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HOUSE BILL NO. 2208

Offered January 9, 2019

Prefiled January 8, 2019

A BILL to amend and reenact §§ 63.2-1242.1, 63.2-1242.2, 63.2-1242.3, and 63.2-1243 of the Code of Virginia, relating to adoption by relative.

Patrons—Brewer and Reid

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1242.1, 63.2-1242.2, 63.2-1242.3, and 63.2-1243 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-1242.1. Relative adoption.

A. For the purposes of this chapter, a "eløse relative placement" shall be an adoption by the child's grandparent, great-grandparent, adult nephew or niece, adult brother or sister, adult uncle or aunt, or adult great uncle or great aunt adult relative, which shall include the child's blood relatives whether of the whole or half blood, stepparents, stepbrothers, or stepsisters.

B. In a eløse relative placement the court may accept the written and signed consent of the birth parent(s) that is signed under oath and acknowledged by an officer authorized by law to take such acknowledgements acknowledgments.

§ 63.2-1242.2. Relative adoption; child in home less than two years.

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

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

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

3. No hearing is required for this proceeding.

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

C. For adoptions under this section:

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

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

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

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

§ 63.2-1242.3. Relative placement; child in home for two years or more.

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

For adoptions under this section:

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

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

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

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

INTRODUCED

HB2208

§ 63.2-1243. Adoption of certain persons 18 years of age or over.

A petition may be filed in circuit court by any natural person who is a resident of this Commonwealth (i) for the adoption of a stepchild ~~eighteen~~ 18 years of age or over to whom he has stood in loco parentis for a period of at least three months; (ii) for the adoption of a ~~close~~ relative, as defined in § 63.2-1242.1, ~~eighteen~~ 18 years of age or older; (iii) for the adoption of any person ~~eighteen~~ 18 years of age or older who is the birth child of the petitioner or who had resided in the home of the petitioner for a period of at least three months prior to becoming ~~eighteen~~ 18 years of age; or (iv) for the adoption of any person ~~eighteen~~ 18 years of age or older, for good cause shown, provided that the person to be adopted is at least ~~fifteen~~ 15 years younger than the petitioner and the petitioner and the person to be adopted have known each other for at least one year prior to the filing of the petition for adoption. Proceedings in any such case shall conform as near as may be to proceedings for the adoption of a minor child under this chapter except that:

(a) No consent of either parent shall be required; and

(b) The consent of the person to be adopted shall be required in all cases.

Any interlocutory or final order issued in any case under this section shall have the same effect as other orders issued under this chapter; and in any such case the word "child" in any other section of this chapter shall be construed to refer to the person whose adoption is petitioned for under this section. The entry of a final order of adoption pursuant to this section which incorporates a change of name shall be deemed to meet the requirements of § 8.01-217.

The provisions of this section shall apply to any person who would have been eligible for adoption hereunder prior to July 1, 1972.