

STATE OF NORTH CAROLINA

File No.

County

In The General Court Of Justice
District Court Division

Name And Address Of Plaintiff(s)

VERSUS

Name And Address Of Defendant(s)

POST-ADOPTION CONTACT MODIFICATION AGREEMENT AND ORDER

G.S. 7B-909.3

Name And Address Of Attorney For Plaintiff(s)

Name And Address Of Attorney For Defendant(s)

POST-ADOPTION CONTACT MODIFICATION AGREEMENT

(NOTE: 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. The persons who executed the agreement are the sole parties to the action. A court-imposed modification may not serve to expand, enlarge, or increase the amount of contact between the former parent or parents and the child. A post-adoption contact agreement and order may allow specifically described post-adoption contact with the minor adoptee, including visitation, sharing of information, and communication such as the exchange of letters, electronic communication, or telephone contact. It is not intended to abrogate the rights of the adoptive parent(s) to make decisions on behalf of the minor adoptee, except as provided in a court-approved post-adoption contact agreement and order.)

We, the undersigned parties, having participated in court-ordered mediation pursuant to G.S. 7B-909.3 regarding the minor child(ren) subject to the post-adoption contact agreement and order, agree and consent to a modification of the agreement and order, the terms of which are as follows:

(Over)

	POST-ADOPTION CONTACT MODIFICATION AGREEMENT <i>(continued)</i>	
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We, the undersigned parties, having participated in court-ordered mediation pursuant to G.S. 7B-909.3 regarding the minor child(ren) subject to the post-adoption contact agreement and order, agree and consent to a modification of the agreement and order, the terms of which are as follows:

AFFIDAVIT OF PARTIES TO AGREEMENT

We, the undersigned parties to the post-adoption contact agreement set forth above, having been duly sworn or affirmed, depose and state that:

- (1) This agreement was entered into knowingly and voluntarily and is not the product of coercion, fraud, or duress.
- (2) This agreement is entered into pursuant to G.S. 7B-909.3.
- (3) 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.
- (4) The parties acknowledge the right to seek enforcement as set forth in G.S. 7B-909.3.
- (5) The parties understand that pursuant to G.S. 7B-909.3, a court-imposed modification of this approved agreement and order may limit, restrict, condition, decrease, or terminate the sharing of information and contact; however, a court-imposed modification shall not serve to expand, enlarge, or increase the amount of contact.
- (6) The parties have not relied on any representations other than those contained in the agreement.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME		SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME	
Date		Date	
Signature Of Plaintiff 1		Signature Of Plaintiff 2	
Name Of Plaintiff 1 (type or print)		Name Of Plaintiff 2 (type or print)	
Date	Signature	Date	Signature
Title Of Person Authorized To Administer Oaths		Title Of Person Authorized To Administer Oaths	
☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court		☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court	
☐ Notary	Date Commission Expires	Date Commission Expires	☐ Notary
SEAL	County Where Notarized	County Where Notarized	SEAL

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME		SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME	
Date		Date	
Signature Of Defendant 1		Signature Of Defendant 2	
Name Of Defendant 1 (type or print)		Name Of Defendant 2 (type or print)	
Date	Signature	Date	Signature
Title Of Person Authorized To Administer Oaths		Title Of Person Authorized To Administer Oaths	
☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court		☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court	
☐ Notary	Date Commission Expires	Date Commission Expires	☐ Notary
SEAL	County Where Notarized	County Where Notarized	SEAL

	FINDINGS	
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The Court finds as follows:

For the six (6) months next preceding the filing of this action:

The plaintiff was a resident of (name state) _____.

The defendant was a resident of (name state) _____.

The child(ren) was/were residents(s) of (name state) _____.

Other findings:

	CONCLUSIONS OF LAW	
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The Court concludes as a matter of law:

- ☐ 1. The Court has jurisdiction for the approval of the post-adoption contact modification agreement of the parties.
- ☐ 2. By a preponderance of the evidence there has been a material and substantial change in the circumstances and modification of the post-adoption contact agreement and order is in the best interests of the child.
- ☐ 3. Other:

	ORDER	
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It is therefore ordered that:

- ☐ 1. The above Agreement is APPROVED and incorporated into this Order of the Court, and shall have force and effect unless terminated or modified by order of the Court, void pursuant to G.S. 48-3-706(c1), or until its automatic termination on the date the juvenile turns 18 years of age or is otherwise emancipated.
2. The post-adoption contact modification agreement and order shall constitute a custody determination, and any motion to enforce, modify, or terminate the order shall be filed in the civil action and is governed by G.S. 7B-909.3.
3. Pursuant to G.S. 7B-909.3, a court-imposed modification of this approved agreement and order may limit, restrict, condition, decrease, or terminate the sharing of information and contact; however, a court-imposed modification shall not serve to expand, enlarge, or increase the amount of contact.
4. Other:

Date	Name Of Judge (type or print)	Signature Of Judge
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CERTIFICATE OF SERVICE

I certify that this Agreement and Order and a copy of any other paper attached hereto were served as follows:

PLAINTIFF 1:*Date Served**Name Of Person Served*

- ☐ By sending it by email from ICMS/File & Serve to
- ☐ plaintiff's attorney at an email address of record with the court, specifically: _____
- ☐ plaintiff at an email address of record with the court in the case (only if a consent to receive service by electronic filing or case management system is filed with the court), specifically: _____
- ☐ By sending it by email to plaintiff's attorney at an email address of record with the court in the case (use when the court's electronic filing or case management system is not available), specifically: _____
- ☐ By sending it by email to plaintiff at an email address of record with the court in the case (only if a consent to receive email at this address is filed with the court), specifically: _____
- ☐ By depositing it in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to plaintiff at the address shown above for that person.
- ☐ By hand delivery to plaintiff. ☐ Other manner of service: _____

PLAINTIFF 2:*Date Served**Name Of Person Served*

- ☐ By sending it by email from ICMS/File & Serve to
- ☐ plaintiff's attorney at an email address of record with the court, specifically: _____
- ☐ plaintiff at an email address of record with the court in the case (only if a consent to receive service by electronic filing or case management system is filed with the court), specifically: _____
- ☐ By sending it by email to plaintiff's attorney at an email address of record with the court in the case (use when the court's electronic filing or case management system is not available), specifically: _____
- ☐ By sending it by email to plaintiff at an email address of record with the court in the case (only if a consent to receive email at this address is filed with the court), specifically: _____
- ☐ By depositing it in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to plaintiff at the address shown above for that person.
- ☐ By hand delivery to plaintiff. ☐ Other manner of service: _____

DEFENDANT 1:*Date Served**Name Of Person Served*

- ☐ By sending it by email from ICMS/File & Serve to
- ☐ defendant's attorney at an email address of record with the court, specifically: _____
- ☐ defendant at an email address of record with the court in the case (only if a consent to receive service by electronic filing or case management system is filed with the court), specifically: _____
- ☐ By sending it by email to defendant's attorney at an email address of record with the court in the case (use when the court's electronic filing or case management system is not available), specifically: _____
- ☐ By sending it by email to defendant at an email address of record with the court in the case (only if a consent to receive email at this address is filed with the court), specifically: _____
- ☐ By depositing it in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to defendant at the address shown above for that person.
- ☐ By hand delivery to defendant. ☐ Other manner of service: _____

DEFENDANT 2:*Date Served**Name Of Person Served*

- ☐ By sending it by email from ICMS/File & Serve to
- ☐ defendant's attorney at an email address of record with the court, specifically: _____
- ☐ defendant at an email address of record with the court in the case (only if a consent to receive service by electronic filing or case management system is filed with the court), specifically: _____
- ☐ By sending it by email to defendant's attorney at an email address of record with the court in the case (use when the court's electronic filing or case management system is not available), specifically: _____
- ☐ By sending it by email to defendant at an email address of record with the court in the case (only if a consent to receive email at this address is filed with the court), specifically: _____
- ☐ By depositing it in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the U.S. Postal Service, addressed to defendant at the address shown above for that person.
- ☐ By hand delivery to defendant. ☐ Other manner of service: _____

*Name Of Person Completing Certificate Of Service (type or print)**Signature Of Person Completing Certificate Of Service*