

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1106  
PROPOSED COMMITTEE SUBSTITUTE H1106-PCS70390-RQ-21

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



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1 foreign country while married to one another must readopt jointly as provided in  
2 G.S. 48-2-205."

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

4 "**§ 48-2-205. Recognition of adoption decrees from other jurisdictions.**

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

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

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

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

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

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

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

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

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

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

46 "(a) A relinquishment of any infant who is in utero or any minor may be revoked within  
47 seven days following the day on which it is ~~executed,~~ executed by the infant or minor's parent or  
48 guardian, inclusive of weekends and holidays. If the final day of the period falls on a ~~weekend~~  
49 ~~or a North Carolina or federal holiday,~~ Saturday, Sunday, or a legal holiday when North  
50 Carolina courthouses are closed for transactions, then the revocation period extends to the next  
51 business day. The individual who gave the relinquishment may revoke by giving written notice

1 to the agency to which the relinquishment was given. Notice may be given by personal  
2 delivery, overnight delivery service, or registered or certified mail, return receipt requested. If  
3 notice is given by mail, notice is deemed complete when it is deposited in the United States  
4 mail, postage prepaid, addressed to the agency at the agency's address as given in the  
5 relinquishment. If notice is given by overnight delivery service, notice is deemed complete on  
6 the date it is deposited with the service as shown by the receipt from the service, with delivery  
7 charges paid by the sender, addressed to the agency at the agency's address as given in the  
8 relinquishment."

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