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## HOUSE BILL NO. 2233

Offered January 8, 2003

Prefiled January 8, 2003

A BILL to amend and reenact § 63.2-1210 of the Code of Virginia, relating to recognition of foreign adoption decrees.

Patrons—Cline, Cosgrove, Landes and Saxman; Senator: Hanger

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

**1. That § 63.2-1210 of the Code of Virginia is amended and reenacted as follows:**

§ 63.2-1210. Probationary period and interlocutory order not required under certain circumstances.

The circuit court may omit the probationary period and the interlocutory order and enter a final order of adoption under the following circumstances:

1. If the child is legally the child by birth or adoption of one of the petitioners and if the circuit court is of the opinion that the entry of an interlocutory order would otherwise be proper.

2. After receipt of the report required by § 63.2-1208, if the child has been placed in the home of the petitioner by a child-placing agency and (i) the placing or supervising agency certifies to the circuit court that the child has lived in the home of the petitioner continuously for a period of at least six months immediately preceding the filing of the petition and has been visited by a representative of such agency at least three times within a six-month period, provided there are not less than ninety days between the first visit and the last visit, and (ii) the circuit court is of the opinion that the entry of an interlocutory order would otherwise be proper. The circuit court may, for good cause shown, in cases of placement by a child-placing agency, omit the requirement that the visits be made in the six months immediately preceding the filing of the petition, provided that such visits were made in some six-month period preceding the filing.

3. After receipt of the report, if the child has resided in the home of the petitioner continuously for at least three years immediately prior to the filing of the petition for adoption, and the circuit court is of the opinion that the entry of an interlocutory order would otherwise be proper.

4. When a child has been placed by the birth parent with the prospective adoptive parent who is the child's grandparent, adult brother or sister, adult uncle or aunt, or adult great uncle or great aunt and the circuit court has accepted the written consent of the birth parent in accordance with § 63.2-1202, and the circuit court is of the opinion that the entry of an interlocutory order would otherwise be proper. If the circuit court determines the need for an investigation prior to the final order of adoption, it shall refer the matter to the local director or a licensed child - placing agency for an investigation and report, which shall be completed within such time as the circuit court designates.

5. After receipt of the report, if the child has been legally adopted according to the laws of a foreign country with which the United States has diplomatic relations and if the circuit court is of the opinion that the entry of an interlocutory order would otherwise be proper, and the child (i) has resided in the home of the petitioners for at least one year immediately prior to the filing of the petition, or (ii) has resided in the home of the petitioners for at least six months immediately prior to the filing of the petition, has been visited by a representative of a child-placing agency or of the local department three times within such six-month period with no fewer than ninety days between the first and last visits, and the three visits have occurred within eight months immediately prior to the filing of the petition and the child was not brought into the Commonwealth until after the finalization of the adoption. Adoptive parents seeking an order certifying the validity of their foreign adoption decree shall file the decree in the circuit court in the jurisdiction in which they reside along with an affidavit indicating that the decree was issued in accordance with the laws of the foreign country and that the adopted child was not brought into the Commonwealth until the adoption was finalized. The affidavit shall also include the name by which the child is to be known. The circuit court shall review the affidavit, decree and other documents, and if the adoption meets the requirements of this subdivision, the court shall issue an order certifying the validity of the adoption, including the child's American name.

6. After receipt of the report, if the child was placed into Virginia from a foreign country in accordance with § 63.2-1104, and if the child has resided in the home of the petitioner for at least six months immediately prior to the filing of the petition and has been visited by a representative of a licensed child-placing agency or of the local department three times within the six-month period with no fewer than ninety days between the first and last visits, and the three visits have occurred within eight months immediately prior to the filing of the petition.

INTRODUCED

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