

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 865
Second Edition Engrossed 4/16/07

Short Title: Remove Barriers To Interstate Adoption. (Public)

Sponsors: Representatives Goodwin, Glazier, Moore (Primary Sponsors);
Alexander, Harrison, Lewis, Luebke, and Samuelson.

Referred to: Children, Youth and Families, if favorable, Judiciary I.

March 19, 2007

A BILL TO BE ENTITLED

AN ACT TO REMOVE BARRIERS TO ADOPTION FOR RESIDENTS OF OTHER STATES SEEKING TO ADOPT CHILDREN IN NORTH CAROLINA UNDER THE LAWS PERTAINING TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7B-1111(a) is amended by adding a new subdivision to read:

"(a) The court may terminate the parental rights upon a finding of one or more of the following:

...

(10) Where the juvenile has been relinquished to a county department of social services or a licensed child-placing agency for the purpose of adoption or placed with a prospective adoptive parent for adoption; the consent or relinquishment to adoption by the parent has become irrevocable except upon a showing of fraud, duress, or other circumstance as set forth in G.S. 48-3-609 or G.S. 48-3-707; termination of parental rights is a condition precedent to adoption in the jurisdiction where the adoption preceding is to be filed; and the parent does not contest the termination of parental rights."

SECTION 2. G.S. 48-2-100 reads as rewritten:

"§ 48-2-100. Jurisdiction.

(a) Adoption shall be by a special proceeding before the clerk of superior court.

(b) Except as provided in subsection (c) of this section, jurisdiction over adoption proceedings commenced under this Chapter exists if, at the commencement of the proceeding:

- 1 (1) The adoptee has lived in this State for at least the six consecutive
2 months immediately preceding the filing of the petition or from ~~birth,~~
3 ~~and the prospective adoptive parent is domiciled in this State; or~~ birth;
4 (2) The prospective adoptive parent has lived in or been domiciled in this
5 State for at least the six consecutive months immediately preceding the
6 filing of the ~~petition,~~ petition; or
7 (3) An agency licensed by this State or a county department of social
8 services in this State has legal custody of the adoptee.
9 (c) The courts of this State shall not exercise jurisdiction under this Chapter if at
10 the time the petition for adoption is filed, a court of any other state is exercising
11 jurisdiction substantially in conformity with the Uniform Child-Custody Jurisdiction
12 and Enforcement Act, Article 2 of Chapter 50A of the General Statutes. However, this
13 subsection shall not apply if within 60 days after the date the petition for adoption is
14 filed, the court of the other state dismisses its proceeding or releases its exclusive,
15 continuing jurisdiction."
16 **SECTION 3.** This act becomes effective October 1, 2007, and applies to
17 motions in the cause or petitions filed on or after that date.