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HOUSE BILL NO. 939

Offered January 10, 2018

Prefiled January 9, 2018

A *BILL to amend the Code of Virginia by adding in Chapter 12 of Title 63.2 an article numbered 4.2, consisting of a section numbered 63.2-1242.4, relating to adoption by person other than spouse of parent.*

Patron—Lopez

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 in Chapter 12 of Title 63.2 an article numbered 4.2, consisting of a section numbered 63.2-1242.4, as follows:

*Article 4.2.**Other Adoption of a Child.***§ 63.2-1242.4. Adoption by person other than spouse of birth or adoptive parent.**

A. A person other than the spouse of a birth parent or parent by adoption may adopt a child if (i) at the time the petition for adoption is filed, the child has only one parent or the child is the result of surrogacy and the surrogate or carrier consents to the adoption; (ii) the petition does not seek to terminate the parental rights of the child's parent; and (iii) the parent of the child joins the petition for the purpose of indicating consent to the prayer thereof only.

B. A petition to adopt a child in accordance with subsection A shall be filed in the circuit court of the county or city where the parent of the child resides or the county or city where the child resides and shall ask leave to adopt a minor child not legally the petitioner's by birth or adoption. The petition shall state whether the petitioners seek to change the name of the child. The court may order the proposed adoption and change the child's name, if requested, without referring the matter to the local director if the criteria set forth in subsection A are met. However, if the court determines that an investigation is required, the court shall refer the matter to the local director and forward a copy of the petition and all exhibits thereto. The local director shall conduct the investigation in accordance with the requirements of § 63.2-1208 and report his findings to the court within such time as the court designates.

C. The court shall consider the best interests of the child, in accordance with the factors set forth in § 63.2-1205, when considering the petition.

D. In any case involving adoption of a child pursuant to this section, the court may waive appointment of a guardian ad litem for the child.

INTRODUCED

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