

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 162*

Judiciary Committee Substitute Adopted 4/22/97

House Committee Substitute Favorable 5/21/97

Short Title: Adoption Law Technical Amendments.

(Public)

Sponsors:

Referred to:

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SIMILAR MINOR
3 CHANGES TO THE ADOPTION LAWS AS FOUND IN CHAPTER 48 OF THE
4 GENERAL STATUTES INVOLVING CERTIFICATION OF DOCUMENTS,
5 NOTICE, PROCEDURES FOR REPORTS TO THE COURT, ACCEPTANCE OF
6 RELINQUISHMENTS BY AGENCIES, INDEXING, CAPTIONS ON ADOPTION
7 PETITIONS, AND STANDBY GUARDIANS; TO STANDARDIZE
8 PROCEDURES FOR REQUESTING NEW BIRTH CERTIFICATES IN ALL
9 ADOPTIONS; AND TO AMEND PROVISIONS FOR OBTAINING
10 CERTIFICATION OF IDENTIFICATION FOR INDIVIDUALS OF FOREIGN
11 BIRTH AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION;
12 AND TO ALLOW FOR PREBIRTH RIGHT-TO-CONSENT DETERMINATION,
13 CLARIFY WHEN COUNTY DEPARTMENTS OF SOCIAL SERVICES MUST DO
14 PREPLACEMENT ASSESSMENTS, TO ADD CHILDREN TO THE LIST OF
15 PERSONS WHO CAN GET COPIES OF BIRTH CERTIFICATES OF ADOPTEES,
16 TO EXTEND THE EFFECTIVE PERIOD OF PREPLACEMENT ASSESSMENTS
17 TO EIGHTEEN MONTHS, TO PROVIDE THAT EXECUTION OF A
18 RELINQUISHMENT DOES NOT TERMINATE THE DUTY OF SUPPORT, AND

1 TO PERMIT ALL RELINQUISHMENTS TO BE RESCINDED BY MUTUAL
2 AGREEMENT.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 48-2-305 reads as rewritten:

5 "**§ 48-2-305. Petition for adoption; additional documents.**

6 At the time the petition is filed, the petitioner shall file or cause to be filed the
7 following documents:

- 8 (1) Any required affidavit of parentage executed pursuant to G.S. 48-3-206;
- 9 (2) Any required consent or relinquishment that has been executed;
- 10 (3) A certified copy of any court order terminating the rights and duties of a
11 parent or a guardian of the adoptee;
- 12 (4) A certified copy of any court order or pleading in a pending proceeding
13 concerning custody of or visitation with the adoptee;
- 14 (5) A copy of any required preplacement assessment certified by the agency
15 that prepared it or an affidavit from the petitioner stating why the
16 assessment is not available;
- 17 (6) A ~~certified~~ copy of any document containing the information required
18 under G.S. 48-3-205 concerning the health, social, educational, and
19 genetic history of the adoptee and the adoptee's original family which
20 the petitioner received before the placement or at any later time,
21 certified by the person who prepared it, or if this document is not
22 available, an affidavit stating the reason why it is not available;
- 23 (7) Any signed copy of the form required by the Interstate Compact on the
24 Placement of Children, G.S. 110-57.1, et seq., authorizing a minor to
25 come into this State;
- 26 (8) A writing that states the name of any individual whose consent is or
27 may be required, but who has not executed a consent or a
28 relinquishment or whose parental rights have not been legally
29 terminated, and any fact or circumstance that may excuse the lack of
30 consent or relinquishment; and
- 31 (9) In an adoption pursuant to Article 4 of this Chapter, a copy of any
32 agreement to release past-due child support payments.

33 The petitioner may also file any other document necessary or helpful to the court's
34 determination."

35 Section 2. G.S. 48-2-401(d) reads as rewritten:

36 "(d) In the adoption of an adult, the petitioner shall also serve notice of the filing on
37 any adult children of the prospective adoptive parent and any parent, spouse, or adult
38 child of the adoptee who are listed in the petition to adopt."

39 Section 3. G.S. 48-2-403 reads as rewritten:

40 "**§ 48-2-403. Notice of proceedings by clerk.**

41 No later than five days after a petition is filed, the clerk of the court shall ~~give notice of~~
42 ~~the adoption proceeding by certified mail, return receipt requested, mail or otherwise deliver~~
43 notice of the adoption proceeding to any agency that has undertaken but not yet

1 completed a preplacement assessment and any agency ordered to make a report to the
2 court pursuant to Part 5 of this Article."

3 Section 4. G.S. 48-2-502(b) reads as rewritten:

4 "(b) The report must be in writing and contain:

- 5 (1) An account of the petitioner's marital or family status, physical and
6 mental health, home environment, property, income, and financial
7 obligations; if there has been a preplacement assessment, the account
8 may be limited to any changes since the filing of the preplacement
9 assessment;
- 10 (2) All reasonably available nonidentifying information concerning the
11 physical, mental, and emotional condition of the adoptee required by
12 G.S. 48-3-205 which is not already included in the document prepared
13 under that section;
- 14 (3) Copies of any court order, judgment, decree, or pending legal
15 proceeding affecting the adoptee, the petitioner, or any child of the
16 petitioner relevant to the welfare of the adoptee;
- 17 (4) A list of the expenses, fees, or other charges incurred, paid, or to be paid
18 in connection with the adoption that can reasonably be ascertained by
19 the agency;
- 20 (5) Any fact or circumstance known to the agency that raises a specific
21 concern about whether the proposed adoption is contrary to the best
22 interest of the adoptee because it poses a significant risk of harm to the
23 well-being of the adoptee;
- 24 (6) A finding by the agency concerning the suitability of the petitioner and
25 the petitioner's home for the adoptee;
- 26 (7) A recommendation concerning the granting of the petition; and
- 27 (8) Such other information as may be required by rules adopted pursuant to
28 subsection (c) of this section.

29 In an agency adoption, the report shall be written in such a way as to exclude all
30 information that could reasonably be expected to lead directly to the identity of the
31 adoptee at birth or any former parent or family member of the adoptee, and any copies of
32 documents included pursuant to subdivision (3) of this subsection shall be redacted to
33 exclude this information."

34 Section 5. (a) G.S. 48-2-503(a) reads as rewritten:

35 "(a) The agency shall complete a written report and file it with the court within 60
36 days after ~~receipt~~ the mailing or delivery of the order under G.S. 48-2-501 unless the court
37 extends the time for filing. The agency shall have three additional days to complete and
38 file the report if the order was mailed."

39 (b) G.S. 48-2-503(b) reads as rewritten:

40 "(b) If the agency identifies a specific concern about the suitability of the petitioner
41 or the petitioner's home for the adoptee, the agency must file an interim report
42 immediately, which must contain an account of the specific concern. The agency shall
43 indicate in the final report whether its concerns have been satisfied and in what manner."

1 (c) G.S. 48-2-503 is amended by adding a new subsection to read:

2 "(b1) When an agency identifies a specific concern in a final report and the court
3 extends the time for a final hearing or disposition to allow resolution of these concerns,
4 the agency shall file a supplemental report indicating whether its concerns have been
5 satisfied and in what manner."

6 (d) Subsection (a) of this section applies to reports to the court prepared in
7 response to a notice under G.S. 48-2-403 mailed or delivered after the effective date of
8 this act.

9 Section 6. (a) G.S. 48-2-604 reads as rewritten:

10 **"§ 48-2-604. Denying petition to adopt a minor.**

11 (a) If at any time between the filing of a petition to adopt a minor and the issuance
12 of the final order completing the adoption it appears to the court that the minor should not
13 be adopted by the petitioners or the petition should be dismissed for some other reason,
14 the court may dismiss the proceeding.

15 (b) The court, before entering an order to dismiss the proceeding, shall give at
16 least five days' notice of the motion to dismiss to the parties, to the agency that made the
17 report to the court, and to the Department of Human Resources. The parties and agency
18 entitled to notice under this subsection, and the Department, shall be entitled to a hearing
19 on the issue of dismissing the proceeding.

20 (c) If the court denies a petition to adopt a minor, the petition, the custody of the
21 minor shall revert to any agency or person having custody immediately before the filing
22 of the petition. If the placement of the child-minor was a direct placement under Article 3
23 of this Chapter, the court shall notify the director of social services of the county in which
24 the petition was filed of the dismissal, and the director of social services shall be
25 responsible for taking appropriate action for the protection of the child-minor."

26 (b) This section becomes effective October 1, 1997.

27 Section 7. (a) G.S. 48-3-702 reads as rewritten:

28 **"§ 48-3-702. Procedures for relinquishment.**

29 (a) A relinquishment executed by a parent or guardian must conform substantially
30 to the requirements in this Part and must be signed and acknowledged under oath before
31 an individual authorized to administer oaths or take acknowledgments.

32 (b) The provisions of G.S. 48-3-605(b), (c), (e), and (f), also apply to a
33 relinquishment executed under this Part, ~~except that an individual before whom a~~
34 ~~relinquishment is signed and acknowledged shall also certify that an employee of the~~
35 ~~agency to which the minor is being relinquished signed a statement indicating the~~
36 ~~agency's willingness to accept the relinquishment. Part.~~

37 (c) An agency that accepts a relinquishment shall furnish each parent or guardian
38 who signs the relinquishment a letter or other writing indicating the agency's willingness
39 to accept that person's relinquishment."

40 (b) This section applies to relinquishments executed on or after the effective date
41 of this act.

42 Section 8. (a) G.S. 48-3-608(a) reads as rewritten:

1 "(a) A consent to the adoption of an infant who is in utero or is three months old or
2 less at the time the consent is given may be revoked within 21 days following the day on
3 which it is executed, inclusive of weekends and holidays. A consent to the adoption of
4 any other minor may be revoked within seven days following the day on which it is
5 executed, inclusive of weekends and holidays. If the final day of the revocation period
6 falls on a weekend or North Carolina or federal holiday, then the revocation period
7 extends to the next business day. The individual who gave the consent may revoke by
8 giving written notice to the person specified in the consent. Notice may be given by
9 personal delivery, overnight delivery service, or registered or certified mail, return receipt
10 requested. If notice is given by mail, notice is deemed complete when it is deposited in
11 the United States mail, postage prepaid, addressed to the person to whom consent was
12 given at the address specified in the consent. If notice is given by overnight delivery
13 service, notice is deemed complete on the date it is deposited with the service as shown
14 by the receipt from the service, with delivery charges paid by the sender, addressed to the
15 person to whom consent was given at the address specified in the consent."

16 (b) This section applies to notices given on or after the effective date of this act.

17 Section 9. (a) G.S. 48-9-102(a) reads as rewritten:

18 "(a) All records created or filed in connection with an adoption, except the decree
19 of ~~adoption~~, adoption and the entry in the special proceedings index in the office of the
20 clerk of court, and on file with or in the possession of the court, an agency, the State, a
21 county, an attorney, or other provider of professional services, are confidential and may
22 not be disclosed or used except as provided in this Chapter."

23 (b) G.S. 48-9-102(f) reads as rewritten:

24 "(f) The Division shall transmit a report of ~~the each adoption of a minor~~ and any
25 name change to the State Registrar if the ~~minor adoptee~~ was born in this State, or State. In
26 the case of an adoptee who was not born in this State, the Division shall transmit the
27 report and any name change to the appropriate official responsible for issuing birth
28 certificates or their equivalent if the minor was not born in this State. equivalent."

29 (c) G.S. 48-9-102(g) reads as rewritten:

30 "(g) ~~In the adoption of an adult born in this State in which the name of the adoptee~~
31 ~~is changed, the clerk of superior court shall, within 10 days after the decree of adoption is~~
32 ~~entered, send the State Registrar a copy of the final order, any separate order of name~~
33 ~~change, and a report in a form acceptable to the State Registrar containing sufficient~~
34 ~~information for a new birth certificate. In the adoption of an adult who was not born in~~
35 ~~this State, the clerk shall transmit a copy of the final order and any other required~~
36 ~~information to the adoptee. In any adoption, the State Registrar may, in addition to~~
37 receiving the report from the Division, request a copy of the final order and any separate
38 order of name change directly from the clerk of court."

39 (d) G.S. 48-2-303 reads as rewritten:

40 "**§ 48-2-303. Caption of petition for adoption.**

41 The caption of the petition shall be substantially as follows:

42 STATE OF NORTH CAROLINA

43 IN THE DISTRICT COURT

1 COUNTY
2 BEFORE THE CLERK

3
4 *(Full name of petitioning father)
5 and
6 PETITION FOR ADOPTION
7 *(Full name of petitioning mother)
8 and
9 FOR THE ADOPTION OF

10
11 *(Full name of adoptee as used in proceeding) by which the adoptee is to be known if the
12 adoption is granted)."

13 (e) Subsection (a) of this section is effective on and after July 1, 1996. The
14 remainder of this section becomes effective October 1, 1997. Subsections (b) and (c)
15 apply to final orders entered on or after the effective date of this act.

16 Section 10. (a) G.S. 48-2-601(a) reads as rewritten:

17 "(a) If it appears to the court that ~~the petition~~ a petition to adopt a minor is not
18 contested, the court may dispose of the petition without a formal hearing."

19 (b) This section applies to petitions filed on or after the effective date.

20 Section 11. (a) G.S. 48-3-603(a) reads as rewritten:

21 "(a) Consent to an adoption of a minor is not required of a person or entity whose
22 consent is not required under G.S. 48-3-601, or:

23 (1) An individual whose parental rights and duties have been terminated
24 under Article 24B of Chapter 7A of the General Statutes or by a court of
25 competent jurisdiction in another state;

26 (2) A man described in G.S. 48-3-601(2), other than an adoptive father, if
27 (i) the man has been judicially determined not to be the father of the
28 minor to be adopted, or (ii) another man has been judicially determined
29 to be the father of the minor to be adopted;

30 ~~(3) A parent for whose minor child a guardian has been appointed;~~

31 (4) An individual who has relinquished parental rights or guardianship
32 powers, including the right to consent to adoption, to an agency
33 pursuant to Part 7 of this Article;

34 (5) A man who is not married to the minor's birth mother and who, after the
35 conception of the minor, has executed a notarized statement denying
36 paternity or disclaiming any interest in the minor;

37 (6) A deceased parent or the personal representative of a deceased parent's
38 estate; or

39 (7) An individual listed in G.S. 48-3-601 who has not executed a consent or
40 a relinquishment and who fails to respond to a notice of the adoption
41 proceeding within 30 days after the service of the notice."

42 (b) G.S. 48-3-201(d) reads as rewritten:

1 "~~(d) An agency having legal and physical custody of a minor may place the minor~~
2 ~~for adoption at any time after a relinquishment is executed, even if only one parent has~~
3 ~~executed a relinquishment pursuant to Part 7 of this Article or has had parental rights~~
4 ~~terminated, unless the other parent notifies the agency in writing of the parent's~~
5 ~~objections before the placement. The agency shall act promptly after accepting a~~
6 ~~relinquishment from one parent to obtain the consent or relinquishment of the other~~
7 ~~parent or to terminate the rights between the minor and the other parent pursuant to~~
8 ~~Article 24B of Chapter 7A of the General Statutes.~~ An agency having legal and physical
9 custody of a minor may place the minor for adoption at any time after a relinquishment is
10 executed by anyone as permitted by G.S. 48-3-701. The agency may place the minor for
11 adoption even if other consents are required before an adoption can be granted, unless an
12 individual whose consent is required notifies the agency in writing of the individual's
13 objections before the placement. The agency shall act promptly after accepting a
14 relinquishment to obtain all other necessary consents, relinquishments, or terminations of
15 any guardian's authority pursuant to Chapter 35A of the General Statutes or parental
16 rights pursuant to Article 24B of Chapter 7A of the General Statutes."

17 (c) G.S. 48-4-102 reads as rewritten:

18 **"§ 48-4-102. Consent to adoption of stepchild.**

19 Except under circumstances described in G.S. 48-3-603, a petition to adopt a minor
20 stepchild may be granted only if consent to the adoption has been executed by the
21 adoptee if 12 or more years of age; and

22 (1) The adoptee's parents as described in G.S. 48-3-601; ~~or~~ and

23 (2) Any guardian of the adoptee.

24 The consent of an incompetent parent may be given pursuant to the procedures in G.S.
25 48-3-602."

26 (d) G.S. 48-3-602 reads as rewritten:

27 **"§ 48-3-602. Consent of incompetent parents.**

28 If a parent as described in G.S. 48-3-601 has been adjudicated incompetent, then the
29 court shall appoint a guardian ad litem for that parent ~~and~~ and, unless the child already
30 has a guardian, a guardian ad litem for the child to make a full investigation as to whether
31 the adoption should proceed. The investigation shall include an evaluation of the parent's
32 current condition and any reasonable likelihood that the parent will be restored to
33 competency, the relationship between the child and the incompetent parent, alternatives
34 to adoption, and any other relevant fact or circumstance. If the court determines after a
35 hearing on the matter that it will be in the best interest of the child for the adoption to
36 proceed, the court shall order the guardian ad litem of the parent to execute a consent for
37 that parent."

38 (e) G.S. 48-1-101(8) reads as rewritten:

39 "(8) 'Guardian' means an individual, other than a parent, appointed by a clerk
40 of court in North Carolina to exercise all of the powers conferred by
41 ~~G.S. 35A-1241;~~ G.S. 35A-1241, including a standby guardian appointed
42 under Article 21 of Chapter 35A of the General Statutes whose authority
43 has actually commenced; and also means an individual, other than a

1 parent, appointed in another jurisdiction according to the law of that
2 jurisdiction who has the power to consent to adoption under the law of
3 that jurisdiction."

4 Section 12. (a) G.S. 48-2-501 reads as rewritten:

5 **"§ 48-2-501. Report to the court during proceeding for adoption of a minor.**

6 (a) Whenever a petition for adoption of a minor is filed, the court shall order a
7 report to the court made to assist the court to determine if the proposed adoption of the
8 minor by the petitioner is in the minor's best interest.

9 (b) Consistent with G.S. 48-1-109, the court shall order the report to be prepared:

10 (1) By the agency that placed the minor;

11 (2) By the agency that made the preplacement assessment pursuant to Part 3
12 of Article 3 of this Chapter; or

13 (3) By another agency.

14 (c) The court shall provide the individual who prepares the report with copies of:
15 ~~(i) the petition to adopt; and (ii) the documents filed with it.~~

16 (1) The petition to adopt; and

17 (2) The documents filed with it.

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

23 (b) G.S. 48-4-104 is repealed.

24 (c) This section becomes effective October 1, 1997.

25 Section 13. G.S. 130A-108 reads as rewritten:

26 **"§ 130A-108. Certificate of identification for ~~child~~ individual of foreign birth.**

27 In the case of an adopted ~~child~~ individual born in a foreign country and ~~having legal~~
28 ~~settlement in this State, residing in this State at the time of application,~~ the State Registrar
29 shall, upon the presentation of a certified copy of the original birth certificate from the
30 country of birth and a certified copy of the final order of adoption signed by the clerk of
31 court or other appropriate official, prepare a certificate of identification for the ~~child~~
32 individual. The certificate shall contain the same information required by G.S. 48-9-
33 107(a) for ~~children~~ individuals adopted in this State, except that the country of birth
34 shall be specified in lieu of the state of birth."

35 Section 14. Part 2 of Article 2 of Chapter 48 is amended by adding a new
36 section to read:

37 **"§ 48-2-206. Prebirth determination of right to consent.**

38 (a) Anytime after six months from the date of conception as reasonably
39 determined by a physician, the biological mother, agency, or adoptive parents chosen by
40 the biological mother may file a special proceeding with the clerk requesting the court to
41 determine whether consent of the biological father is required. The biological father shall
42 be served with notice of the intent of the biological mother to place the child for

1 adoption, allowing the biological father 15 days after service to assert a claim that his
2 consent is required.

3 (b) The notice required under subsection (a) of this section shall contain the
4 special proceeding case caption and file number and shall be substantially similar to the
5 following language:

6 '[Name of the biological mother], the biological mother, is expected to
7 give birth to a child on or about [birth due date]. You have been
8 identified as the biological father. It is the intention of the biological
9 mother to place the child for adoption. It is her belief that your consent
10 to the adoption is not required. If you believe your consent to the
11 adoption of this child is required pursuant to G.S. 48-3-601, you must
12 notify the court in writing no later than 15 days from the date you
13 received this notice that you believe your consent is required. A copy of
14 your notice to the court must also be sent to the person or agency that
15 sent you this notice. If you fail to notify the court within 15 days that
16 you believe your consent is required, the court will rule that your
17 consent is not required.'

18 (c) If the biological father fails to respond within the time required, the court shall
19 enter an order that the biological father's consent is not required for the adoption. A
20 biological father who fails to respond within the time required under this section is not
21 entitled to notice under G.S. 48-2-401(c) of an adoption petition filed within three months
22 of the birth of the minor.

23 (d) If the biological father notifies the court within 15 days of his receipt of the
24 notice required by subsection (a) of this section that he believes his consent to the
25 adoption is required, on motion of the petitioner, the court shall hold a hearing to
26 determine whether the consent of the biological father is required. Promptly on receipt of
27 the petitioner's motion, the court shall set a date for the hearing no earlier than 60 days
28 nor later than 70 days after the biological father received the notice required by
29 subsection (a) of this section and shall notify the petitioner and the biological father of
30 the date, time, and place of the hearing. The notice of hearing to the biological father
31 shall include a statement substantially similar to the following:

32 'To the biological father named above: You have told the court that you
33 believe your consent is necessary for the adoption of the child described
34 in the notice sent to you earlier. This hearing is being held to decide
35 whether your consent is in fact necessary. Before the date of the
36 hearing, you must have taken steps under G.S. 48-3-601 to establish that
37 your consent is necessary or this court will decide that your consent is
38 not necessary and the child can be adopted without it.'

39 During the hearing, the court may take such evidence as necessary and enter an order
40 determining whether or not the consent of the biological father is necessary.

41 (e) The manner of service under this section shall be the same as set forth in G.S.
42 48-2-402.

1 (f) The jurisdiction provisions of Article 6A of Chapter 1 of the General Statutes
2 and the venue provisions of Article 7 of Chapter 1 of the General Statutes rather than the
3 provisions of Part 1 of this Article apply to proceedings under this section.

4 (g) Computation of periods of time provided for in this section shall be calculated
5 as set forth in G.S. 1A-1, Rule 6.

6 (h) Transfer under G.S. 1-272 and appeal under G.S. 1-279.1 shall be as for an
7 adoption proceeding.

8 (i) A determination by the court under this section that the consent of the
9 biological father is not required shall only apply to an adoption petition filed within three
10 months of the birth of the minor."

11 Section 15. G.S. 48-3-302(e) reads as rewritten:

12 "(e) If an individual requesting a preplacement assessment has identified a
13 prospective adoptive child and has otherwise been unable to obtain a preplacement
14 assessment, the county department of social services must, upon request, prepare or
15 contract for the preparation of the preplacement assessment. As used in this subsection,
16 'unable to obtain a preplacement assessment' includes the inability to obtain a
17 preplacement assessment at the fee the county department of social services is permitted
18 to charge the individual. Except as provided in this subsection, no agency is required to
19 conduct a preplacement assessment unless it agrees to do so."

20 Section 16. G.S. 48-3-601(2)b.4. reads as rewritten:

21 "4. Before the earlier of the filing of the ~~petition,~~ petition or
22 the date of a hearing under G.S. 48-2-206, has
23 acknowledged his paternity of the minor and

24 I. Is obligated to support the minor under written
25 agreement or by court order;

26 II. Has provided, in accordance with his financial
27 means, reasonable and consistent payments for the
28 support of the biological mother during or after the
29 term of pregnancy, or the support of the minor, or
30 both, which may include the payment of medical
31 expenses, living expenses, or other tangible means
32 of support, and has regularly visited or
33 communicated, or attempted to visit or
34 communicate with the biological mother during or
35 after the term of pregnancy, or with the minor, or
36 with both; or

37 III. After the minor's birth but before the minor's
38 placement for adoption or the mother's
39 relinquishment, has married or attempted to marry
40 the mother of the minor by a marriage solemnized
41 in apparent compliance with law, although the
42 attempted marriage is or could be declared invalid;
43 or".

1 Section 17. G.S. 48-3-603(a) is amended by adding a new subdivision to read:

2 "(8) An individual notified under G.S. 48-2-206 who does not respond in a
3 timely manner or whose consent is not required as determined by the
4 court."

5 Section 18. G.S. 48-9-107(c) reads as rewritten:

6 "(c) The State Registrar shall seal the original certificate of birth and all records in
7 the possession of that office pertaining to the adoption. These records shall not be
8 unsealed except as provided in this Article. The State Registrar shall provide certified
9 typed copies or abstracts of the new certificate of birth of an adoptee prepared pursuant to
10 subsection (a) of this section to the adoptee, the adoptee's children, the adoptive parents,
11 and the adoptee's spouse, brothers, and sisters. For purposes of this subsection, 'parent',
12 'brother', and 'sister' shall mean the adoptee's adoptive parent, brother, or sister and shall
13 not mean a former parent, brother, or sister."

14 Section 19. (a) G.S. 48-3-301(a)(1) reads as rewritten:

15 "(1) Has been completed or updated within the ~~12~~18 months immediately
16 preceding the placement; and".

17 (b) This section applies to placements made on or after the effective date of
18 this act.

19 Section 19.1. (a) G.S. 48-3-704 reads as rewritten:

20 **"§ 48-3-704. Content of relinquishment; optional provisions.**

21 In addition to the mandatory provisions listed in G.S. 48-3-703, a relinquishment may
22 also state that the relinquishment may be revoked upon notice by the agency that an
23 adoption by a specific prospective adoptive parent, named or described in the
24 relinquishment is not completed, or if the agency and the person relinquishing the minor
25 ~~mutually agree to rescind the relinquishment before placement with a prospective adoptive~~
26 ~~parent occurs.~~ completed."

27 (b) G.S. 48-3-705(c) reads as rewritten:

28 "(c) A relinquishment terminates:

29 (1) Any right and duty of the individual who executed the relinquishment
30 with respect to the legal and physical custody of the ~~minor;~~ minor.

31 (2) The right to consent to the minor's ~~adoption;~~ and adoption.

32 (3) ~~The duty to support the minor.~~"

33 (c) G.S. 48-3-707(a) reads as rewritten:

34 "(a) A relinquishment shall become void ~~if;~~ if:

35 (1) Before ~~before~~ the entry of the adoption decree, the individual who
36 executed the relinquishment establishes by clear and convincing
37 evidence that it was obtained by fraud or duress.

38 (2) Before placement with a prospective adoptive parent occurs, the agency
39 and the person relinquishing the minor agree to rescind the
40 relinquishment."

41 (d) This section applies to relinquishments executed on or after August 1,

42 1997.

1 Section 20. Sections 14, 16, and 17 become effective October 1, 1997. Except
2 as otherwise provided, the remaining sections of this act are effective when the act
3 becomes law.