



CHAPTER 30
ARTICLE 4 - YEAR'S ALLOWANCE

N.C.G.S. § 30-17.

When children entitled to an allowance.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2025-33, s. 12.2 — twenty-second act in the lineage	RETRIEVED 21 September 2026, 02:50 UTC	SOURCE FINGERPRINT aaee596ab00726d6c3f78578 - 88588a86261a7f4baf2c3ea8 - d6e2f9518e9bf0f2
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§ 30-17(a) Every child of a decedent who is under the age of 21 years at the time of the decedent's death, including an adopted child or a child in utero, and every child who is under the age of 21 years at the time of the decedent's death with whom the decedent stood in loco parentis at the time of death, shall be entitled to receive an allowance having a value of ten thousand dollars (\$10,000) for the child's support for one year after the death of the decedent. The allowance shall be in addition to the child's share of the decedent's estate regardless of whether the decedent died testate or intestate.

§ 30-17(b) The right of a child to file a claim for an allowance must be exercised during the lifetime of the child by the person with priority to file on behalf of the child as provided in subsection (c) of this section. A claim for an allowance must be made by filing a verified petition with the clerk of court of the county in which venue would be proper under G.S. 28A-3-1. There is no time limitation on bringing a claim for an allowance except that, if a personal representative has been appointed for the decedent's estate, the claim must be made within six months after the issuance of letters testamentary or letters of administration. In addition, if a personal representative has been appointed for the decedent's estate, a copy of the verified petition must be personally delivered or sent by first-class mail by the petitioner to the personal representative.

§ 30-17(c) The person entitled to file a petition on behalf of the child for a child's allowance shall be in the following order of priority:

- (1) The child, if the child is at least 18 years old or an emancipated minor at the time of the filing of the petition.

- (2) The general guardian or guardian of the estate of the child, if any.
- (3) The surviving parent of the child if the child resides with the surviving parent.
- (4) The person with whom the child resides.

If the clerk of court determines that no person entitled to file a petition pursuant to this subsection is a fit or suitable individual, the clerk, upon the clerk's own motion, may appoint another individual if the clerk determines that individual better represents the best interests of the child as the representative.

§ 30-17(d)

The child's allowance shall be exempt from any lien by judgment or execution against the property of the decedent or any other claim made against or owed by the decedent's estate except that the spouse's allowance under G.S. 30-15 shall take priority over any child's allowance. A child's allowance shall only be awarded after the full spouse's allowance under G.S. 30-15 has been awarded.

§ 30-17(e)

A proceeding for a child's allowance shall be an estate proceeding governed by the provisions of Article 2 of Chapter 28 of the General Statutes.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
22 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1889	c. 496	ENACTED
02	Rev.	s. 3094	RECODIFIED
03	C.S.	s. 4111	RECODIFIED
04	1939	c. 396	AMENDED
05	1953	c. 913, s. 2	AMENDED
06	1961	c. 316, s. 2	AMENDED
07	1961	c. 749, s. 3	AMENDED

08	1969	c. 269	AMENDED
09	1971	c. 528, s. 22	AMENDED
10	1973	c. 1411	AMENDED
11	1975	c. 259	AMENDED
12	1981	c. 413, s. 2	AMENDED
13	1981	c. 599, s. 7	AMENDED
14	1995	c. 262, s. 5	AMENDED
15	1997	S.L. 1997-310, s. 2	AMENDED
16	2005	S.L. 2005-225, s. 1	AMENDED
17	2011	S.L. 2011-344, s. 7	AMENDED
18	2012	S.L. 2012-71, ss. 2(a), 3	AMENDED
19	2013	S.L. 2013-198, s. 13	AMENDED
20	2017	S.L. 2017-158, s. 5	AMENDED
21	2023	S.L. 2023-120, s. 1.2	AMENDED
22	2025	S.L. 2025-33, s. 12.2	AMENDED

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 28A-3	(b)	"which venue would be proper under"
G.S. 30-15	(d)	"except that the spouse's allowance under"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 30-17 (2025).

PINPOINT

N.C. Gen. Stat. § 30-17(a) (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1889, c. 496; Rev., s. 3094; C.S., s. 4111; 1939, c. 396; 1953, c. 913, s. 2; 1961, c. 316, s. 2; c. 749, s. 3; 1969, c. 269; 1971, c. 528, s. 22; 1973, c. 1411; 1975, c. 259; 1981, c. 413, s. 2; c. 599, s. 7; 1995, c. 262, s. 5; 1997-310, s. 2; 2005-225, s. 1; 2011-344, s. 7; 2012-71, ss. 2(a), 3; 2013-198, s. 13; 2017-158, s. 5; 2023-120, s. 1.2; 2025-33, s. 12.2.)

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