

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 1106
Committee Substitute Favorable 5/4/09

Short Title: Amend Adoption Laws.

(Public)

Sponsors:

Referred to:

April 7, 2009

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING AND CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS
3 PERTAINING TO ADOPTION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 48-1-109 reads as rewritten:

6 "**§ 48-1-109. Which agencies may prepare assessments and reports to the court.**

7 (a) Except as authorized in subsections (b) and (c) of this section, only a county
8 department of social services in this State or an agency licensed by the Department may
9 prepare preplacement assessments pursuant to Article 3 of this Chapter or reports to the court
10 pursuant to Article 2 of this Chapter.

11 (b) A preplacement assessment prepared in another state may be used in this State only
12 if:

13 (1) The prospective adoptive parent resided in the state where it was prepared;
14 and

15 (2) The person or entity that prepared it was authorized by the law of that state
16 to gather the necessary information.

17 An assessment prepared in another state that does not meet the requirements of this section and
18 G.S. 48-3-303(c) through (h) must be updated by a county department of social services in this
19 ~~State or State~~, an agency licensed by the ~~Department~~ Department, or a person or entity
20 authorized to gather the necessary information pursuant to the laws of the state where the
21 prospective adoptive parent resides before being used in this State.

22 (c) An order for a report to the court must be sent to a county department of social
23 services in this ~~State or State~~, an agency licensed by the ~~Department~~ Department, or a person or
24 entity authorized to prepare home assessments for the purpose of adoption proceedings under
25 the laws of the petitioner's state of residence. If the petitioner moves to a different state before
26 the agency completes the report, the agency shall request a report pursuant to the Interstate
27 Compact on the Placement of Children under Article 38 of Chapter 7B of the General Statutes
28 from an agency a person or entity authorized to prepare such reports in the petitioner's new state
29 of residence pursuant to the Interstate Compact on the Placement of Children, Article 38 of
30 Chapter 7B of the General Statutes. home assessments for the purpose of adoption proceedings
31 under the laws of the petitioner's new state residence."

32 **SECTION 2.1.** G.S. 48-2-301(c) reads as rewritten:

33 "(c) If the individual who files the petition is unmarried, no other individual may join in
34 the ~~petition~~ petition, except that a man and a woman who jointly adopted a minor child in a
35 foreign country while married to one another must readopt jointly as provided in
36 G.S. 48-2-205."

37 **SECTION 2.2.** G.S. 48-2-205 reads as rewritten:



1 **"§ 48-2-205. Recognition of adoption decrees from other jurisdictions.**

2 A final adoption decree issued by any other state must be recognized in this State. Where a
3 minor child has been previously adopted in a foreign country by a petitioner or petitioners
4 seeking to readopt the child under the laws of North Carolina, the adoption order entered in the
5 foreign country may be accepted in lieu of the consent of the biological parent or parents or the
6 guardian of the child to the ~~readoption~~ readoption. A man and a woman who adopted a minor
7 child in a foreign country while married to one another must readopt jointly, regardless of
8 whether they have since divorced. If either does not join in the petition, he or she must be
9 joined as a necessary party as provided in G.S. 1A-1, Rule 19."

10 **SECTION 3.** G.S. 48-2-401 is amended by adding the following new subsection to
11 read:

12 "(g) Issuance of a summons is not required to commence an adoption proceeding under
13 this Chapter."

14 **SECTION 4.** G.S. 48-2-501(d) reads as rewritten:

15 "(d) As an exception to this section, The following exceptions apply in this section:

16 (1) ~~in~~ In any stepparent adoption under Article 4 of this Chapter in which the
17 minor has lived with the stepparent for at least the two consecutive years
18 immediately preceding the filing of the petition, the court may order a ~~report,~~
19 ~~but it~~ report. However, the court is not required to order a report unless the
20 minor's consent is to be waived, the minor has revoked a consent, or both of
21 the minor's parents are dead.

22 (2) In any adoption of a minor by the minor's grandparent in which the minor
23 has lived with the grandparent for at least the two consecutive years
24 immediately preceding the filing of the petition, the court may order a report.
25 However, the court is not required to order a report unless the minor's
26 consent is to be waived, the minor has revoked a consent, or the minor is
27 eligible for adoption assistance pursuant to G.S. 108A-49."

28 **SECTION 5.** G.S. 48-3-608(a) reads as rewritten:

29 "(a) A consent to the adoption of any infant who is in utero or any minor may be
30 revoked within seven days following the day on which it is executed, inclusive of weekends
31 and holidays. If the final day of the revocation period falls on a ~~weekend or North Carolina or~~
32 ~~federal holiday,~~ Saturday, Sunday, or a legal holiday when North Carolina courthouses are
33 closed for transactions, then the revocation period extends to the next business day. The
34 individual who gave the consent may revoke by giving written notice to the person specified in
35 the consent. Notice may be given by personal delivery, overnight delivery service, or registered
36 or certified mail, return receipt requested. If notice is given by mail, notice is deemed complete
37 when it is deposited in the United States mail, postage prepaid, addressed to the person to
38 whom consent was given at the address specified in the consent. If notice is given by overnight
39 delivery service, notice is deemed complete on the date it is deposited with the service as
40 shown by the receipt from the service, with delivery charges paid by the sender, addressed to
41 the person to whom consent was given at the address specified in the consent."

42 **SECTION 6.** G.S. 48-3-706(a) reads as rewritten:

43 "(a) A relinquishment of any infant who is in utero or any minor may be revoked within
44 seven days following the day on which it is ~~executed,~~ executed by the infant or minor's parent or
45 guardian, inclusive of weekends and holidays. If the final day of the period falls on a ~~weekend~~
46 ~~or a North Carolina or federal holiday,~~ Saturday, Sunday, or a legal holiday when North
47 Carolina courthouses are closed for transactions, then the revocation period extends to the next
48 business day. The individual who gave the relinquishment may revoke by giving written notice
49 to the agency to which the relinquishment was given. Notice may be given by personal
50 delivery, overnight delivery service, or registered or certified mail, return receipt requested. If
51 notice is given by mail, notice is deemed complete when it is deposited in the United States

1 mail, postage prepaid, addressed to the agency at the agency's address as given in the
2 relinquishment. If notice is given by overnight delivery service, notice is deemed complete on
3 the date it is deposited with the service as shown by the receipt from the service, with delivery
4 charges paid by the sender, addressed to the agency at the agency's address as given in the
5 relinquishment."

6 **SECTION 7.** This act is effective when it becomes law.