

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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PRINCIPAL CLERK

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SENATE BILL DRS35170-ND-44

Short Title: Wendy Williams's Law.

(Public)

Sponsors: Senator Murdock (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO BE ENTITLED WENDY WILLIAMS'S LAWS, CREATING MINIMUM
3 TRAINING REQUIREMENTS FOR GUARDIANS AND GUARDIANS AD LITEM
4 APPOINTED TO SERVE INCOMPETENT PERSONS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 5 of Chapter 35A of the General Statutes reads as rewritten:

7 "Article 5.

8 "Appointment of Guardian for Incompetent Person.

9 ...

10 "§ 35A-1215. Clerk's order; issuance of letters of appointment.

11 (a) When appointing a guardian, the clerk shall enter an order setting ~~forth~~ forth all of the
12 following:

13 (1) The nature of the guardianship or guardianships to be created and the name of
14 the person or entity appointed to fill each ~~guardianship; and~~ guardianship.

15 (2) The powers and duties of the guardian or guardians, which shall include,
16 unless the clerk orders otherwise, ~~(i) with all of the following~~:

17 a. With respect to a guardian of the person and general guardian, the
18 powers and duties provided under G.S. 35A, Article 8, and (ii) with 8.

19 b. With respect to a guardian of the estate and general guardian, the
20 powers, and duties provided under G.S. 35A, Article 9 and Subchapter
21 III; and III.

22 (3) The identity of the designated agency if there is one.

23 (4) The requirement that any individual appointed to fill a guardianship, including
24 at least one representative of any entity appointed to fill a guardianship, shall
25 within six months of the appointment complete training that includes at a
26 minimum the following subjects:

27 a. The legal duties and responsibilities of the guardian.

28 b. The rights of the incompetent person.

29 c. The available resources to aid the incompetent person.

30 d. An orientation to medical terminology, particularly the terminology
31 related to the diagnostic and assessment procedures used to
32 characterize the extent and reversibility of any impairment.

33 e. The preparation of status reports, annual accounts, and other reports
34 required under this Article, including financial accounting for the
35 property and financial resources of the incompetent person.



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1 (5) The determination of whether, in the clerk's discretion, to grant a partial or
2 complete waiver of the requirements of subdivision (4) of this subsection, or
3 to expand those requirements, based upon the clerk's consideration of at least
4 each of the following:

- 5 a. The experience and education of the guardian with respect to the
6 training requirements of this subsection.
7 b. The duties and responsibilities of the guardian.
8 c. The needs of the incompetent person.

9 ...
10 "**§ 35A-1216. Rule-making power of Secretary of Health and Human Services.**

11 The Secretary of the Department of Health and Human Services shall adopt rules concerning
12 the guardianship responsibilities of disinterested public agents. The rules shall provide, among
13 other things, that disinterested public agents shall undertake or have received training concerning
14 the powers and responsibilities of ~~guardians~~ guardians, including at a minimum the training
15 requirements under G.S. 35A-1215(a)(4).

16 "**§ 35A-1217. Appointment of guardian ad litem for incompetent ward.**

17 (a) The clerk shall appoint a guardian ad litem to represent a ward in a proceeding under
18 this Subchapter if the ward has been adjudicated incompetent under Subchapter I and the clerk
19 determines that the ward's interests are not adequately represented. Appointment and discharge
20 of the guardian ad litem shall be in accordance with rules adopted by the Office of Indigent
21 Defense Services. The guardian ad litem shall explain the notice of rights under G.S. 35A-1117
22 as part of the guardian ad litem's representation of the ward in connection with all proceedings
23 under this Subchapter. Nothing herein shall affect the ward's right to retain counsel of his or her
24 own choice.

25 (b) A guardian ad litem may only be appointed pursuant to this section if the guardian ad
26 litem has completed a training program, including at a minimum each of the following subjects:

- 27 (1) The legal duties and responsibilities of a guardian ad litem appointed pursuant
28 to this section.
29 (2) The rights of the incompetent person with emphasis on the due process rights
30 of the incompetent person.
31 (3) The available resources to aid the incompetent person.
32 (4) An orientation to medical terminology, particularly that related to the
33 diagnostic and assessment procedures used to characterize the extent and
34 reversibility of any impairment.
35 (5) Entitlements and other benefits available to the incompetent person.
36 (6) Psychological and social concerns relating to incompetent persons.

37 (c) The clerk may, in the clerk's discretion, grant a partial or complete waiver of the
38 training requirements of subsection (b) of this section, or expand those training requirements,
39 based upon the clerk's consideration of at least each of the following:

- 40 (1) The experience and education of the guardian ad litem with respect to the
41 training requirements of subsection (b) of this section.
42 (2) The duties and responsibilities of the guardian ad litem.
43 (3) The needs of the incompetent person."

44 **SECTION 2.** This act becomes effective January 1, 2026, and applies to
45 appointments of guardians and guardians ad litem made on or after that date.