

**§ 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. (2025-16, s. 1.18(b).)