

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 637

Short Title: Adoption Law Changes. (Public)

Sponsors: Representatives Jordan and Stevens (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee C.

April 6, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS APPLICABLE TO ADOPTIONS, AS RECOMMENDED
3 BY THE NORTH CAROLINA BAR ASSOCIATION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 48-2-607(c) reads as rewritten:

6 "(c) A parent or guardian whose consent or relinquishment was obtained by fraud or
7 duress may, within six months of the time the fraud or duress is or ought reasonably to have
8 been discovered, move to have the decree of adoption set aside and the consent declared void.
9 A parent or guardian whose consent was necessary under this Chapter but was not obtained
10 may, within six months of the time the omission is or ought reasonably to have been
11 discovered, move to have the decree of adoption set aside. Any action for damages against an
12 adoptee or the adoptive parents for fraud or duress in obtaining a consent must be brought
13 within six months of the time the fraud or duress is or ought reasonably to have been
14 discovered. However, no action to set aside a decree of adoption may be brought more than one
15 year after the date on which the decree of adoption was entered."

16 **SECTION 2.** G.S. 48-3-608(b) reads as rewritten:

17 "(b) In a direct placement, if:

- 18 (1) A preplacement assessment is required, and
19 (2) Placement occurs before the preplacement assessment is given to the parent
20 or guardian who is placing the minor,

21 then that individual's time under subsection (a) of this section to revoke any consent previously
22 given shall be either five business days after the date the individual receives the preplacement
23 assessment prepared substantially in conformance with the requirements of G.S. 48-3-303, or
24 the remainder of the time provided in subsection (a) of this section, whichever is longer. The
25 date of receipt is the earlier of the date of actual receipt or the date established pursuant to
26 G.S. 48-3-307."

27 **SECTION 3.** G.S. 48-3-303(c)(12) reads as rewritten:

28 "(12) The agency preparing the preplacement assessment may redact from the
29 preplacement assessment provided to a placing parent or guardian detailed
30 information reflecting the prospective adoptive parent's income and financial
31 account balances and detailed information about the prospective adoptive
32 parent's extended family members, including surnames, names of employers,
33 names of schools attended, social security numbers, telephone numbers and
34 addresses, and other similarly detailed information about extended family
35 members obtained under subsections (b) and (c) of this section."



1 **SECTION 4.** G.S. 48-2-302(a) reads as rewritten:

2 "(a) Except for petitions filed pursuant to Articles 4 and 6 of this Chapter, a petition for
3 adoption must be filed no later than 30 days after a minor is placed with the petitioner or this
4 State acquires jurisdiction to hear the petition, whichever is later, unless the court extends or
5 waives the time for filing."

6 **SECTION 5.** G.S. 48-2-401(a) reads as rewritten:

7 "(a) ~~No later than 30 days after a petition for adoption is filed pursuant to Part 3 of this~~
8 ~~Article, the~~ The petitioner shall serve notice of the filing on the persons required to receive
9 notice under subsections (b), (c), and (d) of this section."

10 **SECTION 6.** G.S. 48-3-707(a) reads as rewritten:

11 "(a) A relinquishment shall become void ~~if~~ if any of the following occur:

- 12 (1) Before the entry of the adoption decree, the individual who executed the
13 relinquishment establishes by clear and convincing evidence that it was
14 obtained by fraud or duress.
- 15 (2) Before placement with a prospective adoptive parent occurs, the agency and
16 the person relinquishing the minor agree to rescind the relinquishment.
- 17 (3) After placement with a prospective adoptive parent occurs, but before the
18 entry of the adoption decree, the agency, the person relinquishing the minor,
19 and the prospective adoptive parent agree to rescind the relinquishment."

20 **SECTION 7.** This act becomes effective October 1, 2011, and applies to actions
21 filed on or after that date.