

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 98

An Act to amend and reenact § 16.1-283.1 of the Code of Virginia, relating to post-adoption contact and communication agreements; involuntary termination of parental rights.

[H 721]

Approved March 3, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-283.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-283.1. Authority to enter into voluntary post-adoption contact and communication agreement.

A. In any case in which (i) a child has been placed in foster care as a result of ~~(i)~~ (a) court commitment, ~~(ii)~~ (b) an entrustment agreement entered into by the parent or parents, or ~~(iii)~~ (c) other voluntary relinquishment by the parent or parents, ~~or in any case in which;~~ (ii) the parent or parents have voluntarily consented to the adoption of the child; *or (iii) the parental rights of the parent or parents have been involuntarily terminated,* the child's birth parent or parents may enter into a written post-adoption contact and communication agreement with the pre-adoptive parent or parents as provided in Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2. Unless the parental rights of the birth parent or parents have been terminated pursuant to subsection E of § 16.1-283, a local board of social services or child welfare agency required to file a petition for a permanency planning hearing pursuant to § 16.1-282.1 may inform the birth parent or parents and shall inform the adoptive parent or parents that they may enter into such an agreement and shall inform the child if he is 14 years of age or older that he may consent to such an agreement.

B. The court may consider the appropriateness of a written post-adoption contact and communication agreement entered into pursuant to subsection A and in accordance with Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2 at the permanency planning hearing pursuant to § 16.1-282.1 and, if the court finds that all of the requirements of subsection A and Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2 have been met, shall incorporate the written post-adoption contact and communication agreement into an order entered at the conclusion of such hearing.