

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 612

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H612-ACI-21 [v.5]

Page 1 of 4

Amends Title [NO]
Second Edition

Date _____, 2025

Representative Stevens

1 moves to amend the bill on page 2, lines 30-31, by rewriting the lines to read:

2
3 "(17) Prosecutor. – The district attorney or assistant district attorney assigned by the
4 district attorney to juvenile proceedings.";

5
6 and on page 4, lines 3-7, by rewriting the lines to read:

7
8 "shall be informed of procedures necessary to request a review by the prosecutor or Division of
9 the director's decision not to file a petition. A request for review by the prosecutor or Division
10 shall be made within five working days of receipt of the second notification. The second
11 notification shall include notice that, if the person making the report is not satisfied with the
12 director's decision, the person may request review of the decision by the prosecutor or Division
13 within five working";

14
15 and on page 4, line 43, by rewriting the line to read:

16
17 "reviewed by the prosecutor or Division if review is requested pursuant to G.S. 7B-305."";

18
19 and on page 13, line 30, by rewriting the line to read:

20
21 "(4) The court-ordered primary or secondary permanent plan is adoption.";

22
23 and on page 15, lines 16-25, by rewriting the lines to read:

24
25 "(1) The parent has abused or neglected the juvenile. The juvenile shall be deemed
26 to be abused or neglected if the court finds the juvenile to be an abused
27 juvenile within the meaning of G.S. 7B-101 or a neglected juvenile within the
28 meaning of G.S. 7B-101. For purposes of termination of parental rights,
29 neglect shall include a biological or possible biological father of a child born
30 out of wedlock who within three months of the child's birth has not made
31 efforts to acknowledge or establish his paternity of the child and formed or
32 attempted to form a relationship with the child.";



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1
2 and on page 15, line 27, through page 16, line 2, by rewriting the lines to read:
3

- 4 "(3) The juvenile has been placed in the custody of a county department of social
5 services, a licensed child-placing agency, a child-caring institution, or a foster
6 home, and the parent has for a continuous period of six months immediately
7 preceding the filing of the petition or motion willfully failed to pay a
8 reasonable portion of the cost of care for the juvenile although physically and
9 financially able to do so.
- 10 (4) One parent has been awarded custody of the juvenile by judicial decree or has
11 custody by agreement of the parents, and the other parent whose parental
12 rights are sought to be terminated has for a period of one year or more next
13 preceding the filing of the petition or motion willfully failed without
14 justification to pay for the care, support, and education of the juvenile, as
15 required by the decree or custody agreement.
- 16 (5) The father of a juvenile born out of wedlock has not, prior to the filing of a
17 petition or motion to terminate parental rights, done any of the following:
18 a. Filed an affidavit of paternity in a central registry maintained by the
19 Department of Health and Human Services. The petitioner or movant
20 shall inquire of the Department of Health and Human Services as to
21 whether such an affidavit has been so filed and the Department's
22 certified reply shall be submitted to and considered by the court.
- 23 b. Legitimated the juvenile pursuant to provisions of G.S. 49-10,
24 G.S. 49-12.1, or filed a petition for this specific purpose.
- 25 c. Legitimated the juvenile by marriage to the mother of the juvenile.
- 26 d. Provided substantial financial support or consistent care with respect
27 to the juvenile and mother.
- 28 e. Established paternity through G.S. 49-14, 110-132, 130A-101,
29 130A-118, or other judicial proceeding.";
- 30

31 and on page 17, lines 43-49, by rewriting the lines to read:
32

- 33 "4. Before the ~~earlier of the filing of the petition-petition, within~~
34 three months of the child's birth, or the date of a hearing under
35 G.S. 48-2-206, whichever occurs later, has acknowledged his
36 paternity of the minor and meets one of the following:";
- 37

38 and on page 21, line 31, by rewriting the line to read:
39

40 "or cases, the Secretary shall provide the county director written notice of the violations, a
41 directive to remedy the violations in accordance with applicable statutes or rules, and the
42 timeframe in which the violations must be remedied. If the identified concerns are";
43

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1 and on page 26, line 1, by deleting the word "three" and substituting the word "five";

2
3 and on page 26, line 3, by deleting the word "five" and substituting the word "eight";

4
5 and on page 26, line 9, by deleting the word "expungement" and substituting the phrase
6 "expungement of the individual's name from the responsible individuals list";

7
8 and on page 27, lines 5-11, by rewriting the lines to read:

9
10 **""§ 7B-305. Request for review by ~~prosecutor~~prosecutor or Division.**

11 The person making the report shall have five working days, from receipt of the decision of
12 the director of the department of social services not to petition the court, to notify the prosecutor
13 or constituent concern line at the Division that the person is requesting a review. The prosecutor
14 or Division shall notify the person making the report and the director of the time and place for
15 the review, and the director shall immediately transmit to the prosecutor or Division a copy of a
16 summary of the assessment. Nothing precludes the person making a report from requesting a
17 review from both the prosecutor and the Division."";

18
19 and on page 27, lines 13-25, by rewriting the lines to read:

20
21 **""§ 7B-306. Review by ~~prosecutor~~prosecutor or Division.**

22 (a) Both the prosecutor and Division shall conduct a review when a request for review is
23 made to either or both agencies. Within two business days of receiving a request for review, the
24 prosecutor or Division that receives the request for review shall notify the other agency that a
25 request for review has been made. Each agency may conduct an independent or shared review
26 and may consult with one another as part of the review. The prosecutor or Division shall review
27 the director's determination that a petition should not be filed within 20 days after ~~the person~~
28 making the report is notified. receipt of a request for review is made in accordance with
29 G.S. 7B-305. The review shall include conferences with the person making the report, the
30 protective services worker, the juvenile, if practicable, and other persons known to have pertinent
31 information about the juvenile or the juvenile's family.

32 (b) At the conclusion of the ~~conferences~~, review, the prosecutor or Division may affirm
33 take any of the following actions:

34 (1) Affirm the decision made by the ~~director~~, may request director.

35 (2) Request the appropriate local law enforcement agency to investigate the
36 allegations, or may direct allegations.

37 (3) Direct the director to file a petition. If either the prosecutor or Division directs
38 a petition be filed, the director shall file a petition. The Division may also
39 direct the director to take a specific action to provide protective services."";

40
41 and on page 27, line 48 by rewriting the line to read:

42
43 "person's designee may ask the prosecutor or Division to review this decision";

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1
2 and on page 28, lines 28-29, by inserting the following between the lines:
3

4 "SECTION 21.5. Part 6 of Article 3 of Chapter 48 of the General Statutes is amended
5 by adding a new section to read:

6 "**§ 48-3-611. Paternal challenge to consent not necessary or termination of parental rights.**

7 (a) If a biological or possible biological father is prevented from taking any action
8 necessary to prevent his parental rights from being terminated under G.S. 7B-1111(a) or that
9 would have caused his consent to an adoption to be required under G.S. 48-3-601(a) because the
10 mother (i) committed fraud in identifying the father or withheld the known identity of the father
11 or (ii) concealed her pregnancy or the child's birth, then the biological or possible biological
12 father may seek any of the following within 30 days of discovering the fraud or concealment:

13 (1) Restoration of his parental rights.

14 (2) Setting aside the adoption.

15 (3) A grant of custody or visitation with the child through an action under Chapter
16 50 of the General statutes.

17 (4) Injunction of any pending action to terminate his parental rights or finalize an
18 adoption.

19 (b) To set aside an adoption, restore parental rights, or award custody or visitation, as a
20 result of any action taken by a biological father under subsection (a) of this section, the court
21 shall determine that (i) the remedy would be in the best interest of the child and (ii) the petitioner
22 is the biological father of the child."
23
24

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**The official copy of this document, with signatures
and vote information, is available in the
House Principal Clerk's Office**