

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 575
SENATE BILL 574

AN ACT TO PERMIT VISITATION RIGHTS OF A BIOLOGICAL
GRANDPARENT FOLLOWING ADOPTION OF THE GRANDCHILD BY A
RELATIVE OR STEPPARENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 48-23 is amended by inserting between subdivisions (2) and (3) a new subdivision (2a) to read:

"(2a) Notwithstanding subdivisions (1) and (2), a biological grandparent is entitled to visitation rights with the adopted child as provided in G.S. 50-13.2(b1), 50-13.2A, and 50-13.5(j)."

Sec. 2. Chapter 50 of the General Statutes is amended by adding a new section to read:

"§ **50-13.2A. Action for visitation of an adopted grandchild.**— A biological grandparent may institute an action or proceeding for visitation rights with a child adopted by a stepparent or a relative of the child where a substantial relationship exists between the grandparent and the child. Under no circumstances shall a biological grandparent of a child adopted by adoptive parents, neither of whom is related to the child and where parental rights of both biological parents have been terminated, be entitled to visitation rights. A court may award visitation rights if it determines that visitation is in the best interest of the child. An order awarding visitation rights shall contain findings of fact which support the determination by the judge of the best interest of the child. Procedure, venue, and jurisdiction shall be as in an action for custody."

Sec. 3. G.S. 50-13.2(b1) is amended by adding a new sentence at the end to read:

"As used in this subsection, 'grandparent' includes a biological grandparent of a child adopted by a stepparent or a relative of the child where a substantial relationship exists between the grandparent and the child. Under no circumstances shall a biological grandparent of a child adopted by adoptive parents, neither of whom is related to the child and where parental rights of both biological parents have been terminated, be entitled to visitation rights."

Sec. 4. G.S. 50-13.5(j) is amended by adding a new sentence at the end to read:

"As used in this subsection, 'grandparent' includes a biological grandparent of a child adopted by a stepparent or a relative of the child where a substantial relationship exists between the grandparent and the child. Under no circumstances shall a biological grandparent of a child adopted by adoptive parents, neither of whom is related to the

child and where parental rights of both biological parents have been terminated, be entitled to visitation rights."

Sec. 5. This act shall become effective October 1, 1985, and shall apply to pending litigation and actions or proceedings filed on or after that date, whether the adoption was final before or after October 1, 1985.

In the General Assembly read three times and ratified, this the 3rd day of July, 1985.