

# Children and Families

**See full summary documents for additional detail**

## **Clarification on Safe Surrender of Infants – House Budget Technical Corrections.**

SL 2025-4 (H74), Sec. 5.4

Section 5.4 of S.L. 2025-4 (House Bill 74) provides that a parent who safely surrenders an infant less than 30 days old will not be prosecuted under the misdemeanor child abuse statute for any acts or omissions related to the care of that infant, which harmonizes the misdemeanor child abuse statute with the same change previously made in other statutes. This section also provides that the safe surrender of an infant less than 30 days old can be treated as a mitigating factor in sentencing for a felony child abuse conviction.

This section became effective May 14, 2025.

## **Child Welfare and Adoption – Fostering Care in NC Act.**

SL 2025-16 (H612), Part I

Part I of S.L. 2025-16 (House Bill 612) does the following:

Definitions and Jurisdiction:

- Amends the definition of "abused juvenile" and creates definitions for "Division" and "post-adoption contact agreement and order."
- Adds the death of a juvenile as an event terminating the court's jurisdiction. This section became effective June 26, 2025, and applies to all actions pending or filed on or after that date.

Assessment by Director of and Notification of Person Making Report:

- Requires a home visit where a juvenile resides when there is an allegation of abuse or neglect in a child care facility.
- Allows for a review to be requested by the reporter if the director of the department of social services (director) decides not to accept a report of abuse, neglect, or dependency for an assessment.
- Changes the standard of proof to clear and convincing evidence at a hearing on interference with an assessment.
- Allows the person making the report to request a review by the prosecutor or the Division of Social Services (DSS), Department of Health and Human Services (DHHS), if the director decides not to file a petition, previous requests were only to the prosecutor, and modifies the process for the review to incorporate the DSS.
- This section became effective October 1, 2025, and applies to requests for review or actions filed on or after that date.

#### Conflicts of Interest:

- Creates a new procedure for handling conflicts of interest (G.S. 7B-302.1) when the reported abuse, neglect or dependency involves specified criteria.

#### Parties:

- Allows the court to include foster parents or the current caretaker in the procedure for intervention if they would have the authority to file a petition to terminate parental rights. The court is permitted to remove a guardian, custodian, or caretaker as a party after adjudication, if their continuation as a party is not in the juvenile's best interest.

#### Authority to Issue Custody Orders:

- Authorizes a district court judge to (i) enter a nonsecure custody order once a petition is filed and (ii) delegate the court's authority to a magistrate. Each county is required to always have a judge or delegated magistrate available with whom the DHHS must request nonsecure custody of a juvenile.

#### Petition when Clerk's Office is Closed and Telephonic Communications:

- Clarifies orders signed by a judicial official when the office of the clerk is closed are effective and enforceable after the order is signed.
- Updates the requirements for petitions and written orders made by telephonic communication.

#### Co-Guardians:

- Allows for co-guardians to be appointed and establishes a procedure if the relationship between the co-guardians dissolves.

#### Guardian Ad Litem:

- Reduces the age for mandatory appointment of a guardian for a parent from under 18 years of age to under 16 years of age. The appointment of a guardian ad litem for a parent who is 16 or 17 years of age, unemancipated, and unmarried, is optional and is only ordered upon a motion by any party or the court.

#### Legal Counsel for the Department:

- Defines "legal counsel for the department" (legal counsel), requires the county DSS to be represented by legal counsel in proceedings, and requires the director to attest legal counsel has reviewed various petitions if the petition is not signed by legal counsel.
- This section becomes effective April 1, 2026, and applies to petitions filed on or after that date.

### Placement of Juveniles:

- Allows DSS to recommend unsupervised visits or return of physical custody, whichever occurs first. The court findings for either recommendation are amended. The court must find (i) the juvenile will receive proper care and supervision in a safe home for custody to be returned or (ii) it in the best interests of the juvenile for unsupervised visits to occur.
- Authorizes additional places for DSS to place juveniles within its custody and prohibits placement in an unlicensed facility without a court order.
- Authorizes the following additional placements for juveniles in nonsecure custody: (i) placement with the parent from whom the juvenile was not removed, or (ii) temporary placement in a facility licensed to provide care to juveniles. Placements in an unlicensed facility are prohibited without a court order.
- This section became effective June 26, 2025, and applies to all actions pending or filed on or after that date.

### Emergency Motion for Placement and Payment:

Amends the procedure for seeking court intervention to assess costs and other relief related to a juvenile's continued stay in an emergency room or hospital when the statutory requirements for presentation at a hospital for mental health treatment (G.S. 122C-142.2) are not met in the following ways:

- Removes the standing of the DHHS to file a motion in the matter and gives the DSS the opportunity to be heard at any hearing on any motion as the supervising principal of the DSS.
- Authorizes evidence of a hospital's failure to cooperate in a juvenile's assessment in defense of alleged violations by DSS, the local management entity/managed care organization (LME/MCO), or prepaid health plan.
- Requires a hearing on the motion within ten business days of service or the next scheduled juvenile court session, whichever is later.
- Requires the court to make findings as to whether the juvenile met hospital discharge criteria. The date on which the court determined the juvenile met hospital discharge criteria determines the date after which payment of hospital charges and property damage is required from the responsible party.
- Clarifies dismissal of a motion due to discharge of the juvenile from the hospital does not preclude a separate cause of action for monetary damages.
- This section became effective June 26, 2025, and applies to all actions pending or filed on or after that date.

### Review and Permanency Planning Hearings:

- Removes a child from the parent, guardian, or custodian only if the court finds specific criteria after initial disposition or the prior review hearing.
- Clarifies the purpose of a review hearing is to review the parent's progress on court-ordered services, including (i) the completion the court-ordered services within 12 months; (ii) the demonstration that the circumstances leading to the DSS involvement

have been resolved to the court's satisfaction and (iii) providing a safe home for the juvenile.

- Terminates the court's jurisdiction when the parent, guardian, or custodian successfully completes court-ordered services and the child is residing in the home, absent extraordinary circumstances.

#### Permanent Plans and Concurrent Planning:

- Adds termination of concurrent planning when reunification is not identified as a permanent plan.
- Creates a procedure for a hearing when a juvenile is not being reunified with a parent, guardian, or custodian, prior to any change in placement for the juvenile, if specified criteria are met.
- Requires the court to inform the guardian or custodian of their right to pursue child support when the permanent plan of guardianship or custody has been achieved.

#### Authority over Parents:

- Adds to the court's findings that payment of child support is in the best interest of the child prior to ordering a parent to pay a reasonable sum that will cover support of the juvenile when legal custody is vested in someone other than the juvenile's parent.
- This provision became effective June 26, 2025, and applies to all actions pending or filed on or after that date.

#### Termination of Parental Rights:

- Changes the standard of proof to clear and convincing evidence at a hearing on termination of parental rights. This provision became effective October 1, 2025, and applies to any actions filed on or after that date.
- Adds a parent whose parental rights have been terminated to the list of permissible individuals who may file a petition to reinstate parental rights. The parent is not entitled to court-appointed counsel. This provision became effective June 26, 2025, and applies to any actions filed on or after that date.

#### Reinstatement of Parental Rights:

- Establishes a procedure for a pretrial hearing to consider specified criteria and requires the court to dismiss the motion if the criteria are not met. This provision became effective June 26, 2025, and applies to any actions filed on or after that date.

#### Presentation at a Hospital for Mental Health Treatment:

- Requires the hospital to contact the DSS director if the juvenile (i) is in DSS custody, (ii) requires mental health treatment, and (iii) is present at the hospital for reasons other than involuntary commitment or a voluntary admission order.
- Shortens the timeframe to three days for the LME/MCO to arrange for an assessment to be conducted.
- Prohibits the hospital from releasing the juvenile unless hospital discharge criteria are met and either (i) the recommended placement is available or (ii) the director or individual consents to release.
- Specifies when the director, an LME/MCO, or prepaid health plan must notify the Rapid Response Team (RRT). If notified, the RRT determines if action is needed to address the juvenile's needs, and then develops a plan with DSS, the LME/MCO, and the hospital on steps needed to meet the juvenile's treatment needs.
- Provides the meetings of the RRT and relevant individuals are confidential and not public record.
- Requires DHHS to develop and distribute uniform guidance to hospitals, DSS, and prepaid health plans on the roles and responsibilities of each entity involved in case management during a juvenile's hospital stay by April 1, 2026.
- This section became effective June 26, 2025, and applies to any action pending or filed on or after that date.

#### Christal's Law:

- Authorizes the Secretary of the DHHS to (i) access records pertaining to open or closed child welfare cases of DSS, (ii) inquire into and review county social work practice, and (iii) inquire and review local DSS legal practice for the delivery of child welfare services for a particular case or all cases of the DSS.
- Addresses violations by creating a protocol that notifies specified individuals with a directive to remedy the violation within a certain timeframe.
- This section became effective on June 26, 2025.

#### Post-Adoption Contact Agreements and Orders:

- Creates a new pathway to allow the parents of a minor adoptee in the custody of DSS and the prospective adoptive parents to enter a voluntary mediated post-adoption contact agreement prior to relinquishment of the child. A post-adoption contact agreement allows specifically described post-adoption contact with a child, including visitation, sharing of information, and communication such as the exchange of letters, electronic communication, and telephone contact.
- Requires the court to review the agreement within two days of the signing of the agreement to determine if the agreement is to be incorporated into a court order. The written agreement must be entered into without coercion, fraud, or duress, evidenced by oath or affidavit. When approved by the court, the post-adoption contract agreement and order constitute a custody determination and create a civil action. The record of the civil action is withheld from public inspection and terminates when the child turns 18 or is emancipated.

- Requires a party to a court approved post-adoption contact agreement and order seeking to modify, enforce, or terminate the agreement to file a motion in the civil action, and mediation is required unless waived by the court. The court must modify the terms of the agreement if it finds by a preponderance of evidence that there has been a material and substantial change in the circumstances and the modifications are in the best interest of the child. The modifications are permitted to reduce but not expand the information and contact with the former parents. Frivolous actions must result in attorneys' fees to the prevailing party, and there would be no right to appeal the order.
- Clarifies that custody actions between parties of a post-adoption contact agreement and order are governed by State law and makes conforming changes.

#### Responsible Individual's List (List):

- Shortens the timeframe for an individual to petition the court for review of his or her inclusion on the List to less than one year from placement on the List and modifies the reason for the review to replace extraordinary circumstances with good cause.
- Allows individuals to petition the court for expungement from the List if specified conditions are met. Petitions for expungement from the List are maintained on a separate docket and provided a closed hearing before a judge without a jury, with the burden upon the petitioner to show by a preponderance of evidence. In determining whether to grant the petition, the court considers the nature of abuse or serious neglect, the amount of time since placement on the list, activities that reflect changed behavior or circumstances, and any other relevant circumstances. The court must grant the petition to remove the person's name from the list 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.

#### Past Due Child Support:

- Adds foster care assistance owed to the State by the supporting party during any period when the child is placed in the custody of DSS to the situations when child support payments are not past due, and no arrearages accrue.

Except as otherwise provided, Part I became effective October 1, 2025, and applies to all actions pending or filed on or after that date.

### **Expand Guardianship Assistance Program Eligibility to Youth 10 Years of Age – Fostering Care in NC Act.**

SL 2025-16 (H612), Part II

Part II of S.L. 2025-16 (House Bill 612) allows the Division of Social Services (DSS) of the Department of Health and Human Services to provide financial support through assistance payments for certain children who have exited foster care into kinship guardianship or legal guardianship.

## Kinship Guardianship Assistance Program (KinGAP):

For kinship guardianship assistance payments for certain children who have exited foster care into relative guardianship, "relative" includes a person related to the child by blood, marriage, adoption, or through a substantial relationship with the child or the child's parent prior to the child entering foster care. To be eligible, the following requirements must be met:

- The child must be at least 10 years old, but not older than 18 years old. If the child is at least 14 years of age, the child must have been consulted regarding the kinship guardianship agreement.
- The child has been removed from his or her home due to a voluntary placement agreement or because of a judicial determination that continuation in the home would be contrary to the welfare of the child.
- The child was eligible for foster care maintenance payments under federal law while residing for at least six consecutive months in the home of a licensed prospective relative guardian.
- It has been determined that reunification and adoption are not appropriate options for the child.
- The child demonstrates a strong attachment to the prospective relative guardian.
- The guardian has a strong commitment to caring permanently for the child.
- A North Carolina county child welfare agency has placement and care of the child at the time of entry into the guardianship agreement.

An individual who has exited foster care under a guardianship assistance agreement can continue to receive assistance payments after becoming 18 years old if (i) the individual was at least 16 years old before the kinship guardian assistance agreement became effective, (ii) the individual chooses to continue receiving guardianship services until becoming 21 years old, and (iii) DSS determines that the individual meets any of the following:

- Is completing secondary education or a program leading to an equivalent credential.
- Is enrolled in an institution that provides postsecondary or vocational education.
- Is participating in a program or activity designed to promote or remove barriers to employment.
- Is employed for at least 80 hours per month.
- Is incapable of completing the educational or employment requirements outlined above due to a medical condition or disability that is supported by regularly updated information in the case plan for the individual.

The sibling of an individual receiving guardian assistance payments is also eligible for the payments if the sibling has not yet turned 10 years old and the county child welfare agency and prospective relative guardian agree that the guardianship agreement is appropriate for the sibling.

If the relative guardian dies or becomes incapacitated, the eligibility of the child to receive kinship guardian assistance payments is not affected by being placed with a successor legal guardian identified in the kinship guardianship assistance agreement.

### Guardianship Assistance Program:

DSS must also provide for financial support of children who exit foster care into legal guardianship if the following criteria are met:

- The child is at least 10 years old and demonstrates a strong attachment to the licensed prospective guardian and the guardian has a strong commitment to caring permanently for the child. If the child is at least 14 years old, the child has been consulted regarding the guardianship agreement.
- The child is in a permanent family placement setting for at least six consecutive months before the execution of the guardianship agreement.
- The prospective guardian is eligible to be appointed as a legal guardian.
- The child is unlikely to achieve permanency through reunification or adoption.
- A North Carolina county child welfare agency has placement and care of the child at the time of entry into the guardianship agreement.

An individual who has exited foster care under a guardianship assistance agreement can continue to receive assistance payments after becoming 18 years old if (i) the individual was at least 16 years old before the guardian assistance agreement became effective, (ii) the individual chooses to continue receiving guardianship services until becoming 21 years old, and (iii) DSS determines that the individual meets any of the following:

- Is completing secondary education or a program leading to an equivalent credential.
- Is enrolled in an institution that provides postsecondary or vocational education.
- Is participating in a program or activity designed to promote or remove barriers to employment.
- Is employed for at least 80 hours per month.
- Is incapable of completing the educational or employment requirements outlined above due to a medical condition or disability that is supported by regularly updated information in the case plan for the individual.

### Guardianship Assistance Agreement:

To receive payments under KinGAP or the Guardianship Assistance Program, the county child welfare agency must negotiate and enter into a written, binding guardianship agreement with the prospective guardian and provide the guardian a copy of the agreement. The agreement must include the following, at a minimum:

- The amount of and manner in which each payment will be provided and how it can be adjusted.
- The additional services and assistance the child and guardian will be eligible for under the agreement.
- The procedure by which the guardian can apply for additional services.
- That the State will pay the total cost of nonrecurring expenses associated with obtaining legal guardianship of the child if the cost does not exceed \$2,000.



The agreement will remain in effect without regard to the State residency of the guardian.

The guardianship assistance program rates will reimburse legal and relative guardians for room and board and be set at the same rate as the foster care room and board rates.

The Social Services Commission will adopt emergency rules to implement these programs. The emergency rules will remain in effect until temporary rules are adopted to replace the emergency rules. The temporary rules will remain in effect until permanent rules are adopted.

This Part of the act became effective June 26, 2025.

## **Revisions Regarding Permanent No Contact Orders and Felony Child Abuse – Fostering Care in NC Act.**

SL 2025-16 (H612), Part III

Part III of S.L. 2025-16 (House Bill 612) expands the offenses for which a permanent no contact order may be issued by the court at sentencing and modifies felony child abuse laws.

### Permanent No Contact Orders

This part expands the ability of a court to issue a permanent no contact order against a defendant at sentencing as follows:

- Expands the offenses for which the order may be issued to include any Class A through G felony and any offense of strangulation inflicting serious injury. Previously, the order was only allowed for offenses requiring sex offender registration.
- Authorizes the court to include members of the victim's immediate family in the order, if the immediate family members are specifically identified.

### Felony Child Abuse

This part modifies the offense of felony child abuse as follows:

- Broadens the applicability of the Class D felony for committing or allowing the commission of any sexual act upon a child less than 16 to apply to any person providing care to or supervision of the child. Previously, the offense required the person to be a parent or legal guardian.
- Adds an additional Class B2 felony for a parent or any other person providing care to or supervision of a child less than 16 years of age who intentionally and routinely inflicts physical injury on the child and deprives the child of necessary food, clothing, shelter, or proper physical care for the purpose of causing fear, emotional injury, or deriving sexual gratification.
- Provides that "grossly negligent omission", which is a term used in several existing provisions, includes the failure to report a child as missing to law enforcement as provided in G.S. 14-318.5(b).

These provisions become effective December 1, 2025, and apply to offenses committed on or after that date.

### **Criminal History Record Check Requirement for Applicants Offered a Position for City and County Employment Working With Children – Fostering Care in NC Act.**

SL 2025-16 (H612), Part IV

Part IV of S.L. 2025-16 (House Bill 612) requires local governments to run criminal history record checks with the State Bureau of Investigation (SBI) for any person offered employment in any position with the local government that will require the employee to work with children in any capacity. Any offer of employment in those positions must be conditional pending the results of the criminal history record check through the SBI.

This part became effective October 1, 2025, and applies to offers of employment on or after that date.

### **Decouple Rated License and Subsidized Child Care – Child Care Regulatory Reforms.**

SL 2025-36 (H412), Part I

Part I of S.L. 2025-36 (House Bill 412) requires the Department of Health and Human Services, Division of Child Development and Early Education to do the following by May 1, 2026:

- Develop a proposed plan to separate the Quality Rating and Improvement System (QRIS) rating from participation in the State subsidized child care program and make recommendations on plan implementation while meeting the federal Child Care and Development Fund requirements. The current plan will continue to be utilized until the proposed plan is first authorized by the General Assembly and then approved by the federal government.
- Provide an update on the QRIS Modernization rules process under S.L. 2024-34.
- Submit the plan to the chairs of the House and Senate Appropriations Committees, the chairs of the House and Senate Appropriations Committees on Health and Human Services, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division.
- Complete a new market rate study containing potential rates not segmented by the star-ratings and new market rates for the QRIS. The rates cannot be implemented unless authorized by the General Assembly and approved by the federal Administration of Children and Families.
- Make the new market rate study available to the public.

The requirements of this Part of the act do not impact the star-rating requirements for the N.C. Prekindergarten Program.

This Part became effective July 1, 2025.

## **Building Code Revisions – Child Care Regulatory Reforms.**

SL 2025-36 (H412), Part III

Part III of S.L. 2025-36 (House Bill 412) does the following:

- Requires that until rules are adopted, the Office of State Fire Marshall, the Residential Code Council, Building Code Council, and State and local governments enforcing the North Carolina State Building Code treat a family care home as a Residential Group R-3 occupancy provided that the area of the dwelling used for the family child care home meets certain requirements for exit locations, fire extinguishers, safety plans, carbon monoxide detection, and smoke alarms.
- Requires that the Residential Code Council and Building Code Council create a family child care home occupancy classification within a dwelling and adopt rules amending the Code that are consistent with this Part.
- Amends the definition of child care facility in G.S. 110-86 and the mandatory standards for a child care license in G.S. 110-91 to conform to changes made in this Part.
- Requires the Division of Child Development and Early Education to establish the Licensed Childcare Licensure Workgroup to examine streamlining regulatory requirements for the physical structures of licensed child care facilities and report the findings and recommendations to the Joint Legislative Oversight Committee on Health and Human Services, the Joint Legislative Oversight Committee on General Government, and the Fiscal Research Division of the General Assembly no later than one year after the act became law.

This Part became effective July 1, 2025.

## **Regulatory Changes – Child Care Regulatory Reforms.**

SL 2025-36 (H412), Part II

Part II of S.L. 2025-36 (House Bill 412) does the following:

- Makes child care regulatory changes including the following:
  - Permits a lead teacher to plan and implement daily activities for no more than two groups, and if the lead teacher is responsible for two groups at least one other individual overseeing the group must be engaging in the Early Childhood Credential coursework or seeking on the job training for the five-year pathway to seek future Lead Teacher qualification.
  - Clarifies the mandatory licensing standards regarding out-of-school child care provided at operational elementary and middle schools for school-aged children.
  - Increases the group size for infants and toddlers for child care centers meeting certain requirements.

- Permits five years or more of documented work experience teaching in a licensed child care facility in North Carolina to serve as the equivalent to the North Carolina Early Childhood Credential and ensures this work experience is treated the same as if it were earned in other ways when awarding a star-rating.
  - Requires administrators and lead teachers to have the North Carolina Early Childhood Credential or its equivalent, and all other staff to meet standards established by the North Carolina Child Care Commission (the Commission).
- Adds the Weikart Youth Program Quality Assessment as an assessment tool for out-of-school child care programs and award of star rating.
- Requires the Division of Child Development and Early Education (the Division), Department of Health and Human Services (DHHS) to establish a school age/out-of-school care credential in consultation with North Carolina Community Colleges System.
- Requires the Division to award the North Carolina Early Childhood Administration Credential or the North Carolina Family Child Care Credential to individuals who have completed continuing education courses equivalent to child care curriculum courses as determined by the Community College System.
- Requires the Commissioner of Insurance to establish a workgroup to examine the potential for the development of group liability insurance opportunities for all child care providers and for certain nongovernmental contractors that contract with DHHS and any county or local agency for the provision of services to minors.
- Creates an exemption for certain Department of Defense family child care homes from child care licensure requirements.
- Requires the Division, in coordination with the Child Care Commission, to clarify rules governing multiuse child care centers.
- Allows a child care program that was licensed prior to a state of emergency to be deemed licensed during the state of emergency whether it expands provision of services to more children if the required staff-child ratio is maintained.

This Part became effective July 1, 2025.

## **Parents Protection Act.**

SL 2025-59 (S442)

S.L. 2025-59 (Senate Bill 442) makes the following changes to laws pertaining to the adoption and care of children:

- Provides that a parent, guardian, custodian, or caretaker who raises or refers to a child consistent with the child's biological sex is not subject to a petition alleging abuse or neglect based on those acts only. This limitation cannot be construed to authorize or allow any other act or omission that would constitute child abuse or neglect. This section of the act became effective July 3, 2025, and applies to petitions filed before, on, or after that date.
- Prohibits an adoption agency from denying or delaying the opportunity to become an adoptive parent or the placement of a child for adoption because of an adoptive parent's

refusal, unwillingness, or lack of support to enable the child to engage in gender transition. This section of the act became effective July 3, 2025, and applies to petitions and placements for adoption and opportunities to become an adoptive parent requested, filed, or submitted before, on, or after that date.

- Provides that a parent or other person providing care or supervision of a child less than 18 years old who is raising or referring to the child consistent with the child's biological sex would not be guilty of misdemeanor or felony child abuse. This section of the act became effective July 1, 2025, and applies to offenses committed on, before, or after that date.
- Provides that serious mental injury does not include a parent raising a child consistent with the child's biological sex. This section of the act became effective July 1, 2025, and applies to offenses committed on, before, or after that date.

### **Create Criminal Offense for Exposing a Child to a Controlled Substance – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec 1

Section 1 of S.L. 2025-70 (Senate Bill 429) creates new criminal offenses for exposing a child under the age of 16 to a controlled substance. Any person who "knowingly, intentionally, or with reckless disregard for human life" causes or permits a child to be exposed to a controlled substance is guilty of a felony.

The classification of offense is determined by the degree of harm caused, as follows:

- Causing exposure – Class H felony.
- Causing exposure resulting in the child ingesting the controlled substance – Class E felony.
- If the ingestion results in serious physical injury – Class D felony.
  - Serious physical injury is physical injury that causes great pain and suffering, including serious mental injury.
- If the ingestion results in serious bodily injury – Class C felony.
  - Serious bodily injury is bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement, coma, a permanent or protracted condition that causes extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ, or that results in prolonged hospitalization.
- If the ingestion is the proximate cause of death – Class B1 felony.

The offense does not apply to a person that intentionally gives a child a controlled substance that has been prescribed for the child by a licensed medical professional when given to the child in the prescribed amount and manner.

This section becomes effective December 1, 2025, and applies to offenses on or after that date.

## **Increase the Punishment for Committing the Offense of Solicitation of Minors by Computer – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 3

Section 3 of S.L. 2025-70 (Senate Bill 429) increases the punishment for committing the offense of solicitation of minors by computer as follows:

- A first violation is increased from a Class H felony to a Class G felony.
- A second or subsequent violation, or a first violation committed when the defendant had a prior conviction for a substantially similar offense, is a new offense and is punishable as a Class E felony.
- The punishment for a defendant who actually appears at the meeting location with the minor is increased from a Class G felony to a Class D felony.

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **Revise Law Prohibiting Sexual Activity by a Substitute Parent or Custodian to Include Religious Organizations or Institutions – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 9

Section 9 of S.L. 2025-70 (Senate Bill 429) modifies G.S. 14-27.31, which prohibits sexual activity by a substitute parent or custodian to include religious organizations or institutions. G.S. 14-27.31(b) prohibits a person having custody of a victim of any age or a person who works for an institution having custody over a person from engaging in sexual activity with the person. Section 9 modifies this law to provide that an institution having custody over a person includes a "religious organization or institution." This section also creates a new definition of "custody" to clarify that definition.

This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

## **Protect Minor Victims of and Witnesses to Crime – 2025 Public Safety Act.**

SL 2025-70 (S429), Sec. 21

Section 21 of S.L. 2025-70 (Senate Bill 429) provides that the contents of any "911" or other emergency telephone call where the caller is less than 18 years of age are not public record.

This section became effective July 9, 2025.

## **Paternity Matters – Timeshare Foreclosure/Paternity Matters.**

SL 2025-75 (H992), Secs. 3 and 4

Sections 3 and 4 of S.L. 2025-75 (House Bill 992) will modify the laws governing the right of a child born out of wedlock to take by intestate succession from a person who has acknowledged himself in a written instrument to be the child's father. These sections will remove provisions requiring the instrument acknowledging paternity to be filed with the clerk of superior court of the county where either he or the child resides.

These sections become effective December 1, 2025, and apply to the estates of decedents dying on or after that date.