

14104305D

**SENATE BILL NO. 411****AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee for Courts of Justice  
on January 22, 2014)

(Patron Prior to Substitute—Senator McWaters)

*A BILL to amend the Code of Virginia by adding a section numbered 18.2-371.1:1, relating to unlawful adoption of a child; abandoned child; penalty.*

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

**1. That the Code of Virginia is amended by adding a section numbered 18.2-371.1:1 as follows:**

**§ 18.2-371.1:1. Unlawful placement of child for adoption; abandoned child; penalty.**

*A. It shall be unlawful for a child's parent or legal guardian to place a child for adoption, or attempt to place a child for adoption through the use of a power of attorney or other legal document, in the Commonwealth unless such parent or legal guardian follows the procedures for adoption set out in Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2. If a parent or legal guardian, with the intent to permanently transfer physical and legal custody of the child to another, does not follow such procedures within 18 months of transferring physical custody of the child to another, he shall be deemed to have abandoned the child and is guilty of a Class 6 felony.*

*B. The provisions of this section shall not apply to kinship care arrangements formed for the purposes of school enrollment pursuant to § 22.1-3, or to other established legal procedures for the transfer of custody, including foster care.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**