

Timeline for Adoption Legislation in North Carolina

Summarized from research done by Teresa Frohock

By Susan Daniels, February 8, 2007

Original Intent

1933

- NC law began requiring written assessments of the petitioners' home by a representative of the Superintendent of Public Welfare so that the court could satisfy that the petitioner was proper and suitable to adopt a *child*.

Implications:

- Original birth certificate amended to reflect petitioners' names as parents.
- No reference to adoption but original birth certificate remained with Bureau of Vital Statistics.¹

1935

- The first time that a portion of the adoption record was sealed.²

Implications:

- It was no longer necessary to refer to the "true" name of the *child* in any papers other than the assessment made by the representative of the Superintendent of Public Welfare.
- All original information was released only upon an order from a judge of Superior Court.

1947 – 1949

- 1947 revisions became more stringent in restricting access to adoptee birth certificates. However due to the omission of an enacting clause the act was invalidated. It was in 1949 that House Bill 203 created N.C. Gen .Stat. Article 48 which is the foundation for current adoption statues in North Carolina.

Implications

- Primary Purpose: To protect *children* from,
 - Unnecessary separation from parents
 - From adoption by person unfit, and

¹ An Act to Amend Chapter Two of Consolidated Statutes of 1919, Relating to the Adoption of *Minors*, NC Pub.L.,c.207 Article 4 (1933).

² An Act to Amend Chapter Two Hundred and Seven of the Public Laws of One Thousand Nine Hundred Thirty- three, Relating to the Adoption of *Minors*, NC Pub.L.c.243 Article(1)(a)(1935).

- “Interference, long after they have become properly adjusted in their adoptive homes, by natural parents who may have some legal claim because of a defect in the adoption procedure.”³
- Secondary Purpose: To protect
 - Natural parents from hurried decisions to relinquish
 - Foster parents from assuming responsibility for a *child* whose heredity, mental and physical condition they knew nothing about, and
 - To prevent later relationship disturbances between the adoptive parents and adoptee from birth parents whose legal rights were not fully protected in the adoption proceedings.
- All records were now sealed except for the final order of adoption or any orders dismissing the proceedings.

1995

- Adoption law re-written with verbiage regarding protecting the privacy of the parties to the adoption.⁴

Implications

- Primary Purpose:
 - To protecting *minors* from unnecessary separation from their original parents
 - To facilitate the adoption of *minors* by those fit to adopt
 - To protect *minors* from placement with unfit adoptive parents, and
 - To assure the finality of the adoption.
- Secondary Purpose:
 - To protect biological parents from ill-advised decisions to relinquish a *child*
 - To protect adoptive parents from assuming responsibility for a *child* whose heredity or mental or physical condition was unknown at time of adoption
 - To protect the privacy of the parties of adoption, and
 - To discourage unlawful trafficking in *minors*.

2007

³ An Act to Rewrite Chapter 48 of the General Statutes Relating to Adoptions of *Minor Children* and to Incorporate Therein the Provisions of H.B. 65 of the General Assembly as the Same Appears as Chapter 885 of the N.C. Session Laws of 1947 with Clarifying Amendments Thereto, 1949 SESS.LAWS c.300 (repealed 1995).

⁴ An Act to Rewrite Chapter 48 of the General Statutes Relating to Adoption as Recommended by the General Statutes Commission, 1995 N.C. SESS. LAWS c. 457 Article 48-1-100(b)(1).