

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 479

Short Title: Adoption Consent.

(Public)

Sponsors: Representative Payne.

Referred to: Judiciary II.

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CONSENT TO ADOPTION IS NOT REVOCABLE
AFTER A CERTAIN PERIOD OF TIME.

The General Assembly of North Carolina enacts:

Section 1. G.S. 48-11 reads as rewritten:

"§ 48-11. Consent not revocable.

(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~~ 30 days 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.

(b) Revocation of a consent to adoption must be made in writing and must be
signed by the person revoking consent before any person empowered to take
acknowledgements of signatures pursuant to Chapter 47 of the General Statutes of
North Carolina. If the petition for adoption and the consent have been filed according to

1 G.S. 48-7(a), the person revoking consent shall deliver the revocation to the clerk of
2 court in the county in which the petition for adoption and the consent are filed. If the
3 person revoking consent is unable to determine the county in which the petition for
4 adoption and the consent have been filed or if the petition for adoption has not been
5 filed, then and in that event said person is responsible for delivering the revocation in
6 person or by registered or certified mail, return receipt requested, to the person or to the
7 director of social services to whom the consent was given or to the duly licensed child-
8 placing agency to which the consent for adoption was given. The person, the director of
9 social services, or the duly licensed child- placing agency shall immediately deliver the
10 revocation to the clerk of court in the county in which the petition for adoption and the
11 consent are filed or, if a petition for adoption has not been filed by the prospective
12 adoptive parents, revocation of the consent shall prohibit the filing of such petition."

13 Sec. 2. This act becomes effective October 1, 1991.