

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-151
HOUSE BILL 865**

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) The adoptee has lived in this State for at least the six consecutive months immediately preceding the filing of the petition or from ~~birth, and the prospective adoptive parent is domiciled in this State; or~~ birth;
(2) The prospective adoptive parent has lived in or been domiciled in this State for at least the six consecutive months immediately preceding the filing of the ~~petition;~~ petition; or
(3) An agency licensed by this State or a county department of social services in this State has legal custody of the adoptee.

(c) The courts of this State shall not exercise jurisdiction under this Chapter if at the time the petition for adoption is filed, a court of any other state is exercising jurisdiction substantially in conformity with the Uniform Child-Custody Jurisdiction and Enforcement Act, Article 2 of Chapter 50A of the General Statutes. However, this subsection shall not apply if within 60 days after the date the petition for adoption is filed, the court of the other state dismisses its proceeding or releases its exclusive, continuing jurisdiction."

SECTION 3. This act becomes effective October 1, 2007, and applies to motions in the cause or petitions filed on or after that date.

In the General Assembly read three times and ratified this the 21st day of June, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 2:19 p.m. this 29th day of June, 2007