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**HOUSE BILL NO. 2329**

Offered January 18, 2013

A *BILL to amend the Code of Virginia by adding a section numbered 63.2-1213.1, relating to death of joint petitioner prior to entry of final order.*

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Patron—Toscano

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Referred to Committee on Health, Welfare and Institutions

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

**1. That the Code of Virginia is amended by adding a section numbered 63.2-1213.1 as follows:**

**§ 63.2-1213.1. Death of joint petitioner prior to entry of final order.**

A. When married persons or persons who were previously married who are permitted to adopt a child pursuant to § 63.2-1201.1 have jointly petitioned to adopt a child, and one of the petitioners dies before entry of a final order of adoption pursuant to § 63.2-1213, the adoption may proceed in the name of both petitioners and, upon entry of a final order of adoption pursuant to § 63.2-1213, the child shall be, to all intents and purposes, the child of both petitioners as provided in § 63.2-1215.

B. When a child has been placed in the custody of prospective adoptive parents who are married persons by a licensed child-placing agency, a local board, the child's parent or legal guardian if the placement is a parental placement, or 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, and one of the prospective adoptive parents dies prior to the filing of a petition to adopt such child, the surviving spouse may file a petition to adopt the child and to have the deceased prospective adoptive parent named as parent of the child together with the petitioner. Upon submission of evidence satisfactory to the court indicating that the deceased spouse intended to adopt the child, the court may enter an order naming the deceased prospective adoptive parent as parent of the child together with the petitioner. Upon entry of a final order of adoption pursuant to § 63.2-1213, the child shall be, to all intents and purposes, the child of the surviving parent and the deceased parent as provided in §63.2-1215.

INTRODUCED

HB2329