

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 662

An Act to amend and reenact § 63.2-1234 of the Code of Virginia, relating to revocation of consent in parental placement adoptions.

[H 285]

Approved March 27, 2008

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1234 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1234. When consent is revocable.

Consent shall be revocable as follows:

1. By either consenting birth parent for any reason for up to ~~10~~ seven days from its execution; *however, such seven-day revocation period may be waived in writing at the time of consent provided that the child is at least 10 days old and the consenting birth parent acknowledges having received independent legal counsel regarding the effect of such waiver. In the case of two consenting birth parents, the waiver by one consenting birth parent shall not affect the right of the second consenting birth parent to retain his seven-day revocation period. Once the child is 10 days old, no executed consent can be withdrawn.*

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

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

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