



SENATE BILL 615: Adoption/Conflict Int/Guard Ad Litem Changes.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 28, 2023
Introduced by:	Sens. Galey, Barnes, Krawiec	Prepared by:	Debbie Griffiths Staff Attorney
Analysis of:	Second Edition		

OVERVIEW: *Senate Bill 615 makes the following changes:*

- *Allows for a former stepparent to adopt an adult adoptee.*
- *Modifies the law related to the redaction of certain information from a preplacement assessment.*
- *Expands the acknowledgment options related to agency relinquishments for adoption.*
- *Establishes a procedure for addressing conflicts of interest when a report alleging abuse, neglect, or dependency is made.*
- *Clarifies that the appointment of a guardian ad litem for a minor parent under 7B-602 would not impact the minor parent's right to a guardian ad litem if the minor parent is also the subject of a separate juvenile petition and that a parent is not entitled to a guardian ad litem under Rule 17 of the North Carolina Rules of Civil Procedure solely because they are an unemancipated minor.*

CURRENT LAW AND BILL ANALYSIS:

PART I. ADOPTION OF ADULT ADOPTEE BY FORMER STEPPARENT

Chapter 48 of the General Statutes contains the laws relating to adoptions. Adoption is a legal proceeding that creates a parent and child relationship between the adoptee and adopting parent. After a decree of adoption is entered, an adoptee has the same legal status as if the adoptee were the biological child of the adopting parent. Either a child or an adult can be adopted. A married couple or an individual, including a stepparent, may file a petition to adopt either a child or an adult. A "stepparent" means an individual who is the spouse of a parent of a child, but who is not a legal parent of the child. G.S. 48-1-101(18). A decree of adoption severs the relationship of parent and child between the individual and the individuals biological or previous adoptive parent, except an adoption by a stepparent (or a readoption) does not have any effect on the relationship between the parent who is the stepparent's spouse. G.S. 48-1-106.

Section 1 of the bill modifies G.S. 48-1-101 by adding a new definition for the term "former stepparent" which means an individual who was the spouse of a parent of a child, but who is not a genetic parent or adoptive parent of the child, and who has become divorced from the parent of the child. The bill also modifies G.S. 48-1-106 to provide that the adoption of an adult adoptee by a former stepparent does not sever the parent and child relationship between the adoptee and parent who is the stepparent's former spouse.

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PART II. REDACTION OF INFORMATION FROM ADOPTION HOME STUDY

There are different manners in which an adoptee may be placed with an adopting parent. G.S. 48-3-202 governs direct placement adoptions, which is when a parent or guardian personally selects a prospective adoptive parent. G.S. 48-3-303 contains the required content and timing of the preplacement assessment, commonly called a home study. A preplacement assessment is an evaluation of a person seeking to adopt to determine whether the person is a suitable parent. G.S. 48-3-202 and G.S. 48-3-303 both provide that the agency preparing the preplacement assessment may redact certain information from the assessment.

Section 2 of the bill would modify G.S. 48-3-202 and G.S. 48-3-303 by removing the provision that an agency preparing the assessment may redact certain information and providing that this information may generally be redacted from the placement assessment.

PART III. EXPAND ACKNOWLEDGMENT OPTIONS FOR AGENCY RELINQUISHMENTS FOR ADOPTION

G.S. 48-3-701 and G.S. 48-3-702 contain procedures for when a parent wishes to relinquish their parental rights to an approved agency to place the child for adoption, and this includes certain procedures outlined in G.S. 48-3-605.

Section 3 of the bill would add in the ability of certain listed individuals, including a teacher or a social worker, to identify a parent or adoptee who has not reached the age of 18 years of age for the purposes of administering oaths.

PART IV. CONFLICTS OF INTEREST IN JUVENILE MATTERS

Section 4.1 would create a procedure for handling conflicts of interest that arise in abuse, neglect, dependency matters.

A conflict of interest would exist when the reported abuse, neglect, or dependency involves one of several individuals including:

- Any employee of the child welfare division of the county department of social services.
- A relative of an employee of the child welfare division of the county department of social services.
- An employee of the county department of social services or relative of an employee of the county department of social services outside of the child welfare division when the director determines there is a conflict of interest.
- A foster parent supervised by the court department of social services.
- A juvenile who is the subject of a new report alleging abuse or neglect arising from events occurring while in the custody of the department.

The director must request another county department of social services to handle the assessment when a conflict exists and must notify the State Division of Social Services that a conflict of interest exists and the county that will handle the assessment.

A parent, guardian, custodian, caretaker, juvenile, or their representative could file a petition or motion requesting judicial review of a possible conflict of interest if the county department of social services does not refer the case to another county.

Section 4.3 would be effective when it becomes law. The remainder of Section 4 would become effective October 1, 2023 and apply to all actions filed or pending on or after that date.

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Part V. GUARDIAN AD LITEM APPOINTMENT FOR UNEMANCIPATED MINOR

Section 5.1 would clarify that the appointment of a guardian ad litem for a minor parent under 7B-602 would not impact the minor parent's right to a guardian ad litem if the minor parent is also the subject of a separate juvenile petition and that a parent is not entitled to a guardian ad litem under Rule 17 of the North Carolina Rules of Civil Procedure solely because they are an unemancipated minor.

EFFECTIVE DATE: Parts I, II, and III of this act become effective October 1, 2023. Except as otherwise provided, the remainder of this act is effective when it becomes law.

*Robert Ryan, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.