§ 48-3-605. Execution of consent: procedures.

(a) A consent executed by a parent or guardian or by a minor to be adopted who is 12 years of age or older must conform substantially to the requirements in G.S. 48-3-606 and must be signed and acknowledged under oath before an individual authorized to administer oaths or take acknowledgments.

(b) A parent who has not reached the age of 18 years shall have legal capacity to give consent to adoption and to release that parent's rights in a child, and shall be as fully bound as if the parent had attained 18 years of age.

(c) An individual before whom a consent is signed and acknowledged under subsection (a) of this section shall certify in writing that to the best of the individual's knowledge or belief, the parent, guardian, or minor to be adopted executing the consent has met each of the following:

(1) Read, or had read to him or her, and understood the consent.
(2) Signed the consent voluntarily.
(3) Been given an original or a copy of his or her fully executed consent.
(4) Been advised that counseling services may be available through county departments of social services or licensed child-placing agencies.
(5) Been advised of the right to seek the advice of legal counsel before executing the consent.

(d) A consent by an agency must be executed by the executive head or another authorized employee and must be signed and acknowledged under oath in the presence of an individual authorized to administer oaths or take acknowledgments.

(e) A consent signed in another state or in another country in accord with the procedure of that state or country shall not be invalid solely because of failure to comply with the formalities set out in this Chapter.

(f) A consent to the adoption of an Indian child, as that term is defined in the Indian Child Welfare Act, 25 U.S.C. § 1901 et seq., must meet the requirements of that Act.

(g) The office of the clerk of superior court, the district court, and the superior court shall each be a court of competent jurisdiction for the purposes of (i) judicial proceedings for accepting voluntary consents to adoption under 25 U.S.C. § 1913, (ii) making determinations as to whether there is good cause to deviate from placement preferences under 25 U.S.C. § 1915(a), or (iii) judicial proceedings for voluntary consent to adoption in conformance with the laws of any state.

(h) In addition to other methods of identification permitted by Chapter 10B of the General Statutes or other applicable law, a parent or adoptee who has not reached the age of 18 years may be identified to an individual authorized to administer oaths or take acknowledgments by an affidavit of an adult relative of the minor, a teacher, a social worker employed by an agency or a county department of social services, a licensed professional social worker, a health service provider, or, if none of the foregoing persons to whom the minor does not object is available, an adult who has known the minor for more than two years. (1949, c. 300; 1971, c. 1231, s. 1; 1995, c. 457, s. 2; 2013-236, s. 8; 2015-54, s. 9; 2015-264, s. 44(a); 2018-68, s. 1.1; 2019-172, s. 7(a).)