

§ 48-1-101. Definitions.

In this Chapter, the following definitions apply:

- (1) "Adoptee" means an individual who is adopted, is placed for adoption, or is the subject of a petition for adoption properly filed with the court.
- (2) "Adoption" means the creation by law of the relationship of parent and child between two individuals.
- (3) "Adult" means an individual who has attained 18 years of age, or if under the age of 18, is either married or has been emancipated under the applicable State law.
- (3a) "Adoption facilitator" means an individual or a nonprofit entity that assists biological parents in locating and evaluating prospective adoptive parents without charge.
- (4) "Agency" means a public or private association, corporation, institution, or other person or entity that is licensed or otherwise authorized by the law of the jurisdiction where it operates to place minors for adoption. "Agency" also means a county department of social services in this State.
- (4a) "Agency identified adoption" means a placement where an agency has agreed to place the minor with a prospective adoptive parent selected by the parent or guardian.
- (5) "Child" means a son or daughter, whether by birth or adoption.
- (5a) "Confidential intermediary" means a licensed adoption agency staff person who may act as a third party to facilitate contact between an adult adoptee or the adult lineal descendant of a deceased adoptee and the biological parent.
- (5b) "Criminal history" means a county, State, or federal conviction of a felony by a court of competent jurisdiction or a pending felony indictment of a crime for child abuse or neglect, spousal abuse, a crime against a child, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide, other than physical assault or battery; a county, State, or federal conviction of a felony by a court of competent jurisdiction or a pending felony indictment for physical assault, battery, or a drug-related offense, if the offense was committed within the past five years; or similar crimes under federal law or under the laws of other states.
- (6) "Department" means the North Carolina Department of Health and Human Services.
- (7) "Division" means the Division of Social Services of the Department.
- (8) "Guardian" means an individual, other than a parent, appointed by a clerk of court in North Carolina to exercise all of the powers conferred by G.S. 35A-1241, including a standby guardian appointed under Article 21 of Chapter 35A of the General Statutes whose authority has actually commenced; and also means an individual, other than a parent, appointed in another jurisdiction according to the law of that jurisdiction who has the power to consent to adoption under the law of that jurisdiction.
- (9) "Legal custody" of an individual means the general right to exercise continuing care of and control over the individual as authorized by law, with or without a court order, and:
 - a. Includes the right and the duty to protect, care for, educate, and discipline the individual;

- b. Includes the right and the duty to provide the individual with food, shelter, clothing, and medical care; and
 - c. May include the right to have physical custody of the individual.
- (9a) "Lineal descendant of a deceased adoptee" means any person who descends from the direct line of the adoptee.
 - (10) "Minor" means an individual under 18 years of age who is not an adult.
 - (11) "Party" means a petitioner, adoptee, or any person whose consent to an adoption is necessary under this Chapter but has not been obtained.
 - (12) "Physical custody" means the physical care of and control over an individual.
 - (13) "Placement" means transfer of physical custody of a minor to the selected prospective adoptive parent. Placement may be either:
 - a. Direct placement by a parent or the guardian of the minor; or
 - b. Placement by an agency.
 - (14) "Preplacement assessment" means a document, whether prepared before or after placement, that contains the information required by G.S. 48-3-303 and any rules adopted by the Social Services Commission.
 - (15) "Relinquishment" means the voluntary surrender of a minor to an agency for the purpose of adoption.
 - (16) "Report to the court" means a document prepared in accordance with G.S. 48-2-501, et seq.
 - (17) "State" means a state as defined in G.S. 12-3(11).
 - (18) "Stepparent" means an individual who is the spouse of a parent of a child, but who is not a legal parent of the child. (1949, c. 300; 1953, c. 880; 1957, c. 778, s. 1; 1961, c. 241; 1969, c. 982; 1971, c. 157, ss. 1, 2; c. 1231, s. 1; 1973, c. 476, s. 138; 1975, c. 321, s. 2; 1977, c. 879, s. 1; 1981, c. 924, s. 1; 1985, c. 758, s. 4; 1995, c. 457, s. 2; 1997-215, s. 11(e); 1997-443, s. 11A.118(a); 1998-229, s. 12; 2001-150, s. 1; 2007-262, s. 2; 2007-276, s. 7.)