

Article 2.

General Adoption Procedure.

Part 1. Jurisdiction and Venue.

§ 48-2-100. Jurisdiction.

- (a) Adoption shall be by a special proceeding before the clerk of superior court.
- (b) Except as provided in subsection (c) of this section, jurisdiction over adoption proceedings commenced under this Chapter exists if, at the commencement of the proceeding:
 - (1) The adoptee has lived in this State for at least the six consecutive months immediately preceding the filing of the petition or from birth;
 - (2) The prospective adoptive parent has lived in or been domiciled in this State for at least the six consecutive months immediately preceding the filing of the petition; or
 - (3) An agency licensed by this State or a county department of social services in this State has legal custody of the adoptee.
- (c) The courts of this State shall not exercise jurisdiction under this Chapter if at the time the petition for adoption is filed, a court of any other state is exercising jurisdiction substantially in conformity with the Uniform Child-Custody Jurisdiction and Enforcement Act, Article 2 of Chapter 50A of the General Statutes. However, this subsection shall not apply and the courts of this State may exercise jurisdiction under this Chapter if either of the following apply:
 - (1) The matter in which the other state is exercising jurisdiction places custody of the adoptee in an agency, the petitioner, or another custodian expressly in support of an adoption plan that does not identify a specific prospective adoptive parent other than the petitioner.
 - (2) Prior to the decree of adoption being granted, the court of the other state dismisses its proceeding or releases its exclusive, continuing jurisdiction. (1949, c. 300; 1963, c. 699; 1967, c. 619, ss. 1-3; c. 693; c. 880, s. 3; 1969, c. 21, ss. 3-6; 1971, c. 233, s. 1; c. 395; c. 1231, s. 1; 1973, c. 849, s. 3; c. 1354, ss. 1-4; 1975, c. 91; 1979, c. 107, s. 6; 1981, c. 657; 1983, c. 454, s. 6; 1989, c. 208; c. 727, s. 219(4); 1993, c. 553, s. 14; 1995, c. 88, ss. 3, 4; c. 457, s. 2; 1999-223, s. 8; 2007-151, s. 2; 2015-54, s. 3; 2019-172, s. 3.)