

§ 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. (2025-16, s. 1.18(a).)