

Adoption ^[1]

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Adoption

by Lisa C. Shaffer, 2006

Adoption, according to a [1996 North Carolina law](#) ^[2], is "the creation by law of the relationship of parent and child between two individuals." Adoption and guardianship are legal ways for a responsible adult to provide the necessary care and nurture to children or incompetent adults when the parent is unable to fulfill this responsibility. This is crucial to ensure that some level of care, supervision, and guidance is available to the children and other citizens.

In North Carolina, the adoption of children can occur when parental rights are terminated through relinquishment (the voluntary surrender of a child to an agency for adoption) or through consent (the voluntary surrender of a child for adoption by a parent or guardian in a direct or independent placement). Any minor or child may be adopted, as well as adults or children who have been emancipated. However, the legal requirements are quite different for these procedures. The major difference between guardianship and adoption is that in adoption the child is viewed legally the same as a birth child.

Any adult (defined as a person over age 18) may adopt or be appointed guardian in North Carolina. Public agencies may also be appointed as guardian, usually when incompetent adults have no family, relative, or friend capable and willing to serve as guardian. Children are placed for adoption by child welfare agencies, a guardian, or the birth parent(s). The adoption of [Indian children](#) ^[3] in the state is governed by the federal [Indian Child Welfare Act](#) ^[4]. Special policies and procedures apply to this group.

Many children available for adoption are in the custody of the [Division of Social Services](#) ^[5] within the [North Carolina Department of Health and Human Services](#) ^[6]. These children typically were found by a local court to have been abused or neglected. They were removed from their parent(s) and placed in substitute care to ensure their protection from further serious abuse or neglect. In severe cases, and in situations where the parent fails to make the necessary changes for the child to be returned home, authorities may file a termination-of-parental-rights petition asking the court to grant the agency the authority to seek an adoptive placement for the child. If the court determines that there is adequate evidence to terminate parental rights, the child is freed for adoption. This severing of parental ties occurs only in the most serious cases.

References:

I. B. Nelson, ed., *Children and the Law: A Casebook for Practice* (1992).

North Carolina Division of Social Services, *Family Services Manual* (1996).

Additional Resources:

NCKids, Adoption and Foster Care Network: <http://www.ncdhhs.gov/dss/adopt/> ^[7]

North Carolina Division of Social Services, Adoption: <http://www.ncdhhs.gov/dss/adoption/> ^[8]

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[Encyclopedia of North Carolina, University of North Carolina Press.](#) ^[13]

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[2] <http://digital.ncdcr.gov/cdm4/document.php?>

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- [4] http://www.nicwa.org/indian_child_welfare_act/
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