

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 162*
Judiciary Committee Substitute Adopted 4/22/97

Short Title: Adoption Law Amendments.

(Public)

Sponsors:

Referred to:

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SIMILAR MINOR
3 CHANGES TO THE ADOPTION LAWS AS FOUND IN CHAPTER 48 OF THE
4 GENERAL STATUTES INVOLVING CERTIFICATION OF DOCUMENTS,
5 NOTICE, PROCEDURES FOR REPORTS TO THE COURT, ACCEPTANCE OF
6 RELINQUISHMENTS BY AGENCIES, INDEXING, CAPTIONS ON ADOPTION
7 PETITIONS, AND STANDBY GUARDIANS; TO STANDARDIZE
8 PROCEDURES FOR REQUESTING NEW BIRTH CERTIFICATES IN ALL
9 ADOPTIONS; AND TO AMEND PROVISIONS FOR OBTAINING
10 CERTIFICATION OF IDENTIFICATION FOR INDIVIDUALS OF FOREIGN
11 BIRTH AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION;
12 AND TO ALLOW FOR PREBIRTH RIGHT-TO-CONSENT DETERMINATION,
13 CLARIFY WHEN COUNTY DEPARTMENTS OF SOCIAL SERVICES MUST DO
14 PREPLACEMENT ASSESSMENTS, TO ADD CHILDREN TO THE LIST OF
15 PERSONS WHO CAN GET COPIES OF BIRTH CERTIFICATES OF ADOPTEES,
16 AND TO EXTEND THE EFFECTIVE PERIOD OF PREPLACEMENT
17 ASSESSMENTS TO EIGHTEEN MONTHS.

18 The General Assembly of North Carolina enacts:

19 Section 1. G.S. 48-2-305 reads as rewritten:

1 **"§ 48-2-305. Petition for adoption; additional documents.**

2 At the time the petition is filed, the petitioner shall file or cause to be filed the
3 following documents:

- 4 (1) Any required affidavit of parentage executed pursuant to G.S. 48-3-206;
5 (2) Any required consent or relinquishment that has been executed;
6 (3) A certified copy of any court order terminating the rights and duties of a
7 parent or a guardian of the adoptee;
8 (4) A certified copy of any court order or pleading in a pending proceeding
9 concerning custody of or visitation with the adoptee;
10 (5) A copy of any required preplacement assessment certified by the agency
11 that prepared it or an affidavit from the petitioner stating why the
12 assessment is not available;
13 (6) A ~~certified~~ copy of any document containing the information required
14 under G.S. 48-3-205 concerning the health, social, educational, and
15 genetic history of the adoptee and the adoptee's original family which
16 the petitioner received before the placement or at any later time,
17 certified by the person who prepared it, or if this document is not
18 available, an affidavit stating the reason why it is not available;
19 (7) Any signed copy of the form required by the Interstate Compact on the
20 Placement of Children, G.S. 110-57.1, et seq., authorizing a minor to
21 come into this State;
22 (8) A writing that states the name of any individual whose consent is or
23 may be required, but who has not executed a consent or a
24 relinquishment or whose parental rights have not been legally
25 terminated, and any fact or circumstance that may excuse the lack of
26 consent or relinquishment; and
27 (9) In an adoption pursuant to Article 4 of this Chapter, a copy of any
28 agreement to release past-due child support payments.

29 The petitioner may also file any other document necessary or helpful to the court's
30 determination."

31 Section 2. G.S. 48-2-401(d) reads as rewritten:

32 "(d) In the adoption of an adult, the petitioner shall also serve notice of the filing on
33 any adult children of the prospective adoptive parent and any parent, spouse, or adult
34 child of the adoptee who are listed in the petition to adopt."

35 Section 3. G.S. 48-2-403 reads as rewritten:

36 **"§ 48-2-403. Notice of proceedings by clerk.**

37 No later than five days after a petition is filed, the clerk of the court shall ~~give notice~~
38 ~~of the adoption proceeding by certified mail, return receipt requested, mail or otherwise~~
39 deliver to any agency that has undertaken but not yet completed a preplacement
40 assessment and any agency ordered to make a report to the court pursuant to Part 5 of this
41 Article."

42 Section 4. G.S. 48-2-502(b) reads as rewritten:

43 "(b) The report must be in writing and contain:

- 1 (1) An account of the petitioner's marital or family status, physical and
2 mental health, home environment, property, income, and financial
3 obligations; if there has been a preplacement assessment, the account
4 may be limited to any changes since the filing of the preplacement
5 assessment;
- 6 (2) All reasonably available nonidentifying information concerning the
7 physical, mental, and emotional condition of the adoptee required by
8 G.S. 48-3-205 which is not already included in the document prepared
9 under that section;
- 10 (3) Copies of any court order, judgment, decree, or pending legal
11 proceeding affecting the adoptee, the petitioner, or any child of the
12 petitioner relevant to the welfare of the adoptee;
- 13 (4) A list of the expenses, fees, or other charges incurred, paid, or to be paid
14 in connection with the adoption that can reasonably be ascertained by
15 the agency;
- 16 (5) Any fact or circumstance known to the agency that raises a specific
17 concern about whether the proposed adoption is contrary to the best
18 interest of the adoptee because it poses a significant risk of harm to the
19 well-being of the adoptee;
- 20 (6) A finding by the agency concerning the suitability of the petitioner and
21 the petitioner's home for the adoptee;
- 22 (7) A recommendation concerning the granting of the petition; and
23 (8) Such other information as may be required by rules adopted pursuant to
24 subsection (c) of this section.

25 In an agency adoption, the report shall be written in such a way as to exclude all
26 information that could reasonably be expected to lead directly to the identity of the
27 adoptee at birth or any former parent or family member of the adoptee, and any copies of
28 documents included pursuant to subdivision (3) of this subsection shall be redacted to
29 exclude this information."

30 Section 5. (a) G.S. 48-2-503(a) reads as rewritten:

31 "(a) The agency shall complete a written report and file it with the court within 60
32 days after ~~receipt~~ the mailing or delivery of the order under G.S. 48-2-501 unless the
33 court extends the time for filing. The agency shall have three additional days to complete
34 and file the report if the order was mailed."

35 (b) G.S. 48-2-503(b) reads as rewritten:

36 "(b) If the agency identifies a specific concern about the suitability of the petitioner
37 or the petitioner's home for the adoptee, the agency must file an interim report
38 immediately, which must contain an account of the specific concern. The agency shall
39 indicate in the final report whether its concerns have been satisfied and in what manner."

40 (c) G.S. 48-2-503 is amended by adding a new subsection to read:

41 "(b1) When an agency identifies a specific concern in a final report and the court
42 extends the time for a final hearing or disposition to allow resolution of these concerns,

1 the agency shall file a supplemental report indicating whether its concerns have been
2 satisfied and in what manner."

3 (d) Subsection (a) of this section applies to reports to the court prepared in
4 response to a notice under G.S. 48-2-403 mailed or delivered after the effective date of
5 this act.

6 Section 6. (a) G.S. 48-2-604 reads as rewritten:

7 **"§ 48-2-604. Denying petition to adopt a minor.**

8 (a) If at any time between the filing of a petition to adopt a minor and the issuance
9 of the final order completing the adoption it appears to the court that the minor should not
10 be adopted by the petitioners or the petition should be dismissed for some other reason,
11 the court may dismiss the proceeding.

12 (b) The court, before entering an order to dismiss the proceeding, shall give at
13 least five days' notice of the motion to dismiss to the parties, to the agency that made the
14 report to the court, and to the Department of Human Resources. The parties and agency
15 entitled to notice under this subsection, and the Department, shall be entitled to a hearing
16 on the issue of dismissing the proceeding.

17 (c) If the court denies a petition to adopt a minor, the petition, the custody of the
18 minor shall revert to any agency or person having custody immediately before the filing
19 of the petition. If the placement of the ~~child~~ minor was a direct placement under Article 3
20 of this Chapter, the court shall notify the director of social services of the county in which
21 the petition was filed of the dismissal, and the director of social services shall be
22 responsible for taking appropriate action for the protection of the ~~child~~ minor."

23 (b) This section becomes effective October 1, 1997.

24 Section 7. (a) G.S. 48-3-702 reads as rewritten:

25 **"§ 48-3-702. Procedures for relinquishment.**

26 (a) A relinquishment executed by a parent or guardian must conform substantially
27 to the requirements in this Part and must be signed and acknowledged under oath before
28 an individual authorized to administer oaths or take acknowledgments.

29 (b) The provisions of G.S. 48-3-605(b), (c), (e), and (f), also apply to a
30 relinquishment executed under this Part, ~~except that an individual before whom a~~
31 ~~relinquishment is signed and acknowledged shall also certify that an employee of the~~
32 ~~agency to which the minor is being relinquished signed a statement indicating the~~
33 ~~agency's willingness to accept the relinquishment. Part.~~

34 (c) An agency that accepts a relinquishment shall furnish each parent or guardian
35 who signs the relinquishment a letter or other writing indicating the agency's willingness
36 to accept that person's relinquishment."

37 (b) This section applies to relinquishments executed on or after the effective date
38 of this act.

39 Section 8. (a) G.S. 48-3-608(a) reads as rewritten:

40 "(a) A consent to the adoption of an infant who is in utero or is three months old or
41 less at the time the consent is given may be revoked within 21 days following the day on
42 which it is executed, inclusive of weekends and holidays. A consent to the adoption of
43 any other minor may be revoked within seven days following the day on which it is

1 executed, inclusive of weekends and holidays. If the final day of the revocation period
2 falls on a weekend or North Carolina or federal holiday, then the revocation period
3 extends to the next business day. The individual who gave the consent may revoke by
4 giving written notice to the person specified in the consent. Notice may be given by
5 personal delivery, overnight delivery service, or registered or certified mail, return receipt
6 requested. If notice is given by mail, notice is deemed complete when it is deposited in
7 the United States mail, postage prepaid, addressed to the person to whom consent was
8 given at the address specified in the consent. If notice is given by overnight delivery
9 service, notice is deemed complete on the date it is deposited with the service as shown
10 by the receipt from the service, with delivery charges paid by the sender, addressed to the
11 person to whom consent was given at the address specified in the consent."

12 (b) This section applies to notices given on or after the effective date of this act.

13 Section 9. (a) G.S. 48-9-102(a) reads as rewritten:

14 "(a) All records created or filed in connection with an adoption, except the decree
15 of ~~adoption~~, adoption and the entry in the special proceedings index in the office of the
16 clerk of court, and on file with or in the possession of the court, an agency, the State, a
17 county, an attorney, or other provider of professional services, are confidential and may
18 not be disclosed or used except as provided in this Chapter."

19 (b) G.S. 48-9-102(f) reads as rewritten:

20 "(f) The Division shall transmit a report of ~~the each~~ adoption ~~of a minor~~ and any
21 name change to the State Registrar if the ~~minor adoptee~~ was born in this State, ~~or State.~~
22 In the case of an adoptee who was not born in this State, the Division shall transmit the
23 report and any name change to the appropriate official responsible for issuing birth
24 certificates or their equivalent if the minor was not born in this State. equivalent."

25 (c) G.S. 48-9-102(g) reads as rewritten:

26 "(g) ~~In the adoption of an adult born in this State in which the name of the adoptee~~
27 ~~is changed, the clerk of superior court shall, within 10 days after the decree of adoption is~~
28 ~~entered, send the State Registrar a copy of the final order, any separate order of name~~
29 ~~change, and a report in a form acceptable to the State Registrar containing sufficient~~
30 ~~information for a new birth certificate. In the adoption of an adult who was not born in~~
31 ~~this State, the clerk shall transmit a copy of the final order and any other required~~
32 ~~information to the adoptee. In any adoption, the State Registrar may, in addition to~~
33 receiving the report from the Division, request a copy of the final order and any separate
34 order of name change directly from the clerk of court."

35 (d) G.S. 48-2-303 reads as rewritten:

36 "**§ 48-2-303. Caption of petition for adoption.**

37 The caption of the petition shall be substantially as follows:

38 STATE OF NORTH CAROLINA
39 IN THE DISTRICT COURT
40 COUNTY
41 BEFORE THE CLERK
42

43 *(Full name of petitioning father)

1 and
2 PETITION FOR ADOPTION
3 *(Full name of petitioning mother)
4 and
5 FOR THE ADOPTION OF

6
7 *~~(Full name of adoptee as used in proceeding)~~ by which the adoptee is to be known if the
8 adoption is granted."

9 (e) Subsection (a) of this section is effective on and after July 1, 1996. The
10 remainder of this section becomes effective October 1, 1997. Subsections (b) and (c)
11 apply to final orders entered on or after the effective date of this act.

12 Section 10. (a) G.S. 48-2-601(a) reads as rewritten:

13 "(a) If it appears to the court that ~~the petition~~ a petition to adopt a minor is not
14 contested, the court may dispose of the petition without a formal hearing."

15 (b) This section applies to petitions filed on or after the effective date.

16 Section 11. (a) G.S. 48-3-603(a) reads as rewritten:

17 "(a) Consent to an adoption of a minor is not required of a person or entity whose
18 consent is not required under G.S. 48-3-601, or:

19 (1) An individual whose parental rights and duties have been terminated
20 under Article 24B of Chapter 7A of the General Statutes or by a court of
21 competent jurisdiction in another state;

22 (2) A man described in G.S. 48-3-601(2), other than an adoptive father, if
23 (i) the man has been judicially determined not to be the father of the
24 minor to be adopted, or (ii) another man has been judicially determined
25 to be the father of the minor to be adopted;

26 ~~(3) A parent for whose minor child a guardian has been appointed;~~

27 (4) An individual who has relinquished parental rights or guardianship
28 powers, including the right to consent to adoption, to an agency
29 pursuant to Part 7 of this Article;

30 (5) A man who is not married to the minor's birth mother and who, after the
31 conception of the minor, has executed a notarized statement denying
32 paternity or disclaiming any interest in the minor;

33 (6) A deceased parent or the personal representative of a deceased parent's
34 estate; or

35 (7) An individual listed in G.S. 48-3-601 who has not executed a consent or
36 a relinquishment and who fails to respond to a notice of the adoption
37 proceeding within 30 days after the service of the notice."

38 (b) G.S. 48-3-201(d) reads as rewritten:

39 "~~(d) An agency having legal and physical custody of a minor may place the minor~~
40 ~~for adoption at any time after a relinquishment is executed, even if only one parent has~~
41 ~~executed a relinquishment pursuant to Part 7 of this Article or has had parental rights~~
42 ~~terminated, unless the other parent notifies the agency in writing of the parent's~~
43 ~~objections before the placement. The agency shall act promptly after accepting a~~

1 ~~relinquishment from one parent to obtain the consent or relinquishment of the other~~
2 ~~parent or to terminate the rights between the minor and the other parent pursuant to~~
3 ~~Article 24B of Chapter 7A of the General Statutes. An agency having legal and physical~~
4 ~~custody of a minor may place the minor for adoption at any time after a relinquishment is~~
5 ~~executed by anyone as permitted by G.S. 48-3-701. The agency may place the minor for~~
6 ~~adoption even if other consents are required before an adoption can be granted, unless an~~
7 ~~individual whose consent is required notifies the agency in writing of the individual's~~
8 ~~objections before the placement. The agency shall act promptly after accepting a~~
9 ~~relinquishment to obtain all other necessary consents, relinquishments, or terminations of~~
10 ~~any guardian's authority pursuant to Chapter 35A of the General Statutes or parental~~
11 ~~rights pursuant to Article 24B of Chapter 7A of the General Statutes."~~

12 (c) G.S. 48-4-102 reads as rewritten:

13 **"§ 48-4-102. Consent to adoption of stepchild.**

14 Except under circumstances described in G.S. 48-3-603, a petition to adopt a minor
15 stepchild may be granted only if consent to the adoption has been executed by the
16 adoptee if 12 or more years of age; and

17 (1) The adoptee's parents as described in G.S. 48-3-601; ~~or~~ and

18 (2) Any guardian of the adoptee.

19 The consent of an incompetent parent may be given pursuant to the procedures in G.S.
20 48-3-602."

21 (d) G.S. 48-3-602 reads as rewritten:

22 **"§ 48-3-602. Consent of incompetent parents.**

23 If a parent as described in G.S. 48-3-601 has been adjudicated incompetent, then the
24 court shall appoint a guardian ad litem for that parent ~~and~~ and, ~~unless the child already~~
25 ~~has a guardian,~~ a guardian ad litem for the child to make a full investigation as to whether
26 the adoption should proceed. The investigation shall include an evaluation of the parent's
27 current condition and any reasonable likelihood that the parent will be restored to
28 competency, the relationship between the child and the incompetent parent, alternatives
29 to adoption, and any other relevant fact or circumstance. If the court determines after a
30 hearing on the matter that it will be in the best interest of the child for the adoption to
31 proceed, the court shall order the guardian ad litem of the parent to execute a consent for
32 that parent."

33 (e) G.S. 48-1-101(8) reads as rewritten:

34 "(8) 'Guardian' means an individual, other than a parent, appointed by a clerk
35 of court in North Carolina to exercise all of the powers conferred by
36 ~~G.S. 35A-1241;~~ G.S. 35A-1241, including a standby guardian appointed
37 under Article 21 of Chapter 35A of the General Statutes whose authority
38 has actually commenced; and also means an individual, other than a
39 parent, appointed in another jurisdiction according to the law of that
40 jurisdiction who has the power to consent to adoption under the law of
41 that jurisdiction."

42 Section 12. (a) G.S. 48-2-501 reads as rewritten:

43 **"§ 48-2-501. Report to the court during proceeding for adoption of a minor.**

1 (a) Whenever a petition for adoption of a minor is filed, the court shall order a
2 report to the court made to assist the court to determine if the proposed adoption of the
3 minor by the petitioner is in the minor's best interest.

4 (b) Consistent with G.S. 48-1-109, the court shall order the report to be prepared:

5 (1) By the agency that placed the minor;

6 (2) By the agency that made the preplacement assessment pursuant to Part 3
7 of Article 3 of this Chapter; or

8 (3) By another agency.

9 (c) The court shall provide the individual who prepares the report with copies of:
10 ~~(i) the petition to adopt; and (ii) the documents filed with it.~~

11 (1) The petition to adopt; and

12 (2) The documents filed with it.

13 (d) As an exception to this section, in any stepparent adoption under Article 4 of
14 this Chapter in which the minor has lived with the stepparent for at least the two
15 consecutive years immediately preceding the filing of the petition, the court may order a
16 report, but it is not required to order a report unless the minor's consent is to be waived,
17 the minor has revoked a consent, or both of the minor's parents are dead."

18 (b) G.S. 48-4-104 is repealed.

19 (c) This section becomes effective October 1, 1997.

20 Section 13. G.S. 130A-108 reads as rewritten:

21 **"§ 130A-108. Certificate of identification for ~~child~~ individual of foreign birth.**

22 In the case of an adopted ~~child~~ individual born in a foreign country and ~~having legal~~
23 ~~settlement in this State, residing in this State at the time of application,~~ the State Registrar
24 shall, upon the presentation of a certified copy of the original birth certificate from the
25 country of birth and a certified copy of the final order of adoption signed by the clerk of
26 court or other appropriate official, prepare a certificate of identification for the ~~child~~
27 individual. The certificate shall contain the same information required by G.S. 48-9-
28 107(a) for ~~children~~ individuals adopted in this State, except that the country of birth
29 shall be specified in lieu of the state of birth."

30 Section 14. Part 2 of Article 2 of Chapter 48 is amended by adding a new
31 section to read:

32 **"§ 48-2-206. Prebirth determination of right to consent.**

33 (a) Anytime after six months from the date of conception as reasonably
34 determined by a physician, the biological mother, agency, or adoptive parents chosen by
35 the biological mother may file a special proceeding with the clerk requesting the court to
36 determine whether consent of the biological father is required. The biological father shall
37 be served with notice of the intent of the biological mother to place the child for
38 adoption, allowing the biological father 15 days after service to assert a claim that his
39 consent is required.

40 (b) The notice required under this subsection shall contain the special proceeding
41 case caption and file number and shall be substantially similar to the following
42 language: '[Name of the biological mother], the biological mother, is expected to give
43 birth to a child on or about [birth due date]. You have been identified as the biological

1 father. It is the intention of the biological mother to place the child for adoption. It is her
2 belief that your consent to the adoption is not required. If you believe your consent to the
3 adoption of this child is required pursuant to G.S. 48-3-601, you must notify the court in
4 writing no later than 15 days from the date you received this notice that you believe your
5 consent is required. A copy of your notice to the court must also be sent to the person or
6 agency that sent you this notice. If you fail to notify the court within 15 days that you
7 believe your consent is required, the court will rule that your consent is not required.'(c)

8 If the biological father fails to respond within the time required, the court shall
9 enter an order that the biological father's consent is not required for the adoption.

10 (d) If the biological father notifies the court within 15 days of his receipt of the
11 notice required by this subsection that he believes his consent to the adoption is required,
12 the biological mother, agency, or adoptive parents may seek an immediate determination
13 by the court as to whether the consent of the biological father is required by G.S. 48-3-
14 601. A hearing on this question may be held upon 10 days' notice to the parties. During
15 the hearing, the court may take such evidence as necessary and shall enter an order which
16 shall be the final order.

17 (e) The manner of service under this section shall be the same as set forth in G.S.
18 48-2-402.

19 (f) The jurisdiction provisions of Article 6A of Chapter 1 of the General Statutes
20 and the venue provisions of Article 7 of Chapter 1 of the General Statutes rather than the
21 provisions of Part 1 of this Article apply to proceedings under this section.

22 (g) Computation of periods of time provided for in this section shall be calculated
23 as set forth in G.S. 1A-1, Rule 6.

24 (h) Transfer under G.S. 1-272 and appeal under G.S. 1-279.1 shall be as for an
25 adoption proceeding.

26 (i) A determination by the court under this section that the consent of the
27 biological father is not required shall only apply to an adoption petition filed within three
28 months of the birth of the child."

29 Section 15. G.S. 48-3-302(e) reads as rewritten:

30 "(e) If an individual requesting a preplacement assessment has identified a
31 prospective adoptive child and has otherwise been unable to obtain a preplacement
32 assessment, the county department of social services must, upon request, prepare or
33 contract for the preparation of the preplacement assessment. As used in this subsection,
34 'unable to obtain a preplacement assessment' includes the inability to obtain a
35 preplacement assessment at the fee the county department of social services is permitted
36 to charge the individual. Except as provided in this subsection, no agency is required to
37 conduct a preplacement assessment unless it agrees to do so."

38 Section 16. G.S. 48-3-601(2)b.4. reads as rewritten: "4. Before the earliest of
39 the filing of the ~~petition~~, petition or the receipt of the notice pursuant to G.S. 48-2-206,
40 has acknowledged his paternity of the minor and

41 I. Is obligated to support the minor under written agreement
42 or by court order;

1 II. Has provided, in accordance with his financial means,
2 reasonable and consistent payments for the support of the
3 biological mother during or after the term of pregnancy, or
4 the support of the minor, or both, which may include the
5 payment of medical expenses, living expenses, or other
6 tangible means of support, and has regularly visited or
7 communicated, or attempted to visit or communicate with
8 the biological mother during or after the term of
9 pregnancy, or with the minor, or with both; or

10 III. After the minor's birth but before the minor's placement
11 for adoption or the mother's relinquishment, has married
12 or attempted to marry the mother of the minor by a
13 marriage solemnized in apparent compliance with law,
14 although the attempted marriage is or could be declared
15 invalid; or".

16 Section 17. G.S. 48-3-603(a) is amended by adding a new subdivision to read:

17 "(8) An individual notified under G.S. 48-2-206 who does not respond in a
18 timely manner or whose consent is not required as determined by the
19 court."

20 Section 18. G.S. 48-9-107(c) reads as rewritten:

21 "(c) The State Registrar shall seal the original certificate of birth and all records in
22 the possession of that office pertaining to the adoption. These records shall not be
23 unsealed except as provided in this Article. The State Registrar shall provide certified
24 typed copies or abstracts of the new certificate of birth of an adoptee prepared pursuant to
25 subsection (a) of this section to the adoptee, the adoptee's children, the adoptive parents,
26 and the adoptee's spouse, brothers, and sisters. For purposes of this subsection, 'parent',
27 'brother', and 'sister' shall mean the adoptee's adoptive parent, brother, or sister and shall
28 not mean a former parent, brother, or sister."

29 Section 19. G.S. 48-3-301(a)(1) reads as rewritten:

30 "(1) Has been completed or updated within the ~~12~~18 months immediately
31 preceding the placement; and".

32 Section 20. Except as otherwise provided, this act is effective when it becomes
33 law.