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SENATE BILL NO. 171

Offered January 9, 2008

Prefiled January 7, 2008

A BILL to amend and reenact § 63.2-1215 of the Code of Virginia, relating to adoption by former stepparents.

Patron—Blevins

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:**1. That § 63.2-1215 of the Code of Virginia is amended and reenacted as follows:**

§ 63.2-1215. Legal effects of adoption.

The birth parents, and the parents by previous adoption, if any, ~~other than any such parent who is the husband or wife of one of the petitioners,~~ shall, by final order of adoption, be divested of all legal rights and obligations in respect to the child including the right to petition any court for visitation with the child. *However, a final order of adoption shall not divest the legal rights and obligations in respect to the child of a birth parent or parent by previous adoption (i) who is the husband or wife of one of the petitioners, or (ii) who is the former husband or wife of the petitioner, provided that (a) the birth parent or parent by previous adoption consents to the adoption, or (b) the other birth parent or parent by previous adoption has died, consents to the adoption pursuant to § 63.2-1202 subject to the divestiture of his rights and obligations pursuant to this section, or has had his parental rights terminated by a court of competent jurisdiction. No adoption pursuant to clause (ii) shall be permitted over the objection of the other birth parent or parent by previous adoption.* Except where a final order of adoption is entered pursuant to § 63.2-1241, any person whose interest in the child derives from or through the birth parent or previous adoptive parent, including but not limited to grandparents, stepparents, former stepparents, blood relatives and family members shall, by final order of adoption, be divested of all legal rights and obligations in respect to the child including the right to petition any court for visitation with the child. In all cases the child shall be free from all legal obligations of obedience and maintenance in respect to such persons divested of legal rights. Any child adopted under the provisions of this chapter shall, from and after the entry of the interlocutory order or from and after the entry of the final order where no such interlocutory order is entered, be, to all intents and purposes, the child of the person or persons so adopting him, and, unless and until such interlocutory order or final order is subsequently revoked, shall be entitled to all the rights and privileges, and subject to all the obligations, of a child of such person or persons born in lawful wedlock. An adopted person is the child of an adopting parent, and as such, the adopting parent shall be entitled to testify in all cases civil and criminal, as if the adopted child was born of the adopting parent in lawful wedlock.

INTRODUCED

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