



SENATE BILL 615: Adoption Law Changes.

2023-2024 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	May 3, 2023
Introduced by:	Sens. Galey, Barnes, Krawiec	Prepared by:	Debbie Griffiths
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *Senate Bill 615 makes the following changes to the adoption laws:*

- *Allows for a former stepparent to adopt an adult adoptee.*
- *Modifies the law related to the redaction of certain information from a preplacement assessment.*
- *Expands the acknowledgment options related to agency relinquishments for adoption.*

CURRENT LAW AND BILL ANALYSIS:

Section 1

Chapter 48 of the General Statutes contains the laws relating to adoptions. Adoption is a legal proceeding that creates a parent and child relationship between the adoptee and adopting parent. After a decree of adoption is entered, an adoptee has the same legal status as if the adoptee were the biological child of the adopting parent. Either a child or an adult can be adopted. A married couple or an individual, including a stepparent, may file a petition to adopt either a child or an adult. A "stepparent" means an individual who is the spouse of a parent of a child, but who is not a legal parent of the child. G.S. 48-1-101(18). A decree of adoption severs the relationship of parent and child between the individual and the individual's biological or previous adoptive parent, except an adoption by a stepparent (or a readoption) does not have any effect on the relationship between the parent who is the stepparent's spouse. G.S. 48-1-106.

Section 1 of the bill modifies G.S. 48-1-101 by adding a new definition for the term "former stepparent" which means an individual who was the spouse of a parent of a child, but who is not a genetic parent or adoptive parent of the child, and who has become divorced from the parent of the child. The bill also modifies G.S. 48-1-106 to provide that the adoption of an adult adoptee by a former stepparent does not sever the parent and child relationship between the adoptee and parent who is the stepparent's former spouse.

Section 2

There are different manners in which an adoptee may be placed with an adopting parent. G.S. 48-3-202 governs direct placement adoptions, which is when a parent or guardian personally selects a prospective adoptive parent. G.S. 48-3-303 contains the required content and timing of the preplacement assessment, commonly called a home study. A preplacement assessment is an evaluation of person seeking to adopt to determine whether the person is a suitable parent. G.S. 48-3-202 and G.S. 48-3-303 both provide that the agency preparing the preplacement assessment may redact certain information from the assessment.

Section 2 of the bill would modify G.S. 48-3-202 and G.S. 48-3-303 by removing the provision that an agency preparing the assessment may redact certain information and providing that this information may generally be redacted from the placement assessment.

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Section 3

G.S. 48-3-701 and G.S. 48-3-702 contain procedures for when a parent wishes to relinquish their parental rights to an approved agency to place the child for adoption, and this includes certain procedures outlined in G.S. 48-3-605. **Section 3** of the bill would add in the ability of certain listed individuals, including a teacher or a social worker, to identify a parent or adoptee who has not reached the age of 18 years of age for the purposes of administering oaths.

EFFECTIVE DATE: This act becomes effective October 1, 2023.