

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 354
Committee Substitute Favorable 4/1/25
Third Edition Engrossed 4/9/25

Short Title: Civil Procedure/Gatekeeper Orders/Database.

(Public)

Sponsors:

Referred to:

March 12, 2025

A BILL TO BE ENTITLED
AN ACT AMENDING RULE 17 OF THE NORTH CAROLINA RULES OF CIVIL
PROCEDURE TO PROVIDE FOR THE ISSUANCE OF GATEKEEPER ORDERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1A-1, Rule 17 of the Rules of Civil Procedure, is amended by
adding a new subsection to read:

"(f) Gatekeeper Order. – A person who has been adjudicated incompetent and has been prohibited from filing pleadings in court may file a pleading with the court only through the person's guardian or counsel. If a person has been identified by the Administrative Office of the Courts as having been so adjudicated, then the court shall strike any pleading filed by the person during the person's adjudicated incompetency and not filed by the person's guardian or counsel and issue a gatekeeper order to prevent the person from executing filings in violation of this subsection. A gatekeeper order entered under this subsection shall be served on the person's guardian and counsel. Nothing in this subsection shall prohibit a person who has been adjudicated incompetent from filing any pleading without the assistance of that person's guardian or counsel in any of the following: (i) an action against that person's guardian or counsel, (ii) an action appealing the determination of being adjudicated incompetent, (iii) an action petitioning for modification of guardianship, (iv) an action to restore the person's competency, and (v) an action in which the person who has been adjudicated incompetent is sued. The court shall withdraw the gatekeeper order and allow the person to file pleadings with a court if the person's competency has been restored."

SECTION 2. The Administrative Office of the Courts shall develop a functional database of all persons currently adjudicated as incompetent by a North Carolina court as described in Section 1 of this act. The database must be updated when a person has been adjudicated incompetent, when a guardianship has been modified, and when a person's competency has been restored. The database must be readily accessible to judges and the clerks of superior court.

SECTION 3. This act becomes effective December 1, 2025, and applies to actions and proceedings brought or pending on or after that date.

