

§ 48-2-603. Hearing on, or disposition of, petition to adopt a minor.

(a) At the hearing on, or disposition of, a petition to adopt a minor, the court shall grant the petition upon finding by a preponderance of the evidence that the adoption will serve the best interest of the adoptee, and upon finding the following:

- (1) At least 90 days have elapsed since the filing of the petition for adoption, unless the court for cause waives this requirement.
- (2) The adoptee has been in the physical custody of the petitioner for at least 90 days, unless the court for cause waives this requirement.
- (3) Notice of the filing of the petition has been served on any person entitled to receive notice under Part 4 of this Article.
- (4) Each necessary consent, relinquishment, waiver, or judicial order terminating parental rights, has been obtained and filed with the court and the time for revocation has expired.
- (5) Any assessment required by this Chapter has been filed with and considered by the court.
- (6) If applicable, the requirements of the Interstate Compact on the Placement of Children, Article 38 of Chapter 7B of the General Statutes, have been met.
- (7) Any motion to dismiss the proceeding has been denied.
- (8) Each petitioner is a suitable adoptive parent.
- (9) Any accounting and affidavit required under G.S. 48-2-602 has been reviewed by the court, and the court has denied, modified, or ordered reimbursement of any payment or disbursement that violates Article 10 or is unreasonable when compared with the expenses customarily incurred in connection with an adoption.
- (10) The petitioner has received information about the adoptee and the adoptee's biological family if required by G.S. 48-3-205.
- (10a) Any certificate of service required by G.S. 48-3-307 has been filed.
- (11) There has been substantial compliance with the provisions of this Chapter.

(b) If the Court finds a violation of this Chapter pursuant to Article 10 or of the Interstate Compact on the Placement of Children, Article 38 of Chapter 7B of the General Statutes, but determines that in every other respect there has been substantial compliance with the provisions of this Chapter, and the adoption will serve the best interest of the adoptee, the court shall:

- (1) Grant the petition to adopt; and
- (2) Impose the sanctions provided by this Chapter against any individual or entity who has committed a prohibited act or report the violations to the appropriate legal authorities.

(c) The court on its own motion may continue the hearing for further evidence. (1949, c. 300; 1953, c. 571; 1959, cc. 340, 561; 1961, cc. 186, 384; 1967, c. 19; c. 619, s. 4; 1969, c. 982; 1973, c. 476, s. 138; c. 1354, s. 6; 1989 (Reg. Sess., 1990), c. 977, s. 1; 1995, c. 457, s. 2; 1998-202, s. 13(1); 2001-150, s. 5.)