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HOUSE BILL NO. 729

Offered January 11, 2006

Prefiled January 10, 2006

A BILL to amend and reenact §§ 63.2-1225 and 63.2-1226 of the Code of Virginia, relating to a birth parent's recommendation of adoptive parents.

Patrons—McQuigg and Wittman; Senator: O'Brien

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1225 and 63.2-1226 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 a 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 birth parent(s), physician, attorney or clergyman shall not advertise that he is available to make recommendations and shall not 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 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 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.

§ 63.2-1226. When Birth Parents Recommend Adoptive Parents.

When a licensed child-placing agency or a local board accepts custody of a child for the purpose of placing the child with an 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.

INTRODUCED

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