

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 637
Committee Substitute Favorable 4/20/11
Senate Judiciary II Committee Substitute Adopted 5/29/12

Short Title: Adoption Law Changes.

(Public)

Sponsors:

Referred to:

April 6, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS APPLICABLE TO ADOPTIONS, AS RECOMMENDED
3 BY THE NORTH CAROLINA BAR ASSOCIATION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 48-2-302(a) is repealed.

6 **SECTION 2.** G.S. 48-2-304(a)(6) reads as rewritten:

7 "(6) A—If the adoptee is a minor or an adult who has been adjudicated
8 incompetent, a description and estimate of the value of any property of the
9 adoptee."

10 **SECTION 3.** G.S. 48-2-401(a) reads as rewritten:

11 "(a) No later than 30 days after a petition for adoption is filed pursuant to Part 3 of this
12 Article, the petitioner shall initiate service of~~serve~~ notice of the filing on the persons required to
13 receive notice under subsections (b), (c), and (d) of this section."

14 **SECTION 4.** G.S. 48-3-205(d) reads as rewritten:

15 "(d) The Division shall develop and make available forms designed to collect the
16 information described in subsection (a) of this section. However, forms reasonably equivalent
17 to those provided by the Division may be substituted."

18 **SECTION 5.** G.S. 48-3-303(c)(12) reads as rewritten:

19 "(12) The agency preparing the preplacement assessment may redact from the
20 preplacement assessment provided to a placing parent or guardian detailed
21 information reflecting the prospective adoptive parent's income and financial
22 account balances and social security numbers, and detailed information
23 about the prospective adoptive parent's extended family members, including
24 surnames, names of employers, names of schools attended, social security
25 numbers, telephone numbers and addresses, and other similarly detailed
26 information about extended family members obtained under subsections (b)
27 and (c) of this section."

28 **SECTION 6.** G.S. 48-3-602 reads as rewritten:

29 **"§ 48-3-602. Consent of incompetent parents.**

30 If a parent as described in G.S. 48-3-601 has been adjudicated incompetent, then the court
31 shall appoint a guardian ad litem for that parent and, unless the child already has a guardian, a
32 guardian ad litem for the child to make a full investigation as to whether the adoption should
33 proceed. The investigation shall include an evaluation of the parent's current condition and any
34 reasonable likelihood that the parent will be restored to competency, the relationship between
35 the child and the incompetent parent, alternatives to adoption, and any other relevant fact or



1 circumstance. If the court determines after a hearing on the matter that it will be in the best
2 interest of the child for the adoption to proceed, the court shall order the guardian ad litem of
3 the parent to execute ~~a consent~~ for that ~~parent~~ parent a consent as provided in this Part or a
4 relinquishment as provided in Part 7 of this Article."

5 **SECTION 7.** G.S. 48-3-608(b) reads as rewritten:

6 "(b) In a direct placement, if:

- 7 (1) A preplacement assessment is required, and
- 8 (2) Placement occurs before the preplacement assessment is given to the parent
9 or guardian who is placing the minor,

10 then that individual's time under subsection (a) of this section to revoke any consent previously
11 given shall be either five business days after the date the individual receives the preplacement
12 assessment prepared substantially in conformance with the requirements of G.S. 48-3-303, or
13 the remainder of the time provided in subsection (a) of this section, whichever is longer. The
14 date of receipt is the earlier of the date of actual receipt or the date established pursuant to
15 G.S. 48-3-307."

16 **SECTION 8.** G.S. 48-3-707(a) reads as rewritten:

17 "(a) A relinquishment shall become void ~~if~~ if any of the following occur:

- 18 (1) Before the entry of the adoption decree, the individual who executed the
19 relinquishment establishes by clear and convincing evidence that it was
20 obtained by fraud or duress.
- 21 (2) Before placement with a prospective adoptive parent occurs, the agency and
22 the person relinquishing the minor agree to rescind the relinquishment.
- 23 (3) After placement with a prospective adoptive parent occurs, but before the
24 entry of the adoption decree, the agency, the person relinquishing the minor,
25 and the prospective adoptive parent agree to rescind the relinquishment."

26 **SECTION 9.** G.S. 48-9-109(1) reads as rewritten:

27 "(1) An employee of a court, agency, or any other person from:

- 28 a. Inspecting permanent, confidential, or sealed records, other than
29 records maintained by the State Registrar, for the purpose of
30 discharging any obligation under this Chapter.
- 31 b. Disclosing the name of the court where a proceeding for adoption
32 occurred, or the name of an agency that placed an adoptee, to an
33 individual described in G.S. 48-9-104(a) who can verify his or her
34 identity.
- 35 c. Disclosing or using information contained in permanent and sealed
36 records, other than records maintained by the State Registrar, for
37 statistical or other research purposes as long as the disclosure will not
38 result in identification of a person who is the subject of the
39 information and subject to any further conditions the Department
40 may reasonably impose."

41 **SECTION 10.** This act becomes effective October 1, 2012, and applies to actions
42 filed on or after that date.