



# **Adoption Law In A Nutshell**

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Attorney Timothy Heinle with The Graham.Nuckolls.Conner. Law Firm, PLLC has practiced in North Carolina since 2009, after graduating law school in Boston, Massachusetts, with adoption law being a focus of his practice throughout. Having worked in both private practice and public service, specifically as the child welfare advocate for Pitt County Department of Social Services, Timothy has handled over one hundred cases involving termination of parental rights and adoption. Additionally, Timothy has represented various parties in termination of parental rights and adoption proceedings, including private petitioners, agency petitioners, respondent parents, and Appellees, and understands the roles each party plays.

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## Article 11.

## Termination of Parental Rights.

**§ 7B-1100. Legislative intent; construction of Article.**

The General Assembly hereby declares as a matter of legislative policy with respect to termination of parental rights:

- (1) The general purpose of this Article is to provide judicial procedures for terminating the legal relationship between a juvenile and the juvenile's biological or legal parents when the parents have demonstrated that they will not provide the degree of care which promotes the healthy and orderly physical and emotional well-being of the juvenile.
- (2) It is the further purpose of this Article to recognize the necessity for any juvenile to have a permanent plan of care at the earliest possible age, while at the same time recognizing the need to protect all juveniles from the unnecessary severance of a relationship with biological or legal parents.
- (3) Action which is in the best interests of the juvenile should be taken in all cases where the interests of the juvenile and those of the juvenile's parents or other persons are in conflict.
- (4) This Article shall not be used to circumvent the provisions of Chapter 50A of the General Statutes, the Uniform Child-Custody Jurisdiction and Enforcement Act. (1977, c. 879, s. 8; 1979, c. 110, s. 6; 1998-202, s. 6; 1999-223, s. 5; 1999-456, s. 60.)

**§ 7B-1101. Jurisdiction.**

The court shall have exclusive original jurisdiction to hear and determine any petition or motion relating to termination of parental rights to any juvenile who resides in, is found in, or is in the legal or actual custody of a county department of social services or licensed child-placing agency in the district at the time of filing of the petition or motion. The court shall have jurisdiction to terminate the parental rights of any parent irrespective of the age of the parent. Provided, that before exercising jurisdiction under this Article, the court shall find that it has jurisdiction to make a child-custody determination under the provisions of G.S. 50A-201, 50A-203, or 50A-204. The court shall have jurisdiction to terminate the parental rights of any parent irrespective of the state of residence of the parent. Provided, that before exercising jurisdiction under this Article regarding the parental rights of a nonresident parent, the court shall find that it has jurisdiction to make a child-custody determination under the provisions of G.S. 50A-201 or G.S. 50A-203, without regard to G.S. 50A-204 and that process was served on the nonresident parent pursuant to G.S. 7B-1106. Provided, further, that the clerk of superior court shall have jurisdiction for adoptions under Chapter 48 of the General Statutes. (1977, c. 879, s. 8; 1979, c. 110, s. 7; 1979, 2nd Sess., c. 1206, s. 1; 1981, c. 996, s. 1; 1983, c. 89, s. 1; 1995, c. 457, s. 3; 1998-202, s. 6; 1999-223, s. 6; 1999-456, s. 60; 2000-144, s. 18; 2000-183, s. 2; 2003-140, s. 4; 2005-398, s. 14; 2007-152, s. 1.)

**§ 7B-1101.1. Parent's right to counsel; guardian ad litem.**

(a) The parent has the right to counsel, and to appointed counsel in cases of indigency, unless the parent waives the right. The fees of appointed counsel shall be borne by the Office of Indigent Defense Services. When a petition is filed, unless the parent is already represented by counsel, the clerk shall appoint provisional counsel for each respondent parent named in the petition in accordance with rules adopted by the Office of Indigent Defense Services and shall indicate the appointment on the juvenile summons. At the first hearing after service upon the respondent parent, the court shall dismiss the provisional counsel if the respondent parent:

- (1) Does not appear at the hearing;
- (2) Does not qualify for court-appointed counsel;
- (3) Has retained counsel; or
- (4) Waives the right to counsel.

The court shall confirm the appointment of counsel if subdivisions (1) through (4) of this subsection are not applicable to the respondent parent. The court may reconsider a parent's eligibility and desire for appointed counsel at any stage of the proceeding.

(a1) A parent qualifying for appointed counsel may be permitted to proceed without the assistance of counsel only after the court examines the parent and makes findings of fact sufficient to show that the waiver is knowing and voluntary. This examination shall be reported as provided in G.S. 7B-806.

(b) In addition to the right to appointed counsel under subsection (a) of this section, a guardian ad litem shall be appointed in accordance with G.S. 1A-1, Rule 17, to represent any parent who is under the age of 18 years and who is not married or otherwise emancipated.

(c) On motion of any party or on the court's own motion, the court may appoint a guardian ad litem for a parent who is incompetent in accordance with G.S. 1A-1, Rule 17.

(d) The parent's counsel shall not be appointed to serve as the guardian ad litem and the guardian ad litem shall not act as the parent's attorney. Communications between the guardian ad litem appointed under this section and the parent and between the guardian ad litem and the parent's counsel shall be privileged and confidential to the same extent that communications between the parent and the parent's counsel are privileged and confidential.

(e) Repealed by Session Laws 2013-129, s. 32, effective October 1, 2013, and applicable to actions filed or pending on or after that date.

(f) The fees of a guardian ad litem appointed pursuant to this section shall be borne by the Office of Indigent Defense Services when the court finds that the respondent is indigent. In other cases, the fees of the court-appointed guardian ad litem shall be a proper charge against the respondent if the respondent does not secure private legal counsel. (2005-398, s. 15; 2009-311, s. 9; 2011-326, s. 12(b); 2012-194, s. 41; 2013-129, s. 32.)

### **§ 7B-1102. Pending child abuse, neglect, or dependency proceedings.**

(a) When the district court is exercising jurisdiction over a juvenile and the juvenile's parent in an abuse, neglect, or dependency proceeding, a person or agency specified in G.S. 7B-1103(a) may file in that proceeding a motion for termination of the parent's rights in relation to the juvenile.

(b) A motion pursuant to subsection (a) of this section and the notice required by G.S. 7B-1106.1 shall be served in accordance with G.S. 1A-1, Rule 5(b), except:

- (1) Service must be in accordance with G.S. 1A-1, Rule 4, if one of the following applies:
  - a. The person or agency to be served was not served originally with summons.
  - b. The person or agency to be served was served originally by publication that did not include notice substantially in conformity with the notice required by G.S. 7B-406(b)(4)e.
  - c. Two years has elapsed since the date of the original action.
- (2) In any case, the court may order that service of the motion and notice be made pursuant to G.S. 1A-1, Rule 4.

For purposes of this section, the parent of the juvenile shall not be deemed to be under disability even though the parent is a minor.

(b1) If a parent who is served under G.S. 1A-1, Rule 4, with a motion under this section has an attorney of record, a copy of the motion and the notice served upon the parent shall also be sent to the parent's attorney.

(c) When a petition for termination of parental rights is filed in the same district in which there is pending an abuse, neglect, or dependency proceeding involving the same juvenile, the court on its own motion or motion of a party may consolidate the action pursuant to G.S. 1A-1, Rule 42. (1998-229, ss. 9.1, 26.1; 1999-456, s. 60; 2000-183, s. 3; 2011-332, s. 4.1.)

### **§ 7B-1103. Who may file a petition or motion.**

(a) A petition or motion to terminate the parental rights of either or both parents to his, her, or their minor juvenile may only be filed by one or more of the following:

- (1) Either parent seeking termination of the right of the other parent.
- (2) Any person who has been judicially appointed as the guardian of the person of the juvenile.
- (3) Any county department of social services, consolidated county human services agency, or licensed child-placing agency to whom custody of the juvenile has been given by a court of competent jurisdiction.
- (4) Any county department of social services, consolidated county human services agency, or licensed child-placing agency to which the juvenile has been surrendered for adoption by one of the parents or by the guardian of the person of the juvenile, pursuant to G.S. 48-3-701.
- (5) Any person with whom the juvenile has resided for a continuous period of two years or more next preceding the filing of the petition or motion.

- (6) Any guardian ad litem appointed to represent the minor juvenile pursuant to G.S. 7B-601 who has not been relieved of this responsibility.
- (7) Any person who has filed a petition for adoption pursuant to Chapter 48 of the General Statutes.

(b) Any person or agency that may file a petition under subsection (a) of this section may intervene in a pending abuse, neglect, or dependency proceeding for the purpose of filing a motion to terminate parental rights.

(c) **(See Editor's note)** No person whose actions resulted in a conviction under G.S. 14-27.21, 14-27.22, 14-27.23, or 14-27.24 and the conception of the juvenile may file a petition to terminate the parental rights of another with respect to that juvenile. (1977, c. 879, s. 8; 1983, c. 870, s. 1; 1985, c. 758, s. 1; 1987, c. 371, s. 2; 1995 (Reg. Sess., 1996), c. 690, s. 4; 1998-202, s. 6; 1998-229, s. 9.1; 1999-456, s. 60; 2000-183, s. 4; 2004-128, s. 13; 2015-181, s. 23; 2015-264, s. 33(b).)

#### § 7B-1104. Petition or motion.

The petition, or motion pursuant to G.S. 7B-1102, shall be verified by the petitioner or movant and shall be entitled "In Re (last name of juvenile), a minor juvenile", who shall be a party to the action, and shall set forth such of the following facts as are known; and with respect to the facts which are unknown the petitioner or movant shall so state:

- (1) The name of the juvenile as it appears on the juvenile's birth certificate, the date and place of birth, and the county where the juvenile is presently residing.
- (2) The name and address of the petitioner or movant and facts sufficient to identify the petitioner or movant as one authorized by G.S. 7B-1103 to file a petition or motion.
- (3) **(See Editor's note)** The name and address of the parents of the juvenile. If the name or address of one or both parents is unknown to the petitioner or movant, the petitioner or movant shall set forth with particularity the petitioner's or movant's efforts to ascertain the identity or whereabouts of the parent or parents. The information may be contained in an affidavit attached to the petition or motion and incorporated therein by reference. A person whose actions resulted in a conviction under G.S. 14-27.21, 14-27.22, 14-27.23, or 14-27.24 and the conception of the juvenile need not be named in the petition.
- (4) The name and address of any person who has been judicially appointed as guardian of the person of the juvenile.
- (5) The name and address of any person or agency to whom custody of the juvenile has been given by a court of this or any other state; and a copy of the custody order shall be attached to the petition or motion.
- (6) Facts that are sufficient to warrant a determination that one or more of the grounds for terminating parental rights exist.
- (7) That the petition or motion has not been filed to circumvent the provisions of Article 2 of Chapter 50A of the General Statutes, the Uniform Child-Custody Jurisdiction and Enforcement Act. (1977, c. 879, s. 8; 1979, c. 110, s. 8; 1981, c. 469, s. 23; 1987, c. 550, s. 15; 1998-202, s. 6; 1999-223, s. 7; 1999-456, s. 60; 2000-183, s. 5; 2004-128, s. 14; 2009-38, s. 2; 2015-181, s. 24; 2015-264, s. 33(c).)

#### § 7B-1105. Preliminary hearing; unknown parent.

(a) If either the name or identity of any parent whose parental rights the petitioner seeks to terminate is not known to the petitioner, the court shall, within 10 days from the date of filing of the petition, or during the next term of court in the county where the petition is filed if there is no court in the county in that 10-day period, conduct a preliminary hearing to ascertain the name or identity of such parent.

(b) The court may, in its discretion, inquire of any known parent of the juvenile concerning the identity of the unknown parent and may order the petitioner to conduct a diligent search for the parent. Should the court ascertain the name or identity of the parent, it shall enter a finding to that effect; and the parent shall be summoned to appear in accordance with G.S. 7B-1106.

(c) Notice of the preliminary hearing need be given only to the petitioner who shall appear at the hearing, but the court may cause summons to be issued to any person directing the person to appear and testify.

(d) If the court is unable to ascertain the name or identity of the unknown parent, the court shall order publication of notice of the termination proceeding and shall specifically order the place or places of publication

and the contents of the notice which the court concludes is most likely to identify the juvenile to such unknown parent. The notice shall be published in a newspaper qualified for legal advertising in accordance with G.S. 1-597 and G.S. 1-598 and published in the counties directed by the court, once a week for three successive weeks. Provided, further, the notice shall:

- (1) Designate the court in which the petition is pending;
- (2) Be directed to "the father (mother) (father and mother) of a male (female) juvenile born on or about \_\_\_\_\_ in \_\_\_\_\_ (date) \_\_\_\_\_ County, \_\_\_\_\_, \_\_\_\_\_ (city) \_\_\_\_\_, respondent";  
(State)
- (3) Designate the docket number and title of the case (the court may direct the actual name of the title be eliminated and the words "In Re Doe" substituted therefor);
- (4) State that a petition seeking to terminate the parental rights of the respondent has been filed;
- (5) Direct the respondent to answer the petition within 30 days after a date stated in the notice, exclusive of such date, which date so stated shall be the date of first publication of notice and be substantially in the form as set forth in G.S. 1A-1, Rule 4(j1); and
- (6) State that the respondent's parental rights to the juvenile will be terminated upon failure to answer the petition within the time prescribed.

Upon completion of the service, an affidavit of the publisher shall be filed with the court.

(e) The court shall issue the order required by subsections (b) and (d) of this section within 30 days from the date of the preliminary hearing unless the court shall determine that additional time for investigation is required.

(f) Upon the failure of the parent served by publication pursuant to subsection (d) of this section to answer the petition within the time prescribed, the court shall issue an order terminating all parental rights of the unknown parent. (1977, c. 879, s. 8; 1987, c. 282, s. 1; 1998-202, s. 6; 1999-456, s. 60; 2011-295, s. 12.)

**§ 7B-1106. Issuance of summons.**

(a) Except as provided in G.S. 7B-1105, upon the filing of the petition, the court shall cause a summons to be issued. The summons shall be directed to the following persons or agency, not otherwise a party petitioner, who shall be named as respondents:

- (1) The parents of the juvenile. However, a summons does not need to be directed to or served upon any parent who, under Chapter 48 of the General Statutes, has irrevocably relinquished the juvenile to a county department of social services or licensed child-placing agency or to any parent who has consented to the adoption of the juvenile by the petitioner.
- (2) Any person who has been judicially appointed as guardian of the person of the juvenile.
- (3) The custodian of the juvenile appointed by a court of competent jurisdiction.
- (4) Any county department of social services or licensed child-placing agency to whom a juvenile has been released by one parent pursuant to Part 7 of Article 3 of Chapter 48 of the General Statutes or any county department of social services to whom placement responsibility for the child has been given by a court of competent jurisdiction.
- (5) Repealed by Session Laws 2009-38, s. 3, effective May 27, 2009.

The summons shall notify the respondents to file a written answer within 30 days after service of the summons and petition. Service of the summons shall be completed as provided under the procedures established by G.S. 1A-1, Rule 4(j). But the parent of the juvenile shall not be deemed to be under a disability even though the parent is a minor.

(a1) If a guardian ad litem has been appointed for the juvenile pursuant to G.S. 7B-601 and has not been relieved of responsibility or if the court appoints a guardian ad litem for the juvenile after the petition is filed, a copy of all pleadings and other papers required to be served shall be served on the juvenile's guardian ad litem or attorney advocate pursuant to procedures established under G.S. 1A-1, Rule 5.

(a2) If an attorney has been appointed for a respondent pursuant to G.S. 7B-602 and has not been relieved of responsibility, a copy of all pleadings and other papers required to be served on the respondent shall be served on the respondent's attorney pursuant to procedures established under G.S. 1A-1, Rule 5.

(b) The summons shall be issued for the purpose of terminating parental rights pursuant to the provisions of subsection (a) of this section and shall include:

- (1) The name of the minor juvenile;
- (2) Notice that a written answer to the petition must be filed with the clerk who signed the petition within 30 days after service of the summons and a copy of the petition, or the parent's rights may be terminated;
- (3) Notice that any counsel appointed previously and still representing the parent in an abuse, neglect, or dependency proceeding shall continue to represent the parent unless otherwise ordered by the court;
- (4) Notice that if the parent is indigent and is not already represented by appointed counsel, the parent is entitled to appointed counsel, that provisional counsel has been appointed, and that the appointment of provisional counsel shall be reviewed by the court at the first hearing after service;
- (5) Notice that the date, time, and place of any pretrial hearing pursuant to G.S. 7B-1108.1 and the hearing on the petition will be mailed by the petitioner upon filing of the answer or 30 days from the date of service if no answer is filed; and
- (6) Notice of the purpose of the hearing and notice that the parents may attend the termination hearing.

(c) If a county department of social services, not otherwise a party petitioner, is served with a petition alleging that the parental rights of the parent should be terminated pursuant to G.S. 7B-1111, the department shall file a written answer and shall be deemed a party to the proceeding. (1977, c. 879, s. 8; 1981, c. 966, s. 2; 1983, c. 581, ss. 1, 2; 1995, c. 457, s. 4; 1998-202, s. 6; 1998-229, ss. 10, 27; 1999-456, s. 60; 2000-183, s. 13; 2001-208, s. 28; 2001-487, s. 101; 2009-38, s. 3; 2009-311, s. 10; 2011-295, s. 13; 2013-129, s. 33.)

**§ 7B-1106.1. Notice in pending child abuse, neglect, or dependency cases.**

(a) Upon the filing of a motion pursuant to G.S. 7B-1102, the movant shall prepare a notice directed to each of the following persons or agency, not otherwise a movant:

- (1) The parents of the juvenile. However, notice does not need to be directed to or served upon any parent who, under Chapter 48 of the General Statutes, has irrevocably relinquished the juvenile to a county department of social services or licensed child-placing agency or to any parent who has consented to the adoption of the juvenile by the movant.
- (2) Any person who has been judicially appointed as guardian of the person of the juvenile.
- (3) The custodian of the juvenile appointed by a court of competent jurisdiction.
- (4) Any county department of social services or licensed child-placing agency to whom a juvenile has been released by one parent pursuant to Part 7 of Article 3 of Chapter 48 of the General Statutes or any county department of social services to whom placement responsibility for the juvenile has been given by a court of competent jurisdiction.
- (5) The juvenile's guardian ad litem or attorney advocate, if one has been appointed pursuant to G.S. 7B-601 and has not been relieved of responsibility.
- (6) Repealed by Session Laws 2009-38, s. 4, effective May 27, 2009.

The notice shall notify the person or agency to whom it is directed to file a written response within 30 days after service of the motion and notice. Service of the motion and notice shall be completed as provided under G.S. 7B-1102(b).

(b) The notice required by subsection (a) of this section shall include all of the following:

- (1) The name of the minor juvenile.
- (2) Notice that a written response to the motion must be filed with the clerk within 30 days after service of the motion and notice, or the parent's rights may be terminated.
- (3) Notice that any counsel appointed previously and still representing the parent in an abuse, neglect, or dependency proceeding will continue to represent the parents unless otherwise ordered by the court.
- (4) Notice that if the parent is indigent, the parent is entitled to appointed counsel and if the parent is not already represented by appointed counsel the parent may contact the clerk immediately to request counsel.



- (5) Notice that the date, time, and place of any pretrial hearing pursuant to G.S. 7B-1108.1 and the hearing on the motion will be mailed by the moving party upon filing of the response or 30 days from the date of service if no response is filed.
- (6) Notice of the purpose of the hearing and notice that the parents may attend the termination hearing.

(c) If a county department of social services, not otherwise a movant, is served with a motion seeking termination of a parent's rights, the director shall file a written response and shall be deemed a party to the proceeding. (2000-183, s. 6; 2009-38, s. 4; 2009-311, s. 11.)

#### **§ 7B-1107. Failure of parent to answer or respond.**

Upon the failure of a respondent parent to file written answer to the petition or written response to the motion within 30 days after service of the summons and petition or notice and motion, or within the time period established for a defendant's reply by G.S. 1A-1, Rule 4(j1) if service is by publication, the court may issue an order terminating all parental and custodial rights of that parent with respect to the juvenile; provided the court shall order a hearing on the petition or motion and may examine the petitioner or movant or others on the facts alleged in the petition or motion. (1977, c. 879, s. 8; 1979, c. 525, s. 3; 1987, c. 282, s. 2; 1998-202, s. 6; 1998-229, s. 10; 1999-456, s. 60; 2000-183, s. 7.)

#### **§ 7B-1108. Answer or response of parent; appointment of guardian ad litem for juvenile.**

(a) Any respondent may file a written answer to the petition or written response to the motion. Only a district court judge may grant an extension of time in which to answer or respond. The answer or response shall admit or deny the allegations of the petition or motion and shall set forth the name and address of the answering respondent or the respondent's attorney.

(b) If an answer or response denies any material allegation of the petition or motion, the court shall appoint a guardian ad litem for the juvenile to represent the best interests of the juvenile, unless the petition or motion was filed by the guardian ad litem pursuant to G.S. 7B-1103, or a guardian ad litem has already been appointed pursuant to G.S. 7B-601. A licensed attorney shall be appointed to assist those guardians ad litem who are not attorneys licensed to practice in North Carolina. The appointment, duties, and payment of the guardian ad litem shall be the same as in G.S. 7B-601 and G.S. 7B-603, but in no event shall a guardian ad litem who is trained and supervised by the guardian ad litem program be appointed to any case unless the juvenile is or has been the subject of a petition for abuse, neglect, or dependency or with good cause shown the local guardian ad litem program consents to the appointment.

(c) In proceedings under this Article, the appointment of a guardian ad litem shall not be required except, as provided above, in cases in which an answer or response is filed denying material allegations, or as required under G.S. 7B-1101; but the court may, in its discretion, appoint a guardian ad litem for a juvenile, either before or after determining the existence of grounds for termination of parental rights, in order to assist the court in determining the best interests of the juvenile.

(d) If a guardian ad litem has previously been appointed for the juvenile under G.S. 7B-601, and the appointment of a guardian ad litem could also be made under this section, the guardian ad litem appointed under G.S. 7B-601, and any attorney appointed to assist that guardian, shall also represent the juvenile in all proceedings under this Article and shall have the duties and payment of a guardian ad litem appointed under this section, unless the court determines that the best interests of the juvenile require otherwise. (1977, c. 879, s. 8; 1981 (Reg. Sess., 1982), c. 1331, s. 3; 1983, c. 870, s. 2; 1989 (Reg. Sess., 1990), c. 851, s. 1; 1998-202, s. 6; 1999-456, s. 60; 2000-183, s. 8; 2003-140, s. 7; 2009-311, s. 12; 2011-295, s. 14.)

#### **§ 7B-1108.1. Pretrial hearing.**

(a) The court shall conduct a pretrial hearing. However, the court may combine the pretrial hearing with the adjudicatory hearing on termination in which case no separate pretrial hearing order is required. At the pretrial hearing, the court shall consider the following:

- (1) Retention or release of provisional counsel.
- (2) Whether a guardian ad litem should be appointed for the juvenile, if not previously appointed.
- (3) Whether all summons, service of process, and notice requirements have been met.
- (4) Any pretrial motions.

(5) Any issues raised by any responsive pleading, including any affirmative defenses.

(6) Any other issue which can be properly addressed as a preliminary matter.

(b) Written notice of the pretrial hearing shall be in accordance with G.S. 7B-1106 and G.S. 7B-1106.1. (2009-311, s. 13.)

#### **§ 7B-1109. Adjudicatory hearing on termination.**

(a) The hearing on the termination of parental rights shall be conducted by the court sitting without a jury and shall be held in the district at such time and place as the chief district court judge shall designate, but no later than 90 days from the filing of the petition or motion unless the judge pursuant to subsection (d) of this section orders that it be held at a later time. Reporting of the hearing shall be as provided by G.S. 7A-198 for reporting civil trials.

(b) The court shall inquire whether the juvenile's parents are present at the hearing and, if so, whether they are represented by counsel. If the parents are not represented by counsel, the court shall inquire whether the parents desire counsel but are indigent. In the event that the parents desire counsel but are indigent as defined in G.S. 7A-450(a) and are unable to obtain counsel to represent them, counsel shall be appointed to represent them in accordance with rules adopted by the Office of Indigent Defense Services. The court shall grant the parents such an extension of time as is reasonable to permit their appointed counsel to prepare their defense to the termination petition or motion.

(c) The court may, upon finding that reasonable cause exists, order the juvenile to be examined by a psychiatrist, a licensed clinical psychologist, a physician, a public or private agency, or any other expert in order that the juvenile's psychological or physical condition or needs may be ascertained or, in the case of a parent whose ability to care for the juvenile is at issue, the court may order a similar examination of any parent of the juvenile.

(d) The court may for good cause shown continue the hearing for up to 90 days from the date of the initial petition in order to receive additional evidence including any reports or assessments that the court has requested, to allow the parties to conduct expeditious discovery, or to receive any other information needed in the best interests of the juvenile. Continuances that extend beyond 90 days after the initial petition shall be granted only in extraordinary circumstances when necessary for the proper administration of justice, and the court shall issue a written order stating the grounds for granting the continuance.

(e) The court shall take evidence, find the facts, and shall adjudicate the existence or nonexistence of any of the circumstances set forth in G.S. 7B-1111 which authorize the termination of parental rights of the respondent. The adjudicatory order shall be reduced to writing, signed, and entered no later than 30 days following the completion of the termination of parental rights hearing. If the order is not entered within 30 days following completion of the hearing, the clerk of court for juvenile matters shall schedule a subsequent hearing at the first session of court scheduled for the hearing of juvenile matters following the 30-day period to determine and explain the reason for the delay and to obtain any needed clarification as to the contents of the order. The order shall be entered within 10 days of the subsequent hearing required by this subsection.

(f) The burden in such proceedings shall be upon the petitioner or movant and all findings of fact shall be based on clear, cogent, and convincing evidence. The rules of evidence in civil cases shall apply. No husband-wife or physician-patient privilege shall be grounds for excluding any evidence regarding the existence or nonexistence of any circumstance authorizing the termination of parental rights. (1977, c. 879, s. 8; 1979, c. 669, s. 1; 1981, c. 966, s. 3; (Reg. Sess., 1982), c. 1331, s. 3; 1983, c. 870, s. 2; 1989 (Reg. Sess., 1990), c. 851, s. 1; 1998-202, s. 6; 1999-456, s. 60; 2000-144, s. 19; 2000-183, s. 9; 2001-208, ss. 7, 22; 2001-487, s. 101; 2003-304, s. 2; 2005-398, s. 16; 2011-295, s. 15; 2013-129, s. 34.)

#### **§ 7B-1110. Determination of best interests of the juvenile.**

(a) After an adjudication that one or more grounds for terminating a parent's rights exist, the court shall determine whether terminating the parent's rights is in the juvenile's best interest. The court may consider any evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801, that the court finds to be relevant, reliable, and necessary to determine the best interests of the juvenile. In each case, the court shall consider the following criteria and make written findings regarding the following that are relevant:

- (1) The age of the juvenile.
- (2) The likelihood of adoption of the juvenile.

- (3) Whether the termination of parental rights will aid in the accomplishment of the permanent plan for the juvenile.
- (4) The bond between the juvenile and the parent.
- (5) The quality of the relationship between the juvenile and the proposed adoptive parent, guardian, custodian, or other permanent placement.
- (6) Any relevant consideration.

Any order shall be reduced to writing, signed, and entered no later than 30 days following the completion of the termination of parental rights hearing. If the order is not entered within 30 days following completion of the hearing, the clerk of court for juvenile matters shall schedule a subsequent hearing at the first session of court scheduled for the hearing of juvenile matters following the 30-day period to determine and explain the reason for the delay and to obtain any needed clarification as to the contents of the order. The order shall be entered within 10 days of the subsequent hearing required by this subsection.

(b) Should the court conclude that, irrespective of the existence of one or more circumstances authorizing termination of parental rights, the best interests of the juvenile require that rights should not be terminated, the court shall dismiss the petition or deny the motion, but only after setting forth the facts and conclusions upon which the dismissal or denial is based.

(c) Should the court determine that circumstances authorizing termination of parental rights do not exist, the court shall dismiss the petition or deny the motion, making appropriate findings of fact and conclusions.

(d) Counsel for the petitioner or movant shall serve a copy of the termination of parental rights order upon the guardian ad litem for the juvenile, if any, and upon the juvenile if the juvenile is 12 years of age or older.

(e) The court may tax the cost of the proceeding to any party. (1977, c. 879, s. 8; 1981 (Reg. Sess., 1982), c. 1131, s. 1; 1983, c. 581, s. 3; c. 607, s. 3; 1998-202, s. 6; 1999-456, s. 60; 2000-183, s. 10; 2001-208, s. 23; 2001-487, s. 101; 2005-398, s. 17; 2011-295, s. 16.)

#### **§ 7B-1111. Grounds for terminating parental rights.**

- (a) The court may terminate the parental rights upon a finding of one or more of the following:
  - (1) The parent has abused or neglected the juvenile. The juvenile shall be deemed to be abused or neglected if the court finds the juvenile to be an abused juvenile within the meaning of G.S. 7B-101 or a neglected juvenile within the meaning of G.S. 7B-101.
  - (2) The parent has willfully left the juvenile in foster care or placement outside the home for more than 12 months without showing to the satisfaction of the court that reasonable progress under the circumstances has been made in correcting those conditions which led to the removal of the juvenile. Provided, however, that no parental rights shall be terminated for the sole reason that the parents are unable to care for the juvenile on account of their poverty.
  - (3) The juvenile has been placed in the custody of a county department of social services, a licensed child-placing agency, a child-caring institution, or a foster home, and the parent, for a continuous period of six months next preceding the filing of the petition or motion, has willfully failed for such period to pay a reasonable portion of the cost of care for the juvenile although physically and financially able to do so.
  - (4) One parent has been awarded custody of the juvenile by judicial decree or has custody by agreement of the parents, and the other parent whose parental rights are sought to be terminated has for a period of one year or more next preceding the filing of the petition or motion willfully failed without justification to pay for the care, support, and education of the juvenile, as required by said decree or custody agreement.
  - (5) The father of a juvenile born out of wedlock has not, prior to the filing of a petition or motion to terminate parental rights, done any of the following:
    - a. Filed an affidavit of paternity in a central registry maintained by the Department of Health and Human Services; provided, the petitioner or movant shall inquire of the Department of Health and Human Services as to whether such an affidavit has been so filed and the Department's certified reply shall be submitted to and considered by the court.
    - b. Legitimated the juvenile pursuant to provisions of G.S. 49-10, G.S. 49-12.1, or filed a petition for this specific purpose.

- c. Legitimated the juvenile by marriage to the mother of the juvenile.
  - d. Provided substantial financial support or consistent care with respect to the juvenile and mother.
  - e. Established paternity through G.S. 49-14, 110-132, 130A-101, 130A-118, or other judicial proceeding.
- (6) That the parent is incapable of providing for the proper care and supervision of the juvenile, such that the juvenile is a dependent juvenile within the meaning of G.S. 7B-101, and that there is a reasonable probability that such incapability will continue for the foreseeable future. Incapability under this subdivision may be the result of substance abuse, mental retardation, mental illness, organic brain syndrome, or any other cause or condition that renders the parent unable or unavailable to parent the juvenile and the parent lacks an appropriate alternative child care arrangement.
  - (7) The parent has willfully abandoned the juvenile for at least six consecutive months immediately preceding the filing of the petition or motion, or the parent has voluntarily abandoned an infant pursuant to G.S. 7B-500 for at least 60 consecutive days immediately preceding the filing of the petition or motion.
  - (8) The parent has committed murder or voluntary manslaughter of another child of the parent or other child residing in the home; has aided, abetted, attempted, conspired, or solicited to commit murder or voluntary manslaughter of the child, another child of the parent, or other child residing in the home; has committed a felony assault that results in serious bodily injury to the child, another child of the parent, or other child residing in the home; or has committed murder or voluntary manslaughter of the other parent of the child. The petitioner has the burden of proving any of these offenses in the termination of parental rights hearing by (i) proving the elements of the offense or (ii) offering proof that a court of competent jurisdiction has convicted the parent of the offense, whether or not the conviction was by way of a jury verdict or any kind of plea. If the parent has committed the murder or voluntary manslaughter of the other parent of the child, the court shall consider whether the murder or voluntary manslaughter was committed in self-defense or in the defense of others, or whether there was substantial evidence of other justification.
  - (9) The parental rights of the parent with respect to another child of the parent have been terminated involuntarily by a court of competent jurisdiction and the parent lacks the ability or willingness to establish a safe home.
  - (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 proceeding is to be filed; and the parent does not contest the termination of parental rights.
  - (11) The parent has been convicted of a sexually related offense under Chapter 14 of the General Statutes that resulted in the conception of the juvenile.

(b) The burden in such proceedings shall be upon the petitioner or movant to prove the facts justifying such termination by clear and convincing evidence. (1977, c. 879, s. 8; 1979, c. 669, s. 2; 1979, 2nd Sess., c. 1088, s. 2; c. 1206, s. 2; 1983, c. 89, s. 2; c. 512; 1985, c. 758, ss. 2, 3; c. 784; 1991 (Reg. Sess., 1992), c. 941, s. 1; 1997-390, ss. 1, 2; 1997-443, s. 11A.118(a); 1998-202, s. 6; 1998-229, ss. 11, 28; 1999-456, s. 60; 2000-183, s. 11; 2001-208, s. 6; 2001-291, s. 3; 2001-487, s. 101; 2003-140, s. 3; 2005-146, s. 1; 2007-151, s. 1; 2007-484, s. 26(a); 2012-40, s. 1; 2013-129, s. 35.)

### § 7B-1112. Effects of termination order.

An order terminating the parental rights completely and permanently terminates all rights and obligations of the parent to the juvenile and of the juvenile to the parent arising from the parental relationship, except that the juvenile's right of inheritance from the juvenile's parent shall not terminate until a final order of adoption is issued. The parent is not thereafter entitled to notice of proceedings to adopt the juvenile and may not object thereto or otherwise participate therein:

- (1) If the juvenile had been placed in the custody of or released for adoption by one parent to a county department of social services or licensed child-placing agency and is in the custody of the agency at the time of the filing of the petition or motion, including a petition or motion filed pursuant to G.S. 7B-1103(a)(6), that agency shall, upon entry of the order terminating parental rights, acquire all of the rights for placement of the juvenile, except as otherwise provided in G.S. 7B-908(d), as the agency would have acquired had the parent whose rights are terminated released the juvenile to that agency pursuant to the provisions of Part 7 of Article 3 of Chapter 48 of the General Statutes, including the right to consent to the adoption of the juvenile.
- (2) Except as provided in subdivision (1) above, upon entering an order terminating the parental rights of one or both parents, the court may place the juvenile in the custody of the petitioner or movant, or some other suitable person, or in the custody of the department of social services or licensed child-placing agency, as may appear to be in the best interests of the juvenile. (1977, c. 879, s. 8; 1983, c. 870, s. 3; 1995, c. 457, s. 5; 1998-202, s. 6; 1998-229, s. 11; 1999-456, s. 60; 2000-183, s. 12; 2011-295, s. 17; 2012-194, s. 2.)

#### **§ 7B-1112.1. Selection of adoptive parents.**

The process of selection of specific adoptive parents shall be the responsibility of and within the discretion of the county department of social services or licensed child-placing agency. In selecting the adoptive parents, any current placement provider wanting to adopt the child shall be considered. The guardian ad litem may request information from and consult with the county department or child-placing agency concerning the selection process. If the guardian ad litem requests information about the selection process, the county shall provide the information within five business days. The county department of social services shall notify the guardian ad litem and the foster parents of the selection of prospective adoptive parents within 10 days of the selection and before the filing of the adoption petition. If the guardian ad litem disagrees with the selection of adoptive parents or the foster parents want to adopt the juvenile and were not selected as adoptive parents, the guardian ad litem or foster parents shall file a motion within 10 days of the department's notification and schedule the case for hearing on the next juvenile calendar. The department shall not change the juvenile's placement to the prospective adoptive parents unless the time period for filing a motion has expired and no motion has been filed. The Department shall provide a copy of a motion for judicial review of adoption selection to the foster parents not selected. Nothing in this section shall be construed to make the foster parents a party to the proceeding solely based on receiving notification and the right to be heard by filing a motion. In hearing any motion, the court shall consider the recommendations of the agency and the guardian ad litem and other facts related to the selection of adoptive parents. The court shall then determine whether the proposed adoptive placement is in the juvenile's best interests. (2011-295, s. 18; 2013-129, s. 36.)

**§ 7B-1113:** Repealed by Session Laws 2005-398, s. 18, effective October 1, 2005.

#### **§ 7B-1114. Reinstatement of parental rights.**

(a) A juvenile whose parent's rights have been terminated, the guardian ad litem attorney, or a county department of social services with custody of the juvenile may file a motion to reinstate the parent's rights if all of the following conditions are satisfied:

- (1) The juvenile is at least 12 years of age or, if the juvenile is younger than 12, the motion alleges extraordinary circumstances requiring consideration of the motion.
- (2) The juvenile does not have a legal parent, is not in an adoptive placement, and is not likely to be adopted within a reasonable period of time.
- (3) The order terminating parental rights was entered at least three years before the filing of the motion, unless the court has found or the juvenile's attorney advocate and the county department of social services with custody of the juvenile stipulate that the juvenile's permanent plan is no longer adoption.

(b) If a motion could be filed under subsection (a) of this section and the parent whose rights have been terminated contacts the county department of social services with custody of the juvenile or the juvenile's guardian ad litem regarding reinstatement of the parent's rights, the department or the guardian ad litem shall notify the juvenile that the juvenile has a right to file a motion for reinstatement of parental rights.

(c) If a motion to reinstate parental rights is filed and the juvenile does not have a guardian ad litem appointed pursuant to G.S. 7B-601, the court shall appoint a guardian ad litem to represent the best interests of the juvenile. The appointment, duties, and payment of the guardian ad litem and the guardian ad litem attorney shall be the same as in G.S. 7B-601 and G.S. 7B-603.

(d) The party filing a motion to reinstate parental rights shall serve the motion on each of the following who is not the movant:

- (1) The juvenile.
- (2) The juvenile's guardian ad litem or the guardian ad litem attorney.
- (3) The county department of social services with custody of the juvenile.
- (4) The former parent whose rights the motion seeks to have reinstated.

A former parent who is served under this subsection is not a party to the proceeding and is not entitled to appointed counsel but may retain counsel at the former parent's own expense.

(e) The movant shall ask the clerk to calendar the case for a preliminary hearing on the motion for reinstatement of parental rights within 60 days of the filing of the motion at a session of court scheduled for the hearing of juvenile matters. The movant shall give at least 15 days' notice of the hearing and state its purpose to the persons listed in subdivisions (d)(1) through (d)(4) of this section. In addition, the movant shall send a notice of the hearing to the juvenile's placement provider. Nothing in this section shall be construed to make the former parent or the juvenile's placement provider a party to the proceeding based solely on being served with the motion or receiving notice and the right to be heard.

(f) At least seven days before the preliminary hearing, the department of social services and the juvenile's guardian ad litem shall provide to the court, the other parties, and the former parent reports that address the factors specified in subsection (g) of this section.

(g) At the preliminary hearing and any subsequent hearing on the motion, the court shall consider information from the county department of social services with custody of the juvenile, the juvenile, the juvenile's guardian ad litem, the juvenile's former parent whose parental rights are the subject of the motion, the juvenile's placement provider, and any other person or agency that may aid the court in its review. The court may consider any evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801, that the court finds to be relevant, reliable, and necessary to determine the needs of the juvenile and whether reinstatement is in the juvenile's best interest. The court shall consider the following criteria and make written findings regarding the following that are relevant:

- (1) What efforts were made to achieve adoption or a permanent guardianship.
- (2) Whether the parent whose rights the motion seeks to have reinstated has remedied the conditions that led to the juvenile's removal and termination of the parent's rights.
- (3) Whether the juvenile would receive proper care and supervision in a safe home if placed with the parent.
- (4) The age and maturity of the child and the ability of the child to express the child's preference.
- (5) The parent's willingness to resume contact with the juvenile and to have parental rights reinstated.
- (6) The juvenile's willingness to resume contact with the parent and to have parental rights reinstated.
- (7) Services that would be needed by the juvenile and the parent if the parent's rights were reinstated.
- (8) Any other criteria the court deems necessary.

(h) At the conclusion of the preliminary hearing, the court shall either dismiss the motion or order that the juvenile's permanent plan become reinstatement of parental rights. If the court does not dismiss the motion, the court shall conduct interim hearings at least every six months until the motion is granted or dismissed. Interim hearings may be combined with posttermination of parental rights review hearings required by G.S. 7B-908. At each interim hearing, the court shall assess whether the plan of reinstatement of parental rights continues to be in the juvenile's best interest and whether the department of social services has made reasonable efforts to achieve the permanent plan.

(i) At any hearing under this section, after making proper findings of fact and conclusions of law, the court may do one of the following:

- (1) Enter an order for visitation in accordance with G.S. 7B-905.1.

(2) Order that the juvenile be placed in the former parent's home and supervised by the department of social services either directly or, when the former parent lives in a different county, through coordination with the county department of social services in that county, or by other personnel as may be available to the court, subject to conditions applicable to the former parent as the court may specify. Any order authorizing placement with the former parent shall specify that the juvenile's placement and care remain the responsibility of the county department of social services with custody of the juvenile and that the department is to provide or arrange for the placement of the juvenile.

(j) The court shall either dismiss or grant a motion for reinstatement of parental rights within 12 months from the date the motion was filed, unless the court makes written findings why a final determination cannot be made within that time. If the court makes such findings, the court shall specify the time frame in which a final order shall be entered.

(k) An order reinstating parental rights restores all rights, powers, privileges, immunities, duties, and obligations of the parent as to the juvenile, including those relating to custody, control, and support of the juvenile. If a parent's rights are reinstated, the court shall be relieved of the duty to conduct periodic reviews.

(l) An order shall be entered no later than 30 days following the completion of any hearing pursuant to this section. If the order is not entered within 30 days following completion of the hearing, the clerk of court for juvenile matters shall schedule a subsequent hearing at the first session of court scheduled for the hearing of juvenile matters following the 30-day period to determine and explain the reason for the delay and to obtain any needed clarification as to the contents of the order. The order shall be entered within 10 days of the subsequent hearing required by this subsection.

(m) The granting of a motion for reinstatement of parental rights does not vacate or otherwise affect the validity of the original order terminating parental rights.

(n) A parent whose rights are reinstated pursuant to this section is not liable for child support or the costs of any services provided to the juvenile for the period from the date of the order terminating the parent's rights to the date of the order reinstating the parent's rights. (2011-295, s. 18; 2013-129, s. 37.)

## **AGENCY ADOPTIONS**



## ADDITIONAL ATTACHMENTS

### AGENCY ADOPTIONS

From North Carolina Department of Health and Human Services:

1. Certified copy of any court order terminating the rights of a parent or guardian of adoptee.
2. Certified copy of any court order or pleading in a pending proceeding concerning custody of or visitation with the adoptee.
3. Copy of the Preplacement Assessment certified by the agency that prepared it or affidavit stating why preplacement assessment is not available. Preplacement Assessment must have been completed or updated within 18 months of adoptive placement.
4. A writing that states the names of any individual whose consent maybe required, but who has not executed a consent or whose parental rights have not been terminated.
5. Proof of Service Notice by petitioner(s) to appropriate persons or certified copies of any written waivers of that notice by those persons. G.S. 48-2-401; G.S. 48-2-407.
  - a. NOTE: This includes any possible father who has not executed a consent or denial of paternity, had his rights terminated or been judicially determined not to be the father. It also includes notice to (1) the spouse of the petitioner if the joinder requirement may be waived, but effective for petitions filed on or after 10/01/05, this notice may be waived and (2) a minor whose consent has not been required by the clerk.
  - b. When notice is given and a possible father does not respond within 30days, 40 days to notice by publication, G.S. 48-3-603(a)(7) provides that his consent to the adoption is not required. Effective with petitions files on or after 10/01/05, the clerk must enter an order finding his consent is not necessary because he did not respond under G.S. 48-2-207. If publication is used, the petitioner must file an affidavit showing due diligence in trying to find the father. Rule 4(j1) and (j2) of the Rules of Civil Procedure.
  - c. If a father or possible father does respond the clerk must hold a hearing to determine whether his consent is required under G.S. 48-3-601, setting out steps fathers must take to preserve their rights in an adoption. This hearing may be transferred to a district court judge pursuant to GS 48-2-601(a1).
6. Notice of adoption proceeding mailed or otherwise delivered by Clerk no later than five (5) days after petition filed to any agency that has undertaken but not yet completed a Preplacement Assessment and any agency ordered to make a report to the court. G.S. 48-2-403.

STATE OF NORTH CAROLINA  
\_\_\_\_\_ COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
BEFORE THE CLERK

\_\_\_\_\_ SP \_\_\_\_\_

### AFFIDAVIT

\_\_\_\_\_  
(Full name of petitioning parent 1)

#### DISCLOSURE OF FEES & EXPENSES

\_\_\_\_\_  
(Full name of petitioning parent 2)

FOR THE ADOPTION OF

\_\_\_\_\_  
(Full name by which adoptee is to be known if adoption granted)

In accordance with G.S. 48-2-602, this Affidavit is being made to account for any payments or disbursements made or agreed to be made by petitioner(s) in connection with this adoption and is being filed with the court at least 10 days before entry of the Final Decree. This affidavit includes the amount each payment or disbursement and name and address of each recipient as allowed by G.S. 48-10-103.

Description of Expenses/Fees	Name & Address of Recipient	Amount

\_\_\_\_\_  
Adoptive Parent 1

\_\_\_\_\_  
Adoptive Parent 2

STATE OF NORTH CAROLINA

\_\_\_\_\_ COUNTY

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(SEAL)

\_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_

Note:

One DSS-5191 is filled in by the adoptive parent(s) for presentation to the Clerk of Superior Court who then forwards it to the Division of Social Services, State Department of Health and Human Services.

STATE OF NORTH CAROLINA

\_\_\_\_\_ COUNTY

### AFFIDAVIT OF PARENTAGE

**If this is a re-adoption by a second adoptive parent, check here  and provide original adoptive parent information below in lieu of biological parent information.**

I, the undersigned, \_\_\_\_\_, being duly sworn,  
[Mother] [Father] [Guardian] [Other Knowledgeable Individual]

declare the following persons to be the parents or possible parents of \_\_\_\_\_,  
(Original Name of Child)

a minor \_\_\_\_\_ child, who was born on the \_\_\_\_\_ day of \_\_\_\_\_,  
(Sex)

[or expected to be born approximately \_\_\_\_\_] in \_\_\_\_\_  
(City or Town)

\_\_\_\_\_  
(County) (State)

**Birth Parent or  
Prior Adoptive Parent 1:** \_\_\_\_\_ (Name) \_\_\_\_\_ (Marital status at time of child's birth)  
\_\_\_\_\_  
(Last known address)

**Birth Parent or  
Prior Adoptive Parent 2:** \_\_\_\_\_ (Name) \_\_\_\_\_ (Marital status at time of child's birth)  
\_\_\_\_\_  
(Last known address)

**(If more than one possible)  
Biological  
Father:** \_\_\_\_\_ (Name) \_\_\_\_\_ (Marital status at time of child's birth)  
\_\_\_\_\_  
(Last known address)

**Legal  
Father:** \_\_\_\_\_ (Name) \_\_\_\_\_ (Marital status at time of child's birth)  
\_\_\_\_\_  
(Last known address)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Source of my knowledge (if not signed by placing parent or guardian): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FURTHER**, it is the intent of the undersigned parent or guardian to place the above-named child for adoption in accordance with Chapter 48 of the General Statutes of North Carolina.

\_\_\_\_\_  
Signature of (Mother) (Father) (Guardian)  
(Other Knowledgeable Individual)

I, \_\_\_\_\_, do hereby certify  
(Name of official)

that \_\_\_\_\_ personally appeared before me this day  
(Name of parent or guardian or other knowledgeable individual)

and acknowledged the due execution of the foregoing instrument.

I certify that I, the undersigned, am a Notary Public or one otherwise empowered to acknowledge signatures under Chapter 47 of the General Statutes of North Carolina.

Witness my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**( S E A L )**

Signature \_\_\_\_\_

Title \_\_\_\_\_

My commission expires \_\_\_\_\_

**NOTE:**  
One Form DSS-1809 is obtained at the time the Consent to Adoption (DSS-1802) or Relinquishment to Adoption (DSS-1804) is signed and filed in the adoption proceeding. The Clerk then forwards these documents to the Division of Social Services, State Department of Health and Human Services, after the entry of the final decree.

G.S. 48-3-206 provides that in the event the placing parent or guardian is unavailable, this information may be provided by another knowledgeable individual who should then sign this form and indicate the source of his knowledge. This affidavit is not necessary when an agency acquires legal and physical custody of a minor for adoption by court order terminating the parental rights of both parents or guardian.

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
BEFORE THE CLERK

\_\_\_\_\_ COUNTY

\_\_\_\_\_ SP \_\_\_\_\_

\_\_\_\_\_  
(Full name of petitioning parent 1)

\_\_\_\_\_  
(Full name of petitioning parent 2)

**AGENCY'S CONSENT TO ADOPTION**

**FOR THE ADOPTION OF**

\_\_\_\_\_  
(Full name by which adoptee is to be known if adoption granted)

To the Honorable Clerk of the Superior Court of \_\_\_\_\_ County:

I, the undersigned, declare that I am \_\_\_\_\_  
(Name, title of person, and agency giving consent)

and that I hereby consent to the adoption of \_\_\_\_\_,  
(Name by which the adoptee is to be known)

also known as \_\_\_\_\_, \_\_\_\_\_, who was born on  
(Original name of child) (Sex)

the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in \_\_\_\_\_  
(City or Town)

\_\_\_\_\_ by \_\_\_\_\_  
(County) (State) (Full name of petitioning parent 1)

and \_\_\_\_\_, the petitioner(s), in the above-entitled proceeding.  
(Full name of petitioning parent 2)

- All rights to said adoptee have been released and said adoptee has been relinquished by the
  - birth or prior adoptive parent 1  birth or prior adoptive parent 2
  - guardian of the child to the undersigned for the purpose of consenting to the adoption of said child.
- Parental rights of the  birth or prior adoptive parent 1  birth or prior adoptive parent 2 have been terminated by court action under Article 11 of Chapter 7B, and custody has been placed with the undersigned county department of social services or licensed child-placing agency, which has the authority to consent to the adoption of said child.
- Birth or prior adoptive parent 1 deceased  Birth or prior adoptive parent 2 deceased

\_\_\_\_\_  
Signature and title of person giving consent

\_\_\_\_\_  
Agency

\_\_\_\_\_  
Address

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The execution of the foregoing consent by \_\_\_\_\_

to the adoption of \_\_\_\_\_, a minor child,  
(Name of adoptee)

by \_\_\_\_\_ and \_\_\_\_\_,  
(Full name of petitioning parent 1) (Full name of petitioning parent 2)

petitioner(s) in the above-entitled proceeding, was this day sworn to (or affirmed) and subscribed before me.

Witness my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**( S E A L )**

\_\_\_\_\_  
Clerk Superior Court or Notary Public

My commission expires \_\_\_\_\_

**NOTE:**

The **original** Form DSS-1801 is to be filed with the Petition for Adoption and sent with the Petition by the Clerk of Superior Court to the Division of Social Services, State Department of Health and Human Services. A Parent's/Guardian's Relinquishment (Form DSS-1804) or certified copy of termination of parental rights must be attached to the Consent.

STATE OF NORTH CAROLINA

\_\_\_\_\_ COUNTY

CONSENT OF CHILD FOR ADOPTION

I, \_\_\_\_\_, being duly sworn, declare:  
(Original Name of Child)

1. That I was born on the \_\_\_\_\_ day of \_\_\_\_\_, that my present address is \_\_\_\_\_

2. By executing this document, I am voluntarily consenting to my adoption by \_\_\_\_\_  
(Full name of petitioning parent 1)  
and \_\_\_\_\_  
(Full name of petitioning parent 2)

3. That after the Consent is signed and acknowledged in accord with the procedures set forth in G. S. 48-3 -605, I understand that it may be revoked within 7 calendar days following the day on which it is executed, inclusive of weekends and holidays. If the final day of the period falls on a weekend or a North Carolina or federal holiday, then the revocation period extends to the next business day. Unless thus revoked in accord with G. S. 48-3-608, my Consent is otherwise final and irrevocable and may not be withdrawn or set aside except under a circumstance set forth in G. S. 48-3-609;

4. That I have been informed that the name and address of the person where any notice of revocation of this Consent can be sent are as follows:

\_\_\_\_\_  
\_\_\_\_\_

5. That the Consent shall be valid and binding and is not affected by any oral or separate written agreement between myself and the adoptive parent(s);

6. That in relation to my adoption, I have not received or been promised any money or anything of value for my Consent;

7. That in executing this Consent, I understand that when the adoption is final, all rights and obligations of my former parents or guardian will be extinguished, and every aspect of the legal relationship between myself and my former parents or guardian will be terminated;

8. That I have read or had read to me and understand this Consent; been advised that counseling services may be available through the county department of social services or a licensed child-placing agency; and been advised of my right to consult with any legal counsel already appointed for me.

\_\_\_\_\_  
Signature - Adoptee's Original Name

\_\_\_\_\_  
Address



STATE OF NORTH CAROLINA

\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, do hereby certify  
(Name of official)

that \_\_\_\_\_ personally appeared before me this day  
(Original name of adoptee)

and acknowledged the due execution of the foregoing document and that this document has been sworn to (or affirmed) and subscribed before me. I further certify to the best of my knowledge and belief that the adoptee executing the Consent: read, or had read to him or her, and understood the Consent; signed the Consent voluntarily; received an original or a copy of his or her fully executed Consent; and was advised that counseling services may be available through county departments of social services or licensed child-placing agencies.

I certify that I, the undersigned, am a Notary Public or one otherwise empowered to administer oaths or take acknowledgments.

Witness my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_

at \_\_\_\_\_  
(Place of Consent)

( S E A L )

Signature \_\_\_\_\_

Title \_\_\_\_\_

My commission expires \_\_\_\_\_

**Note:**

Form DSS-1803 is prepared in duplicate and is to be signed by the child being adopted who is twelve years of age or over when the Petition for Adoption was filed or who becomes twelve years of age before the granting of the Decree of Adoption. The **original** form is presented to the Clerk of Superior Court who then forwards it with the Petition and other Consents to the Division of Social Services, State Department of Health and Human Services. **One copy is given to the adoptee.**

STATE OF NORTH CAROLINA  
\_\_\_\_\_ COUNTY

**CONSENT TO RELEASE OF IDENTIFYING INFORMATION**

1. Pursuant to N.C.G.S. 48-9-109(2), the undersigned placing parent(s) or guardian and adopting parent(s), being duly sworn, do hereby consent to the release of identifying information to each other and do hereby authorize the

\_\_\_\_\_ (County department of social services or licensed child-placing agency)

to release information that could reasonably be expected to lead directly to the identity of the adoptee(s) and each of the undersigned placing parent(s) or guardian(s) and adopting parent(s).

2. This consent to the release of identifying information in an agency adoption is being executed prior to the adoption of \_\_\_\_\_, born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, [ or expected to be born approximately \_\_\_\_\_ ] in \_\_\_\_\_ (City) \_\_\_\_\_ (State).

3. This consent will be filed in the adoption proceeding pursuant to N.C.G.S. 48-2-305(10).

\_\_\_\_\_  
Signature of (placing parent) (guardian)

\_\_\_\_\_  
Signature of adopting parent 1

\_\_\_\_\_  
Signature of second placing parent,  
if required

\_\_\_\_\_  
Signature of adopting parent 2

STATE OF NORTH CAROLINA  
\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, do hereby certify that  
(Name of Official)

\_\_\_\_\_  
[Names of placing parent(s) and adopting parent(s)]

personally appeared before me this day and acknowledged the due execution of the foregoing document and that this document has been sworn to (or affirmed) and subscribed before me.

I certify that I, the undersigned, am a Notary Public or one otherwise empowered to administer oaths or take acknowledgements.

Witness my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at

\_\_\_\_\_  
(Place of Consent)

**(SEAL)**

Signature \_\_\_\_\_

Title \_\_\_\_\_

My commission expires \_\_\_\_\_

**NOTE:** The original of this form is attached to the Petition for Adoption. A copy is given to each person signing the release. Following entry of the Decree of Adoption, the release of any information about an adoption is governed by the confidentiality provisions of Article 9 of Chapter 48.

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
BEFORE THE CLERK

\_\_\_\_\_ COUNTY

\_\_\_\_\_ SP \_\_\_\_\_

\_\_\_\_\_  
(Full name of petitioning parent 1)\_\_\_\_\_  
(Full name of petitioning parent 2)**DECREE OF ADOPTION****FOR THE ADOPTION OF**\_\_\_\_\_  
(Full name by which adoptee is to be known)

This cause coming on to be heard and being heard before the undersigned and the Court from all the evidence presented in this proceeding, enters the following Decree of Adoption. The Court finds by a preponderance of the evidence the following:

1. That all necessary parties in the above-entitled proceeding are properly before the Court; that notice of the filing of the Petition was served on all required persons and that the time for filing a response has expired;
2. That the above-named \_\_\_\_\_ child was born on \_\_\_\_\_  
(Sex) (Month) (Day) (Year)  
in \_\_\_\_\_;  
(State/Country)
3. That said child was placed with petitioner(s) for adoption on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, or the placement requirement has been waived; and each necessary consent, relinquishment, waiver, or judicial order terminating parental rights has been obtained and filed with the Court and the time for revocation has expired.  The consent of the minor child 12 or more years old is hereby dispensed with as the Court finds it is not in the minor's best interest to require the consent;
4. That said child has been in the physical custody of the petitioner(s) for at least 90 days or this requirement has been waived by the Court for cause;
5. That a duly verified Petition for Adoption of said child was filed with this Court by the above-named petitioner(s) on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_;
6. That at least 90 days have elapsed since the filing of the Petition for Adoption or this requirement has been waived by the Court for cause;
7. That the marital status and gender of the petitioner(s) is/are: \_\_\_\_\_;  
\_\_\_\_\_  
(Enter whether married, stepparent, single, and petitioners genders)
8. That any assessment required by Chapter 48 has been filed with and considered by the Court;
9. That, if applicable, the requirements of the Interstate Compact on the Placement of Children, G.S. 7B-3800, et seq., have been met or have been waived pursuant to G.S. 48-2-603(b).
10. Any motion to dismiss this adoption proceeding has been denied;

11. Each petitioner is a suitable adoptive parent and the petitioner(s) seeking adoption (is a ) (are) fit person(s) to have the care and custody of said child and are financially able to provide for the child;

12. Any accounting and affidavit required under G.S. 48-2-602 has been reviewed by the Court and the Court has taken appropriate action with regard to any payment or disbursement that violates Article 10 of Chapter 48;

13. That petitioner(s) has/have received information about the adoptee and the adoptee's biological family if required by G.S. 48-3-205;

14. That there has been substantial compliance with the provisions of Chapter 48; and

15. That the child is a suitable child for adoption and that this adoption is in the best interest of the child;

**NOW THEREFORE**, it is hereby ordered, adjudged, and decreed by the Court:

(1) That from the date of the entry of this Decree herein, the said minor is declared adopted for life by the petitioner(s) and that said child shall henceforth be known by the name of:

\_\_\_\_\_ and the State Registrar of Vital Records shall make a new birth certificate for said child in accordance with the provisions of Section 48-9-107 of the General Statutes;

(2) That the Decree of Adoption effects a complete substitution of families for all legal purposes and establishes the relationship of parent and child, together with all the rights, responsibilities, and duties, between each petitioner and the individual being adopted;

(3) That from the date of this Decree of Adoption, the adoptee is entitled to inherit real and personal property by, through, and from the adoptive parents in accordance with the statutes on intestate succession and has the same legal status, including all legal rights and obligations of any kind whatsoever, as a child born the legitimate child of the adoptive parents;

(4) That the Decree of Adoption severs the relationship of parent and child between the individual adopted and that individual's  Choose an Item  Choose an Item Further, the former parents are relieved of all legal duties and obligations due from them to the adoptee, except that a former parent's duty to make past-due payments for child support is not terminated, and the former parents are divested of all rights with respect to the adoptee. Notwithstanding any other provision, neither an adoption by a stepparent nor a readoption pursuant to G.S. 48-6-102, has any effect on the relationship between the child and the parent who is or was the stepparent's spouse.

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Superior Court

**(S E A L)**

\_\_\_\_\_  
County

**NOTE:**

Four DSS-1814 forms are completed. The original is retained in the Clerk of Superior Court's office; one copy is given to adoptive parents; one copy is given to the Director of Social Services or licensed private child-placing agency; and one copy is to be forwarded, along with originals of all other documents except a copy of the Petition, filed in proceeding, within ten days or the disposition of any appeal taken pursuant to G.S. 48-2-607(b) by the Clerk of Court to the Division of Social Services, State Department of Health and Human Services.

STATE OF NORTH CAROLINA

\_\_\_\_\_ COUNTY

DENIAL OF PATERNITY

I, the undersigned, \_\_\_\_\_, being duly sworn, declare that though named as the father of a child, \_\_\_\_\_ born to \_\_\_\_\_ (Biological mother)

\_\_\_\_\_, (Address)

on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, [or expected to be born approximately \_\_\_\_\_ ], deny that I am the father of said child. I further declare that I am

not married to the mother of the child.

FURTHER, in denying paternity, I voluntarily and permanently waive any and all right that I otherwise may have in the earnings and estate of the above-named child and any rights whatsoever that would arise as a result of the parent-child relationship now and from this time forth, including the right to consent to, receive notice of, or be a party to this child's adoption.

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

I, \_\_\_\_\_, do hereby certify (Name of official)

that \_\_\_\_\_ personally appeared before me this day (Name of alleged parent)

and acknowledged the due execution of the foregoing instrument.

I certify that I, the undersigned, am a Notary Public or one otherwise empowered to acknowledge signatures under Chapter 47 of the General Statutes of North Carolina.

Witness my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_

(SEAL)

Signature \_\_\_\_\_

Title \_\_\_\_\_

My commission expires \_\_\_\_\_

NOTE: Two Forms DSS-5118 are signed by the person denying paternity. The original of this form is filed with the Petition for Adoption and sent by the Clerk of Superior Court, with a copy of the Petition for Adoption, to the Division of Social Services, State Department of Health and Human Services. One copy of this form is retained by the person signing it.

NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Division of Social Services

NON-IDENTIFYING BACKGROUND INFORMATION

**To Biological Parent:** Please complete the blanks below as thoroughly as you can. This information will be given to the adoptive parents to be shared with your child at an appropriate time and/or may be released pursuant to North Carolina General Statutes §48-9-103, 48-9-104 and 48-9-109. This, along with the medical information, will be of utmost value to your child in learning about his/her genetic roots.

CHILD'S BIRTH HISTORY

Date of Birth: \_\_\_\_\_ Weight: \_\_\_\_\_ Length: \_\_\_\_\_  
Time of Birth: \_\_\_\_\_ Day of Birth: \_\_\_\_\_ Race: \_\_\_\_\_  
Nationality: \_\_\_\_\_ General Physical Appearance: \_\_\_\_\_

CHARACTERISTICS OF BIRTH/PRIOR ADOPTIVE PARENT

INDICATE:       MOTHER       FATHER  
Biological Parent? \_\_\_\_\_ (yes or no)      Prior Adoptive Parent? \_\_\_\_\_ (yes or no)

1. Age (in years): \_\_\_\_\_ Race: \_\_\_\_\_ Nationality: \_\_\_\_\_

2. Ethnic Background: \_\_\_\_\_

3. Height? \_\_\_\_\_ Average weight? \_\_\_\_\_ Eye Color? \_\_\_\_\_

4. Complexion:     Fair       Medium     Olive       Dark

Have you ever had a complexion problem?  Yes     No    If so, what? \_\_\_\_\_

5. Build:     Small-Boned       Medium-Boned       Large-Boned

6. Are you:       Right-handed       Left-Handed       Ambidextrous

7. What is the natural color of your hair? \_\_\_\_\_

Is your hair:     Naturally Curly     Straight     Wavy       Thick       Thin

Do you like to wear it long or short? \_\_\_\_\_

8. Do you wear eye correction?     Yes    ( Glasses       Contacts)       No

If you wear eye correction, at what age did you start wearing it? \_\_\_\_\_

Reason for eye correction?     Near-Sighted       Far-Sighted       Other: \_\_\_\_\_

9. Did you ever wear orthodontic braces?     Yes       No

If so, why did you need them? \_\_\_\_\_

10. Are you allergic to anything?     Yes       No      If yes, what are you allergic to and what is your reaction? \_\_\_\_\_

11. What are your hobbies and interests? \_\_\_\_\_  
\_\_\_\_\_
12. What are your favorite foods and drinks? \_\_\_\_\_
13. What is your favorite color? \_\_\_\_\_ Your favorite season? \_\_\_\_\_  
Your favorite holiday? \_\_\_\_\_
14. Education (highest grade completed): \_\_\_\_\_ Scholastic Performance: \_\_\_\_\_  
Favorite subjects in school? \_\_\_\_\_  
Any extracurricular activities? \_\_\_\_\_
15. Special Talents: \_\_\_\_\_
16. Religious Preference: \_\_\_\_\_
17. Usual Occupation: \_\_\_\_\_
18. Military Service:  Yes  No If yes, what branch? \_\_\_\_\_
19. Marital Status: \_\_\_\_\_
20. Age and sex of other children: \_\_\_\_\_
21. Were you or anyone in your family adopted?  Yes  No If yes, who? \_\_\_\_\_
22. Why are you placing child for adoption? \_\_\_\_\_  
\_\_\_\_\_
23. Are you interested in future contact with the child?  Yes  No
24. If you are deceased when the child reaches age 18, would you have any objection to the child contacting birth family?  Yes  No If so, what are your concerns? \_\_\_\_\_  
\_\_\_\_\_
25. What was your relationship with the child's other biological parent?  Friends  Dating Steadily  
 Engaged  Married  None  Other: \_\_\_\_\_
26. Other reasonably available information such as scars/birth marks/tattoos, etc.? \_\_\_\_\_

**PERSONALITY DESCRIPTION: Please check all that apply.**

- |                                     |  |                                     |   |  |
|-------------------------------------|--|-------------------------------------|---|--|
| <input type="checkbox"/> Aggressive | <input type="checkbox"/> Friendly      | <input type="checkbox"/> Nervous    | <input type="checkbox"/> Self-Confident | <input type="checkbox"/> Stubborn      |
| <input type="checkbox"/> Calm       | <input type="checkbox"/> Happy         | <input type="checkbox"/> Outgoing   | <input type="checkbox"/> Serious        | <input type="checkbox"/> Temperamental |
| <input type="checkbox"/> Emotional  | <input type="checkbox"/> Irresponsible | <input type="checkbox"/> Rebellious | <input type="checkbox"/> Shy            | <input type="checkbox"/> Unhappy       |
| <input type="checkbox"/> Easygoing  | <input type="checkbox"/> Independent   | <input type="checkbox"/> Worrisome  |   |  |

Other: \_\_\_\_\_

2



**CHARACTERISTICS OF EXTENDED FAMILY MEMBERS**

	<b>CHILD'S GRANDPARENT 1</b>	<b>CHILD'S GRANDPARENT 2</b>
Age: (If Deceased, State Age and Cause of Death)		
Sex (male, female)		
Race (Black, White, etc.)		
Ethnicity (Hispanic, etc.)		
Nationality (American, etc.)		
Height/Weight		
Hair/Eye Color		
Build/Complexion		
Right/Left Handed		
Hobbies/Talents/Interests		
Education		
Occupation		
Military Service		
Religious Preference		

<b>CHILD'S AUNTS AND UNCLES</b>						
	Brother <input type="checkbox"/>	Sister <input type="checkbox"/>	Brother <input type="checkbox"/>	Sister <input type="checkbox"/>	Brother <input type="checkbox"/>	Sister <input type="checkbox"/>
Age: (If Deceased, State Age and Cause of Death)						
Race (Black, White, etc.)						
Ethnicity (Hispanic, etc.)						
Nationality (American, etc.)						
Height/Weight						
Hair/Eye Color						
Build/Complexion						
Right/Left Handed						
Hobbies/Talents/Interests						
Education						
Occupation						
Military Service						
Religious Preference						

Special Comments to Child: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**INSTRUCTIONS:** This form should be completed to collect birth parent and prior adoptive parent information. Both forms should clearly indicate whether the information is related to a birth parent or a prior adoptive parent. One copy of this form is to be given to the adoptive parents prior to placement of a minor child for adoption; one copy is to be filed with the Petition for Adoption to be forwarded by the Clerk of Superior Court to the Division of Social Services, State Department of Health and Human Services; and one copy is to be retained in the agency's file. **In agency adoptions, the certification page shall not be provided to the adoptive parent(s) if it contains the name of a birth parent or birth parent's relative.**

CERTIFICATION

*This document should be certified by the person who prepared it. (In agency adoptions, this certification page shall not be provided to the adoptive parent(s) if it contains the name of a birth parent or birth parent's relative.)*

**I hereby certify that I prepared this Non-Identifying Background Information.**

\_\_\_\_\_  
Signature of (Parent) (Relative) (Agency Representative)

\_\_\_\_\_  
Date:

**STATE OF NORTH CAROLINA**

\_\_\_\_\_ **COUNTY**

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

( S E A L )

\_\_\_\_\_  
Signature of Notary Public

My Commission Expires: \_\_\_\_\_

## NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES

Name of Agency \_\_\_\_\_

Division of Social Services  
Adoption Health History, Part I

Adoptee's First Name \_\_\_\_\_

Source of information, if not completed by parent \_\_\_\_\_

## I. BIRTH MOTHER'S MENSTRUAL &amp; PREGNANCY HISTORY INVOLVING THIS CHILD

Age at onset of menses	Usual length of period	Regular <input type="checkbox"/> Yes <input type="checkbox"/> No	Number of days between periods
------------------------	------------------------	---	--------------------------------

## II. THIS PREGNANCY

Mother's age at onset of pregnancy?	Full term? <input type="checkbox"/> Yes <input type="checkbox"/> No	When did pre-natal care begin? How many visits?
Complications during this pregnancy? <input type="checkbox"/> Yes <input type="checkbox"/> No	If complications, explain	Single birth _____ Multiple births 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> Number of prior pregnancies

## III. DELIVERY HISTORY OF THIS CHILD

Duration of Labor	Type of delivery <input type="checkbox"/> Natural <input type="checkbox"/> Cesarean	Forceps <input type="checkbox"/> Yes <input type="checkbox"/> No	Father's blood type _____ Mother's blood type _____ Mother's RH factor _____
Were you given anesthesia? <input type="checkbox"/> Yes <input type="checkbox"/> No			

## IV. CONDITIONS DURING THIS PREGNANCY

German Measles <input type="checkbox"/> Yes <input type="checkbox"/> No	Infections <input type="checkbox"/> Yes <input type="checkbox"/> No	Anemic <input type="checkbox"/> Yes <input type="checkbox"/> No
Venereal Disease <input type="checkbox"/> Yes <input type="checkbox"/> No	Accidents <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Diabetic <input type="checkbox"/> Yes <input type="checkbox"/> No
Virus <input type="checkbox"/> Yes <input type="checkbox"/> No	If "Yes" specify _____	Pre-Diabetic <input type="checkbox"/> Yes <input type="checkbox"/> No
Toxemia <input type="checkbox"/> Yes <input type="checkbox"/> No		

COMMENTS:

INSTRUCTIONS: This form should only reflect the information of the biological parent(s). One copy of this form is to be given to the adoptive parent(s) prior to placement of a minor child for adoption; one copy is to be filed with the Petition for Adoption to be forwarded by the Clerk of Superior Court to the Division of Social Services, State Department of Health and Human Services; and one copy is to be retained in the agency's file. In agency adoptions, the certification page shall not be provided to the adoptive parent(s) if it contains the name of a birth parent or birth parent's relative.

Health History of Biological Parents and Other Relatives, Part II

Indicate Birth Mother \_\_\_\_\_

Birth Father \_\_\_\_\_

**Instructions:** Use separate sheet for each parent. Fill in above space to indicate which parent the information concerns.

Adoptee's First Name \_\_\_\_\_

<b>Respiratory System</b>	No	Yes (self)	Yes Relative (specify)	Comments
Allergies				
Hay fever				
Asthma				
Sinusitis				
Tuberculosis				
Emphysema				
Cystic Fibrosis				
Other (specify)				
<b>Skin</b>				
Acne				
Warts				
Psoriasis				
Eczema				
Baldness				
Cancer				
<b>Birth Defects</b>				
Harelip/cleft palate				
Clubfoot				
Heart defect				
Cerebral Palsy				
Downs Syndrome				
<b>Chemical Dependency/Abuse</b>				<b>Amount/Frequency</b>
Alcohol				
Tobacco				
Marijuana				
Barbiturates				
Amphetamines				
Hallucinogenics				
Cocaine				
Heroin				
Prescription drugs				
Tranquilizers				
Others				
<b>Hereditary Diseases</b>				
Hemophilia				
Thyroid Disorder				
Galactosemia				
Huntington's Disease				
Obesity				
Sickle Cell Anemia				
Other (specify)				

Adoptee's First Name \_\_\_\_\_

<b>Bones/Muscle Disorders</b>	No	Yes (self)	Yes Relative (specify)	Specify degree and age at onset:
Arthritis/Rheumatism				
Osteoporosis				
Knee & Hip Disorder				
Scoliosis				
Spina Bifida				
Muscular Dystrophy				
Lupus				
<b>Heart Circulatory</b>				
Aneurysm				
Varicose Veins				
Heart Murmur				
High blood pressure				
Stroke				
Heart attack				
Blockages				
Angina				
Phlebitis				
Other (specify):				
<b>Neurological Disorders</b>				<b>What part of body? Both sides? How severe?</b>
Muscular Dystrophy				
Multiple Sclerosis				
Cerebral Palsy				
Parkinson's Disease				
Alzheimer's Disease				
Epilepsy/Seizures				
Migraines				
Schizophrenia				
Tay Sachs Disease				
Tourette Syndrome				
Depression				
Autism				
Attention Deficit Disorder				
<b>Sexually Transmitted Diseases</b>				
Gonorrhea				
Syphilis				
Herpes				
HIV Carrier				
AIDS				
Other (specify)				
<b>Urinary</b>				
Kidney Disease				
Bladder Infections				
Gout				
Kidney Stones				
Sugar				
Liver Disorders:				
Pancreatic Disorders:				

Adoptee's First Name \_\_\_\_\_

<b>Rheumatic Fever</b>	No	Yes (self)	Yes Relative (specify)	Did heart murmur result?
<b>Sense Organ Disorders</b>				<b>Age at Onset</b>
Blindness				
Far/near sighted				
Astigmatism				
Ear infections				
Wears glasses/contacts				
Speech problems				
Color/night blindness				
Glaucoma-, Cataracts				
Deafness/hearing loss				
Other (specify)				
<b>Major Injury/Surgery:</b>				Age?
<b>Physical or Sexual Abuse:</b>				Age? Perpetrator?
<b>Breast History</b>				
Cancer				
Mastectomy				
Lumpectomy				
Fibrocystic				
Other (specify)				
<b>SIDS</b>				
<b>Mental Retardation:</b>				Any diagnosis or cause? Hospitalized?
<b>Hyperactive/Learning Disabilities:</b>				Type of education? Type of medication?
<b>Lung Disease:</b>				Specify type:
<b>Diabetes:</b>				Specify type; age at diagnosis, medications:
<b>Dental Problems:</b>				Specify type:
<b>Cancer</b>				What Kind? Age at Onset? Part of Body?

### CERTIFICATION

This document should be certified by the person who prepared it. (In agency adoptions, this certification page shall not be provided to the adoptive parent(s) if it contains the name of a birth parent or birth parent's relative.)

I hereby certify that I prepared this Adoption Health History Form, Parts I and 11.

\_\_\_\_\_  
Signature of (Parent) (Relative) (Agency)

Date: \_\_\_\_\_

STATE OF NORTH CAROLINA

\_\_\_\_\_ COUNTY

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(S E A L)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

ICPC 100A  
REV. 8/2001

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN REQUEST

Please type

TO:

FROM: N.C. Division of Social Services  
820 S. Boylan Ave., 1<sup>st</sup> Floor, McBryde Building East  
Raleigh, North Carolina 27603-2246

SECTION I - IDENTIFYING DATA			
Notice is given of intent to place - Name of Child:		Ethnicity: Hispanic Origin: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Social Security Number		ICWA Eligible <input type="checkbox"/> Yes <input type="checkbox"/> No	Race: <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> White
Sex:	Date of Birth	Title IV-E determination <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Pending	
Name of Mother		Name of Father:	
Name of Agency or Person Responsible for Planning for Child:			Phone:
Address:			
Name of Agency or Person Financially Responsible for Child:			Phone:
Address:			

SECTION II - PLACEMENT INFORMATION	
Name of Person(s) or Facility Child is to be placed with:	Soc Sec # (optional): Soc Sec # (optional):
Address:	Phone:
<b>Type of Care Requested:</b> <input type="checkbox"/> Foster Family Home <input type="checkbox"/> Residential Treatment Center <input type="checkbox"/> Group Home Care <input type="checkbox"/> Institutional Care-Article VI, Adjudicated Delinquent <input type="checkbox"/> Child Caring Institution <input type="checkbox"/> Other	
<input type="checkbox"/> Parent <input type="checkbox"/> Relative (Not Parent) Relationship: _____ <input type="checkbox"/> ADOPTION <input type="checkbox"/> IV-E Subsidy <input type="checkbox"/> Non IV-E Subsidy To Be Finalized In: <input type="checkbox"/> Sending State <input type="checkbox"/> Receiving State	
<b>Current Legal Status of Child:</b> <input type="checkbox"/> Sending Agency Custody/Guardianship <input type="checkbox"/> Parent Relative Custody/Guardianship <input type="checkbox"/> Court Jurisdiction Only <input type="checkbox"/> Protective Supervision <input type="checkbox"/> Parental Rights Terminated-Right to Place for Adoption <input type="checkbox"/> Unaccompanied Refugee Minor <input type="checkbox"/> Other	

SECTION III - SERVICES REQUESTED		
<b>Initial Report Requested (if applicable):</b> <input type="checkbox"/> Parent Home Study <input type="checkbox"/> Relative Home Study <input type="checkbox"/> Adoptive Home Study <input type="checkbox"/> Foster Home Study	<b>Supervisory Services Requested:</b> <input type="checkbox"/> Request Receiving State to Arrange Supervision <input type="checkbox"/> Another Agency Agreed to Supervise <input type="checkbox"/> Sending Agency to Supervise	<b>Supervisory Reports Requested:</b> <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Upon Request <input type="checkbox"/> Other
Name and Address of Supervising Agency in Receiving State:		

Enclosed: <input type="checkbox"/> Child's Social History <input type="checkbox"/> Court Order <input type="checkbox"/> Financial/Medical Plan <input type="checkbox"/> Other Enclosures			
<input type="checkbox"/> Home Study of Placement Resource <input type="checkbox"/> ICWA Enclosure <input type="checkbox"/> IV-E Eligibility Documentation			
Signature of Sending Agency or Person:			Date:
Signature of Sending State Compact Administrator, Deputy or Alternate:			Date:

SECTION IV - ACTION BY RECEIVING STATE PURSUANT TO ARTICLE III(d) of ICPC	
<input type="checkbox"/> Placement may be made	<input type="checkbox"/> Placement shall not be made
<b>REMARKS:</b>	
Signature of Receiving State Compact Administrator, Deputy or Alternate:	Date:

DISTRIBUTION (Complete six (6) copies):  
 • Sending Agency retains a (1) copy and forwards completed original plus four (4) copies to:  
 • Sending Compact Administrator, DCA, or alternate retains a (1) copy and forwards completed original and three (3) copies to:  
 • Receiving Agency Compact Administrator, DCA, or alternate who indicates action (Section IV) and forwards a (1) copy to receiving agency and the completed original and one (1) copy to sending Compact Administrator, DCA, or alternate within 30 days.  
 • Sending Compact Administrator, DCA, or alternate retains a completed copy and forwards the completed original to the sending agency.  
 DSS-1837 (Rev. 03/2014) Child Welfare Services Page 1 of 1 (ICPC 100A)



STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
BEFORE THE CLERK

\_\_\_\_\_ COUNTY

\_\_\_\_\_ SP \_\_\_\_\_

\_\_\_\_\_  
(Full name of petitioning parent 1)

\_\_\_\_\_  
(Full name of petitioning parent 2)

**ORDER FOR REPORT  
ON PROPOSED ADOPTION**

**FOR THE ADOPTION OF**

\_\_\_\_\_  
(Full name by which adoptee is to be known if adoption granted)

To \_\_\_\_\_  
(Name, title, and address of person or agency to whom Order is directed)

A Petition for Adoption in the above-entitled proceeding was filed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Consent or Relinquishment to adoption was given by the:

Birth or Prior Adoptive Parent 1 \_\_\_\_\_ Birth or Prior Adoptive Parent 2 \_\_\_\_\_  
(Date) (Date)

Agency \_\_\_\_\_ Child \_\_\_\_\_ Guardian \_\_\_\_\_  
(Date) (Date) (Date)

Guardian ad Litem of Mother/Father (pursuant to G.S. 48-3-602) \_\_\_\_\_  
(Date)

to \_\_\_\_\_

Termination of parental rights was executed on the:

Birth or Prior Adoptive Parent 1 \_\_\_\_\_ Birth or Prior Adoptive Parent 2 \_\_\_\_\_  
(Date) (Date)

Birth or prior adoptive parent 1 deceased \_\_\_\_\_ Birth or prior adoptive parent 2 deceased \_\_\_\_\_  
(Date) (Date)

You are hereby ordered to investigate and to make appropriate inquiry to determine whether the proposed home is a suitable one for the child and to investigate any other circumstances or conditions that may have a bearing on the cause and of which the Court should have knowledge; and you are ordered further to report to the court with respect to such matters **within 60 days** after the mailing or delivery of this Order. The report shall comply with the provisions of G.S. 48-2-502 and G.S. 48-2-503.

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk Superior Court

**( S E A L )**

\_\_\_\_\_  
County

**NOTE:**

This Order is prepared in duplicate and is to be directed to the department of social services or the licensed child-placing agency responsible for making the investigation with a copy of the Petition for Adoption (Form DSS-1800) and required attachments; and one is forwarded by the Clerk of Superior Court to the Division of Social Services, State Department of Health and Human Services.

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
BEFORE THE CLERK  
SP

\_\_\_\_\_ COUNTY

\_\_\_\_\_  
(Full name of petitioning parent 1)

\_\_\_\_\_  
(Full name of petitioning parent 2)

**PETITION FOR ADOPTION  
OF A MINOR CHILD  
(Not Stepparent)**

**FOR THE ADOPTION OF**

\_\_\_\_\_  
(Full name by which adoptee is to be known if adoption granted)

To the Honorable Clerk of the Superior Court of \_\_\_\_\_ County:

We (I), the undersigned, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_,  
(Name of petitioning parent 1) (Sex)

\_\_\_\_\_, \_\_\_\_\_, whose address is  
(Name of petitioning parent 2) (Sex)

\_\_\_\_\_  
(Street & Number) (City) (County) (State) (Zip Code)

do hereby petition the Court to adopt \_\_\_\_\_, a \_\_\_\_\_ minor  
(Name by which the adoptee is to be known) (Sex)  
child, and do represent to the Court:

1. That the petitioner(s) herein seeking adoption:
  - has/have lived in or been domiciled in North Carolina for at least six consecutive months immediately preceding the filing of this petition; **OR**
  - has/have lived in or been domiciled in North Carolina for less than six consecutive months prior to filing this petition, but the adoptee has lived in North Carolina for at least six consecutive months immediately preceding the filing of this petition or from birth; **OR**
  - does/do not reside or have domicile in North Carolina, but is/are petitioning to adopt a child currently in the legal custody of a licensed NC adoption agency or county department of social services; **OR**
  - does/do not reside or have domicile in North Carolina, but is/are petitioning to adopt a child directly placed with the petitioner(s) by the birth parent(s) and the child has lived in North Carolina for at least six consecutive months immediately preceding the filing of this petition or from birth AND continues to reside in North Carolina at the time of the filing of this petition.
2. That any required preplacement assessments have been completed or updated within the 18 months before the adoptee's placement for the purpose of adoption or an affidavit is attached stating why the assessment is not available.
3.  That all necessary consents, relinquishments, or terminations of parental rights have been obtained and have been filed or will be filed as additional documents with the petition; **AND/OR**

The names of any individuals whose consent, relinquishment, or termination of rights may be necessary but have not been obtained are listed in an attached document.

4. That the adoptee was born on in the State/Country of \_\_\_\_\_ on or about the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_.

5. That as far as petitioner(s) are able to ascertain, said minor child is the owner of or is entitled to personal property of the value of \$ \_\_\_\_\_ and real property of the value of \$ \_\_\_\_\_, described as follows:

\_\_\_\_\_

6. That said adoptee was placed for the purpose of adoption with the petitioner(s) by:

Agency     Parent/s     Guardian of the Minor    on the \_\_\_\_\_ (date)

If placed by agency, give name and address of agency consenting to the placement \_\_\_\_\_

\_\_\_\_\_

If waiver of placement under N.C.G.S. 48-2-301(a) is needed, address in #13 below.

7. If the adoptee is not in the physical custody of the petitioner(s), state the reason why the petitioner(s) do/does not have physical custody and the date and manner in which the petitioner(s) intend/intends to acquire custody:

\_\_\_\_\_

8. That the provisions of the Interstate Compact on the Placement of Children (ICPC), N.C.G.S. 7B - 3800 et. seq., were followed, or a statement is attached describing the circumstances of non-compliance or that the ICPC does not apply.

9. That the affidavit required by the Uniform Child Custody Jurisdiction and Enforcement Act, Chapter 50A of the General Statutes, if applicable, is attached to the petition.

10. That petitioner(s) seeking adoption herein is/are  single; or  married. If married, give date of that marriage \_\_\_\_\_. The petitioner(s) is/are a fit person(s) to have the custody, supervision, and training of said child, and have the resources, including those available under a subsidy for an adoptee with special needs, to provide for the care and support of the adoptee.

11. That petitioner(s) desire(s) and agree(s) to adopt and treat the adoptee as their/his/her lawful child and desire(s) that the relationship of parent(s) and child be established between them/him/her and said child; and upon adoption, the said adoptee shall inherit real and personal property by, through, and from the said petitioner(s) in accordance with the statutes of descent and distribution.

12. That the petitioner(s) is/are  related or  not related to the said child specified in G.S. 48-3-301(b) as follows:

\_\_\_\_\_

13. Enter any special allegation not yet given, such as child 12 years of age or older, whether spouse is deceased or adjudged incompetent, whether waiver of placement needed, etc.

\_\_\_\_\_

\_\_\_\_\_

**WHEREFORE**, YOUR petitioner(s) pray(s) that the relationship of parent(s) and child be established between petitioner(s) and said adoptee; and that the name of said adoptee be changed to:

\_\_\_\_\_ as hereinabove written and authorized by law.

Attachments to petition (N.C.G.S. 48-2-305): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Signature of Petitioner 1

\_\_\_\_\_ Signature of Petitioner 2

\_\_\_\_\_ and \_\_\_\_\_  
(Full name of petitioning parent 1) (Full name of petitioning parent 2)

being duly sworn, depose and say that he/she/they has (have) read the foregoing Petition and that the facts set forth therein are true to his/her/their own knowledge, except as to matters therein set forth upon information and belief, and as to such matters he/she/they believe(s) them to be true.

This \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_.

\_\_\_\_\_ Signature of Petitioner 1

\_\_\_\_\_ Signature of Petitioner 2

Subscribed to and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

**(S E A L)**

\_\_\_\_\_ Signature of Clerk of Superior Court or Notary Public

\_\_\_\_\_ Printed Name of Clerk of Superior Court or Notary Public

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Attorney for petitioner/s (Mailing Address)  
\_\_\_\_\_  
(Telephone Number) (City or Town) (Zip Code)

**NOTE:** The DSS-1800 is prepared in triplicate. The original form is held in the Office of the Clerk of Superior Court. A duplicate original is forwarded, **along with originals of all other documents filed in proceeding**, within ten days following the entry of the Decree of Adoption by the Clerk of Court to the Division of Social Services, State Department of Health and Human Services; and a copy is attached to the Order for a Report to the Court, directed to the county department of social services or licensed private child-placing agency.

STATE OF NORTH CAROLINA

\_\_\_\_\_ COUNTY

**RELINQUISHMENT OF MINOR FOR ADOPTION BY PARENT  
OR GUARDIAN OR GUARDIAN AD LITEM OF THE MOTHER/FATHER**

I, \_\_\_\_\_, being duly sworn, declare:

1. That I was born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and have a permanent address at \_\_\_\_\_;

I do not have a permanent address, but do have a mailing address at \_\_\_\_\_.

2. That I am of sound mind and in full possession of my mental faculties;

3. That I am the \_\_\_\_\_  
(Mother) (Father) (Guardian)(Guardian ad litem of the Mother/Father pursuant to G.S. 48-3-602)

of \_\_\_\_\_, a \_\_\_\_\_ child,  
(Original Name of Child – If known) (Sex – If known)

born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, [or expected to be born  
approximately \_\_\_\_\_ to \_\_\_\_\_ ] in

\_\_\_\_\_  
(City or Town) (County) (State)

4. That I hereby relinquish all rights to said child and surrender said child to \_\_\_\_\_  
[Director of Social Services in \_\_\_\_\_ County] or [Director of \_\_\_\_\_,  
a licensed child-placing agency], whose address is \_\_\_\_\_;  
such release being a voluntary act on my part and without any demand on the part of the director of [social services]  
[licensed child-placing agency];

5. That I voluntarily consent to the permanent transfer of legal and physical custody of said child to the agency for the purposes of adoption:

- A.  with a prospective adoptive parent selected by the agency; or
- B.  with a prospective adoptive parent selected by the agency and agreed upon by me, designated as:

\_\_\_\_\_

6. That this Relinquishment shall be valid and binding and shall not be affected by any oral or separate written agreement between the agency and me;

7. That I understand that when the adoption is final, all of my rights and duties with respect to the minor will be extinguished and all other aspects of my legal relationship with the minor child will be terminated;

8. That I have not received or been promised any money or anything of value for the relinquishment of the minor except for lawful payments that are itemized on a schedule attached to this Relinquishment;

9. That I hereby waive notice of any proceeding for adoption;

10. That I have provided the agency with necessary background information or have signed releases that will permit the agency to compile the information required by G.S. 48-3-205;

11. That I have read or had read to me and understood this Relinquishment, been advised that counseling services are available through the agency to which the Relinquishment is given, and have been advised of the right to employ independent legal counsel;

12.  That I understand that my Relinquishment to Adoption of the minor may be revoked within 7 days following the day on which it is executed, inclusive of weekends and holidays. If the final day of the period falls on a weekend or a North Carolina or federal holiday, then the revocation period extends to the next business day.

That I understand this is my:

second Relinquishment for placement with the same adoptive parent selected by the agency and agreed upon by me and is thereby irrevocable; or

second Relinquishment for placement by the agency with any adoptive parent selected by the agency and is thereby irrevocable.

13. That I further understand that **if** my Relinquishment is for the placement of my child with a prospective adoptive parent selected by the agency and agreed upon by me as designated in Paragraph 5 B. above, **and** the adoption of my child by that prospective adoptive parent will not be completed, I agree that pursuant to N.C.G.S. 48-3-704:

That I **will receive notice** by the agency at my address listed above, that the adoption will not be completed and my revocation period will be 10 days, inclusive of weekends and holidays, from the date of receipt of notice by the agency that the adoption will not be completed. The address above will only be used if the the agency cannot locate me after the exercise of due diligence. If I do not revoke my relinquishment within this 10 day period in writing and delivered in the manner provided by G.S. 48-3-706, my relinquishment will be deemed a general relinquishment, and the agency may place the child with a prospective adoptive parent selected by the agency.

**OR**

That I **do not wish to receive notice** by the agency that the adoption will not be completed and in the event of such an uncompleted adoption, I hereby consent to the adoption of my child with any prospective adoptive parent selected by the agency.

14. That I understand that to revoke my Relinquishment for Adoption, as provided in G.S. 48-3-706, the revocation must be made by giving written notice to the agency to which the Relinquishment was given. Notice may be given by personal delivery, overnight delivery service, or registered or certified mail, return receipt requested. If notice is given by mail, notice is deemed complete when it is deposited in the United States mail, postage prepaid, addressed to the agency at the agency's address as given in the Relinquishment. If notice is given by overnight delivery service, notice is deemed complete on the date it is deposited with the service as shown by the receipt from the service, with delivery charges paid by the sender, addressed to the agency at the agency's address as given in the Relinquishment. Forms to revoke my Relinquishment may be obtained from the Clerk of Superior Court in any county in North Carolina.

15. That I understand unless revoked in accordance with G.S. 48-3-706 or G.S. 48-3-704 above, my Relinquishment is final and irrevocable except under the circumstances set forth in G.S. 48-3-707.

---

Signature of [Mother] [Father] [Guardian]  
[Guardian ad Litem of the Mother/Father]

---

Address

STATE OF NORTH CAROLINA

\_\_\_\_\_ COUNTY

I, \_\_\_\_\_, do hereby certify  
(Name of official)

that \_\_\_\_\_ personally appeared before me this day  
Name of [Mother] [Father] [Guardian] [Guardian ad Litem of the Mother/Father]

and acknowledged the due execution of the foregoing document and that this document has been sworn to (or affirmed) and subscribed before me. I further certify to the best of my knowledge and belief that the parent or guardian executing the Relinquishment: read, or had read to him or her, and understood the Relinquishment; signed the Relinquishment voluntarily; received an original or copy of his or her fully executed Relinquishment; and was advised that counseling services are available through agency to whom Relinquishment is given.

I certify that I, the undersigned, am a Notary Public or one otherwise empowered to administer oaths or take acknowledgments.

Witness my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_,

at \_\_\_\_\_  
(Place of Relinquishment)

(S E A L)

Signature \_\_\_\_\_

Title \_\_\_\_\_

My commission expires \_\_\_\_\_

**NOTE:**

Three DSS-1804 forms are signed. The **original** of this form is attached to the Consent to Adoption by Agency (DSS-1801) and sent with the Petition for Adoption to the Division of Social Services, State Department of Health and Human Services, by the Clerk of Superior Court. One copy of Form DSS-1804 is retained in the record of the county department of social services or licensed private child-placing agency. **One copy is given to the parent or guardian or guardian ad litem of the Mother/Father relinquishing the child. An adoptive parent is considered the parent.**



STATE OF NORTH CAROLINA

\_\_\_\_\_ COUNTY

**ACCEPTANCE OF RELINQUISHMENT OF MINOR FOR ADOPTION  
BY PARENT OR GUARDIAN OR GUARDIAN AD LITEM OF THE MOTHER/FATHER**

**WHEREAS**, it appears to the undersigned, upon diligent inquiry and investigation:

That the child, \_\_\_\_\_, was born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, [or expected to be born approximately \_\_\_\_\_]

to \_\_\_\_\_ and \_\_\_\_\_  
(Full name of birth parent 1) (Full name of birth parent 2)

in \_\_\_\_\_ County, State of \_\_\_\_\_; that the [mother] [father] [guardian]

[guardian ad litem of the mother/father] has a permanent address or mailing address at

\_\_\_\_\_.

**WHEREAS**, a Relinquishment for Adoption of the child to the undersigned was executed on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_.

**NOW, THEREFORE**, the undersigned hereby accepts the Relinquishment of Minor for Adoption by the:

- Mother  Father  Guardian of said child  Guardian ad Litem of the Mother/Father pursuant to G.S. 48-3-602

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ of \_\_\_\_\_ County  
Signature of Director of Social Services or Authorized Representative

\_\_\_\_\_ by \_\_\_\_\_  
Signature of Licensed child-placing agency Title

\_\_\_\_\_ Address

**Note:**  
G.S. 48-3-702 requires an agency that accepts a Relinquishment to furnish each parent or guardian or guardian ad litem of the mother/father who signs a Relinquishment a letter or other writing indicating the agency's willingness to accept the Relinquishment. This Acceptance form fulfills this requirement. In the event this form cannot be signed and provided to the parent or guardian at the time the Relinquishment is signed, another writing to the same effect must be signed and provided.

STATE OF NORTH CAROLINA  
\_\_\_\_\_ COUNTY

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION  
BEFORE THE CLERK

\_\_\_\_\_  
(Full Name of Petitioning Parent 1)

\_\_\_\_\_ SP \_\_\_\_\_

\_\_\_\_\_  
(Full Name of Petitioning Parent 2)

**REPORT ON PROPOSED ADOPTION**

**FOR THE ADOPTION OF:**

\_\_\_\_\_  
(Full Name by Which Adoptee Is to Be Known if Adoption Granted)

To the Honorable, Clerk of the Superior Court of \_\_\_\_\_ County,

In Response to the Order of the Court, \_\_\_\_\_

\_\_\_\_\_  
(Name, Title and Address of Person or Agency Making Report)

makes the following report of findings in reference to the proposed placement:

**I. HISTORY OF CHILD**

**A. Placement Data for Child**

1. Child Placed with these Petitioners by:

2. Type of Adoption:

**(Enter only one code from block below)**

- a. Public Agency
- b. Private agency
- c. Tribal Agency
- d. Independent Person
- e. Birth Parent
- f. Other Relative
- g. District Court

- a. Agency (Non-related)
- b. Agency (Related)
- c. Independent/Non-Related
- d. Foreign
- e. Relative
- f. Stepparent

Child previously in Agency custody and eligible for Adoption Assistance?  Yes  No

3. Identify below the Agency, Parents, or Guardian giving Consent for the Adoption, when applicable (should correspond with A1)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship: \_\_\_\_\_

4. Child Placed From:

- a. Within State
- b. Another State
- c. Another Country

Name of State or Country:

\_\_\_\_\_

5. Date the child was placed in the home of Adopting Family *For the Purpose of Adoption*: \_\_\_\_\_  
(or if placement requirement waived, date of legal clearance)

6. Was the child ever placed in an Adoptive home where the placement disrupted or has this child been legally adopted and the adoption subsequently dissolved?

- a. Yes
- b. No

6a. If yes, than was it:

- a. Disruption
- b. Dissolution
- c. Both

7. If the child was in substitute care prior to the Adoptive placement, were there any brothers/sisters or half brothers/sisters in substitute care at the same time?

- a. Yes
- b. No

8. Was the child placed in the Adoptive placement with own siblings?

- a. Yes
- b. No, or Not Applicable
- c. With Some, But Not All

**B. Personal History**

1. Original Name of Child (as entered on birth certificate) SIS ID# \_\_\_\_\_

First: _____
Middle: _____
Last: _____
Generation (Jr., Sr., III, etc.) _____

2. Adopted Name of Child SIS ID# \_\_\_\_\_

First: _____
Middle: _____
Last: _____
Generation (Jr., Sr., III, etc.) _____

3. Date of Birth: \_\_\_\_\_

4. Verified by (give birth certificate number): \_\_\_\_\_

5. Place of Birth: (City or Town) \_\_\_\_\_; (State) \_\_\_\_\_; (County) \_\_\_\_\_;  
(Country); \_\_\_\_\_

6. Race (must check at least one, check all that apply):
- American Indian or Alaskan Native
  - Asian
  - Black or African American
  - Native Hawaiian or Other Pacific Islander
  - White
  - Abandoned

Is the individual of Hispanic origin?  Yes  No

7. Sex

a. Male
b. Female

**C. Court Action:** (Termination of Parental Rights; Order of the Clerk of Superior Court Allowing Adoption to Proceed without Parents' Consent; Adjudication of Mental Incompetency, if applicable; Custody Orders, etc.)  
**COPIES MUST BE ATTACHED.**

Name and Address of Court: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dates: \_\_\_\_\_

**D. Special Needs Status**

1. Does the child meet each of the three parts of the Special Needs criteria as defined in the Family Services Manual, Volume I, Chapter XIII Section 1600?

	a. Yes b. No
--	-----------------

2. What is the primary basis for meeting Part II of the Special Needs as a condition of eligibility for Adoption Assistance?

	a. The child is six years of age or older; b. The child is two years of age or older and a member of a minority race or ethnic group; c. The child is a member of a sibling group or three or more children to be placed in the same adoptive home; d. The child is a member of a sibling group of two children to be placed in the same adoptive home, in which the sibling meets at least one other criteria for special needs; e. The child has a medically diagnosed disability which substantially limits one or more major life activity, requires professional treatment, assistance in self-care, or the purchase of special equipment; f. The child is diagnosed by a qualified professional to have a psychiatric condition which impairs the child's mental, intellectual, or social functioning, and for which the child requires professional services; g. The child is diagnosed by a qualified professional to have a behavioral or emotional disorder characterized by inappropriate behavior which deviates substantially from behavior appropriate to the child's age or significantly interferes with the child's intellectual, social and personal adjustment; h. The child is diagnosed to be mentally retarded by a qualified professional; i. The child is at risk for a diagnosis described above in items e through h, due to prenatal exposure to toxins, a history of abuse or serious neglect, or genetic history. j. The child meets all of the medical criteria and disability requirements for Supplemental Security Income (SSI).
--	--

3. If medical conditions or mental, physical, or emotional disabilities were checked above, check all that apply:

- Mental Retardation
- Blind or Visually Impaired
- Deaf or Hard of Hearing
- Physically Disabled
- Emotionally Disturbed
- Learning Disability
- HIV
- Other Medically Diagnosed Condition

#### E. Adoption Subsidy/Financial Support

1. Was the child adopted with an Adoption Assistance Agreement?

	a. Yes b. No
--	-----------------

If yes, date Adoption Assistance Agreement Signed: \_\_\_\_\_

Funding Source:

	a. Title IV-E b. Title IV-B c. SAF (Private Agency Only)
--	--

Amount of Cash Payment: \$ \_\_\_\_\_

2. Has or will there be Reimbursement of Non-recurring Adoption Costs of adoption to the Adoptive Parents?

	a. Yes b. No
--	-----------------

3. Does the child receive support under Title XVI (SSI)?

	a. Yes b. No
--	-----------------

4. Is the child eligible for Title XIX (Medicaid)?

	a. Yes b. No
--	-----------------

## II. HISTORY OF BIRTH PARENTS (OR LAST ADOPTIVE PARENTS)

### A. BIRTH PARENT #1 (biological or previous adoptive **FATHER** if applicable)

First: _____
Middle: _____
Maiden: _____
Last: _____
Generation (Jr., Sr., III, etc.) _____

2. Address (Street, City, State, Zip): \_\_\_\_\_

3. Date of Birth: \_\_\_\_\_

4. Place of Birth: (City or Town) \_\_\_\_\_; (State) \_\_\_\_\_; (County) \_\_\_\_\_;

(Country); \_\_\_\_\_

5. Race (must check at least one, check all that apply)

- American Indian or Alaskan Native
- Asian
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Abandoned

Is the individual of Hispanic origin?  Yes  No

6. Nationality/Ethnicity: \_\_\_\_\_

7. Sex

a. Male
b. Female

8. Education:

Highest Grade Completed:

GED:

a. Yes  
 b. No

College?  Yes  No

Vocational School?  Yes  No

9. Occupation

- a. Unknown
- b. Unemployed
- c. Professional
- d. Supervisor/Manager/Proprietor
- e. Clerical/Sales/Crafts
- f. Service/Laborer/Farmer
- g. Military
- h. Clergy
- i. Trade
- j. Retired
- k. Student
- l. Disabled

10. Marital Status at time of child's birth

- a. Unknown
- b. Single
- c. Divorced
- d. Married to Birth Parent 2
- e. Married to Legal Father
- f. Married to Adoptive Spouse
- g. Widowed

11. Marriages of Birth Parent #1

	Name	Date Married	Date Terminated	How (Death, Divorce, Etc.)
PRESENT SPOUSE:				
PRIOR SPOUSE:				
PRIOR SPOUSE:				
PRIOR SPOUSE:				
PRIOR SPOUSE:				
PRIOR SPOUSE:				
PRIOR SPOUSE:				

12. Has Birth Parent #1 at any time been married to birth parent #2?  Yes  No

13. If Birth Parent #1 is deceased, date: \_\_\_\_\_ How Verified? \_\_\_\_\_

14. Cause of Death (attach copy of death certificate): \_\_\_\_\_



15. Date of Birth Parent #1's Parental Rights Terminated by Court Order, or Date of Voluntary Consent, Relinquishment, or Date of Death, Date Judicially Determined not to be the father, or Date of Order that Consent Not Necessary: \_\_\_\_\_

16. If Pre-Placement Assessment of Adoptive Parents is required, date given to Birth Parent #1: \_\_\_\_\_

**B. LEGAL FATHER (The legal father is the man who is/was married to the birth mother and the child was born during the marriage or within 280 days after they divorced or after they separated pursuant to a written separation agreement or court order)**

1. Name of Legal Father:

First: _____
Middle: _____
Last: _____
Generation (Jr., Sr., III, etc.) _____

2. Date of Legal Clearance of the Legal Father: \_\_\_\_\_

**C. BIRTH PARENT #2 (biological or previous adoptive Mother if applicable)**

1. Name of Birth Parent #2 (or Last Adoptive Parent #2)

First: _____
Middle: _____
Maiden: _____
Last: _____
Generation (Jr., Sr., III, etc.) _____

2. Address (Street, City, State, Zip): \_\_\_\_\_

3. Date of Birth: \_\_\_\_\_

4. Place of Birth: (City or Town) \_\_\_\_\_; (State) \_\_\_\_\_; (County) \_\_\_\_\_;  
(Country); \_\_\_\_\_

## 5. Race (must check at least one, check all that apply)

- American Indian or Alaskan Native  
 Asian  
 Black or African American  
 Native Hawaiian or Other Pacific Islander  
 White  
 Abandoned

Is the individual of Hispanic origin?  Yes  No

6. Nationality/Ethnicity: \_\_\_\_\_

## 7. Sex

- a. Male  
 b. Female

## 8. Education:

Highest Grade Completed:

GED:

- a. Yes  
 b. No

College?  Yes  No

Vocational School?  Yes  No

## 9. Occupation

- a. Unknown  
 b. Unemployed  
 c. Professional  
 d. Supervisor/Manager/Proprietor  
 e. Clerical/Sales/Crafts  
 f. Service/Laborer/Farmer  
 g. Military  
 h. Clergy  
 i. Trade  
 j. Retired  
 k. Student  
 l. Disabled

## 10. Marital Status at time of child's birth

- a. Unknown  
 b. Single  
 c. Divorced  
 d. Married to Birth Parent 1  
 e. Married to Legal Father  
 f. Married to Adoptive Spouse  
 g. Widowed

## 11. Marriages of Birth Parent #2

	Name	Date Married	Date Terminated	How (Death, Divorce, Etc.)
PRESENT SPOUSE:				
PRIOR SPOUSE:				
PRIOR SPOUSE:				
PRIOR SPOUSE:				
PRIOR SPOUSE:				
PRIOR SPOUSE:				
PRIOR SPOUSE:				

12. If Birth Parent #2 is deceased, date: \_\_\_\_\_ How Verified? \_\_\_\_\_

13. Cause of Death (attach copy of death certificate): \_\_\_\_\_

14. Date of Birth Parent #2's Parental Rights Terminated by Court Order, or Date of Voluntary Consent, Relinquishment, or Date of Death, Date Judicially Determined not to be the father, or Date of Order that Consent Not Necessary: \_\_\_\_\_

15. If Pre-Placement Assessment of Adoptive Parents is required, date given to Birth Parent #2: \_\_\_\_\_

### III. HISTORY OF ADOPTIVE PARENTS

#### A. ADOPTIVE PARENT #1

##### 1. Name of Adoptive Parent #1

First: _____ Middle: _____ Maiden: _____ Last: _____ Generation (Jr., Sr., III, etc.)
---

2. Date of Birth: \_\_\_\_\_

3. Place of Birth: (City or Town) \_\_\_\_\_; (State) \_\_\_\_\_; (County) \_\_\_\_\_;  
 (Country); \_\_\_\_\_

## 4. Race (must check at least one, check all that apply)

- American Indian or Alaskan Native  
 Asian  
 Black or African American  
 Native Hawaiian or Other Pacific Islander  
 White  
 Abandoned

Is the individual of Hispanic origin?  Yes  No

5. Nationality/Ethnicity: \_\_\_\_\_

## 6. Sex

- a. Male  
 b. Female

## 7. Education:

Highest Grade Completed:

GED:

- a. Yes  
 b. No

College?  Yes  No

Vocational School?  Yes  No

## 8. Occupation

- a. Unknown  
 b. Unemployed  
 c. Professional  
 d. Supervisor/Manager/Proprietor  
 e. Clerical/Sales/Crafts  
 f. Service/Laborer/Farmer  
 g. Military  
 h. Clergy  
 i. Trade  
 j. Retired  
 k. Student  
 l. Disabled

9. Annual Income: \$ \_\_\_\_\_