

S.L. 2025-16, Section 1.18 (Effective Oct 1, 2025)

§ 7B-909.2. Post-adoption contact agreements; orders from minors in department of social services custody.

(a) Prior to executing a relinquishment, the parent or parents of a minor adoptee who is in the custody of a county department of social services pursuant to an order entered under this Subchapter and the prospective adoptive parent or parents may voluntarily participate in a court-approved mediation program to reach a voluntarily mediated post-adoption contact agreement. The court with jurisdiction over the proceeding involving the minor under this Subchapter may make the referral to mediation when the county department notifies the court it would accept a relinquishment that specifies the prospective adoptive parent or parents. A biological parent who has not reached 18 years of age shall have legal capacity to enter a post-adoption contact agreement and shall be as fully bound by the agreement and order as if the biological parent had attained 18 years of age.

(b) The Administrative Office of the Courts shall develop and make available appropriate standardized forms for implementation of this section.

(c) Jurisdiction and venue for approval of such agreement shall be before the district court with jurisdiction over the proceeding involving the minor under this Subchapter.

(d) Other people may be invited to participate in the mediation by mutual consent of the parent or parents executing a relinquishment and the prospective adoptive parent or parents. However, these invitees shall not be parties to any agreement reached during that mediation and shall not receive copies of any agreement.

(e) Mediation proceedings and information relating to those proceedings under this section shall be confidential. Information or the statements of any person participating in the mediation shall not be disclosed or used in any subsequent proceeding. Regardless, evidence that would otherwise be admissible at trial shall not be rendered inadmissible as a result of its use in a mediation proceeding. Except for the voluntary mediated agreement, there shall be no record made of any mediation proceedings under this section and the mediator shall destroy all of his or her notes immediately after the mediation.

(f) The voluntarily mediated agreement shall be reviewed by the court having jurisdiction of the minor under this Subchapter within two business days of when the agreement is signed to determine whether the agreement should be incorporated into a court order.

(g) To be approved by the court, a voluntarily mediated agreement shall be signed under oath by the parties or accompanied by an affidavit made under oath that

affirmatively states that the agreement was entered into knowingly and voluntarily and is not the product of coercion, fraud, or duress. The affidavit may be executed jointly or separately. The agreement shall contain the following statements:

(1) This agreement is entered into pursuant to this section.

(2) Any breach, modification, invalidation, or termination of the agreement, or any part of it, shall not affect the validity of the relinquishment or the final decree of adoption.

(3) The parties acknowledge that either the parent or prospective adoptive parents who have entered into the agreement have the right to seek enforcement as set forth in G.S. 7B-909.3.

(4) The parties have not relied on any representations other than those contained in the agreement.

(h) The court shall not enter an order to approve the post-adoption contact agreement unless the agreement is in writing and executed prior to or as part of the relinquishment. When the court approves the post-adoption contact agreement:

(1) The court shall enter a post-adoption contact agreement and order and instruct the clerk to treat the order as an initiation of a civil action for custody.

(2) The court shall designate the caption of the action and the parties to the action. The civil filing fee is waived unless the court orders one or more of the parties to pay the filing fee for a civil action into the office of the clerk of superior court.

(3) The post-adoption contact agreement and order shall constitute a custody determination, and any motion to enforce, modify, or terminate the order shall be filed in the newly created civil action and is governed by G.S. 7B-909.3. The Administrative Office of the Courts may adopt rules and shall develop and make available appropriate forms for establishing a civil file to implement this section and G.S. 7B-909.3.

(4) The record of the civil action shall be withheld from public inspection and may only be examined by the parties to the civil action and their attorneys, the minor adoptee, or by order of the court.

(i) A post-adoption contact agreement and order shall automatically terminate on the date the child turns 18 years of age or is otherwise emancipated."

SECTION 1.18.(b) Article 9A of Subchapter I of Chapter 7B of the General Statutes is amended by adding a new section to read:

"§ 7B-909.3. Modification, enforcement, and termination of a post-adoption contact agreement and order; no right to appeal; rights of adoptive parents.

(a) A party to a court-approved post-adoption contact agreement and order may seek to modify, enforce, or terminate the agreement by filing a motion in the civil action created pursuant to G.S. 7B-909.2(h). Issues set forth in the motion shall be set for mediation unless the court waives mediation for good cause. A court order for modification, enforcement, or termination of the terms of the voluntarily mediated agreement shall be the sole remedies for breach of the agreement.

(b) In a proceeding under this section, the persons who executed the post-adoption contact agreement are the sole parties to the action. The court shall not allow intervention by any other person or agency. The parties shall not be entitled to the appointment of counsel but may retain counsel at their own expense.

(c) The court may modify the terms of the post-adoption contact agreement and order if the court finds by a preponderance of the evidence that there has been a material and substantial change in the circumstances and that the modification is in the best interests of the child. A court-imposed modification of a previously approved agreement may limit, restrict, condition, decrease, or terminate the sharing of information and contact between the former parent or parents and the child, but in no event shall a court-imposed modification serve to expand, enlarge, or increase the amount of contact between the former parent or parents and the child. The court also may impose appropriate sanctions consistent with its equitable powers but not inconsistent with this section, including the power to issue restraining orders.

(d) If the court finds that an action brought under this section was wholly insubstantial, frivolous, and not advanced in good faith, the court may award attorneys' fees and costs to the prevailing parties.

(e) A party subject to an order under this section has no right to appeal the order.

(f) Nothing contained in this section or G.S. 7B-909.2 shall be construed to abrogate the rights of the adoptive parent or parents to make decisions on behalf of the child, except as provided in the court-approved post-adoption contact agreement and order."

SECTION 1.18.(c) Article 1 of Chapter 50 of the General Statutes is amended by adding a new section to read:

"§ 50-13.2B. Modification or enforcement of post-adoption contact agreement and order.

A former parent or adoptive parent who is party to a post-adoption contact agreement and order entered pursuant to G.S. 7B-909.2 shall be governed by G.S. 7B-909.3."

