

VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

CHAPTER 654

An Act to amend and reenact §§ 63.2-1225, 63.2-1226, and 63.2-1232 of the Code of Virginia, relating to adoption laws.

[H 729]

Approved April 5, 2006

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1225, 63.2-1226, and 63.2-1232 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-1225. Determination of appropriate home.

A. In determining the appropriate home in which to place a child for adoption, a married couple or an unmarried individual shall be eligible to receive placement of a child for purposes of adoption. When ~~an~~ *a licensed child-placing agency* or a local board accepts custody of the child for the purpose of placing the child for adoption ~~with adoptive parents who have been designated by the birth parents, the agency or local board may give consideration for placement of the child to the designated adoptive parents if the agency or local board finds such placement to be in the best interests of the child. In addition, the agency or board may consider the recommendations of~~ *shall consider the recommendations of the birth parent(s),* a physician or attorney licensed in the Commonwealth, or a clergyman who is familiar with the situation of the prospective adoptive ~~parents~~ *parent(s)* or the child. ~~The No birth parent, physician, attorney or clergyman shall not advertise that he is available to make recommendations, nor shall he charge any fee for recommending such a placement such recommendations to a board or agency, and shall not advertise that he is available to make such recommendations except that an attorney may charge for legal fees and services rendered in connection with such placement.~~

B. *The agency or local board may give consideration to placement of the child with the recommended adoptive parent(s) if the agency or local board finds that such placement is in the best interest of the child. When the birth parent(s) has recommended such placement, the agency or local board shall provide the birth parent(s) the opportunity to be represented by independent legal counsel as well as the opportunity for counseling with a social worker. The agency or board also shall advise the prospective adoptive parent(s) of the right to be represented by independent legal counsel. The parties may, but are not required to, exchange identifying information as provided for in subdivision A 3 of § 63.2-1232.*

§ 63.2-1226. When birth parents recommend adoptive parents.

When a licensed child-placing agency or a local board *is requested to and* accepts custody of a child for the purpose of placing the child with adoptive ~~parents designated by the birth parents or a person other than a licensed child-placing agency or local board, the parental provisions of this chapter shall apply to such placement~~ *parent(s) recommended by the birth parent(s) or a person other than a licensed child-placing agency or local board, either the parental placement adoption provisions or the agency adoption provisions of this chapter shall apply to such placement at the election of the birth parent(s). Such agency or local board shall provide information to the birth parent(s) regarding the parental placement adoption and agency adoption provisions and shall provide the birth parent the opportunity to be represented by independent legal counsel as well as counseling with a social worker. No person shall charge, pay, give, or agree to give or accept any money, property, services, or other thing of value in connection with such adoption except as provided in § 63.2-1218.*

§ 63.2-1232. Requirements of a parental placement adoption.

A. The juvenile and domestic relations district court shall not accept consent until it determines that:

1. The birth parent(s) are aware of alternatives to adoption, adoption procedures, and opportunities for placement with other adoptive families, and that the birth parents' consent is informed and uncoerced.

2. A licensed or duly authorized child-placing agency has counseled the prospective adoptive parents with regard to alternatives to adoption, adoption procedures, including the need to address the parental rights of birth parents, the procedures for terminating such rights, and opportunities for adoption of other children; that the prospective adoptive parents' decision is informed and uncoerced; and that they intend to file an adoption petition and proceed toward a final order of adoption.

3. The birth parent(s) and adoptive parents have exchanged identifying information including but not limited to full names, addresses, physical, mental, social and psychological information and any other information necessary to promote the welfare of the child, *unless both parties agree in writing to waive the disclosure of full names and addresses.*

4. Any financial agreement or exchange of property among the parties and any fees charged or paid

for services related to the placement or adoption of the child have been disclosed to the court and that all parties understand that no binding contract regarding placement or adoption of the child exists.

5. There has been no violation of the provisions of § 63.2-1218 in connection with the placement; however, if it appears there has been such violation, the court shall not reject consent of the birth parent to the adoption for that reason alone but shall report the alleged violation as required by § 63.2-1219.

6. A licensed or duly authorized child-placing agency has conducted a home study of the prospective adoptive home in accordance with regulations established by the Board and has provided to the court a report of such home study, which shall contain the agency's recommendation regarding the suitability of the placement. A married couple or an unmarried individual shall be eligible to receive placement of a child for adoption.

7. The birth parent(s) have been informed of their opportunity to be represented by legal counsel.

B. The juvenile and domestic relations district court shall not accept the consent if the requirements of subsection A have not been met. In such cases, it shall refer the birth parent to a licensed or duly authorized child-placing agency for investigation and recommendation in accordance with §§ 63.2-1208 and 63.2-1238. If the juvenile and domestic relations district court determines that any of the parties is financially unable to obtain the required services, it shall refer the matter to the local director.