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## HOUSE BILL NO. 2233

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions  
on January 23, 2003)

(Patron Prior to Substitute—Delegate Cline)

A *BILL to amend and reenact §§ 63.2-1208 and 63.2-1210 of the Code of Virginia, relating to recognition of foreign adoption decrees.*

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

**1. That §§ 63.2-1208 and 63.2-1210 of the Code of Virginia are amended and reenacted as follows:**

§ 63.2-1208. Investigations; report to circuit court.

A. Upon receiving a petition and order of reference from the circuit court, the applicable agency shall make a thorough investigation of the matter and report thereon in writing, in such form as the Commissioner may prescribe, to the circuit court within ~~ninety~~ 90 days after the copy of the petition and all exhibits thereto are forwarded. A copy of the report to the circuit court shall be served on the Commissioner by delivering or mailing a copy to him on or before the day of filing the report with the circuit court. On the report to the circuit court there shall be appended either acceptance of service or certificate of the local director, or the representative of the child-placing agency, that copies were served as this section requires, showing the date of delivery or mailing. The Commissioner may notify the circuit court within ~~twenty-one~~ 21 days of the date of delivery or mailing of the report as shown by the agency, during which time the circuit court shall withhold consideration of the merits of the petition pending review of the agency report by the Commissioner, of any disapproval thereof stating reasons for any further action on the report that he deems necessary.

B. If the report is not made to the circuit court within the periods specified, the circuit court may proceed to hear and determine the merits of the petition and enter such order or orders as the circuit court may deem appropriate.

C. The investigation requested by the circuit court shall include, in addition to other inquiries that the circuit court may require the child-placing agency or local director to make, inquiries as to (i) whether the petitioner is financially able, except as provided in Chapter 13 (§ 63.2-1300 et seq.) of this title, morally suitable, in satisfactory physical and mental health and a proper person to care for and to train the child; (ii) what the physical and mental condition of the child is; (iii) why the parents, if living, desire to be relieved of the responsibility for the custody, care and maintenance of the child, and what their attitude is toward the proposed adoption; (iv) whether the parents have abandoned the child or are morally unfit to have custody over him; (v) the circumstances under which the child came to live, and is living, in the same home of the petitioner; (vi) whether the child is a suitable child for adoption by the petitioner; and (vii) what fees have been paid by the petitioners or on their behalf to persons or agencies that have assisted them in obtaining the child. Any report made to the circuit court shall include a recommendation as to the action to be taken by the circuit court on the petition. A copy of any report made to the circuit court shall be furnished to counsel of record representing the adopting parent or parents. When the investigation reveals that there may have been a violation of § 63.2-1200 or § 63.2-1218, the local director or child-placing agency shall so inform the circuit court and the Commissioner.

D. The report shall include the relevant physical and mental history of the birth parents if known to the person making the report. However, nothing in this subsection shall require that an investigation of the physical and mental history of the birth parents be made.

E. If the specific provisions set out in §§ 63.2-1228, 63.2-1238, 63.2-1242 and 63.2-1244 do not apply, the petition and all exhibits shall be forwarded to the local director where the petitioners reside or to a licensed child-placing agency.

*F. 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 (i) the foreign adoption decree was issued in accordance with the laws of the foreign country, (ii) the adopted child was not brought into the Commonwealth until the adoption was finalized, and (iii) the adoptive parents will comply with all post-adoption reporting requirements of the country from which the child was adopted. 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 subsection, the circuit court shall issue an order certifying the validity of the adoption, including the child's American name.*

§ 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:

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

62 2. After receipt of the report required by § 63.2-1208, if the child has been placed in the home of the  
63 petitioner by a child-placing agency and (i) the placing or supervising agency certifies to the circuit  
64 court that the child has lived in the home of the petitioner continuously for a period of at least ~~six~~ 6  
65 months immediately preceding the filing of the petition and has been visited by a representative of such  
66 agency at least three times within a ~~six~~6-month period, provided there are not less than ~~ninety~~ 90 days  
67 between the first visit and the last visit, and (ii) the circuit court is of the opinion that the entry of an  
68 interlocutory order would otherwise be proper. The circuit court may, for good cause shown, in cases of  
69 placement by a child-placing agency, omit the requirement that the visits be made in the ~~six~~ 6 months  
70 immediately preceding the filing of the petition, provided that such visits were made in some ~~six~~6-month  
71 period preceding the filing.

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

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

82 5. After receipt of the report, if the child has been legally adopted according to the laws of a foreign  
83 country with which the United States has diplomatic relations and if the circuit court is of the opinion  
84 that the entry of an interlocutory order would otherwise be proper, and the child (i) has resided in the  
85 home of the petitioners for at least one year immediately prior to the filing of the petition, or (ii) has  
86 resided in the home of the petitioners for at least six months immediately prior to the filing of the  
87 petition, has been visited by a representative of a child-placing agency or of the local department three  
88 times within such six-month period with no fewer than ninety days between the first and last visits, and  
89 the three visits have occurred within eight months immediately prior to the filing of the petition.

90 6. After receipt of the report, if the child was placed into Virginia from a foreign country in  
91 accordance with § 63.2-1104, and if the child has resided in the home of the petitioner for at least ~~six~~ 6  
92 months immediately prior to the filing of the petition and has been visited by a representative of a  
93 licensed child-placing agency or of the local department ~~three~~ 3 times within the ~~six~~6-month period with  
94 no fewer than ~~ninety~~ 90 days between the first and last visits, and the ~~three~~ 3 visits have occurred  
95 within ~~eight~~ 8 months immediately prior to the filing of the petition.