

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 63.2-1242.2 and 63.2-1242.3 of the Code of Virginia, relating to close*
3 *relative adoption.*

4 [H 241]
5 Approved

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

7 **1. That §§ 63.2-1242.2 and 63.2-1242.3 of the Code of Virginia are amended and reenacted as**
8 **follows:**

9 **§ 63.2-1242.2. Close relative adoption; child in home less than two years.**

10 A. When the child has continuously resided in the home or has been in the continuous physical
11 custody of the prospective adoptive parent(s) who is a close relative for less than ~~three~~ *two* years, the
12 adoption proceeding, including court approval of the home study, shall commence in the juvenile and
13 domestic relations district court pursuant to the parental placement adoption provisions of this chapter
14 with the following exceptions:

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

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

18 3. No hearing is required for this proceeding.

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

23 C. For adoptions under this section:

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

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

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

32 4. The circuit court may waive appointment of a guardian ad litem for the child.

33 **§ 63.2-1242.3. Close relative placement; child in home for two years or more.**

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

38 For adoptions under this section:

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

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

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

46 4. The circuit court may waive appointment of a guardian ad litem for the child.