

062915784

SENATE BILL NO. 534

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee
on March 11, 2006)

(Patron Prior to Substitute—Senator O'Brien)

A BILL to amend and reenact §§ 16.1-277.01, 17.1-275, 63.2-1200, 63.2-1201, 63.2-1202, 63.2-1205, 63.2-1208, 63.2-1210, 63.2-1213, 63.2-1222, 63.2-1223, 63.2-1225 through 63.2-1228, 63.2-1231 through 63.2-1234, 63.2-1237, 63.2-1241, and 63.2-1243 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 12 of Title 63.2 an article numbered 4.1, consisting of sections numbered 63.2-1242.1 through 63.2-1242.3, an article numbered 7, consisting of sections numbered 63.2-1249 and 63.2-1253, relating to adoption laws.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-277.01, 17.1-275, 63.2-1200, 63.2-1201, 63.2-1202, 63.2-1205, 63.2-1208, 63.2-1210, 63.2-1213, 63.2-1222, 63.2-1223, 63.2-1225 through 63.2-1228, 63.2-1231 through 63.2-1234, 63.2-1237, 63.2-1241, and 63.2-1243 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 12 of Title 63.2 an article numbered 4.1, consisting of sections numbered 63.2-1242.1 through 63.2-1242.3, an article numbered 7, consisting of sections numbered 63.2-1249 and 63.2-1253, as follows:

§ 16.1-277.01. Approval of entrustment agreement.

A. In any case in which a child has been entrusted pursuant to § 63.2-903 or § 63.2-1817 to the local board of social services or to a child welfare agency, a petition for approval of the entrustment agreement by the board or agency:

1. Shall be filed within a reasonable period of time, no later than eighty-nine days after the execution of an entrustment agreement for less than ninety days, if the child is not returned to the caretaker from whom he was entrusted within that period;

2. Shall be filed within a reasonable period of time, not to exceed thirty days after the execution of an entrustment agreement for ninety days or longer or for an unspecified period of time, if such entrustment agreement does not provide for the termination of all parental rights and responsibilities with respect to the child; and

3. May be filed in the case of a permanent entrustment agreement which provides for the termination of all parental rights and responsibilities with respect to the child.

The board or agency shall file a foster care plan pursuant to § 16.1-281 to be heard with any petition for approval of an entrustment agreement.

B. Upon the filing of a petition for approval of an entrustment agreement pursuant to subsection A of § 16.1-241, the court shall appoint a guardian ad litem to represent the child in accordance with the provisions of § 16.1-266, and shall schedule the matter for a hearing to be held as follows: within forty-five days of the filing of a petition pursuant to subdivision A 1, A 2 or A 3 of this section, except where an order of publication has been ordered by the court, in which case the hearing shall be held within seventy-five days of the filing of the petition. The court shall provide notice of the hearing and a copy of the petition to the following, each of whom shall be a party entitled to participate in the proceeding:

1. The local board of social services or child welfare agency;

2. The child, if he is twelve years of age or older;

3. The guardian ad litem for the child; and

4. The child's parents, guardian, legal custodian or other person standing in loco parentis to the child.

No such notification shall be required, however, if the judge certifies on the record that the identity of the parent or guardian is not reasonably ascertainable. *A birth father shall be given notice of the proceedings if he is an acknowledged father pursuant to § 20-49.1, adjudicated pursuant to § 20-49.8, or presumed pursuant to § 63.2-1202, or has registered with the Putative Father Registry pursuant Article 7 (§ 63.2-1249 et seq.).* An affidavit of the mother that the identity of the father is not reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other evidence before the court which would refute such an affidavit. *Failure to register with the Putative Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.) of Chapter 12 of Title 63.2 shall be evidence that the identity of the father is not reasonably ascertainable.* The hearing shall be held and an order may be entered, although a parent, guardian, legal custodian or person standing in loco parentis fails to appear and is not represented by counsel, provided personal or substituted service was made on the person, or the court determines that such person cannot be found, after reasonable effort, or in the case of a person who is without the Commonwealth, the person cannot be found or his post office address cannot be ascertained after reasonable effort. However, when a petition seeks approval of a permanent entrustment

60 agreement which provides for the termination of all parental rights and responsibilities with respect to
61 the child, a summons shall be served upon the parent or parents and the other parties specified in
62 § 16.1-263. The summons or notice of hearing shall clearly state the consequences of a termination of
63 residual parental rights. Service shall be made pursuant to § 16.1-264. The remaining parent's parental
64 rights may be terminated even though that parent has not entered into an entrustment agreement if the
65 court finds, based upon clear and convincing evidence, that it is in the best interest of the child and that
66 (i) the identity of the parent is not reasonably ascertainable; (ii) the identity and whereabouts of the
67 parent are known or reasonably ascertainable, and the parent is personally served with notice of the
68 termination proceeding pursuant to § 8.01-296 or § 8.01-320; (iii) the whereabouts of the parent are not
69 reasonably ascertainable and the parent is given notice of the termination proceedings by certified or
70 registered mail to the last known address and such parent fails to object to the proceedings within
71 ~~twenty-one~~ 15 days of the mailing of such notice; or (iv) the whereabouts of the parent are not
72 reasonably ascertainable and the parent is given notice of the termination proceedings through an order
73 of publication pursuant to §§ 8.01-316 and 8.01-317, and such parent fails to object to the proceedings.

74 C. At the hearing held pursuant to this section, the court shall hear evidence on the petition filed and
75 shall review the foster care plan for the child filed by the local board or child welfare agency in
76 accordance with § 16.1-281.

77 D. At the conclusion of the hearing, the court shall make a finding, based upon a preponderance of
78 the evidence, whether approval of the entrustment agreement is in the best interest of the child.
79 However, if the petition seeks approval of a permanent entrustment agreement which provides for the
80 termination of all parental rights and responsibilities with respect to the child, the court shall make a
81 finding, based upon clear and convincing evidence, whether termination of parental rights is in the best
82 interest of the child. If the court makes either of these findings, the court may make any of the orders of
83 disposition permitted in a case involving an abused or neglected child pursuant to § 16.1-278.2. Any
84 such order transferring legal custody of the child shall be made in accordance with the provisions of
85 subdivision A 5 of § 16.1-278.2 and shall be subject to the provisions of subsection D1 of this section.
86 This order shall include, but need not be limited to, the following findings: (i) that there is no less
87 drastic alternative to granting the requested relief; and (ii) that reasonable efforts have been made to
88 prevent removal and that continued placement in the home would be contrary to the welfare of the
89 child, if the order transfers legal custody of the child to a local board of social services.

90 The effect of the court's order approving a permanent entrustment agreement is to terminate an
91 entrusting parent's residual parental rights. Any order terminating parental rights shall be accompanied
92 by an order (i) continuing or granting custody to a local board of social services or to a licensed
93 child-placing agency or (ii) granting custody or guardianship to a relative or other interested individual.
94 Such an order continuing or granting custody to a local board of social services or to a licensed
95 child-placing agency shall indicate whether that board or agency shall have the authority to place the
96 child for adoption and consent thereto. A final order terminating parental rights pursuant to this section
97 renders the approved entrustment agreement irrevocable. Such order may be appealed in accordance with
98 the provisions of § 16.1-296.

99 D1. Any order transferring custody of the child to a relative or other interested individual pursuant to
100 subsection D of this section shall be entered only upon a finding, based upon a preponderance of the
101 evidence, that the relative or other interested individual is one who (i) after an investigation as directed
102 by the court, is found by the court to be willing and qualified to receive and care for the child; (ii) is
103 willing to have a positive, continuous relationship with the child; (iii) is committed to providing a
104 permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from
105 abuse and neglect; and the order shall so state. The court's order transferring custody to a relative or
106 other interested individual should further provide for, as appropriate, any terms and conditions which
107 would promote the child's interest and welfare; ongoing provision of social services to the child and the
108 child's custodian; and court review of the child's placement.

109 E. The local board or licensed child-placing agency to which authority is given to place the child for
110 adoption and consent thereto after an order terminating parental rights is entered pursuant to this section
111 shall file a written Adoption Progress Report with the juvenile court on the progress being made to
112 place the child in an adoptive home. The report shall be filed with the court every six months from the
113 date of the final order terminating parental rights until a final order of adoption is entered on behalf of
114 the child in the circuit court. At the conclusion of the hearing at which termination of parental rights is
115 ordered and authority is given to the local board or licensed child-placing agency to place the child for
116 adoption, the juvenile court shall schedule a date by which the board or agency shall file the first
117 Adoption Progress Report required by this section. A copy of the Adoption Progress Report shall be
118 sent by the court to the guardian ad litem for the child. The court may schedule a hearing on the report
119 with or without the request of a party.

120 § 17.1-275. Fees collected by clerks of circuit courts; generally.

121 A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the

following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$16 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper or record to go out of the office, which is not otherwise specifically provided for, a fee of \$0.50 for each page. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies shall include lease and maintenance agreements for the equipment used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § ~~2.2-3701~~ 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$50 in cases seeking recovery not exceeding \$50,000, \$100 in cases seeking recovery not exceeding \$100,000, and \$150 in cases seeking recovery exceeding \$100,000. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in

183 the Supreme Court of Virginia.

184 13a. For the filing of any petition seeking court approval of a settlement where no action has yet
185 been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the
186 time of filing the petition.

187 14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by
188 confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or
189 certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the
190 amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering
191 judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as
192 prescribed in subdivision A 17.

193 15. For qualifying notaries public, including the making out of the bond and any copies thereof,
194 administering the necessary oaths, and entering the order, \$10.

195 16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required
196 thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

197 17. For docketing and indexing a judgment from any other court of this Commonwealth, for
198 docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of
199 § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment
200 pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper
201 to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee
202 of \$20.

203 18. For all services rendered by the clerk in any court proceeding for which no specific fee is
204 provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of
205 filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the
206 entry of a decree of divorce from the bond of matrimony.

207 19., 20. [Repealed.]

208 21. For making the endorsements on a forthcoming bond and recording the matters relating to such
209 bond pursuant to the provisions of § 8.01-529, \$1.

210 22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

211 23. For preparation and issuance of a subpoena duces tecum, \$5.

212 24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name,
213 \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to
214 a divorce.

215 25. For providing court records or documents on microfilm, per frame, \$0.10.

216 26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one
217 or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be
218 \$50 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a
219 duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the
220 filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged
221 for the filing of a cross-claim or setoff in any pending suit. In divorce cases, when there is a merger of
222 a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee
223 shall include the furnishing of a duly certified copy of both such decrees

224 27. For the acceptance of credit cards in lieu of money to collect and secure all fees, including filing
225 fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect a service charge of four
226 percent of the amount paid.

227 28. For the return of any check unpaid by the financial institution on which it was drawn or notice is
228 received from the credit card issuer that payment will not be made for any reason, the clerk shall
229 collect, if allowed by the court, a fee of \$20 or 10 percent of the amount to be paid, whichever is
230 greater, in accordance with § 19.2-353.3.

231 29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1,
232 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee
233 imposed under § 63.2-1246, to be paid by the petitioner or petitioners. *For each petition for adoption*
234 *filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an*
235 *additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Putative Father*
236 *Registry Fund pursuant to § 63.2-1249.*

237 30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the
238 same amount as the fee for the original license.

239 31. For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of \$5 to
240 be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in
241 § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as
242 for recording a deed as provided for in this section, to be paid by the party upon whose request such
243 certificate is recorded or order is entered.

244 32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme

Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. For issuance of hunting and trapping permits in accordance with § 10.1-1154, \$0.25.

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of \$1.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of \$2.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 37.2-1001 and 37.2-1013, the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for public law libraries.

E. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 63.2-1200. Who may place children for adoption.

A child may be placed for adoption by:

1. A licensed child-placing agency;

2. A local board;

3. The child's parent or legal guardian if the placement is a parental placement; and

4. Any agency outside the Commonwealth that is licensed or otherwise duly authorized to place children for adoption by virtue of the laws under which it operates; ~~however, when any such agency outside the Commonwealth, or its agent, executes an entrustment agreement in the Commonwealth with a birth parent for the termination of all parental rights and responsibilities with respect to a child, the requirements of §§ 63.2-1221 through 63.2-1224 shall apply. Any entrustment agreement that fails to comply with such requirements shall be void.~~

§ 63.2-1201. Filing of petition for adoption; venue; jurisdiction; and proceedings.

Proceedings for the adoption of a minor child and for a change of name of such child shall be instituted only by petition to a circuit court in the county or city in which the petitioner resides ~~or, in the county or city in which is located the child-placing agency that placed the child is located, or in the county or city in which a birth parent executed a consent pursuant to § 63.2-1233.~~ Such petition may be filed by any natural person who resides in the Commonwealth, or who has custody of a child placed by a child-placing agency of the Commonwealth, ~~for or by an adopting parent of a child who was subject to a consent proceeding held pursuant to § 63.2-1233, or by intended parents who are parties to a surrogacy contract.~~ The petition shall ask leave to adopt a minor child not legally ~~his~~ the petitioner's by birth and, if it is so desired by the petitioner, also to change the name of such child. In the case of married persons, the petition shall be the joint petition of the husband and wife but, in the event the child to be adopted is legally the child by birth or adoption of one of the petitioners, such petitioner shall unite in the petition for the purpose of indicating consent to the prayer thereof only. The petition shall contain a full disclosure of the circumstances under which the child came to live, and is living, in the home of the petitioner. Each petition for adoption shall be signed by the petitioner as well

as by counsel of record, if any. In any case in which the petition seeks the entry of an adoption order without referral for investigation, the petition shall be under oath.

A single petition for adoption under the provisions of this section shall be sufficient for the concurrent adoption by the same petitioners of two or more children who have the same birth parent or parents, and nothing in this section shall be construed as having heretofore required a separate petition for each of such children.

The petition for adoption, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, shall include an additional \$50 filing fee that shall be used to fund the Putative Father Registry established in Article 7 (§ 63.2-1249 et seq.) of this chapter.

§ 63.2-1202. Parental, or agency, consent required; exceptions.

A. No petition for adoption shall be granted, except as hereinafter provided in this section, unless written consent to the proposed adoption is filed with the petition. Such consent shall be *in writing*, signed *under oath* and acknowledged before an officer authorized by law to take acknowledgments. The consent of a birth parent for the adoption of his child placed directly by the birth parent shall be executed as provided in § 63.2-1233, and the circuit court may accept a certified copy of an order entered pursuant to § 63.2-1233 in satisfaction of all requirements of this section, provided the order clearly evidences compliance with the applicable notice and consent requirements of § 63.2-1233.

B. A birth parent who has not reached the age of 18 shall have legal capacity to give consent to adoption and *perform all acts related to adoption*, and shall be as fully bound thereby as if the birth parent had attained the age of 18 years.

C. A man shall be presumed to be the father of a child if:

a. He and the mother of the child are married to each other and the child is born during the marriage;

b. He and the mother of the child were married to each other and the child is born within 300 days of their date of separation, as evidenced by a written agreement or decree of separation, or within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce; or

c. Before the birth of the child, he and the mother of the child married each other in apparent compliance with the law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within 300 days of their date of separation, as evidenced by a written agreement or decree of separation, or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce.

Such presumption may be rebutted by sufficient evidence that would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation with the birth mother for a period of at least 300 days prior to the birth of the child.

GD. Consent shall be executed:

1. By the parents or surviving parent of a child born in wedlock. A child born to a married birth mother shall be presumed to be the child of her husband and his consent shall be required. This presumption may be rebutted by sufficient evidence, satisfactory to the circuit court, which would establish by a preponderance of the evidence the paternity of another man, or the impossibility or improbability of cohabitation of the birth mother and her husband for a period of at least 300 days preceding the birth of the child; in such case his consent shall not be required. If the parents are divorced and the residual parental rights and responsibilities as defined in § 16.1-228 of one parent have been terminated by terms of the divorce, or other order of a court having jurisdiction, the petition may be granted without the consent of such parent; or

2. By the parents or surviving parent of a child born to parents who were not married to each other at the time of the child's conception or birth. The consent of the birth father of a child born to parents who were not married to each other at the time of the child's conception or birth shall not be required (i) if the identity of the birth father is not reasonably ascertainable or (ii) if the identity of such birth father is ascertainable and his whereabouts are known, such birth father is given notice of the adoption proceeding, including the date and location of the hearing, by registered or certified mail to his last known address, and such birth father fails to object to the adoption proceeding within 21 days of the mailing of such notice. Such objection shall be in writing, signed by the objecting party or counsel of record for the objecting party and shall be filed with the clerk of the circuit court in which the petition was filed during the business day of the court, within the time period specified in this section. Failure of the objecting party to appear at the consent hearing, either in person or by counsel, shall constitute a waiver of such objection ~~or birth mother and by any man who:~~

a. Is an acknowledged father under § 20-49.1

b. Is an adjudicated father under § 20-49.8;

c. Is a presumed father under subsection C;

d. Has registered with the Putative Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.) of this chapter; or

e. Is a putative father but who has not registered with the Putative Father Registry, if his identity is

reasonably ascertainable.

32. By the child-placing agency or the local board having custody of the child, with right to place him for adoption, through court commitment or parental agreement as provided in § 63.2-900, 63.2-903 or 63.2-1221; or an agency outside the Commonwealth that is licensed or otherwise duly authorized to place children for adoption by virtue of the laws under which it operates; and

43. By the child if he is 14 years of age or older, unless the circuit court finds that the best interests of the child will be served by not requiring such consent.

DE. No consent shall be required of a birth father if he denies under oath and in writing the paternity of the child. Such denial of paternity may be withdrawn no more than 10 days after it is executed. Once the child is 10 days old, any executed denial of paternity is final and constitutes a waiver of all rights with the respect to the adoption of the child and cannot be withdrawn.

F. No consent shall be required of the birth father of a child when the birth father is convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, and the child was conceived as a result of such violation. -

EG. When a child has been placed by the birth parent(s) with the prospective adoptive parent(s) who is the child's grandparent, adult brother or sister, adult uncle or aunt, or adult great uncle or great aunt, the circuit court may accept the written and signed consent of the birth parent(s) that has been acknowledged by an officer authorized by law to take such acknowledgments. No notice or consent shall be required of any person whose parental rights have been terminated by a court of competent jurisdiction.

H. No consent shall be required of a birth parent who, without just cause, has neither visited nor contacted the child for a period of six months prior to the filing of the petition for adoption. The prospective adoptive parent(s) shall establish by clear and convincing evidence that the birth parent(s), without just cause, has neither visited nor contacted the child for a period of six months prior to the filing of the petition for adoption. This provision shall not infringe upon the birth parent's right to be noticed and heard on the allegation of abandonment. -

I. A birth father not married to the mother of the child may consent to the termination of all of his parental rights prior to the birth of the child.

J. The failure of the nonconsenting party to appear at the scheduled hearing, either in person or by counsel, after proper notice has been given to said party, shall constitute a waiver of any objection and right to consent to the adoption.

§ 63.2-1205. Best interests of the child; standards for determining.

In determining whether the valid consent of any person whose consent is required is withheld contrary to the best interests of the child, or is unobtainable, the circuit court or juvenile and domestic relations district court, as the case may be, shall consider whether the failure to grant granting the petition pending before it would be detrimental to in the best interest of the child. In determining whether the failure to grant the petition would be detrimental to the child, theThe circuit court or juvenile and domestic relations district court, as the case may be, shall consider all relevant factors, including the birth parent(s)' efforts to obtain or maintain legal and physical custody of the child; whether the birth parent(s) are currently willing and able to assume full custody of the child; whether the birth parent(s)' efforts to assert parental rights were thwarted by other people; the birth parent(s)' ability to care for the child; the age of the child; the quality of any previous relationship between the birth parent(s) and the child and between the birth parent(s) and any other minor children; the duration and suitability of the child's present custodial environment; and the effect of a change of physical custody on the child.

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

A. Upon consideration of the petition, the circuit court shall, upon being satisfied as to proper jurisdiction and venue, immediately enter an order referring the case to a child-placing agency to conduct an investigation and prepare a report unless no investigation is required pursuant to this chapter. The court shall enter the order of reference prior to or concurrently with the entering of an order of publication, if such is necessary. Upon entry of the order of reference, the clerk shall forward a copy of the order of reference, the petition, and all exhibits thereto to the Commissioner and the child-placing agency retained to provide investigative, reporting, and supervisory services. If no Virginia agency was retained to provide such services, the order of reference, petition, and all exhibits shall be forwarded to the local director of social services of the locality where the petitioners reside or resided at the time of filing the petition or had legal residence at the time the petition was filed.

AB. 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 90 60 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 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. The circuit court shall expeditiously consider the merits of the petition upon receipt of the report. -~~

BC. 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.

CD. 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~~ *physical custody* 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.

DE. The report shall include the relevant physical and mental history of the birth parents if known to the person making the report. The child-placing agency or local director shall document in the report all efforts they made to encourage birth parents to share information related to their physical and mental history. However, nothing in this subsection shall require that an investigation of the physical and mental history of the birth parents be made.

EF. 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.

§ 63.2-1210. Probationary period, interlocutory order and order of reference 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. *If one of the petitioners is a step-parent of the child and the circuit court is of the opinion that the entry of an interlocutory order would otherwise be proper. The court may omit the order of reference if the petitioners meet the requirements of § 63.2-1241.*

23. After receipt of the report required by § 63.2-1208, if the child has been placed in the ~~home~~ *physical custody* 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~~ *physical custody* 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 ~~three 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 within a six-month period.~~

34. After receipt of the report, if the child has ~~resided in the home~~ *been in physical custody* 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~~ *been in the physical custody* of the petitioners for at least one year immediately prior to the filing of the petition, ~~and a representative of a child-placing agency has visited the petitioner and child at least once in the six months immediately preceding the filing of the petition or during its investigation pursuant to § 63.2-1208~~ or (ii) has ~~resided in the home~~ *been in the physical custody* 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 last visit~~ *has occurred within eight six months* immediately prior to the filing of the petition.

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~~ *been in the physical custody* 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. The circuit court may, for good cause shown, in cases of an international placement, omit the requirement that the three visits be made within a six-month period.~~

§ 63.2-1213. Final order of adoption.

~~After the expiration of six months from the date upon which the interlocutory order is entered, and after considering~~ *After consideration of the report made pursuant to § 63.2-1212 or as permitted pursuant to § 63.2-1210, if the circuit court is satisfied that the best interests of the child will be served thereby, the circuit court shall enter the final order of adoption, provided that the child has been in the physical custody of the petitioner for at least six months immediately prior to entry of the order.* However, a final order of adoption shall not be entered until information has been furnished by the petitioner in compliance with § 32.1-262 unless the circuit court, for good cause shown, finds the information to be unavailable or unnecessary. No circuit court shall deny a petitioner a final order of adoption for the sole reason that the child was placed ~~in the adoptive home in the physical custody of the petitioner~~ by a person not authorized to make such placements pursuant to § 63.2-1200. An attested copy of every final order of adoption shall be forwarded, by the clerk of the circuit court in which it was entered, to the Commissioner and to the child-placing agency that placed the child or to the local director, in cases where the child was not placed by an agency.

§ 63.2-1222. Execution of entrustment agreement by birth parent(s); exceptions; notice and objection to entrustment; copy required to be furnished; requirement for agencies outside the Commonwealth.

A. For the purposes of this section, a birth parent who is less than 18 years of age shall be deemed fully competent and shall have legal capacity to execute a valid entrustment agreement, including an agreement that provides for the termination of all parental rights and responsibilities, ~~and perform all acts related to adoption~~ and shall be as fully bound thereby as if such birth parent had attained the age of 18 years.

B. An entrustment agreement for the termination of all parental rights and responsibilities with respect to the child shall be valid notwithstanding that it is not signed by the birth father of a child born out of wedlock if the identity of the birth father is not reasonably ascertainable, ~~or if and~~ *such birth father is did not register with the Putative Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.) of this chapter or the birth father named by the birth mother denies under oath and in writing the paternity of the child. A birth father shall be given notice of the proceedings if he is an acknowledged father pursuant to § 20-49.1, an adjudicated father pursuant to § 20-49.8, or a presumed father pursuant to § 63.2-1202, a putative father that has registered with Putative Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.) of this chapter, or a putative father that has not registered with Putative Father Registry but whose identity is reasonably ascertainable.*

C. When a birth father is required to be given notice, he may be given notice of the entrustment by registered or certified mail to his last known address ~~and. If he fails to object to the entrustment within 24 15days of the mailing of such notice his entrustment shall not be required.~~ Such objection shall be in writing, signed by the objecting party or counsel of record for the objecting party and shall be filed with the agency that mailed the notice of entrustment within the time period specified in § 63.2-1223. ~~An affidavit of the birth mother that the identity of the birth father is not reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other evidence that would refute such an affidavit.~~

The absence of such an affidavit shall not be deemed evidence that the identity of the birth father is reasonably ascertainable. For purposes of determining whether the identity of the birth father is reasonably ascertainable, the standard of what is reasonable under the circumstances shall control, taking into account the relative interests of the child, the birth mother and the birth father.

D. The execution of an entrustment agreement shall be required of a presumed father except under the following circumstances: (i) if he denies paternity under oath and in writing in accordance with subsection D of § 63.2-1202; (ii) if the presumption is rebutted by sufficient evidence, satisfactory to the circuit court, which would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation of the birth mother and her husband for a period of at least 300 days preceding the birth of the child; (iii) if another man admits, in writing and under oath, that he is the biological father; or (iv) if an adoptive placement has been determined to be in the best interests of the child pursuant to § 63.2-1205.

E. When none of the provisions of subsection D apply, notice of the entrustment shall be given to the presumed father pursuant to the requirements of § 16.1-277.01.

F. An entrustment agreement for the termination of all parental rights and responsibilities with respect to the child shall be valid notwithstanding that it is not signed by the birth father of a child when the birth father has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, and the child was conceived as a result of such violation.

G. A birth father not married to the mother of the child may execute an entrustment agreement for the termination of all of his parental rights prior to the birth of the child. Such entrustment shall be subject to the revocation provisions of § 63.2-1223.

H. No entrustment shall be required of a birth father if he denies under oath and in writing the paternity of the child. Such denial of paternity may be withdrawn no more than 10 days after it is executed. Once the child is 10 days old, any executed denial of paternity is final and constitutes a waiver of all rights with the respect to the adoption of the child and cannot be withdrawn.

I. A copy of the entrustment agreement shall be furnished to all parties signing such agreement.

J. When any agency outside the Commonwealth, or its agent, that is licensed or otherwise duly authorized to place children for adoption by virtue of the laws under which it operates executes an entrustment agreement in the Commonwealth with a birth parent for the termination of all parental rights and responsibilities with respect to the child, the requirements of §§ 63.2-1221 through 63.2-1224 shall apply. The birth parent may expressly waive, under oath and in writing, the execution of the entrustment under the requirements of §§ 63.2-1221 through 63.2-1224 in favor of the execution of an entrustment or relinquishment under the laws of another state if the birth parent is represented by independent legal counsel. Such written waiver shall expressly state that the birth parent has received independent legal counsel advising of the laws of Virginia and of the other state and that Virginia law is expressly being waived. The waiver also shall include the name, address, and telephone number of such legal counsel. Any entrustment agreement that fails to comply with such requirements shall be void.

§ 63.2-1223. Revocation of entrustment agreement.

A valid entrustment agreement terminating all parental rights and responsibilities to the child shall be revocable by either of the birth parents until (i) the child has reached the age of ~~twenty-five~~ 10 days and (ii) ~~fifteen~~ seven days have elapsed from the date of execution of the agreement. In addition, a valid entrustment agreement shall be revocable by either of the birth parents if the child has not been placed in the ~~home~~ physical custody of adoptive parents at the time of such revocation. Revocation of an entrustment agreement shall be in writing and signed by the revoking party. The written revocation shall be delivered to the child-placing agency or local board to which the child was originally entrusted. Delivery of the written revocation shall be made during the business day of the child-placing agency or local board to which the child was originally entrusted, in accordance with the applicable time period set out in this section. If the revocation period expires on a Saturday, Sunday, legal holiday or any day on which the agency or local board is officially closed, the revocation period shall be extended to the next day that is not a Saturday, Sunday, legal holiday or other day on which the agency or local board is officially closed. Upon revocation of the entrustment agreement, the child shall be returned to the parent revoking the agreement.

§ 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 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.

§ 63.2-1227. Filing of petition for agency adoption.

A petition for the adoption of a child placed in the home physical custody of the petitioners by a child-placing agency shall be filed in the name by which the child will be known after adoption, provided the name is followed by the registration number of the child's original birth certificate and the state or country in which the registration occurred unless it is verified by the registrar of vital statistics of the state or country of birth that such information is not available. *In the case of a child born in another country, an affidavit by a representative of the child-placing agency that a birth certificate number is not available may be substituted for verification by a registrar of vital statistics for that country.* The report of investigation required by § 63.2-1208 and, when applicable, the report required by § 63.2-1212 shall be identified with the child's name as it appears on the birth certificate, the birth registration number and the name by which the child is to be known after the final order of adoption is entered. *The petition for adoption shall not state the birth name of the child or identify the birth parents unless it is specifically stated in the agency's consent that the parties have exchanged identifying information.*

A single petition for adoption under the provisions of this section shall be sufficient for the concurrent adoption by the same petitioners of two or more children who have the same birth parent or parents, and nothing in this section shall be construed as having heretofore required a separate petition for each of such children.

§ 63.2-1228. Forwarding of petition.

Upon the filing of the petition, the circuit court shall, *upon being satisfied as to proper jurisdiction and venue, immediately enter an order referring the case to a child-placing agency to conduct an investigation and prepare a report pursuant to § 63.2-1208. Upon entry of the order of reference, the court shall forward a copy of the petition and all exhibits thereto to the Commissioner and to the agency that placed the child.* In cases where the child was placed by an agency in another state, or by an agency, court, or other entity in another country, the petition and all exhibits shall be forwarded to the local director or licensed child-placing agency, whichever agency completed the home study or provided supervision. If no Virginia agency provided such services, *or such agency is no longer licensed or has gone out of business,* the petition and all exhibits shall be forwarded to the local director of the locality where the petitioners reside or resided at the time of filing the petition, or had legal residence at the time of the filing of the petition.

§ 63.2-1231. Home study; simultaneous meeting required; exception.

Prior to the consent hearing in the juvenile and domestic relations district court, a home study of the adoptive parent(s) shall be completed by a licensed or duly authorized child - placing agency in accordance with regulations adopted by the Board. The home study shall make inquiry as to (i) whether the prospective adoptive parents are financially able, morally suitable, and in satisfactory physical and

675 mental health to enable them to care for the child; (ii) the physical and mental condition of the child, if
676 known; (iii) the circumstances under which the child came to live, or will be living, in the home of the
677 prospective adoptive family, as applicable; (iv) what fees have been paid by the prospective adoptive
678 family or in their behalf in the placement and adoption of the child; (v) whether the requirements of
679 subdivisions A 1, A 2, A 3 and A 5 of § 63.2-1232 have been met; and (vi) any other matters specified
680 by the circuit court. In the course of the home study, the agency social worker shall meet at least once
681 with the birth parent(s) and prospective adoptive parents simultaneously. ~~When the child has been placed~~
682 ~~with prospective adoptive parents who are related to the child as specified in subdivision 6 of~~
683 ~~§ 63.2-1233, this meeting is not required.~~

684 § 63.2-1232. Requirements of a parental placement adoption.

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

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

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

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

698 4. Any financial agreement or exchange of property among the parties and any fees charged or paid
699 for services related to the placement or adoption of the child have been disclosed to the court and that
700 all parties understand that no binding contract regarding placement or adoption of the child exists.

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

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

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

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

715 § 63.2-1233. Consent to be executed in juvenile and domestic relations district court; exceptions.

716 When the juvenile and domestic relations district court is satisfied that all requirements of
717 § 63.2-1232 have been met with respect to at least one birth parent and the adoptive child is at least 40
718 ~~days old in the third calendar day of life~~, that birth parent or both birth parents, as the case may be,
719 shall execute consent to the proposed adoption in compliance with the provisions of § 63.2-1202 while
720 before the juvenile and domestic relations district court in person and in the presence of the prospective
721 adoptive parents. The juvenile and domestic relations district court shall accept the consent of the birth
722 parent(s) and transfer custody of the child to the prospective adoptive parents, pending notification to
723 any nonconsenting birth parent, as described hereinafter.

724 1. a. The execution of consent before the juvenile and domestic relations district court shall not be
725 required of a birth father who is not married to the mother of the child at the time of the child's
726 conception or birth if (i) the birth father consents under oath and in writing to the adoption; (ii) ~~the birth~~
727 ~~mother swears under oath and in writing that the identity of the birth father is not reasonably~~
728 ~~ascertainable; (iii) the identity of the birth father is ascertainable and his whereabouts are known, he is~~
729 ~~given notice of the proceedings by registered or certified mail to his last known address and he fails to~~
730 ~~object to the proceeding within 21 days of the mailing of such notice. Such objection shall be in~~
731 ~~writing, signed by the objecting party or counsel of record for the objecting party and shall be filed with~~
732 ~~the clerk of the juvenile and domestic relations district court in which the petition was filed during the~~
733 ~~business day of the court, within the time period specified in this section. Failure of the objecting party~~
734 ~~to appear at the consent hearing, either in person or by counsel, shall constitute a waiver of such~~
735 ~~objection; or (iv) the putative birth father named by the birth mother denies under oath and in writing~~
736 ~~paternity of the child. An affidavit of the birth mother that the identity of the birth father is not~~

reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other evidence before the juvenile and domestic relations district court that would refute such an affidavit. The absence of such an affidavit shall not be deemed evidence that the identity of the birth father is reasonably ascertainable. For purposes of determining whether the identity of the birth father is reasonably ascertainable, the standard of what is reasonable under the circumstances shall control, taking into account the relative interests of the child, the birth mother and the birth father.

b. *The consent of a birth father who is not married to the mother of the child at the time of the child's conception or birth shall not be required if the putative father did not register with the Putative Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.) of this chapter and the identity of the birth father is not reasonably ascertainable or if the putative father named by the birth mother denies under oath and in writing the paternity of the child.*

c. *When a birth father is required to be given notice, he may be given notice of the adoption by registered or certified mail to his last known address and if he fails to object to the adoption within 15 days of the mailing of such notice, his consent shall not be required. An objection shall be in writing, signed by the objecting party or counsel of record for the objecting party and shall be filed with the clerk of the juvenile and domestic relations district court in which the petition was filed during the business day of the court, within the time period specified in this section. When no timely objection is filed, no hearing on the issue is required. Failure of the objecting party to appear at any scheduled hearing, either in person or by counsel, shall constitute a waiver of such objection.*

d. *The juvenile and domestic relations district court may accept the written consent of the birth father who is not married to the birth mother of the child at the time of the child's conception or birth, provided that the identifying information required in § 63.2-1232 is filed in writing with the juvenile and domestic relations district court of jurisdiction. Such consent shall be executed after the birth of the child, shall advise the birth father of his opportunity for legal representation, and shall be presented to the juvenile and domestic relations district court for acceptance. The consent may waive further notice of the adoption proceedings and shall contain the name, address and telephone number of the birth father's legal counsel or an acknowledgment that he was informed of his opportunity to be represented by legal counsel and declined such representation.*

ee. *In the event that the birth mother's consent is not executed in the juvenile and domestic relations district court, the consent of the birth father who is not married to the birth mother of the child shall be executed in the juvenile and domestic relations district court.*

df. *A child born to a married birth mother shall be presumed to be the child of her husband and his consent shall be required, unless the court finds that the father's consent is withheld contrary to the best interests of the child as provided in § 63.2-1205 or if his consent is unobtainable. The consent of such presumed father shall be under oath and in writing and may be executed in or out of court. This The presumption that the husband is the father of the child may be rebutted by sufficient evidence, satisfactory to the juvenile and domestic relations district court, which would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation of the birth mother and her husband for a period of at least 300 days preceding the birth of the child, in which case the husband's consent shall not be required. If the court is satisfied that the presumption has been rebutted, notice of the adoption shall not be required to be given to the presumed father.*

2. *A birth parent whose consent is required as set forth in § 63.2-1202, whose identity is known and who neither consents before the juvenile and domestic relations district court as described above, nor executes a written consent to the adoption or a denial of paternity out of court as provided above, shall be given notice, including the date and location of the hearing, of the proceedings pending before the juvenile and domestic relations district court and be given the opportunity to appear before the juvenile and domestic relations district court. Such hearing may occur subsequent to the proceeding wherein the consenting birth parent appeared but may not be held until 2+15 days after personal service of notice on the nonconsenting birth parent, or if personal service is unobtainable, 10 days after the completion of the execution of an order of publication against such birth parent. The juvenile and domestic relations district court may appoint counsel for the birth parent(s). If the juvenile and domestic relations district court finds that consent is withheld contrary to the best interests of the child, as set forth in § 63.2-1205, or is unobtainable, it may grant the petition without such consent and enter an order waiving the requirement of consent of the nonconsenting birth parent and transferring custody of the child to the prospective adoptive parents, which order shall become effective 15 days thereafter. If the juvenile and domestic relations district court denies the petition, the juvenile and domestic relations district court shall order that any consent given for the purpose of such placement shall be void and, if necessary, the court shall determine custody of the child as between the birth parents.*

3. *Except as provided in subdivision 4, if consent cannot be obtained from at least one birth parent, the juvenile and domestic relations district court shall deny the petition and determine custody of the*

798 child pursuant to § 16.1-278.2.

799 4. If the child was placed by the birth parent(s) with the prospective adoptive parents and if both
800 birth parents have failed, without good cause, to appear at a hearing to execute consent under this
801 section for which they were given proper notice pursuant to § 16.1-264, the juvenile and domestic
802 relations district court may grant the petition without the consent of either birth parent and enter an
803 order waiving consent and transferring custody of the child to the prospective adoptive parents, which
804 order shall become effective 15 days thereafter. Prior to the entry of such an order, the juvenile and
805 domestic relations district court may appoint legal counsel for the birth parents and shall find by clear
806 and convincing evidence (i) that the birth parents were given proper notice of the hearing(s) to execute
807 consent and of the hearing to proceed without their consent; (ii) that the birth parents failed to show
808 good cause for their failure to appear at such hearing(s); and (iii) that pursuant to § 63.2-1205, the
809 consent of the birth parents is withheld contrary to the best interests of the child or is unobtainable.

810 *Under this subdivision, the court may waive the requirement of the simultaneous meeting under*
811 *§ 63.2-1231 and the requirements of subdivisions A 1, A 3, and A 7 of § 63.2-1232 where the*
812 *opportunity for compliance is not reasonably available under the applicable circumstances.*

813 5. If both birth parents are deceased, the juvenile and domestic relations district court, after hearing
814 evidence to that effect, may grant the petition without the filing of any consent.

815 6. When a child has been placed by the birth parent(s) with prospective adoptive parents who are the
816 child's grandparents, adult brother or sister, adult uncle or aunt or adult great uncle or great aunt,
817 consent does not have to be executed in the juvenile and domestic relations district court in the presence
818 of the prospective adoptive parents. The juvenile and domestic relations district court may accept written
819 consent that has been signed and acknowledged before an officer authorized by law to take
820 acknowledgments. No hearing shall be required for the court's acceptance of such consent.

821 When such child has resided in the home of the prospective adoptive parent(s) continuously for three
822 or more years, this section shall not apply, and consent shall be executed in accordance with subsection
823 E of § 63.2-1202.

824 7. No consent shall be required from the birth father of a child placed pursuant to this section when
825 such father is convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of
826 § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, and
827 the child was conceived as a result of such violation, nor shall the birth father be entitled to notice of
828 any of the proceedings under this section.

829 *7. No consent shall be required of a birth father if he denies under oath and in writing the paternity*
830 *of the child. Such denial of paternity may be withdrawn no more than 10 days after it is executed. Once*
831 *the child is 10 days old, any executed denial of paternity is final and constitutes a waiver of all rights*
832 *with the respect to the adoption of the child and cannot be withdrawn.*

833 8. A birth father not married to the mother of the child may consent to the termination of all of his
834 parental rights prior to the birth of the child.

835 89. The juvenile and domestic relations district court shall review each order entered under this
836 section at least annually until such time as the final order of adoption is entered.

837 § 63.2-1234. When consent is revocable.

838 Consent shall be revocable as follows:

839 1. By either consenting birth parent for any reason for up to ~~fifteen~~ 10 days from its execution. *Once*
840 *the child is 10 days old no executed consent can be withdrawn.*

841 a. Such revocation shall be in writing, signed by the revoking party or counsel of record for the
842 revoking party and shall be filed with the clerk of the juvenile and domestic relations district court in
843 which the petition was filed during the business day of the juvenile and domestic relations district court,
844 within the time period specified in this section. If the revocation period expires on a Saturday, Sunday,
845 legal holiday or any day on which the clerk's office is closed as authorized by statute, the revocation
846 period shall be extended to the next day that is not a Saturday, Sunday, legal holiday or other day on
847 which the clerk's office is closed as authorized by statute.

848 b. Upon the filing of a valid revocation within the time period set out in this section, the juvenile
849 and domestic relations district court shall order that any consent given for the purpose of such placement
850 is void and, if necessary, the juvenile and domestic relations district court shall determine custody of the
851 child as between the birth parents.

852 2. By any party prior to the final order of adoption (i) upon proof of fraud or duress or (ii) after
853 placement of the child in an adoptive home, upon written, mutual consent of the birth parents and
854 prospective adoptive parents.

855 § 63.2-1237. Petition for parental placement adoption; jurisdiction; contents.

856 Proceedings for the parental placement adoption of a minor child and for a change of name of such
857 child shall be instituted only by petition to the circuit court in the county or city in which the petitioner
858 resides or *in the county or city where a birth parent has executed a consent pursuant to § 63.2-1233.*
859 Such petition may be filed by any natural person who resides in the Commonwealth ~~for~~ or is the

adopting parent(s) of a child who was subject to a consent proceeding held pursuant to § 63.2-1233. The petition shall ask leave to adopt a minor child not legally his the petitioner's by birth and, if it is so desired by the petitioner, also to change the name of such child. In the case of married persons, the petition shall be the joint petition of the husband and wife but, in the event the child to be adopted is legally the child by birth or adoption of one of the petitioners, such petitioner shall unite in the petition for the purpose of indicating his or her consent to the prayer thereof only. The petition shall contain a full disclosure of the circumstances under which the child came to live, and is living, in the home of the petitioner. Each petition for adoption shall be signed by the petitioner as well as by counsel of record, if any. In any case in which the petition seeks the entry of an adoption order without referral for investigation, the petition shall be under oath.

The petition shall state that the findings required by § 63.2-1232 have been made and shall be accompanied by appropriate documentation supporting such statement, to include copies of documents executing consent and transferring custody of the child to the prospective adoptive parents, and a copy of the report required by § 63.2-1231. The court shall not waive any of the requirements of this paragraph nor any of the requirements of § 63.2-1232 *except as allowed pursuant to subdivision 4 of § 63.2-1233.*

A single petition for adoption under the provisions of this section shall be sufficient for the concurrent adoption by the same petitioners of two or more children who have the same birth parent or parents; and nothing in this section shall be construed as having heretofore required a separate petition for each of such children.

§ 63.2-1241. Adoption of child by new spouse of birth or adoptive parent.

A. When the spouse of a birth parent of a child born in wedlock or the spouse of a parent by adoption of the child has died, and the surviving birth parent or parent by adoption marries again and the new spouse desires to adopt the child, on a petition filed by the surviving birth parent or parent by adoption and new spouse for the adoption and change of name of the child, the circuit court may proceed to order the proposed adoption or change of name without referring the matter to the local director.

B. When a birth parent of a legitimate infant or a parent by adoption is divorced and marries again and the birth parent or parent by adoption desires the new spouse to adopt the child, on a petition filed by the birth parent or parent by adoption and the new spouse for the adoption and change of name of the child, *or if the child is the result of surrogacy*, the circuit court may proceed to order the proposed adoption or change of name without referring the matter to the local director if the other birth parent or parent by adoption consents in writing to the adoption or change of name or if the other birth parent or parent by adoption is deceased.

C. When the custodial birth parent of a child born to parents who were not married to each other at the time of the child's conception or birth marries and the new spouse of such custodial birth parent desires to adopt such child, on a petition filed by the custodial birth parent and spouse for the adoption and change of name of the child, the circuit court may proceed to order the proposed adoption and change of name without referring the matter to the local director if (i) the noncustodial birth parent consents, under oath, in writing to the adoption, or (ii) the mother swears, under oath, in writing, that the identity of the father is not reasonably ascertainable, or (iii) the putative father named by the mother denies paternity of the child, or (iv) the child is fourteen years of age or older and has lived in the home of the person desiring to adopt the child for at least five years, or (v) the noncustodial birth parent is deceased, *or (vi) the noncustodial birth parent executes a denial of paternity under oath and in writing, or (vii) the noncustodial birth parent:*

a. Is not an acknowledged father pursuant to § 20-49.1; and

b. Is not an adjudicated father pursuant to § 20-49.8; and

c. Is not a presumed father; and

d. Is not a putative father who has registered with the Putative Father Registry pursuant to Article 8 (§ 63.2-1251 et seq.) of this chapter and the putative father's identity is not reasonably ascertainable.

D. When a single person who has adopted a child thereafter marries and desires his spouse to adopt the child, on a petition filed by the adoptive parent and the spouse for the adoption and change of name of the child, the circuit court may proceed to order the proposed adoption or change of name without referring the matter to the local director.

Article 4.1.

Close Relative Adoption.

§ 63.2-1242.1. *Close relative adoption.*

A. *For the purposes of this chapter, a "close relative placement" shall be an adoption by the child's grandparent, great-grandparent, adult nephew or niece, adult brother or sister, adult uncle or aunt, or adult great uncle or great aunt.*

B. *In a close relative placement the court may accept the written and signed consent of the birth*

921 parent(s) that is signed under oath and acknowledged by an officer authorized by law to take such
922 acknowledgements.

923 § 63.2-1242.2. Close relative adoption; child in home less than three years.

924 A. When the child has continuously resided in the home or has been in the continuous physical
925 custody of the prospective adoptive parent(s) who is a close relative for less than three years, the
926 adoption proceedings, including court approval of the home study, shall commence in the juvenile and
927 domestic relations district court pursuant to the parental placement adoption provisions of this chapter
928 with the following exceptions:

929 1. The birth parent(s)' consent does not have to be executed in juvenile and domestic relations
930 district court in the presence of the prospective adoptive parents.

931 2. The simultaneous meeting specified in § 63.2-1231 is not required.

932 3. No hearing is required for this proceeding.

933 B. Upon the juvenile and domestic relations district court issuing an order accepting consents or
934 otherwise dealing with birth parents rights and appointing the close relative(s) custodian of the child,
935 the close relative(s) may file a petition in the circuit court as provided in Article 1 (§ 63.2-1200 et seq.)
936 of this chapter.

937 C. For adoptions under this section:

938 1. An order of reference, an investigation and a report shall not be made if the home study report is
939 filed with the circuit court unless the circuit court in its discretion requires an investigation and report
940 to be made.

941 2. The circuit court may omit the probationary period and the interlocutory order and enter a final
942 order of adoption when the court is of the opinion that the entry of an interlocutory order would
943 otherwise be proper.

944 3. If the circuit court determines that there is a need for an additional investigation, it shall refer
945 the matter to the licensed child-placing agency that drafted the home study report for an investigation
946 and report, which shall be completed within such times as the circuit court designates.

947 § 63.2-1242.3. Close relative placement; child in home for three years or more.

948 When the child has continuously resided in the home or has been in the continuous physical custody
949 of the prospective adoptive parent(s) who is a close relative for three or more years, the parental
950 placement provisions of this chapter shall not apply and the adoption proceeding shall commence in the
951 circuit court.

952 For adoptions under this section:

953 1. An order of reference, an investigation and a report shall not be made unless the circuit court in
954 its discretion shall require an investigation and report to be made.

955 2. The circuit court may omit the probationary period and the interlocutory order and enter a final
956 order of adoption when the court is of the opinion that the entry of an interlocutory order would
957 otherwise be proper.

958 3. If the circuit court determines the need for an investigation, it shall refer the matter to the local
959 director of the department of social services for an investigation and report, which shall be completed in
960 such time as the circuit court designates.

961 § 63.2-1243. Adoption of certain persons eighteen years of age or over.

962 A petition may be filed in circuit court by any natural person who is a resident of this
963 Commonwealth (i) for the adoption of a stepchild eighteen years of age or over to whom he has stood
964 in loco parentis for a period of at least three months; (ii) for the adoption of a ~~niece or nephew over~~
965 ~~close relative as defined in § 63.2-1242.1~~, eighteen years of age ~~who has no living parents and who has~~
966 ~~lived in the home of the petitioner for at least three months or older~~; (iii) for the adoption of any person
967 eighteen years of age or ~~over~~ older who is the birth child of the petitioner or who had resided in the
968 home of the petitioner for a period of at least three months prior to becoming eighteen years of age; or
969 (iv) for the adoption of any person eighteen years of age or older, for good cause shown, provided that
970 the person to be adopted is at least fifteen years younger than the petitioner and the petitioner and the
971 person to be adopted have known each other for at least ~~five years~~ one year prior to the filing of the
972 petition for adoption; and provided further that both the petitioner and the person to be adopted have
973 been residents of the Commonwealth for at least two years immediately prior to the filing of the
974 petition. Proceedings in any such case shall conform as near as may be to proceedings for the adoption
975 of a minor child under this chapter except that:

976 (a) No consent of either parent shall be required; and

977 (b) The consent of the person to be adopted shall be required in all cases.

978 Any interlocutory or final order issued in any case under this section shall have the same effect as
979 other orders issued under this chapter; and in any such case the word "child" in any other section of this
980 chapter shall be construed to refer to the person whose adoption is petitioned for under this section. The
981 entry of a final order of adoption pursuant to this section which incorporates a change of name shall be
982 deemed to meet the requirements of § 8.01-217.

The provisions of this section shall apply to any person who would have been eligible for adoption hereunder prior to July 1, 1972.

Article 7.

Putative Father Registry.

§ 63.2-1249. Establishment of Registry.

A. A Putative Father Registry is hereby established in the Department of Social Services.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Putative Father Registry Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys collected under § 63.2-1201 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of administration of the Putative Father Registry. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner or his designee.

§ 63.2-1250. Registration; notice; form.

A. Except as otherwise provided in subsection C, a man who desires to be notified of a proceeding for adoption of, or termination of parental rights regarding, a child that he may have fathered shall register with the Putative Father Registry before the birth of the child or within 10 days after the birth. A registrant shall promptly notify the registry of any change in the information registered including but not limited to change of address. The Department shall incorporate all new information received into its records but is not required to obtain current information for incorporation in the registry.

B. A man will not prejudice any rights by failing to register if:

1. A father-child relationship between the man and the child has been established pursuant to § 20-49.1, § 20-49.8, or if the man is a presumed father as defined in § 63.2-1202; or

2. The man commences a proceeding to adjudicate his paternity before a petition to accept consent or waive adoption consent is filed in the juvenile and domestic relations district court, or a petition for adoption or a petition for the termination of his parental rights is filed with the court.

C. Failure to register pursuant to subsection A shall waive all rights of a man who is not an acknowledged, presumed, or adjudicated father to withhold consent to an adoption proceeding unless the man was led to believe through the birth mother's fraud that (i) the pregnancy was terminated or the mother miscarried when in fact the baby was born, or (ii) that the child died when in fact the child is alive. Upon the discovery of the fraud the man shall register with the Putative Father Registry within 10 days.

D. The child-placing agency or adoptive parent(s) shall give notice of a proceeding for the adoption of, or termination of parental rights regarding, a child to a registrant who has timely registered pursuant to subsection A. Notice shall be given pursuant to the requirements of this chapter or § 16.1-277.01 for the appropriate adoption proceeding. -

E. Any man who has engaged in sexual intercourse with a woman is deemed to be on legal notice that a child may be conceived and the man is entitled to all legal rights and obligations resulting therefrom. Lack of knowledge of the pregnancy does not excuse failure to timely register except when the identity of such man is reasonably ascertainable. In such event, written notice of the existence of an adoption plan and the availability of registration with the Putative Father Registry shall be provided to the man's last known address. The man shall have no more than 10 days from the date of such mailing to register. The mailing may be done either prior to or after the birth of the child.

F. The Department shall prepare a form for registering with the agency that shall require (i) the registrant's name, date of birth and social security number; (ii) the registrant's driver's license number and state of issuance; (iii) the registrant's home address, telephone number and employer; (iv) name, date of birth, ethnicity, address and telephone number of the putative mother, if known; (v) state of conception; (vi) place and date of birth of the child, if known; and (vii) name and gender of the child, if known.

G. The form shall also state that (i) timely registration entitles the registrant to notice of a proceeding for adoption of the child or termination of the registrant's parental rights, (ii) registration does not commence a proceeding to establish paternity, (iii) the information disclosed on the form may be used against the registrant to establish paternity, (iv) services to assist in establishing paternity are available to the registrant through the Department, (v) the registrant should also register in another state if conception or birth of the child occurred in another state, (vi) information on registries of other states may be available from the Department, (vii) that the form is signed under penalty of perjury, and (viii) procedures exist to rescind the registration of a claim of paternity.

§ 63.2-1251. Furnishing information; confidentiality; penalty.

A. The Department is not required to locate the mother of a child who is the subject of a

1044 registration, but the Department shall send a copy of the notice of registration to the mother if an
1045 address is provided.

1046 B. Information contained in the registry is confidential and may only be released on request to:

1047 1. A court or a person designated by the court;

1048 2. The mother of the child who is the subject of the registration;

1049 3. An agency authorized by law to receive such information;

1050 4. A licensed child-placing agency;

1051 5. A support enforcement agency;

1052 6. A party or the party's attorney of record in an adoption proceeding, or in a proceeding of
1053 termination of parental rights, regarding a child who is the subject of the registration; and

1054 7. A putative father registry in another state.

1055 C. Information contained in the registry shall be exempt from disclosure under the Virginia Freedom
1056 of Information Act (§ 2.2-3700 et seq.).

1057 D. An individual who intentionally releases information from the registry to an individual or agency
1058 not authorized to receive the information in this section is guilty of a Class 4 misdemeanor.

1059 § 63.2-1252. Search of registry.

1060 A. If no father-child relationship has been established pursuant to § 20-49.1, a petitioner for
1061 adoption shall obtain from the Department a certificate that a search of the Putative Father Registry
1062 was performed. If the conception or birth of the child occurred in another state, a petitioner for
1063 adoption shall obtain a certificate from that state indicating that a search of the putative father registry
1064 was performed, if that state has a putative father registry.

1065 B. The Department shall furnish to the requester a certificate of search of the registry upon the
1066 request of an individual, court, or agency listed in § 63.2-1253. Any such certificate shall be signed on
1067 behalf of the Department and state that a search has been made of the registry and a registration
1068 containing the information required to identify the registrant has been found and is attached to the
1069 certificate of search or has not been found. Within four business days from the receipt of the request,
1070 the Department shall mail the certificate to the requestor by United States mail. Upon request of the
1071 requestor and payment of any additional costs, the Department shall have the certificate delivered to the
1072 requestor by overnight mail, in person, by messenger, by facsimile or other electronic communication.
1073 The Department's certificate or an appropriate certificate from another state shall be sufficient proof the
1074 registry was searched.

1075 C. A petitioner shall file the certificate of search with the court before a proceeding for adoption of,
1076 or termination of parental rights regarding, a child may be concluded.

1077 D. A certificate of search of the Putative Father Registry is admissible in a proceeding for adoption
1078 of, or termination of parental rights regarding, a child and, if relevant, in other legal proceedings.

1079 § 63.2-1253. Duty to publicize registry.

1080 A. The Department shall produce and distribute a pamphlet or other publication informing the public
1081 about the Putative Father Registry including (i) the procedures for voluntary acknowledgement of
1082 paternity, (ii) the consequences of acknowledgement and failure to acknowledge paternity pursuant to
1083 § 20-49.1, (iii) a description of the Putative Father Registry including to whom and under what
1084 circumstances it applies, (iv) the time limits and responsibilities for filing, (v) paternal rights and
1085 associated responsibilities, and (vi) other appropriate provisions of this article.

1086 B. Such pamphlet or publication shall include a detachable form that meets the requirements of
1087 subsection F of § 63.2-1252, is suitable for United States mail, and is addressed to the Putative Father
1088 Registry. Such pamphlet or publication shall be made available for distribution at all offices of the
1089 Department of Health and all local departments of social services. The Department shall also provide
1090 such pamphlets or publications to hospitals, libraries, medical clinics, schools, universities, and other
1091 providers of child-related services upon request.

1092 C. The Department shall provide information to the public at large by way of general public service
1093 announcements, or other ways to deliver information to the public about the Putative Father Registry
1094 and its services.

1095 2. That the provisions of this Act that establish the Putative Father Registry shall be enacted July
1096 1, 2007.

1097 3. That the provisions of act that establish the Putative Father Registry shall not become effective
1098 unless an appropriation of general funds effectuating the purposes of this act is included in the
1099 general appropriation act passed by the 2006 Session of the General Assembly, which becomes
1100 law.