

NORTH CAROLINA GENERAL ASSEMBLY  
1977 SESSION

CHAPTER 713  
SENATE BILL 360

AN ACT TO AMEND THE LAW RELATING TO PARENTS' RIGHT TO DISPOSE OF  
CUSTODY AND TUITION OF MINOR CHILDREN BY WILL.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 33-2, as it appears in the 1976 Replacement Volume 2A of the General Statutes, is amended by deleting the first two sentences of the section and substituting therefor the following:

"Parents are presumed to know the best interest of their children, and any parent may by last will and testament recommend disposition of the custody and tuition of any of his or her unmarried minor children, whether born at the parent's death or en ventre sa mere, for such time as the children may remain under 18 years of age, or for any less time. Such will may be made without regard to whether the testator is an adult or minor. Any parent who willfully abandons a child or children shall relinquish the right of appointment. Any will containing such provision shall be a strong guide to the court in awarding custody in the absence of a surviving parent, subject to the provisions of G.S. 50-13.1 through G.S. 50-13.8, and shall control where there is no dispute, and, if both parents make such recommendations, the will with the latest date shall, in absence of other relevant factors, prevail."

**Sec. 2.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1977.