

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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D

HOUSE BILL 370  
PROPOSED COMMITTEE SUBSTITUTE H370-PCS40267-MU-2

Short Title: GSC Uniform Acts Regarding Children.

(Public)

Sponsors:

Referred to:

March 12, 2025

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENACT THE UNIFORM CHILD ABDUCTION PREVENTION ACT AND TO  
3 ENACT ARTICLE THREE OF THE UNIFORM UNREGULATED CHILD CUSTODY  
4 TRANSFER ACT, AS RECOMMENDED BY THE GENERAL STATUTES  
5 COMMISSION.

6 The General Assembly of North Carolina enacts:

7  
8 **PART I. UNIFORM CHILD ABDUCTION PREVENTION ACT**

9 **SECTION 1.(a)** The title of Chapter 50A of the General Statutes reads as rewritten:  
10 ~~"Uniform Child Custody Jurisdiction and Enforcement Act and Uniform Deployed~~  
11 ~~Parents Custody and Visitation Act.~~Uniform Acts on Children."

12 **SECTION 1.(b)** Chapter 50A of the General Statutes is amended by adding a new  
13 Article to read:

14 "Article 4.

15 "Uniform Child Abduction Prevention Act.

16 **"§ 50A-411. Short title.**

17 This Article may be cited as the Uniform Child Abduction Prevention Act.

18 **"§ 50A-412. Definitions.**

19 In this Article, the following definitions apply:

20 (1) Abduction. – The wrongful removal or wrongful retention of a child.

21 (2) Child. – Defined in G.S. 50A-102.

22 (3) Child-custody determination. – Defined in G.S. 50A-102.

23 (4) Child-custody proceeding. – Defined in G.S. 50A-102.

24 (5) Court. – Defined in G.S. 50A-102.

25 (6) Petition. – Includes a motion or its equivalent.

26 (7) Record. – Information that is inscribed on a tangible medium or that is stored  
27 in an electronic or other medium and is retrievable in perceivable form.

28 (8) State. – Consists of the following:

29 a. A state of the United States, the District of Columbia, Puerto Rico, the  
30 United States Virgin Islands, or any territory or insular possession  
31 subject to the jurisdiction of the United States.

32 b. An Indian tribe or band or Alaskan native village that is recognized by  
33 federal law or formally acknowledged by an entity listed in  
34 sub-subdivision a. of this subdivision.



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1           (9) Travel documents. – Records relating to a travel itinerary, including travel  
2 tickets, passes, reservations for transportation, or accommodations. The term  
3 does not include a passport or visa.

4           (10) Wrongful removal. – The taking of a child that breaches rights of custody or  
5 visitation given or recognized under the law of this State.

6           (11) Wrongful retention. – The keeping or concealing of a child that breaches rights  
7 of custody or visitation given or recognized under the law of this State.

8 **"§ 50A-413. Cooperation and communication among courts.**

9 G.S. 50A-110, 50A-111, and 50A-112 apply to cooperation and communications among  
10 courts in proceedings under this Article.

11 **"§ 50A-414. Actions for abduction prevention measures.**

12           (a) A court on its own motion may order abduction prevention measures in a  
13 child-custody proceeding if the court finds that the evidence establishes a credible risk of  
14 abduction of the child.

15           (b) A party to a child-custody determination or another individual or entity having a right  
16 under the law of this State or any other state to seek a child-custody determination for the child  
17 may file a petition seeking abduction prevention measures to protect the child under this Article.

18 **"§ 50A-415. Jurisdiction.**

19           (a) A petition under this Article may be filed in district court if the court has jurisdiction  
20 to make a child-custody determination with respect to the child at issue under Article 2 of this  
21 Chapter.

22           (b) A district court of this State has temporary emergency jurisdiction under  
23 G.S. 50A-204 if the court finds a credible risk of abduction.

24 **"§ 50A-416. Contents of petition.**

25 A petition under this Article must be verified and include a copy of any existing child-custody  
26 determination, if available. The petition must specify the risk factors for abduction, including the  
27 relevant factors described in G.S. 50A-417. Subject to G.S. 50A-209(e), if reasonably  
28 ascertainable, the petition must contain all of the following:

29           (1) The name, date of birth, and gender of the child.

30           (2) The customary address and current physical location of the child.

31           (3) The identity, customary address, and current physical location of the  
32 respondent.

33           (4) A statement of whether a prior action to prevent abduction or domestic  
34 violence has been filed by a party or other individual or entity having custody  
35 of the child and the date, location, and disposition of the action.

36           (5) A statement of whether a party to the proceeding has been arrested for a crime  
37 related to domestic violence, stalking, or child abuse or neglect and the date,  
38 location, and disposition of the case.

39           (6) Any other information required to be submitted to the court for a child-custody  
40 determination under G.S. 50-13.1(a1) or G.S. 50A-209.

41 **"§ 50A-417. Factors to determine risk of abduction.**

42           (a) In determining whether there is a credible risk of abduction of a child, the court must  
43 consider any evidence that the petitioner or respondent has done or is doing any of the following:

44           (1) Has previously abducted or attempted to abduct the child.

45           (2) Has threatened to abduct the child.

46           (3) Has recently engaged in activities that may indicate a planned abduction,  
47 including any of the following:

48           a. Abandoning employment.

49           b. Selling a primary residence.

50           c. Terminating a lease.

- 1                   d.     Closing bank or other financial management accounts, liquidating  
2                   assets, hiding or destroying financial documents, or conducting any  
3                   unusual financial activities.
- 4                   e.     Applying for a passport or visa or obtaining travel documents for the  
5                   respondent, a family member, or the child.
- 6                   f.     Seeking to obtain the child's birth certificate or school or medical  
7                   records.
- 8                   (4)   Has engaged in domestic violence, stalking, or child abuse or neglect.
- 9                   (5)   Has refused to follow a child-custody determination.
- 10                  (6)   Lacks strong familial, financial, emotional, or cultural ties to the State or the  
11                  United States.
- 12                  (7)   Has strong familial, financial, emotional, or cultural ties to another state or  
13                  country.
- 14                  (8)   Is likely to take the child to a country that meets any of the following  
15                  descriptions:
- 16                  a.     The country is not a party to the Hague Convention on the Civil  
17                  Aspects of International Child Abduction and does not provide for the  
18                  extradition of an abducting parent or for the return of an abducted  
19                  child.
- 20                  b.     The country is a party to the Hague Convention on the Civil Aspects  
21                  of International Child Abduction, but the country also meets any of the  
22                  following descriptions:
- 23                       1.     The Hague Convention on the Civil Aspects of International  
24                       Child Abduction is not in force between the United States and  
25                       the country.
- 26                       2.     The country is noncompliant according to the most recent  
27                       compliance report issued by the United States Department of  
28                       State.
- 29                       3.     The country lacks legal mechanisms for immediately and  
30                       effectively enforcing a return order under the Hague  
31                       Convention on the Civil Aspects of International Child  
32                       Abduction.
- 33                  c.     The country poses a risk that the child's physical or emotional health  
34                  or safety would be endangered because of specific circumstances  
35                  relating to the child or because of human rights violations committed  
36                  against children.
- 37                  d.     The country has laws or practices that would do any of the following:
- 38                       1.     Enable the respondent, without due cause, to prevent the  
39                       petitioner from contacting the child.
- 40                       2.     Restrict the petitioner from freely traveling to or exiting from  
41                       the country because of the petitioner's gender, nationality,  
42                       marital status, or religion.
- 43                       3.     Restrict the child's ability legally to leave the country after the  
44                       child reaches the age of majority because of a child's gender,  
45                       nationality, or religion.
- 46                  e.     The country is included by the United States Department of State on a  
47                  current list of state sponsors of terrorism.
- 48                  f.     The country has no official United States diplomatic presence.
- 49                  g.     The country is engaged in active military action or war, including a  
50                  civil war, to which the child may be exposed.

- 1           (9)   Is undergoing a change in immigration or citizenship status that would  
2           adversely affect the person's ability to remain in the United States lawfully.  
3           (10)   Has had an application for United States citizenship denied.  
4           (11)   Has forged or presented misleading or false evidence on government forms or  
5           supporting documents to obtain or attempt to obtain a passport, a visa, travel  
6           documents, a social security card, a drivers license, or other  
7           government-issued identification card or has made a misrepresentation to the  
8           United States government.  
9           (12)   Has used multiple names to attempt to mislead or defraud.  
10          (13)   Has engaged in any other conduct the court considers relevant to the risk of  
11          abduction.

12          (b)   In the hearing on a petition under this Article, the court must consider any evidence  
13          that the respondent believed in good faith that the respondent's conduct was necessary to avoid  
14          imminent harm to the child or respondent and any other evidence that may be relevant to whether  
15          the respondent may be permitted to remove or retain the child.

16          **"§ 50A-418. Provisions and measures to prevent abduction.**

17          (a)   If a petition is filed under this Article, the court may enter an order that must include  
18          all of the following:

- 19           (1)   The basis for the court's exercise of jurisdiction.  
20           (2)   The manner in which notice and opportunity to be heard were given to the  
21           persons entitled to notice of the proceeding.  
22           (3)   A detailed description of each party's custody and visitation rights and  
23           residential arrangements for the child.  
24           (4)   A provision stating that a violation of the order may subject the party in  
25           violation to civil and criminal penalties.  
26           (5)   Identification of the child's country of habitual residence at the time of the  
27           issuance of the order.

28          (b)   If, at a hearing on a petition under this Article or on the court's own motion, the court  
29          after reviewing the evidence finds a credible risk of abduction of the child, the court must enter  
30          an abduction prevention order. The order must include the provisions required by subsection (a)  
31          of this section and measures and conditions, including those in subsections (c), (d), and (e) of  
32          this section, that are reasonably calculated to prevent abduction of the child, giving due  
33          consideration to the custody and visitation rights of the parties. The court must consider the age  
34          of the child, the potential harm to the child from an abduction, the legal and practical difficulties  
35          of returning the child to the jurisdiction if abducted, and the reasons for the potential abduction,  
36          including evidence of domestic violence, stalking, or child abuse or neglect.

37          (c)   An abduction prevention order may include one or more of the following:

- 38           (1)   An imposition of travel restrictions that require that a party traveling with the  
39           child outside a designated geographical area provide the other party with all  
40           of the following:  
41           a.   The travel itinerary of the child.  
42           b.   A list of physical addresses and telephone numbers at which the child  
43           can be reached at specified times.  
44           c.   Copies of all travel documents.  
45           (2)   A prohibition of the respondent directly or indirectly doing any of the  
46           following:  
47           a.   Removing the child from this State, the United States, or another  
48           geographic area without permission of the court or the petitioner's  
49           written consent.  
50           b.   Removing or retaining the child in violation of a child-custody  
51           determination.

- 1                   c.     Removing the child from school or a child-care or similar facility.  
2                   d.     Approaching the child at any location other than a site designated for  
3                         supervised visitation.  
4           (3)    A requirement that a party register the order in another state as a prerequisite  
5                   to allowing the child to travel to that state.  
6           (4)    With regard to the child's passport, one or more of the following:  
7                   a.     A direction that the petitioner place the child's name in the United  
8                         States Department of State's Child Passport Issuance Alert Program.  
9                   b.     A requirement that the respondent surrender to the court or the  
10                         petitioner's attorney any United States or foreign passport issued in the  
11                         child's name, including a passport issued in the name of both the parent  
12                         and the child.  
13                   c.     A prohibition upon the respondent from applying on behalf of the child  
14                         for a new or replacement passport or visa.  
15           (5)    As a prerequisite to exercising custody or visitation, a requirement that the  
16                   respondent provide all of the following:  
17                   a.     To the United States Department of State Office of Children's Issues  
18                         and the relevant foreign consulate or embassy, an authenticated copy  
19                         of the order detailing passport and travel restrictions for the child.  
20                   b.     To the court, both of the following:  
21                         1.     Proof that the respondent has provided the information in  
22                                 sub-subdivision a. of this subdivision.  
23                         2.     An acknowledgment in a record from the relevant foreign  
24                                 consulate or embassy that no passport application has been  
25                                 made, or passport issued, on behalf of the child.  
26                   c.     To the petitioner, proof of registration of the order with the United  
27                         States Embassy or other United States diplomatic presence in the  
28                         destination country and with the Central Authority for the Hague  
29                         Convention on the Civil Aspects of International Child Abduction, if  
30                         that Convention is in effect between the United States and the  
31                         destination country, unless one of the parties objects.  
32                   d.     A written waiver under the Privacy Act, 5 U.S.C. § 552a, with respect  
33                         to any document, application, or other information pertaining to the  
34                         child authorizing its disclosure to the court and the petitioner.  
35           (6)    Upon the petitioner's request, a requirement that the respondent obtain an  
36                   order from the relevant foreign country containing terms identical to the  
37                   child-custody determination issued in the United States.  
38       (d)    In an abduction prevention order, the court may impose conditions on the exercise of  
39                   custody or visitation that do one or more of the following:  
40                   (1)    Limit visitation or require that visitation with the child by the respondent be  
41                         supervised until the court finds that supervision is no longer necessary and  
42                         order the respondent to pay the costs of supervision.  
43                   (2)    Require the respondent to post a bond or provide other security in an amount  
44                         sufficient to serve as a financial deterrent to abduction, the proceeds of which  
45                         may be used to pay for the reasonable expenses of recovery of the child,  
46                         including reasonable attorneys' fees and costs if there is an abduction.  
47                   (3)    Require the respondent to obtain education on the potentially harmful effects  
48                         to the child from abduction.  
49       (e)    To prevent imminent abduction of a child, a court may do any of the following:  
50                   (1)    Issue a warrant to take physical custody of the child under G.S. 50A-419 or  
51                         other State law.

1           (2)     Authorize law enforcement to take any action reasonably necessary to locate  
2                 the child or obtain return of the child pursuant to an order issued under this  
3                 Article or other State law.

4           (3)     Grant any other relief allowed under other State law.

5         (f)     The remedies provided in this Article are cumulative and do not affect the availability  
6         of other remedies to prevent abduction.

7         **"§ 50A-419. Warrant to take physical custody of child.**

8           (a)     If a petition under this Article contains allegations, and the court finds, that there is a  
9                 credible risk that the child is imminently likely to be wrongfully removed, the court may issue  
10                an ex parte warrant to take physical custody of the child.

11          (b)     The respondent on a petition under subsection (a) of this section must be afforded an  
12                 opportunity to be heard at the earliest possible time after the ex parte warrant is executed, but not  
13                 later than the end of the next day that the district court is in session unless a hearing on that date  
14                 is impossible. In that event, the court must hold the hearing on the first possible day that the  
15                 district court is in session.

16          (c)     An ex parte warrant under subsection (a) of this section to take physical custody of a  
17                 child must do all of the following:

18                (1)     Recite the facts upon which a determination of a credible risk of imminent  
19                        wrongful removal of the child is based.

20                (2)     Authorize law enforcement officers to take physical custody of the child  
21                        without delay.

22                (3)     State the date and time for the hearing on the petition.

23                (4)     Provide for the safe interim placement of the child pending further order of  
24                        the court.

25          (d)     If feasible, before issuing a warrant and before determining the placement of the child  
26                 after the warrant is executed, the court may order a search of the relevant databases of the  
27                 National Crime Information Center system and similar databases of this State or another state to  
28                 determine if either the petitioner or respondent has a history of domestic violence, stalking, or  
29                 child abuse or neglect.

30          (e)     The petition and warrant must be served on the respondent when, or as soon as  
31                 possible after, the child is taken into physical custody.

32          (f)     A warrant to take physical custody of a child, issued by this State or another state, is  
33                 enforceable throughout this State. If the court finds that a less intrusive remedy will not be  
34                 effective, it may authorize law enforcement officers to enter private property to take physical  
35                 custody of the child, which may include forcible entry at any hour.

36          (g)     If the court finds, after a hearing, that a petitioner sought an ex parte warrant under  
37                 subsection (a) of this section for the purpose of harassment or in bad faith, the court may award  
38                 the respondent reasonable attorneys' fees, costs, and expenses.

39          (h)     This Article does not affect the availability of relief allowed under other State law.

40         **"§ 50A-420. Duration of abduction prevention order.**

41                 An abduction prevention order remains in effect until the earliest of the following:

42                (1)     The time stated in the order.

43                (2)     The emancipation of the child.

44                (3)     The child's attaining 18 years of age.

45                (4)     The time the order is modified, revoked, vacated, or superseded by a court  
46                        with jurisdiction under G.S. 50A-201 through G.S. 50A-203.

47         **"§ 50A-421. Uniformity of application and construction.**

48                 In applying and construing this Article, consideration must be given to the need to promote  
49                 uniformity of the law with respect to its subject matter among states that enact the Uniform Child  
50                 Abduction Prevention Act.

51         **"§ 50A-422. Relation to Electronic Signatures in Global and National Commerce Act.**

1 This Article modifies, limits, and supersedes the federal Electronic Signatures in Global and  
2 National Commerce Act, Chapter 96 of Title 15 of the United States Code, but does not modify,  
3 limit, or supersede section 101(c) of the act, 15 U.S.C. § 7001(c), or authorize electronic delivery  
4 of any of the notices described in section 103(b) of the act, 15 U.S.C. § 7003(b)."

5 **SECTION 1.(c)** The Revisor of Statutes shall cause to be printed, as annotations to  
6 the published General Statutes, all relevant portions of the Official Comments to the Uniform  
7 Child Abduction Prevention Act and all explanatory comments of the drafters of this section as  
8 the Revisor may deem appropriate.

9 **SECTION 1.(d)** This section becomes effective October 1, 2025, and applies to  
10 petitions filed or motions made on or after that date.

11  
12 **PART II. ARTICLE THREE OF THE UNIFORM UNREGULATED CHILD CUSTODY**  
13 **TRANSFER ACT**

14 **SECTION 2.(a)** Article 3 of Chapter 48 of the General Statutes is amended by adding  
15 a new Part to read:

16 "Part 2A. Information and Guidance.

17 **"§ 48-3-230. Title and purpose.**

18 This Part consists of and may be cited as the Information and Guidance Provisions of the  
19 Uniform Unregulated Child Custody Transfer Act. The purpose of this Part is to prevent the  
20 unlawful transfer of custody of minors, as prohibited by G.S. 14-321.2, by better preparing  
21 adoptive parents for issues that may arise when caring for an adopted minor.

22 **"§ 48-3-231. Definitions.**

23 For the purposes of this Part, the following definitions apply:

- 24 (1) Intercountry adoption. – An adoption or placement for adoption of a minor  
25 who resides in a foreign country at the time of adoption or placement. The  
26 term includes an adoption finalized in the minor's country of residence or in a  
27 state.
- 28 (2) Parent. – An individual recognized as a parent under other law of this State.
- 29 (3) Prospective adoptive parent. – An individual approved or permitted under  
30 other law of this State to adopt a minor.
- 31 (4) Record. – Information inscribed on a tangible medium or stored in an  
32 electronic or other medium and retrievable in perceivable form.

33 **"§ 48-3-232. Scope.**

34 This Part applies to placement for adoption of a minor to whom any of the following applies:

- 35 (1) Has been or is in foster or institutional care.
- 36 (2) Previously has been adopted in a state.
- 37 (3) Has been or is being adopted under the law of a foreign country.
- 38 (4) Has come or is coming to a state from a foreign country to be adopted.
- 39 (5) Is not a citizen of the United States.

40 **"§ 48-3-233. General adoption information.**

41 Within a reasonable time before an agency places a minor for adoption with a prospective  
42 adoptive parent, the agency shall provide or cause to be provided to the prospective adoptive  
43 parent general adoption information. The information shall address all of the following:

- 44 (1) Possible physical, mental, emotional, and behavioral issues concerning all of  
45 the following:
- 46 a. Identity, loss, and trauma that a minor might experience before,  
47 during, or after adoption.
- 48 b. A minor leaving familiar ties and surroundings.
- 49 (2) The effect that access to resources, including health insurance, may have on  
50 the ability of an adoptive parent to meet the needs of a minor.

1           (3)    Causes of disruption of an adoptive placement or dissolution of an adoption  
2               and resources available to help avoid disruption or dissolution.

3           (4)    Criminal prohibitions under G.S. 14-321.2.

4   **"§ 48-3-234. Nonidentifying information about minor.**

5           (a)    Within a reasonable time before an agency places a minor to whom this Part applies  
6 for adoption with a prospective adoptive parent, the agency shall provide or cause to be provided  
7 to the prospective adoptive parent nonidentifying information specific to the minor, in addition  
8 to information provided pursuant to G.S. 48-3-205, that is known to or reasonably obtainable by  
9 the agency and material to the prospective adoptive parent's informed decision to adopt the minor.  
10 To the extent that it is not already being provided under G.S. 48-3-205, the nonidentifying  
11 information shall include all of the following:

12           (1)    The minor's family, cultural, racial, religious, ethnic, linguistic, and  
13 educational background.

14           (2)    The minor's physical, mental, emotional, and behavioral health.

15           (3)    Circumstances that might adversely affect the minor's physical, mental,  
16 emotional, or behavioral health.

17           (4)    The minor's medical history, including immunizations.

18           (5)    The medical history of the minor's biological parents and siblings.

19           (6)    The history of an adoptive or out-of-home placement of the minor and the  
20 reason the adoption or placement ended.

21           (7)    The minor's United States immigration status.

22           (8)    Medical, therapeutic, and educational resources, including  
23 language-acquisition training, available to the adoptive parent and minor after  
24 placement for adoption or adoption to assist in responding effectively to  
25 physical, mental, emotional, or behavioral health issues.

26           (b)    Subject to the requirements of Article 9 of this Chapter, an agency shall include  
27 available records relevant to the information in subdivisions (1) through (8) of subsection (a) of  
28 this section when providing the information, regardless of whether the information is provided  
29 pursuant to subsection (a) of this section or G.S. 48-3-205.

30           (c)    If, before an adoption is finalized, additional information under subsection (a) of this  
31 section that is material to a prospective adoptive parent's informed decision to adopt the minor  
32 becomes known to or reasonably obtainable by the agency, the agency shall provide the  
33 information to the prospective adoptive parent.

34           (d)    If, after an adoption is finalized, additional information under subsection (a) of this  
35 section becomes known to the agency, the agency shall make a reasonable effort to provide the  
36 information to the adoptive parent.

37   **"§ 48-3-235. Guidance and instruction.**

38           (a)    An agency placing a minor for adoption shall provide or cause to be provided to the  
39 prospective adoptive parent guidance and instruction specific to the minor to help prepare the  
40 parent to respond effectively to needs of the minor that are known to or reasonably ascertainable  
41 by the agency.

42           (b)    The guidance and instruction under subsection (a) of this section shall address, if  
43 applicable, all of the following:

44           (1)    The potential effect on the minor of all of the following:

45               a.    A previous adoption or out-of-home placement.

46               b.    Multiple previous adoptions or out-of-home placements.

47               c.    Trauma, insecure attachment, fetal alcohol exposure, or malnutrition.

48               d.    Neglect, abuse, drug exposure, or similar adversity.

49               e.    Separation from a sibling or significant caregiver.

50               f.    A difference in ethnicity, race, or cultural identity between the minor  
51 and the prospective adoptive parent or other minor of the parent.



1           (2) Information available from the federal government on the process for the  
2           minor to acquire United States citizenship.  
3           (3) Any other matter the agency considers material to the adoption.  
4       (c) The guidance and instruction under subsection (a) of this section shall be provided as  
5 follows:

6           (1) For adoption of a minor residing in the United States, a reasonable time before  
7           the adoption is finalized.  
8           (2) For an intercountry adoption, in accordance with federal law.

9 **"§ 48-3-236. Information about financial assistance and support services.**

10 Consistent with the purposes of G.S. 48-1-110, on request of a minor who was placed for  
11 adoption or the minor's adoptive parent, the agency placing the minor or the Department of Health  
12 and Human Services shall provide information about how to obtain financial assistance or  
13 support services as follows:

14           (1) To assist the minor or parent to respond effectively to adjustment, behavioral  
15           health, and other challenges.  
16           (2) To help preserve the placement or adoption.

17 **"§ 48-3-237. Agency compliance.**

18       (a) The Department of Health and Human Services may investigate an allegation that an  
19 agency has failed to comply with this Part and may commence an action for injunctive or other  
20 relief or initiate an administrative proceeding against the agency to enforce this Part.

21       (b) The Department of Health and Human Services may initiate a proceeding to  
22 determine whether an agency has failed to comply with this Part. If the Department of Health  
23 and Human Services finds that the agency has failed to comply, the Department may suspend or  
24 revoke the agency's license or take other action permitted by law of this State.

25 **"§ 48-3-238. Uniformity of application and construction.**

26 In applying and construing this Part, a court shall consider the promotion of uniformity of the  
27 law among jurisdictions that enact Article 3 of the Uniform Unregulated Child Custody Transfer  
28 Act.

29 **"§ 48-3-239. Relation to Electronic Signatures in Global and National Commerce Act.**

30 This Part modifies, limits, or supersedes the Electronic Signatures in Global and National  
31 Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. §  
32 7001(c), or authorize electronic delivery of any of the notices described in 15 U.S.C. § 7003(b)."

33 **SECTION 2.(b)** G.S. 48-3-205 reads as rewritten:

34 **"§ 48-3-205. Disclosure of background information.**

35       (a) ~~Notwithstanding any other provision of law, before~~ Before placing a minor for  
36 adoption, an individual or agency placing the minor, or the individual's agent, ~~must~~ shall compile  
37 and provide to the prospective adoptive parent a written document containing all of the following  
38 information:

39           (1) The date of the birth of the minor and the minor's weight at birth and any other  
40 reasonably available nonidentifying information about the minor that is  
41 relevant to the adoption decision or to the minor's development and  
42 ~~well-being;~~well-being.  
43           (2) Age of the biological parents in years at the time of the minor's ~~birth;~~birth.  
44           (3) Heritage of the biological parents, ~~which shall consist~~ consisting of  
45 nationality, ethnic background, and ~~rae;~~race.  
46           (4) Education of the biological parents, ~~which shall be consisting of~~ the number  
47 of years of school completed by the biological parents at the time of the  
48 minor's ~~birth;~~ and birth.  
49           (5) General physical appearance of the biological parents.

50 In addition, the written document ~~must~~ shall also include all reasonably available nonidentifying  
51 information about the health of the minor, the biological parents, and other members of the

1 biological parents' families that is relevant to the adoption decision or to the minor's health and  
2 development. This health-related information shall include each ~~such~~ individual's present state  
3 of physical and mental health, health and genetic histories, and information concerning any  
4 history of emotional, physical, sexual, or substance abuse. This health-related information shall  
5 also include an account of the prenatal and postnatal care received by the minor. The information  
6 described in this subsection, if known, shall, upon written request of the minor, be made available  
7 to the minor upon the minor reaching age 18 or upon the minor's marriage or emancipation.

8 (b) Information provided under this section, or any information directly or indirectly  
9 derived from ~~such~~ the information, ~~may~~ shall not be used against the provider or against an  
10 individual described in subsection (a) of this section who is the subject of the information in any  
11 criminal action or any civil action for damages. In addition, information provided under this  
12 section ~~may~~ shall not be admitted in evidence against the provider or against an individual  
13 described in subsection (a) of this section who is the subject of the information in any other action  
14 or proceeding.

15 (c) The agency placing the minor shall receive and preserve any additional health-related  
16 information obtained after the preparation of the document described in subsection (a) of this  
17 section.

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

21 **SECTION 2.(c)** If a provision of this section or its application to a person or  
22 circumstance is held invalid, the invalidity does not affect another provision or application that  
23 can be given effect without the invalid provision.

24 **SECTION 2.(d)** The Revisor of Statutes shall cause to be printed, as annotations to  
25 the published General Statutes, all relevant portions of the Official Comments to Article 3 of the  
26 Uniform Unregulated Child Custody Transfer Act and all explanatory comments of the drafters  
27 of this section as the Revisor may deem appropriate.

28 **SECTION 2.(e)** This section is effective when it becomes law and applies to  
29 placement of a minor for adoption beginning 60 days after the effective date of this section.

### 30 **PART III. EFFECTIVE DATE**

31 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes  
32 law.  
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