the earlier of (i) the 30-day period for filing of an appeal has expired without filing of an appeal or (ii) a final judicial determination has been made in an action brought to appeal a decision of the Commission. In addition, the following shall apply to actions brought pursuant to this section:

...."

SECTION 14.(d) This section becomes effective December 1, 2025, and applies to judges designated and proceedings held on or after that date.

GRANT THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS THE AUTHORITY TO CREATE AN OFFICIAL FLAG, SEAL, AND OTHER EMBLEMS OF THE JUDICIAL BRANCH

SECTION 15. G.S. 7A-343 reads as rewritten:

"§ 7A-343. Duties of Director.

The Director is the Administrative Officer of the Courts, and the Director's duties include all of the following:

...

(6c) Adopt an official flag, seal, and other emblems appropriate in connection with the management and operation of the judicial branch, copyright the same in the name of the State, and lease, license, or otherwise permit the use of reproductions or replicas of such flag, seal, and other emblems upon such terms and conditions as the Director deems advisable.

...."

CLARIFY THE AUTHORITY OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO SET THE NUMBER OF MAGISTRATES WITHIN A COUNTY ABOVE THE MINIMUM REQUIRED FOR THAT COUNTY

SECTION 16. G.S. 7A-171(a) reads as rewritten:

"(a) The General Assembly shall establish a minimum quota of magistrates appointed in each county. In no county shall the minimum quota be less than one. ~~The number of magistrates~~

1 appointed in a county, above the minimum quota set by the General Assembly, is determined by
2 the Administrative Office of the Courts after consultation with the chief district court judge for
3 the district in which the county is located."
4

5 **MODIFY CERTAIN REQUIREMENTS FOR THE DISBURSEMENT OF EXPENSES**
6 **TO PERSONNEL OF THE JUDICIAL DEPARTMENT**

7 **SECTION 17.** G.S. 7A-301 reads as rewritten:

8 "**§ 7A-301. Disbursement of expenses.**

9 The salaries and expenses of all personnel in the Judicial Department and other operating
10 expenses shall be paid out of the State treasury upon warrants duly drawn thereon, except that
11 the Administrative Office of the Courts and the Department of Administration, with the approval
12 of the State Auditor, Administration may establish alternative procedures for the prompt payment
13 of juror fees, witness fees, and other small expense ~~items~~items, including the provision of debit
14 cards to payees."
15

16 **SEVERABILITY CLAUSE AND EFFECTIVE DATE**

17 **SECTION 18.(a)** If any section or provision of this act is declared unconstitutional
18 or invalid by the courts, it does not affect the validity of this act as a whole or any portion other
19 than the portion declared to be unconstitutional or invalid.

20 **SECTION 18.(b)** Except as otherwise provided, this act is effective when it becomes
21 law.