

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 541
HOUSE BILL 1170

AN ACT TO PROVIDE THAT CONSENT FOR THE ADOPTION OF A CHILD IS INEFFECTIVE UNDER CERTAIN CIRCUMSTANCES AND TO CLARIFY THAT NO CONSENT IS REVOCABLE AFTER AN INTERLOCUTORY DECREE HAS BEEN ISSUED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 48-11(a) is rewritten to read:

"(a) No consent described in G.S. 48-6, 48-7, or 48-9 may be revoked by the consenting party:

- (1) After the entering of an interlocutory decree.
- (2) After the entering of a final order of adoption when the entering of an interlocutory decree has been waived in accordance with the provisions of G.S. 48-21.
- (3) After three months from the date of the giving of the consent.
- (4) After 30 days from the date of the giving of the consent, when the consent has been given generally to a director of social services or to a duly licensed non-profit child-placing agency.

When the consent of any person or agency is required under the provisions of this Chapter, the filing of such consent with the petition shall be sufficient to make the consenting person or agency a party of record to the proceeding; and no service of any process need be made upon such person or agency."

Sec. 2. G.S. 50-13.2 is amended by adding a new subsection at the end to read:

"(d) If, within a reasonable time, one parent fails to consent to adoption pursuant to Chapter 48 of the General Statutes or parental rights have not been terminated, the consent of the other consenting parent shall not be effective in an action for custody of the child."

Sec. 3. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 3rd day of July, 1987.