

## **ADOPTION CHECKLIST FOR CLERKS**

### **Adult Adoptions**

- Adult is defined by G.S. 48-1-101(3) as an individual who is 18 years of age, or if under the age of 18, is either married or has been emancipated under applicable State law.

\_\_\_ **Petition for adult adoption** (DSS-5163). G.S. 48-5-101.

\_\_\_ **Attachments to petition.**

\_\_\_ **Consent to adoption** by adult adoptee (DSS-5164).

\_\_\_ **Consent to adoption** by spouse of petitioner (when adult's stepparent is petitioner) unless waived for cause (DSS-5165).

\_\_\_ **If applicable, consent to adoption** by guardian of incompetent adult adoptee. G.S. 48-5-103. Must have investigation and report to court by court appointed GAL other than guardian in this case.

\_\_\_ **Proof of Service** of Notice by Petitioner to appropriate persons in G.S. 48-2-401(d), including any adult children of prospective adoptive parent and any parent, spouse or adult child of adoptee listed in petition. Notice may be waived in writing by the person entitled to receive it.

Note: For cause, the requirement of notice to the adoptee's parent may be waived. 48-2-401(d).

Note: Persons receiving notice may only appear and present evidence as to whether the adoption is in the best interest of the adoptee. Their consent to the adoption is not required. 48-2-405.

\_\_\_ **Affidavit** accounting for any payments or disbursements made or agreed to be made by petitioner in connection with adoption. (DSS-5191) Must include amount of each payment or disbursement and name and address of each recipient. Must be filed at least 10 days before entry of final decree. G.S. 48-2-602; 48-10-103.

\_\_\_\_\_ **Final decree of adoption (DSS-5166)**

48-2-605 provides that the prospective adoptive parent and the adoptee shall both appear in person unless the court for cause waives this requirement, in which case an appearance for either or both may be made by an attorney authorized in writing to make an appearance.

At least 30 days shall have elapsed from the filing of the adoption petition unless waived by the clerk, but notice of the petition must have been served on all required persons or waived prior to the hearing.

The Clerk must find that the adoption is entered into freely and without duress or undue influence and that each party understands the consequences of the adoption.

\_\_\_\_\_ **Report to Vital Records (DSS-5167).**

48-9-102(d) requires all records filed in connection with an adoption, including a copy of the petition, a copy of the final decree, and the originals of all other documents to be sent to DHHS within 10 days after the decree is entered or within 10 days of the final disposition of an appeal under 48-2-607(b).

After indexing by the DHHS Division of Social Services, the name change report is transmitted to NC Vital Records, if the adoptee was born in NC, or to the Vital Records equivalent in the state where the adoptee was born.