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HOUSE BILL NO. 730**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Joint Conference Committee
on March 9, 2006)

(Patron Prior to Substitute—Delegate McQuigg)

A BILL to amend the Code of Virginia by adding in Chapter 12 of Title 63.2 an article numbered 7, consisting of sections numbered 63.2-1249 through 63.2-1254, relating to the creation of a mutual consent adoption registry; penalty.

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 7, consisting of sections numbered 63.2-1249 through 63.2-1254, as follows:

Article 7.

Mutual Consent Adoption Registry.

§ 63.2-1249. Registry created; purpose.

A Mutual Consent Adoption Registry (the Registry) is established in the Department of Social Services.

Birth parents, adoptees, and birth siblings who wish to have identifying information released to each other may register with the Registry. The Department shall disclose identifying information contained in the Registry to birth parents, adoptees, and birth siblings in accordance with this article.

§ 63.2-1250. Definitions.

"Adoptee" means an individual who was adopted by a resident of the Commonwealth or who was placed for adoption by a child-placing agency licensed in the Commonwealth or a local department of social services.

"Birth father" means a man who (i) was married to the adoptee's birth mother at the time of conception; (ii) was named as the father on the adoptee's pre-adoption birth certificate, unless he has signed a denial of paternity or his nonpaternity has been determined by a court; (iii) has been adjudicated the father of the adoptee; or (iv) has been identified by the birth mother in the adoption record as the birth father, if he has not denied paternity. "Birth father" shall not include a man who is an anonymous donor of sperm for an assisted conception as defined in § 20-156.

"Birth mother" means a woman who was named as the mother on the adoptee's pre-adoption birth certificate. "Birth mother" shall not include a woman who is an anonymous donor of an egg used in an assisted conception as defined in § 20-156.

"Birth sibling" means an individual who is at least 21 years old and shares one or both birth parents with an adoptee.

"Identifying information" means information that reveals the identity or location of an adoptee or the birth parent or birth sibling of an adoptee.

"Registrant" means a person who has filed a registration form as provided in this article.

§ 63.2-1251. Mutual Consent Adoption Registry Fund created.

There is hereby created in the state treasury a special nonreverting fund to be known as the Mutual Consent Adoption Registry Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All registration fees collected by the Department pursuant to § 63.2-1254 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of the administration of the Mutual Consent Adoption Registry. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.

§ 63.2-1252. Confidentiality.

Disclosure of information contained in the Registry shall only be shared with registrants, and only in the following circumstances: (i) a match has been made between an adoptee and his birth parent or birth sibling as provided in § 63.2-1254; (ii) both birth parents are deceased and an adoptee has registered; or (iii) a court orders the release of the identifying information.

§ 63.2-1253. Registration; form; required information; penalty.

A. An individual may register if (i) he is an adoptee who is 21 years of age or older; (ii) she is a birth mother; (iii) he is a birth father; or (iv) he is a birth sibling.

B. The Department shall prepare a registration form that shall require (i) the registrant's current name and any other name by which he was known; (ii) the registrant's address and telephone number; (iii) if the registrant is the birth parent of an adoptee, the original and adopted names, if known, of the adoptee; (iv) if the registrant is an adoptee seeking information regarding the adoptee's birth parents,

60 any names, if known, of such parents; (v) if the registrant is an adoptee seeking information regarding
61 the adoptee's birth sibling, any names, if known, of such birth sibling; (vi) the place and date of birth of
62 the adoptee, if known; (vii) the name and address of the child-placing agency that placed the adoptee, if
63 known; (viii) the names of the adoptive parents, if known; (ix) the name and address of the court that
64 issued the adoption order; and (x) a statement of the registrant's consent to be identified to other
65 registrants. The registration form shall be signed by the registrant and notarized. Any false statement in
66 the registration form, if such statement is knowingly or willfully made, shall be a ground for prosecution
67 of perjury as provided for in § 18.2-434.

68 C. A registrant may withdraw from the Registry at any time by submitting a notarized affidavit to
69 that effect to the Department.

70 § 63.2-1254. Duties of Department.

71 A. The Department shall establish and maintain the Registry and adopt rules and regulations to
72 carry out the provisions of this article. Such regulations shall include procedures for promptly notifying
73 registrants when a match is made.

74 A match shall be made in the following circumstances:

- 75 1. An adoptee and a birth parent register; or
- 76 2. An adoptee and one or more birth siblings register.

77 B. The Department shall assess a registration fee, not to exceed \$50, which shall be deposited in the
78 Mutual Consent Adoption Registry Fund established in § 63.2-1251.

79 2. That the provisions of this act may result in a net increase in periods of imprisonment or
80 commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot
81 be determined for periods of imprisonment in state adult correctional facilities and is \$0 for
82 periods of commitment to the custody of the Department of Juvenile Justice.

83 3. That the Department of Social Services shall determine and charge the lowest registration fee
84 that will cover the costs associated with operating the registry created in this act.

85 4. Subject to the provisions of the fifth enactment of this act, the provisions of this act shall
86 become effective on October 1, 2007, and shall expire on July 1, 2009.

87 5. That the provisions of this act shall not become effective unless an appropriation of general
88 funds effectuating the purposes of this act is included in the general appropriation act passed by
89 the 2006 Session of the General Assembly, which becomes law.