

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 737*

Short Title: Amend Adoption Laws.

(Public)

Sponsors: Representatives Earle, Baddour, C. Wilson; and Wainwright.

Referred to: Judiciary II.

March 22, 2001

A BILL TO BE ENTITLED
AN ACT TO AMEND THE LAWS RELATING TO ADOPTION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 48-1-101 reads as rewritten:

"§ 48-1-101. Definitions.

In this Chapter, the following definitions apply:

- (1) "Adoptee" means an individual who is adopted, is placed for adoption, or is the subject of a petition for adoption properly filed with the court.
- (2) "Adoption" means the creation by law of the relationship of parent and child between two individuals.
- (3) "Adult" means an individual who has attained 18 years of age, or if under the age of 18, is either married or has been emancipated under the applicable State law.
- (3a) "Adoption facilitator" means an individual or a nonprofit entity that assists biological parents in locating and evaluating prospective adoptive parents without charge.
- (4) "Agency" means a public or private association, corporation, institution, or other person or entity that is licensed or otherwise authorized by the law of the jurisdiction where it operates to place minors for adoption. "Agency" also means a county department of social services in this State.
- (4a) "Agency identified adoption" means a placement where an agency has agreed to place the minor with a prospective adoptive parent selected by the parent or guardian.
- (5) "Child" means a son or daughter, whether by birth or adoption.
- (5a) "Criminal history" means a county, State, or federal criminal history of conviction or a pending indictment of a crime, whether a misdemeanor or a felony, that bears upon an individual's fitness to have

1 responsibility for the safety and well-being of children, including the
2 following North Carolina crimes contained in any of the following
3 Articles of Chapter 14 of the General Statutes: Article 6, Homicide;
4 Article 7A, Rape and Kindred Offenses; Article 8, Assaults; Article
5 10, Kidnapping and Abduction; Article 13, Malicious Injury or
6 Damage by Use of Explosive or Incendiary Device or Material; Article
7 26, Offenses Against Public Morality and Decency; Article 27,
8 Prostitution; Article 39, Protection of Minors; Article 40, Protection of
9 the Family; and Article 59, Public Intoxication. Such crimes also
10 include possession or sale of drugs in violation of the North Carolina
11 Controlled Substances Act, Article 5 of Chapter 90 of the General
12 Statutes, and alcohol-related offenses such as sale to underage persons
13 in violation of G.S. 18B-302 or driving while impaired in violation of
14 G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina
15 crimes listed in this subdivision, such crimes also include similar
16 crimes under federal law or under the laws of other states.

17 (6) "Department" means the North Carolina Department of Health and
18 Human Services.

19 (7) "Division" means the Division of Social Services of the Department.

20 (8) "Guardian" means an individual, other than a parent, appointed by a
21 clerk of court in North Carolina to exercise all of the powers conferred
22 by G.S. 35A-1241, including a standby guardian appointed under
23 Article 21 of Chapter 35A of the General Statutes whose authority has
24 actually commenced; and also means an individual, other than a
25 parent, appointed in another jurisdiction according to the law of that
26 jurisdiction who has the power to consent to adoption under the law of
27 that jurisdiction.

28 (9) "Legal custody" of an individual means the general right to exercise
29 continuing care of and control over the individual as authorized by
30 law, with or without a court order, and:

31 a. Includes the right and the duty to protect, care for, educate, and
32 discipline the individual;

33 b. Includes the right and the duty to provide the individual with
34 food, shelter, clothing, and medical care; and

35 c. May include the right to have physical custody of the
36 individual.

37 (10) "Minor" means an individual under 18 years of age who is not an
38 adult.

39 (11) "Party" means a petitioner, adoptee, or any person whose consent to an
40 adoption is necessary under this Chapter but has not been obtained.

41 (12) "Physical custody" means the physical care of and control over an
42 individual.

43 (13) "Placement" means transfer of physical custody of a minor to the
44 selected prospective adoptive parent. Placement may be either:

- 1 a. Direct placement by a parent or the guardian of the minor; or
2 b. Placement by an agency.
- 3 (14) "Preplacement assessment" means a document, whether prepared
4 before or after placement, that contains the information required by
5 G.S. 48-3-303 and any rules adopted by the Social Services
6 Commission.
- 7 (14a) "Qualified adoption social worker" means an individual with a masters
8 degree in social work or related field of study from a school accredited
9 by the Association of Colleges and Schools or a bachelors degree in
10 social work or a related field and two years of experience working
11 directly with children.
- 12 (15) "Relinquishment" means the voluntary surrender of a minor to an
13 agency for the purpose of adoption.
- 14 (16) "Report to the court" means a document prepared in accordance with
15 G.S. 48-2-501, et seq.
- 16 (17) "State" means a state as defined in G.S. 12-3(11).
- 17 (18) "Stepparent" means an individual who is the spouse of a parent of a
18 child, but who is not a legal parent of the child."

19 **SECTION 2.** G.S. 48-2-304(b) reads as rewritten:

20 "(b) Any petition to adopt a minor shall also state:

- 21 (1) The length of time the adoptee has been in the physical custody of the
22 ~~petitioner;~~petitioner.
- 23 (2) If the adoptee is not in the physical custody of the petitioner, the
24 reason why the petitioner does not have physical custody and the date
25 and manner in which the petitioner intends to acquire ~~eustody;~~custody.
- 26 (3) That the petitioner has the resources, including those available under a
27 subsidy for an adoptee with special needs, to provide for the care and
28 support of the ~~adoptee;~~adoptee.
- 29 (4) Any information required by the Uniform Child-Custody Jurisdiction
30 and Enforcement Act, Article 2 of Chapter 50A of the General
31 Statutes, which is known to the ~~petitioner;~~petitioner.
- 32 (5) That any required assessment has been completed or updated within
33 the ~~12~~18 months before the ~~placement;~~ and placement.
- 34 (6) That all necessary consents, relinquishments, or terminations of
35 parental rights have been obtained and will be filed as additional
36 documents with the petition; or that the necessary consents,
37 relinquishments, and terminations of parental rights that have been
38 obtained will be filed as additional documents with the petition, along
39 with the document listing the names of any other individuals whose
40 consent, relinquishment, or termination of rights may be necessary but
41 has not been obtained."

42 **SECTION 3.** G.S. 48-2-305 reads as rewritten:

43 **"§ 48-2-305. Petition for adoption; additional documents.**

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

- 3 (1) Any required affidavit of parentage executed pursuant to ~~G.S. 48-3-~~
4 ~~206;~~G.S. 48-3-206.
- 5 (2) Any required consent or relinquishment that has been
6 ~~executed;~~executed.
- 7 (3) A certified copy of any court order terminating the rights and duties of
8 a parent or a guardian of the ~~adopte;~~adoptee.
- 9 (4) A certified copy of any court order or pleading in a pending
10 proceeding concerning custody of or visitation with the
11 ~~adopte;~~adoptee.
- 12 (5) A copy of any required preplacement assessment certified by the
13 agency that prepared it and any certificate of service required by G.S.
14 48-3-307 or an affidavit from the petitioner stating why the assessment
15 is not ~~available;~~available.
- 16 (6) A copy of any document containing the information required under
17 G.S. 48-3-205 concerning the health, social, educational, and genetic
18 history of the adoptee and the adoptee's original family which the
19 petitioner received before the placement or at any later time, certified
20 by the person who prepared it, or if this document is not available, an
21 affidavit stating the reason why it is not ~~available;~~available.
- 22 (7) Any signed copy of the form required by the Interstate Compact on the
23 Placement of Children, Article 38 of Chapter 7B of the General
24 Statutes, authorizing a minor to come into this ~~State;~~State.
- 25 (8) A writing that states the name of any individual whose consent is or
26 may be required, but who has not executed a consent or a
27 relinquishment or whose parental rights have not been legally
28 terminated, and any fact or circumstance that may excuse the lack of
29 consent or ~~relinquishment;~~ and relinquishment.
- 30 (9) In an adoption pursuant to Article 4 of this Chapter, a copy of any
31 agreement to release past-due child support payments.
- 32 (10) Any waiver of the right to revoke consent to adoption executed
33 pursuant to G.S. 48-3-608 or relinquishment executed pursuant to G.S.
34 48-3-706.
- 35 (11) Any consent to an agency by a placing parent and adopting parents to
36 release identifying information pursuant to G.S. 48-9-109.

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

39 **SECTION 4.** G.S. 48-2-402(c) reads as rewritten:

40 "(c) In an agency placement under Article 3, the agency or other proper person
41 shall file a petition to terminate the parental rights of an unknown parent or possible
42 parent instead of serving notice under ~~this subsection;~~subsection (b) of this section, and
43 the court shall stay any adoption proceeding already ~~filed;~~filed, except that nothing in
44 this subsection shall require that the agency or other proper person file a termination of

1 parental rights action in lieu of giving notice of the adoption proceedings to a known
2 parent or possible parent."

3 **SECTION 5.** G.S. 48-2-603(a) reads as rewritten:

4 "**§ 48-2-603. Hearing on, or disposition of, petition to adopt a minor.**

5 (a) At the hearing on, or disposition of, a petition to adopt a minor, the court shall
6 grant the petition upon finding by a preponderance of the evidence that the adoption will
7 serve the best interest of the adoptee, and ~~that~~upon finding the following:

8 (1) At least 90 days have elapsed since the filing of the petition for
9 adoption, unless the court for cause waives this
10 ~~requirement~~requirement.

11 (2) The adoptee has been in the physical custody of the petitioner for at
12 least 90 days, unless the court for cause waives this
13 ~~requirement~~requirement.

14 (3) Notice of the filing of the petition has been served on any person
15 entitled to receive notice under Part 4 of this ~~Article~~Article.

16 (4) Each necessary consent, relinquishment, waiver, or judicial order
17 terminating parental rights, has been obtained and filed with the court
18 and the time for revocation has ~~expired~~expired.

19 (5) Any assessment required by this Chapter has been filed with and
20 considered by the ~~court~~court.

21 (6) If applicable, the requirements of the Interstate Compact on the
22 Placement of Children, Article 38 of Chapter 7B of the General
23 Statutes, have been ~~met~~met.

24 (7) Any motion to dismiss the proceeding has been ~~denied~~denied.

25 (8) Each petitioner is a suitable adoptive ~~parent~~parent.

26 (9) Any accounting and affidavit required under G.S. 48-2-602 has been
27 reviewed by the court, and the court has denied, modified, or ordered
28 reimbursement of any payment or disbursement that violates Article 10
29 or is unreasonable when compared with the expenses customarily
30 incurred in connection with an ~~adoption~~adoption.

31 (10) The petitioner has received information about the adoptee and the
32 adoptee's biological family if required by ~~G.S. 48-3-205; and~~G.S. 48-
33 3-205.

34 (10a) Any certificate of service required by G.S. 48-3-307 has been filed.

35 (11) There has been substantial compliance with the provisions of this
36 Chapter."

37 **SECTION 6.** G.S. 48-3-202(b) reads as rewritten:

38 "(b) Information about a prospective adoptive parent ~~must~~shall be provided to a
39 parent or guardian by the prospective adoptive parent, the prospective adoptive parent's
40 attorney, or a person or entity assisting the parent or guardian. ~~This~~Except as otherwise
41 provided in this subsection, this information ~~must~~shall include the preplacement
42 assessment ~~or assessments~~ prepared pursuant to Part 3 of this Article, and may include
43 additional information requested by the parent or guardian. The agency preparing the
44 preplacement assessment may redact from the placement assessment provided to a

1 placing parent or guardian detailed information reflecting prospective adoptive parent's
2 financial account balances and detailed information about the prospective adoptive
3 parent's extended family members, including surnames, names of employers, names of
4 schools attended, social security numbers, telephone numbers and addresses, and other
5 similarly detailed information about extended family members obtained pursuant to
6 G.S. 48-3-303."

7 **SECTION 7.** G.S. 48-3-203 reads as rewritten:

8 **"§ 48-3-203. Agency placement adoption.**

9 (a) An agency may acquire legal and physical custody of a minor for purposes of
10 adoptive placement only by means of a relinquishment pursuant to Part 7 of this Article
11 or by a court order terminating the rights and duties of a parent or guardian of the minor.

12 (b) An agency shall give any ~~individual~~ individual, upon ~~request~~ request, a
13 written statement of the services it ~~provides and of~~ provides, its procedure for selecting a
14 prospective adoptive parent for a minor, including the role of the minor's parent or
15 guardian in the selection ~~process~~ process, and the procedure for an agency identified
16 adoption and the disclosures permitted pursuant to G.S. 48-9-109. This statement
17 ~~must~~ shall include a schedule of any fee or expenses charged or required to be paid by
18 the agency and a summary of the provisions of this Chapter that pertain to the
19 requirements and consequences of a relinquishment and to the selection of a prospective
20 adoptive parent.

21 (c) An agency may notify the parent when a placement has occurred and when an
22 adoption decree is issued.

23 (d) ~~The selection of a prospective adoptive parent for a minor shall be made by~~
24 ~~the agency on the basis of a preplacement assessment.~~ An agency may place a minor for
25 adoption only with an individual for whom a favorable preplacement assessment has
26 been prepared. Placement shall be made as follows:

27 (1) If the agency has agreed to place the minor with the prospective
28 adoptive parent selected by the parent or guardian, the minor shall be
29 placed with the individual selected by the parent or guardian.

30 (2) If the agency has not agreed to place the minor with the prospective
31 adoptive parent selected by the parent or guardian, the minor shall be
32 placed with the prospective adoptive parent selected by the agency on
33 the basis of the preplacement assessment. The selection may not be
34 delegated, but may be based on criteria requested by a parent who
35 relinquishes the child to the agency.

36 (d1) A minor who is in the custody or placement responsibility of a county
37 department of social services shall not be placed with a selected prospective adoptive
38 parent prior to the completion of an investigation of the individual's criminal history
39 pursuant to G.S. 48-3-309 or G.S. 131D-10.3A and, based on the criminal history, a
40 determination as to the individual's fitness to have responsibility for the safety and
41 well-being of children.

42 (e) In addition to the authority granted in G.S. 131D-10.5, the Social Services
43 Commission may adopt rules for placements by agencies consistent with the purposes of
44 this Chapter.

1 (f) An agency may release identifying information as provided in G.S. 48-9-
2 104."

3 **SECTION 8.** G.S. 48-3-303(c) is amended by adding a new subdivision to
4 read:

5 "(c) The preplacement assessment ~~must,~~shall, after a reasonable investigation,
6 report on the following about the individual being assessed:

7 ...

8 (12) The agency preparing the preplacement assessment may redact from
9 the preplacement assessment provided to a placing parent or guardian
10 detailed information reflecting prospective adoptive parent's financial
11 account balances and detailed information about the prospective
12 adoptive parent's extended family members, including surnames,
13 names of employers, names of schools attended, social security
14 numbers, telephone numbers and addresses, and other similarly
15 detailed information about extended family members obtained
16 pursuant to subsections (b) and (c) of this section."

17 **SECTION 9.** G.S. 48-3-307 is amended by adding a new subsection to read:

18 "(c) A prospective adoptive parent shall file or cause to be filed a certificate
19 indicating that the prospective adoptive parent has delivered a copy of the assessment to
20 the parent or guardian who placed the minor for adoption."

21 **SECTION 10.** G.S. 48-3-608 reads as rewritten:

22 "**§ 48-3-608. Revocation of consent.**

23 (a) ~~A consent to the adoption of an infant who is in utero or is three months old~~
24 ~~or less at the time the consent is given may be revoked within 21 days following the day~~
25 ~~on which it is executed, inclusive of weekends and holidays.~~ A consent to the adoption
26 of any ~~other~~ minor may be revoked within seven days following the day on which it is
27 executed, inclusive of weekends and holidays. If the final day of the revocation period
28 falls on a weekend or North Carolina or federal holiday, then the revocation period
29 extends to the next business day. The individual who gave the consent may revoke by
30 giving written notice to the person specified in the consent. Notice may be given by
31 personal delivery, overnight delivery service, or registered or certified mail, return
32 receipt requested. If notice is given by mail, notice is deemed complete when it is
33 deposited in the United States mail, postage prepaid, addressed to the person to whom
34 consent was given at the address specified in the consent. If notice is given by overnight
35 delivery service, notice is deemed complete on the date it is deposited with the service
36 as shown by the receipt from the service, with delivery charges paid by the sender,
37 addressed to the person to whom consent was given at the address specified in the
38 consent.

39 (b) In a direct placement, if:

40 (1) A preplacement assessment is required, and

41 (2) Placement occurs before the preplacement assessment is given to the
42 parent or guardian who is placing the minor,

43 then that individual's time under subsection (a) of this section to revoke any consent
44 previously given shall be either five business days after the date the individual receives

1 the preplacement assessment or the remainder of the time provided in subsection (a) of
2 this section, whichever is longer. The date of receipt is the earlier of the date of actual
3 receipt or the date established pursuant to G.S. 48-3-307.

4 (c) If a person who has physical custody places the minor with the prospective
5 adoptive parent and thereafter revokes a consent pursuant to this section, the prospective
6 adoptive parent shall, immediately upon request, return the minor to that person. The
7 revocation restores the right to physical custody and any right to legal custody to the
8 person who placed the minor and divests the prospective adoptive parent of any right to
9 legal or physical custody and any further responsibility for the care and support of the
10 minor. In any subsequent proceeding, the court shall award reasonable attorneys' fees to
11 the person who revoked if the prospective adoptive parent fails upon request to return
12 the minor.

13 (d) If a person other than a person described in subsection (c) of this section
14 revokes a consent pursuant to this section and this person's consent is required, the
15 adoption cannot proceed until another consent is obtained or the person's parental rights
16 are terminated. The person who revoked consent is not thereby entitled to physical
17 custody of the minor. If the minor whose consent is required revokes consent, the
18 county department of social services shall be notified for appropriate action.

19 (e) A second consent to adoption by the same adoptive parents is irrevocable.

20 (f) The mother of a minor child may waive the right to revoke a consent to the
21 adoption at any time after the birth of the child and the execution of a consent to
22 adoption, subject to the provisions of subsection (i) of this section. A male whose
23 consent is required under G.S. 48-3-601 may waive the right to revoke a consent at any
24 time either before or after the child is born. The waiver of the right to revoke a consent
25 shall be in writing, signed, and acknowledged under oath in the presence of an
26 individual authorized to administer oaths or take acknowledgements. The writing shall
27 state that, on or before the third day prior to the day of executing the waiver, the
28 individual waiving the right to revoke consent has received the following counseling
29 and information:

30 (1) Received counseling as provided in subsection (g) of this section
31 through a county department of social services, a licensed child-
32 placing agency, or a qualified adoption social worker.

33 (2) Been advised of the right to employ independent legal counsel.

34 (3) Been advised that the waiver is irrevocable.

35 (4) Received or been offered an unsigned copy of the waiver.

36 (g) Before executing a waiver of the right to revoke consent, a parent shall be
37 informed of the meaning and consequences of consent as provided in G.S. 48-3-607, the
38 availability of personal and legal counseling, the procedure for releasing information
39 about health and other characteristics of the parent that may affect the physical or
40 psychological well-being of the adoptee, and any procedure for the release of
41 identifying information as defined in Article 9.

42 (h) The person providing counseling to a person executing a waiver of the right
43 to revoke consent shall execute a writing, signed and acknowledged under oath in the
44 presence of an individual authorized to administer oaths or take acknowledgements,

1 stating that the individual waiving the right to revoke consent was informed as provided
2 in subsections (f) and (g) of this section.

3 (i) A waiver of the right to revoke consent by a parent shall not be effective if
4 executed less than three days after having received counseling as required by subsection
5 (f) of this section."

6 **SECTION 11.** G.S. 48-3-706 reads as rewritten:

7 **"§ 48-3-706. Revocation of relinquishments.**

8 (a) ~~A relinquishment of an infant who is in utero or is three months old or less at~~
9 ~~the time the relinquishment is executed may be revoked within 21 days following the~~
10 ~~day on which it is executed, inclusive of weekends and holidays.~~ A relinquishment of
11 any ~~other~~ minor may be revoked within seven days following the day on which it is
12 executed, inclusive of weekends and holidays. If the final day of the period falls on a
13 weekend or a North Carolina or federal holiday, then the revocation period extends to
14 the next business day. The individual who gave the relinquishment may revoke by
15 giving written notice to the agency to which the relinquishment was given. Notice may
16 be given by personal delivery, overnight delivery service, or registered or certified mail,
17 return receipt requested. If notice is given by mail, notice is deemed complete when it is
18 deposited in the United States mail, postage prepaid, addressed to the agency at the
19 agency's address as given in the relinquishment. If notice is given by overnight delivery
20 service, notice is deemed complete on the date it is deposited with the service as shown
21 by the receipt from the service, with delivery charges paid by the sender, addressed to
22 the agency at the agency's address as given in the relinquishment.

23 (b) If a person who has physical custody relinquishes a minor and thereafter
24 revokes a relinquishment pursuant to this section, the agency shall upon request return
25 the minor to that person. The revocation restores the right to physical custody and any
26 right to legal custody to the person who relinquished the minor and divests the agency
27 of any right to legal or physical custody and any further responsibility for the care and
28 support of the minor. In any subsequent proceeding, the court may award the person
29 who revoked reasonable attorneys' fees from a prospective adoptive parent with whom
30 the minor was placed who refuses to return the minor and from the agency if the agency
31 fails to cooperate in securing the minor's return.

32 (c) If a person other than a person described in subsection (b) of this section
33 revokes a relinquishment pursuant to this section and this person's consent is required,
34 the agency may not give consent for the adoption and the adoption cannot proceed until
35 another relinquishment or a consent is obtained or parental rights are terminated. The
36 person who revoked the relinquishment is not thereby entitled to physical custody of the
37 minor.

38 (d) A second relinquishment for placement with the same adoptive parent
39 selected by the agency and agreed upon by the person executing the relinquishment, or a
40 second general relinquishment for placement by the agency with any adoptive parent
41 selected by the agency, is irrevocable.

42 (e) The mother of a minor child may waive the right to revoke a relinquishment
43 to the adoption at any time after the birth of the child and the execution of a
44 relinquishment, subject to the provisions of subsection (h) of this section. A male may

1 waive the right to revoke a relinquishment at any time either before or after the child is
2 born. The waiver of the right to revoke a relinquishment shall be in writing, signed, and
3 acknowledged under oath in the presence of an individual authorized to administer oaths
4 or take acknowledgements. The writing shall state that, on or before the third day prior
5 to the day of executing the waiver, the individual waiving the right to revoke a
6 relinquishment has received the following counseling and information:

7 (1) Received counseling as provided in subsection (f) of this section
8 through a county department of social services, a licensed child-
9 placing agency, or a qualified adoption social worker.

10 (2) Been advised of the right to employ independent legal counsel.

11 (3) Been advised that the waiver is irrevocable.

12 (4) Received or been offered an unsigned copy of the waiver.

13 (f) Before executing a waiver of the right to revoke a relinquishment, a parent
14 shall be informed of the meaning and consequences of relinquishment as provided in
15 G.S. 48-3-705, the availability of personal and legal counseling, the procedure for
16 releasing information about health and other characteristics of the parent that may affect
17 the physical or psychological well-being of the adoptee, and any procedure for the
18 release of identifying information as defined in Article 9.

19 (g) The person providing counseling to a person executing a waiver of the right
20 to revoke relinquishment shall execute a writing, signed and acknowledged under oath
21 in the presence of an individual authorized to administer oaths or take
22 acknowledgements, stating that the individual waiving the right to revoke
23 relinquishment was informed as provided in subsections (e) and (f) of this section.

24 (h) A waiver of the right to revoke a relinquishment shall not be effective if
25 executed less than three days after having received counseling as required by subsection
26 (e) of this section."

27 **SECTION 12.** G.S. 48-9-104 reads as rewritten:

28 **"§ 48-9-104. Release of identifying information.**

29 ~~No~~ Except as provided in G.S. 48-9-109(2), no person or entity shall release from
30 any records retained and sealed under this Article the name, address, or other
31 information that reasonably could be expected to lead directly to the identity of an
32 adoptee, an adoptive parent of an adoptee, an adoptee's parent at birth, or an individual
33 who, but for the adoption, would be the adoptee's sibling or grandparent, except upon
34 order of the court for cause pursuant to G.S. 48-9-105."

35 **SECTION 13.** G.S. 48-9-109 reads as rewritten:

36 **"§ 48-9-109. Certain disclosures authorized.**

37 Nothing in this Article shall be interpreted or construed to prevent the following:

38 (a) ~~an~~ An employee of a court, agency, or any other person from:

39 (1) Inspecting permanent, confidential, or sealed records, other than
40 records maintained by the State Registrar, for the purpose of
41 discharging any obligation under this ~~Chapter;~~Chapter.

42 (2) Disclosing the name of the court where a proceeding for adoption
43 occurred, or the name of an agency that placed an adoptee, to an

1 individual described in G.S. 48-9-104 who can verify his or her
2 ~~identity; or identity.~~

- 3 (3) Disclosing or using information contained in permanent and sealed
4 records, other than records maintained by the State Registrar, for
5 statistical or other research purposes as long as the disclosure will not
6 result in identification of a person who is the subject of the information
7 and subject to any further conditions the Department may reasonably
8 impose.

9 (b) In agency placements, a parent or guardian placing a child for adoption and
10 the adopting parents from authorizing an agency to release information or from
11 releasing information to each other that could reasonably be expected to lead directly to
12 the identity of an adoptee, an adoptive parent of an adoptee, or an adoptee's placing
13 parent or guardian. The consent to the release of identifying information shall be in
14 writing and signed prior to the adoption by any placing parent or guardian and the
15 adopting parents and acknowledged under oath in the presence of an individual
16 authorized to administer oaths or take acknowledgements. Any consent to release
17 identifying information shall be filed pursuant to G.S. 48-2-305."

18 **SECTION 14.** G.S. 48-10-101 is amended by adding a new subsection to
19 read:

20 "(b1) Notwithstanding subsections (a) and (b) of this section, this Article shall not
21 prohibit an individual with a completed preplacement assessment that contains a finding
22 that the individual is suitable to be an adoptive parent from advertising in a public
23 medium that the individual is willing to accept a minor child for adoption, if the
24 advertisement states that the individual has a completed preplacement assessment that
25 contains a finding that the individual is suitable to be an adoptive parent."

26 **SECTION 15.** This act is effective when it becomes law.