

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 776

Short Title: Adoption Law Changes. (Public)

Sponsors: Representatives Jordan, Rogers, Stevens, and Duane Hall (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary III

April 13, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND VARIOUS PROVISIONS UNDER THE LAWS GOVERNING
3 ADOPTIONS.

4 The General Assembly of North Carolina enacts:

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6 **PART I. AFFIDAVITS AS PROOF OF IDENTITY**

7 **SECTION 1.1.** G.S. 48-3-605 reads as rewritten:

8 "**§ 48-3-605. Execution of consent: procedures.**

9 ...

10 (b) A parent who has not reached the age of 18 years shall have legal capacity to give
11 consent to adoption and to release that parent's rights in a child, and shall be as fully bound as if
12 the parent had attained 18 years of age. ~~In addition to other methods of identification permitted
13 by Chapter 10B of the General Statutes or other applicable law, a parent who has not reached
14 the age of 18 years may be identified to an individual authorized to administer oaths or take
15 acknowledgements by an affidavit of an adult relative of the minor parent, a teacher, a licensed
16 professional social worker, or a health service provider.~~

17 ...

18 (h) In addition to other methods of identification permitted by Chapter 10B of the
19 General Statutes or other applicable law, a parent or adoptee who has not reached the age of 18
20 years may be identified to an individual authorized to administer oaths or take
21 acknowledgments by an affidavit of an adult relative of the minor, a teacher, a social worker
22 employed by an agency or a county department of social services, a health service provider, or,
23 if none of the foregoing persons to whom the minor does not object is available, an adult who
24 has known the minor for more than two years."

25
26 **PART II. READOPTION/FOREIGN JURISDICTIONS**

27 **SECTION 2.1.** G.S. 48-2-205 reads as rewritten:

28 "**§ 48-2-205. Recognition of adoption decrees from other jurisdictions.**

29 A final adoption decree issued by any other state must be recognized in this State. Where a
30 minor child has been previously adopted in a foreign country by a petitioner or petitioners
31 seeking to readopt the child under the laws of North Carolina, the adoption order entered in the
32 foreign country may be accepted in lieu of the consent of the biological parent or parents or the
33 guardian of the child to the readoption. ~~A man and a woman~~ Two persons who adopted a minor
34 child in a foreign country while married to one another must readopt jointly, regardless of
35 whether they have since divorced. If either does not join in the petition, he or she must be



1 joined as a necessary party as provided in G.S. 1A-1, Rule 19. If two persons have adopted a
2 minor child in a foreign county while married to one another and one of them has died, then the
3 survivor may petition for readoption, and the court shall issue any decree of adoption in the
4 names of both of the persons who adopted the minor child in a foreign country."

5 **SECTION 2.2.** G.S. 48-2-301(c) reads as rewritten:

6 "(c) If the individual who files the petition is unmarried, no other individual may join in
7 the petition, except that ~~a man and a woman~~ two persons who jointly adopted a minor child in a
8 foreign country while married to one another must readopt jointly as provided in
9 ~~G.S. 48-2-205~~, G.S. 48-2-205, and the survivor of two persons who jointly adopted a minor
10 child in a foreign country while married to one another may file to readopt in the names of both
11 as provided in G.S. 48-2-205."

12 13 **PART III. NAME DESIGNATION/NEWBORN PLACEMENT**

14 **SECTION 3.1.** G.S. 48-3-606(3) reads as rewritten:

15 **"§ 48-3-606. Content of consent; mandatory provisions.**

16 A consent required from a minor to be adopted, a parent, or a guardian under G.S. 48-3-601
17 must be in writing and state each of the following:

18 ...

- 19 (3) The date of birth or the expected delivery date, the sex, and the name of the
20 minor to be adopted, if known. A consent to adoption of a newborn minor
21 may give the minor's name as "Baby [Last Name of Biological Mother]" or a
22 similar designation."

23 **SECTION 3.2.** G.S. 48-3-703(a)(3) reads as rewritten:

24 **"§ 48-3-703. Content of relinquishment; mandatory provisions.**

25 (a) A relinquishment executed by a parent or guardian under G.S. 48-3-701 must be in
26 writing and state the following:

27 ...

- 28 (3) The date of birth or the expected delivery date, the sex, and the name of the
29 minor, if known. A relinquishment of a newborn minor may give the minor's
30 name as "Baby [Last Name of Biological Mother]" or similar designation."

31 32 **PART IV. ACQUISITION OF SOCIAL SECURITY NUMBER**

33 **SECTION 4.1.** G.S. 48-3-607 is amended by adding a new subsection to read:

34 "(d) A prospective adoptive parent with whom a minor has been placed in an
35 independent adoption and who has filed a petition for adoption of the minor may, after the time
36 within which the consenting parent or guardian may revoke the consent has expired, apply ex
37 parte to a clerk of superior court for an order finding that the child has been placed with the
38 petitioner and confirming that the petitioner has legal and physical custody of the minor for the
39 purposes of obtaining a certified copy of the child's birth certificate, a Social Security number,
40 or federal and State benefits for the minor."

41 **SECTION 4.2.** G.S. 48-3-705 is amended by adding a new subsection to read:

42 "(e) An agency or county department of social services to whom a minor has been
43 relinquished may, after the time within which the relinquishing parent or guardian may revoke
44 the relinquishment has expired, apply ex parte to a clerk of superior court for an order finding
45 that the child has been relinquished to the agency and confirming that the agency or county
46 department of social services has legal custody of the minor for the purposes of obtaining a
47 certified copy of the child's birth certificate, a Social Security number, or federal and State
48 benefits for the minor."

49 50 **PART V. NOTICE OF SERVICE BY PUBLICATION/PRE-BIRTH** 51 **DETERMINATIONS**

1 **SECTION 5.1.** G.S. 48-2-206(e) reads as rewritten:

2 "(e) The manner of service under this section shall be the same as set forth in
3 G.S. 48-2-402. If the identity or whereabouts of the biological father cannot be ascertained and
4 the biological father is served by publication, then the 30-day notice requirements otherwise
5 required by this section shall not apply, and the biological father shall have 40 days from the
6 date of first publication to answer in accordance with this section."

7
8 **PART VI. PRELIMINARY HEARING/UNKNOWN PARENT**

9 **SECTION 6.1.** G.S. 7B-1105 is amended by adding a new subsection to read:

10 "(g) No summons shall be required for a parent whose name or identity is unknown and
11 who is served by publication as provided in this section."

12
13 **PART VII. SERVICE BY PUBLICATION**

14 **SECTION 7.1.** G.S. 48-2-402(c) reads as rewritten:

15 "(c) In an agency placement under Article 3 of this Chapter, the agency or other proper
16 person shall file a petition to terminate the parental rights of an unknown parent or possible
17 parent instead of serving notice under subsection (b) of this section, and the court shall stay any
18 adoption proceeding already ~~filed, except that nothing~~ filed. However, ~~nothing~~ in this subsection
19 shall require that the agency or other proper person file a petition to terminate the parental
20 rights of (i) any known or possible parent who has been served notice as provided under
21 G.S. 1A-1, Rule 4(j)(1) of the Rules of Civil ~~Procedure.~~ Procedure, or (ii) if the parent or
22 guardian placing a child for adoption and the adopting parent have each consented to the
23 release of identifying information to the other as permitted by G.S. 48-9-109(2), any unknown,
24 known, or possible parent who has been served notice by publication as provided under
25 G.S. 1A-1, Rule 4(j1) of the Rules of Civil Procedure."

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27 **PART VIII. CONSENTING AGENCY/PREPLACEMENT ASSESSMENTS**

28 **SECTION 8.1.** G.S. 48-3-303(c) is amended by adding a new subdivision to read:

29 "(c) The preplacement assessment shall, after a reasonable investigation, report on the
30 following about the individual being assessed:

31 ...
32 (13) The most recent amended or updated preplacement assessment that meets
33 the requirements of this section and G.S. 48-3-301(a), including subsequent
34 amendments or partial updates completed as of the time of delivery, shall
35 constitute the preplacement assessment for the purpose of meeting any
36 requirement of this Chapter that a copy of the preplacement assessment be
37 delivered to a court or a placing parent, guardian, or agency.

38 When any of the above is not reasonably available, the preplacement assessment shall state
39 why it is unavailable."

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41 **PART IX. EFFECTIVE DATE**

42 **SECTION 9.1.** This act becomes effective October 1, 2017.