

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL 475

Short Title: Wendy Williams's Law. (Public)

Sponsors: Senator Murdock (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 25, 2025

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

The General Assembly of North Carolina enacts:

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

"Article 5.

"Appointment of Guardian for Incompetent Person.

...

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

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

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

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

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

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

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

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

a. The legal duties and responsibilities of the guardian.

b. The rights of the incompetent person.

c. The available resources to aid the incompetent person.

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

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



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

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

...

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

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

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

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

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

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

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

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

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