



# HOUSE BILL 293: Adoption Law Changes

2015-2016 General Assembly

**Committee:**

**Introduced by:**

**Analysis of:** S.L. 2015-54

**Date:**

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Staff Attorney

**SUMMARY:** *S.L. 2015-54 makes various clarifying and technical changes under the laws pertaining to adoption. Among other things, the act provides that certain adoptions are subject to the Hague Adoption Convention, addresses jurisdictional requirements, modifies the times for taking certain actions, and provides that a preplacement assessment is not required in an independent adoption when a prospective adoptive parent is one of the specified relatives.*

*The provisions of this act that modify times for taking certain actions became effective June 4, 2015, and apply to proceedings filed after that date. The remainder of this act became effective June 4, 2015.*

## **BILL ANALYSIS:**

**Section 1** of Session Law 2015-54 creates a new G.S. 48-1-108A to provide that the provisions of the Hague Adoption Convention control when the adoption is subject to the regulations set forth by the Convention. Information on the Hague Convention can be found on the following website of the U.S. State Department: <http://travel.state.gov/content/adoptionsabroad/en.html>.

**Section 2** of the act removes the requirement in G.S. 48-1-109(c) that if the petitioner for adoption moves to another state before a home assessment is completed, the Report on Proposed Adoption must be completed using Interstate Compact on the Placement of Children Procedures.

**Section 3.** G.S. 48-2-100(c) currently provides that courts of this State shall not exercise jurisdiction in an adoption proceeding if any other state is exercising jurisdiction under the uniform state act. S.L. 2015-54 specifies that this provision does not apply if the other state's court dismisses the case or releases its jurisdiction prior to the granting of the adoption decree.

**Section 4** of the act makes several changes to the times for taking certain actions under G.S. 48-2-206, "Prebirth determination of right to consent," as follows:

- A biological mother, agency or adoptive parents chosen by the biological mother may file an action requesting the court to decide whether the biological father's consent is required at any time after *approximately three* months from the date of conception (was, *six months*). G.S. 48-2-206(a).
- The biological father must have *30* (was, *15*) days after being served with the notice of intent of the biological mother to place the child for adoption to assert a claim that his consent is required. The notice must inform the biological father of the specific actions he must take within that *30* day period. G.S. 48-2-206(b).



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- If the biological father notifies the court within 30 (was, 15) days of his receipt of the notice of intent that he believes his consent is required, a hearing must be held no earlier than 60 days and no later than 70 days at the request of the petitioner. G.S. 48-2-206(d).

**Section 5.** G.S. 48-2-401 currently requires a response to the petition within 30 days after service in order to receive further notice of the proceeding. S.L. 2015-54 adds a provision allowing 40 days from date of first publication for a response when service is by publication.

**Section 6** makes clarifying changes to G.S. 48-3-202(b).

**Section 7** of S.L. 2015-54 amends G.S. 48-3-301(b) to provide that a preplacement assessment is not required in an independent adoption when a prospective adoptive parent is one of the specified relatives, and clarifies that "sibling" means either full or half sibling.

**Section 8** of the act provides that consent to a minor's adoption is not required of an individual who has not executed a consent or relinquishment and who fails to respond to a notice of the adoption proceeding within 30 days after the service of the notice, or, if service is by publication, 40 days from the first publication of the notice. G.S. 48-3-603(a)(7).

**Section 9** permits an adult relative of a parent who has not reached age 18, or a teacher, licensed professional social worker or a health service provider, to identify the parent to an individual authorized to administer oaths or take acknowledgments. G.S. 48-3-605(b).

**Sections 10 and 11** of S.L. 2015-54 provides that if an individual executing either a written consent or a relinquishment does not have a permanent address, that individual must include his or her current mailing address. G.S. 48-3-606(2); G.S. 48-3-703(a)(2).

**EFFECTIVE DATE:** Sections 4, 5, and 8 of this act became effective when the Governor signed the bill into law on June 4, 2015, and apply to proceedings filed after that date. The remainder of this act became effective when the Governor signed the bill into law on June 4, 2015.