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HOUSE BILL NO. 371

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on January 21, 2020)

(Patron Prior to Substitute—Delegate Bell)

A BILL to amend and reenact §§ 63.2-1242.2 and 63.2-1242.3 of the Code of Virginia and to repeal the second enactment of Chapter 9 of the Acts of Assembly of 2018, relating to adoption by stepparent; background check.

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1242.2 and 63.2-1242.3 of the Code of Virginia are amended and reenacted:

§ 63.2-1242.2. Close 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 close 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 close relative(s) custodians of the child, the close 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.

D. In the case of an adoption by a stepparent, when determining whether an investigation and report should be required, the circuit court shall consider the results of a national criminal history background check conducted on the prospective adoptive parent in accordance with the provisions of § 19.2-392.02, which shall be provided to the court by such prospective adoptive parent.

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

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 close 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.

B. 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.

C. In the case of an adoption by a stepparent, when determining whether an investigation and report should be required, the circuit court shall consider the results of a national criminal history background check conducted on the prospective adoptive parent in accordance with the provisions of § 19.2-392.02, which shall be provided to the court by such prospective adoptive parent.

2. That the second enactment of Chapter 9 of the Acts of Assembly of 2018 is repealed.

HOUSE SUBSTITUTE

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