

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 335
HOUSE BILL 640

AN ACT TO PERMIT ADOPTIVE PARENTS TO PAY MEDICAL EXPENSES OF
THE CHILD'S BIOLOGICAL MOTHER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 48-37 reads as rewritten:

"§ 48-37. Compensation for placing or arranging placement of child for adoption prohibited.

No person, agency, association, corporation, institution, society or other organization, except a licensed child-placing agency as defined by G.S. 48-2(4), or a county department of social services, shall offer or give, charge or accept any fee, compensation, consideration or thing of value for receiving or placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption. Provided, that the adoptive parents may pay the reasonable and actual medical expenses incurred by the biological mother incident to the birth of the child, and provided that in the petition for adoption the adoptive parents must disclose the amount of these payments and must represent that there were no gifts or payments of, or promises to give or pay, any other fee, compensation, consideration, or thing of value such as is prohibited by this section. The act of preparing and filing the adoption proceeding before the court shall not be construed as receiving or placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption. Any person who violates any provision of this section shall be guilty of a misdemeanor, and upon conviction or pleas of guilty shall be fined or imprisoned or both at the discretion of the court. Any person who is convicted of or pleads guilty to a second or subsequent violation of this section shall be guilty of a felony and shall be imprisoned for not more than three years or fined not more than ten thousand dollars (\$10,000) or both at the discretion of the court."

Sec. 2. G.S. 48-16(a) reads as rewritten:

"(a) Upon the filing of a petition for adoption the court shall order the county director of social services, or a licensed child-placing agency through its authorized representative, to investigate the condition and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption, to make appropriate inquiry to determine whether the proposed adoptive home is a suitable one for the child, and to investigate any other circumstances or conditions which may have a bearing on the adoption and of which the court should have knowledge, including compliance by the parties with G.S. 48-37."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 19th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives