

17101354D

HOUSE BILL NO. 2216

Offered January 11, 2017

Prefiled January 11, 2017

A *BILL to amend and reenact §§ 16.1-277.01, 17.1-275, 20-88.35, 63.2-900, 63.2-1201, 63.2-1202, 63.2-1222, 63.2-1224, 63.2-1233, 63.2-1249, 63.2-1250, 63.2-1252, and 63.2-1253 of the Code of Virginia, relating to Putative Father Registry.*

Patrons—Toscano and Landes

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-277.01, 17.1-275, 20-88.35, 63.2-900, 63.2-1201, 63.2-1202, 63.2-1222, 63.2-1224, 63.2-1233, 63.2-1249, 63.2-1250, 63.2-1252, and 63.2-1253 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-277.01. Approval of entrustment agreement.

A. In any case in which a child has been entrusted pursuant to § 63.2-903 or 63.2-1817 to the local board of social services or to a child welfare agency, a petition for approval of the entrustment agreement by the board or agency:

1. Shall be filed within a reasonable period of time, no later than 89 days after the execution of an entrustment agreement for less than 90 days, if the child is not returned to the caretaker from whom he was entrusted within that period;

2. Shall be filed within a reasonable period of time, not to exceed 30 days after the execution of an entrustment agreement for 90 days or longer or for an unspecified period of time, if such entrustment agreement does not provide for the termination of all parental rights and responsibilities with respect to the child; and

3. May be filed in the case of a permanent entrustment agreement which provides for the termination of all parental rights and responsibilities with respect to the child.

The board or agency shall file a foster care plan pursuant to § 16.1-281 to be heard with any petition for approval of an entrustment agreement.

B. Upon the filing of a petition for approval of an entrustment agreement pursuant to subsection A of § 16.1-241, the court shall appoint a guardian ad litem to represent the child in accordance with the provisions of § 16.1-266, and shall schedule the matter for a hearing to be held as follows: within 45 days of the filing of a petition pursuant to subdivision A 1, A 2 or A 3, except where an order of publication has been ordered by the court, in which case the hearing shall be held within 75 days of the filing of the petition. The court shall provide notice of the hearing and a copy of the petition to the following, each of whom shall be a party entitled to participate in the proceeding:

1. The local board of social services or child welfare agency;

2. The child, if he is 12 years of age or older;

3. The guardian ad litem for the child; and

4. The child's parents, guardian, legal custodian or other person standing in loco parentis to the child.

No such notification shall be required, however, if the judge certifies on the record that the identity of the parent or guardian is not reasonably ascertainable. A birth father shall be given notice of the proceedings if he is an acknowledged father pursuant to § 20-49.1, adjudicated pursuant to § 20-49.8, or presumed pursuant to § 63.2-1202, or has registered with the ~~Putative~~ *Virginia Birth* Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.). An affidavit of the mother that the identity of the father is not reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other evidence before the court which would refute such an affidavit. Failure to register with the ~~Putative~~ *Virginia Birth* Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.) of Chapter 12 of Title 63.2 shall be evidence that the identity of the father is not reasonably ascertainable. The hearing shall be held and an order may be entered, although a parent, guardian, legal custodian or person standing in loco parentis fails to appear and is not represented by counsel, provided personal or substituted service was made on the person, or the court determines that such person cannot be found, after reasonable effort, or in the case of a person who is without the Commonwealth, the person cannot be found or his post office address cannot be ascertained after reasonable effort. However, when a petition seeks approval of a permanent entrustment agreement which provides for the termination of all parental rights and responsibilities with respect to the child, a summons shall be served upon the parent or parents and the other parties specified in § 16.1-263. The summons or notice of hearing shall clearly state the consequences of a termination of residual parental rights. Service shall be made pursuant to § 16.1-264. The remaining

INTRODUCED

HB2216

parent's parental rights may be terminated even though that parent has not entered into an entrustment agreement if the court finds, based upon clear and convincing evidence, that it is in the best interest of the child and that (i) the identity of the parent is not reasonably ascertainable; (ii) the identity and whereabouts of the parent are known or reasonably ascertainable, and the parent is personally served with notice of the termination proceeding pursuant to § 8.01-296 or 8.01-320; (iii) the whereabouts of the parent are not reasonably ascertainable and the parent is given notice of the termination proceedings by certified or registered mail to the last known address and such parent fails to object to the proceedings within 15 days of the mailing of such notice; or (iv) the whereabouts of the parent are not reasonably ascertainable and the parent is given notice of the termination proceedings through an order of publication pursuant to §§ 8.01-316 and 8.01-317, and such parent fails to object to the proceedings.

C. At the hearing held pursuant to this section, the court shall hear evidence on the petition filed and shall review the foster care plan for the child filed by the local board or child welfare agency in accordance with § 16.1-281.

D. At the conclusion of the hearing, the court shall make a finding, based upon a preponderance of the evidence, whether approval of the entrustment agreement is in the best interest of the child. However, if the petition seeks approval of a permanent entrustment agreement which provides for the termination of all parental rights and responsibilities with respect to the child, the court shall make a finding, based upon clear and convincing evidence, whether termination of parental rights is in the best interest of the child. If the court makes either of these findings, the court may make any of the orders of disposition permitted in a case involving an abused or neglected child pursuant to § 16.1-278.2. Any such order transferring legal custody of the child shall be made in accordance with the provisions of subdivision A 5 of § 16.1-278.2 and shall be subject to the provisions of subsection D1. This order shall include, but need not be limited to, the following findings: (i) that there is no less drastic alternative to granting the requested relief; and (ii) that reasonable efforts have been made to prevent removal and that continued placement in the home would be contrary to the welfare of the child, if the order transfers legal custody of the child to a local board of social services. At any time subsequent to the transfer of legal custody of the child pursuant to this section, a birth parent or parents of the child and the pre-adoptive parent or parents may enter into a written post-adoption contact and communication agreement in accordance with the provisions of § 16.1-283.1 and Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2. The court shall not require a written post-adoption contact and communication agreement as a precondition to entry of an order in any case involving the child.

The effect of the court's order approving a permanent entrustment agreement is to terminate an entrusting parent's residual parental rights. Any order terminating parental rights shall be accompanied by an order (i) continuing or granting custody to a local board of social services or to a licensed child-placing agency or (ii) granting custody or guardianship to a relative or other interested individual. Such an order continuing or granting custody to a local board of social services or to a licensed child-placing agency shall indicate whether that board or agency shall have the authority to place the child for adoption and consent thereto. A final order terminating parental rights pursuant to this section renders the approved entrustment agreement irrevocable. Such order may be appealed in accordance with the provisions of § 16.1-296.

D1. Any order transferring custody of the child to a relative or other interested individual pursuant to subsection D shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative or other interested individual is one who (i) after an investigation as directed by the court, is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect; and the order shall so state. The court's order transferring custody to a relative or other interested individual should further provide for, as appropriate, any terms and conditions which would promote the child's interest and welfare; ongoing provision of social services to the child and the child's custodian; and court review of the child's placement.

E. The local board or licensed child-placing agency to which authority is given to place the child for adoption and consent thereto after an order terminating parental rights is entered pursuant to this section shall file a written Adoption Progress Report with the juvenile court on the progress being made to place the child in an adoptive home. The report shall be filed with the court every six months from the date of the final order terminating parental rights until a final order of adoption is entered on behalf of the child in the circuit court. At the conclusion of the hearing at which termination of parental rights is ordered and authority is given to the local board or licensed child-placing agency to place the child for adoption, the juvenile court shall schedule a date by which the board or agency shall file the first Adoption Progress Report required by this section. A copy of the Adoption Progress Report shall be sent by the court to the guardian ad litem for the child. The court may schedule a hearing on the report with or without the request of a party.

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$16 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to § 20-25, \$25 to be paid by the petitioner.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies authorized under this section shall include costs included in the lease and maintenance agreements for the equipment and the technology needed to operate electronic systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding

182 \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established
183 under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation
184 case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in
185 any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of
186 a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be
187 collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be
188 applicable to cases filed in the Supreme Court of Virginia.

189 13a. For the filing of any petition seeking court approval of a settlement where no action has yet
190 been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the
191 time of filing the petition.

192 14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by
193 confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or
194 certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the
195 amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering
196 judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as
197 prescribed in subdivision A 17.

198 15. For qualifying notaries public, including the making out of the bond and any copies thereof,
199 administering the necessary oaths, and entering the order, \$10.

200 16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required
201 thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

202 17. For docketing and indexing a judgment from any other court of the Commonwealth, for
203 docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of
204 § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment
205 pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper
206 to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee
207 of \$20.

208 18. For all services rendered by the clerk in any court proceeding for which no specific fee is
209 provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of
210 filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the
211 entry of a decree of divorce from the bond of matrimony.

212 19, 20. [Repealed.]

213 21. For making the endorsements on a forthcoming bond and recording the matters relating to such
214 bond pursuant to the provisions of § 8.01-529, \$1.

215 22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

216 23. For preparation and issuance of a subpoena duces tecum, \$5.

217 24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name,
218 \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to
219 a divorce.

220 25. For providing court records or documents on microfilm, per frame, \$0.50.

221 26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one
222 or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be
223 \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to
224 be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly
225 certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the
226 filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged
227 for (i) the filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any
228 other responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce
229 cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a
230 vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such
231 decrees.

232 27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees,
233 including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the
234 person presenting such credit or debit card a reasonable convenience fee for the processing of such
235 credit or debit card. Such convenience fee shall not exceed four percent of the amount paid for the
236 transaction or a flat fee of \$2 per transaction. The clerk may set a lower convenience fee for electronic
237 filing of civil or criminal proceedings pursuant to § 17.1-258.3. Nothing herein shall be construed to
238 prohibit the clerk from outsourcing the processing of credit and debit card transactions to a third-party
239 private vendor engaged by the clerk. Convenience fees shall be used to cover operational expenses as
240 defined in § 17.1-295.

241 28. For the return of any check unpaid by the financial institution on which it was drawn or notice is
242 received from the credit or debit card issuer that payment will not be made for any reason, the clerk
243 may collect a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the ~~Putative~~ *Virginia Birth* Father Registry Fund pursuant to § 63.2-1249.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.2-1023, 33.2-1024, and 33.2-1027, a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.2-1021, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

35. For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of \$10.

36. [Repealed.]

37. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

38. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

39. For lodging, indexing and preserving a will in accordance with § 64.2-409, a fee of \$2.

40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

43. For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the fee shall be \$10.

44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk into a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 20-88.35. Bases for jurisdiction over nonresident.

In a proceeding to establish or enforce a support order or to determine parentage of a child, a tribunal of the Commonwealth may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

1. The individual is personally served with process within the Commonwealth;
2. The individual submits to the jurisdiction of the Commonwealth by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
3. The individual resided with the child in the Commonwealth;
4. The individual resided in the Commonwealth and paid prenatal expenses or provided support for

305 the child;

306 5. The child resides in the Commonwealth as a result of the acts or directives of the individual;

307 6. The individual engaged in sexual intercourse in the Commonwealth and the child may have been
308 conceived by the act of intercourse;

309 7. The individual asserted parentage of a child in the ~~putative father registry~~ *Virginia Birth Father*
310 *Registry* maintained in the Commonwealth by the Department of Social Services;

311 8. The exercise of personal jurisdiction is authorized under subdivision A 8 of § 8.01-328.1; or

312 9. There is any other basis consistent with the constitutions of the Commonwealth and the United
313 States for the exercise of personal jurisdiction.

314 The bases of personal jurisdiction set forth in this section or any other law of the Commonwealth
315 may not be used to acquire personal jurisdiction for a tribunal of the Commonwealth to modify a child
316 support order issued by a tribunal of another state unless the requirements of § 20-88.76 or 20-88.77:3
317 are met.

318 **§ 63.2-900. Accepting children for placement in homes, facilities, etc., by local boards.**

319 A. Pursuant to § 63.2-319, a local board shall have the right to accept for placement in suitable
320 family homes, children's residential facilities or independent living arrangements, subject to the
321 supervision of the Commissioner and in accordance with regulations adopted by the Board, such persons
322 under 18 years of age as may be entrusted to it by the parent, parents or guardian, committed by any
323 court of competent jurisdiction, or placed through an agreement between it and the parent, parents or
324 guardians where legal custody remains with the parent, parents, or guardians.

325 The Board shall adopt regulations for the provision of foster care services by local boards, which
326 shall be directed toward the prevention of unnecessary foster care placements and towards the immediate
327 care of and permanent planning for children in the custody of or placed by local boards and that shall
328 achieve, as quickly as practicable, permanent placements for such children. The local board shall first
329 seek out kinship care options to keep children out of foster care and as a placement option for those
330 children in foster care, if it is in the child's best interests, pursuant to § 63.2-900.1. In cases in which a
331 child cannot be returned to his prior family or placed for adoption and kinship care is not currently in
332 the best interests of the child, the local board shall consider the placement and services that afford the
333 best alternative for protecting the child's welfare. Placements may include but are not limited to family
334 foster care, treatment foster care and residential care. Services may include but are not limited to
335 assessment and stabilization, diligent family search, intensive in-home, intensive wraparound, respite,
336 mentoring, family mentoring, adoption support, supported adoption, crisis stabilization or other
337 community-based services. The Board shall also approve in foster care policy the language of the
338 agreement required in § 63.2-902. The agreement shall include at a minimum a Code of Ethics and
339 mutual responsibilities for all parties to the agreement.

340 Within 30 days of accepting for foster care placement a person under 18 years of age whose father is
341 unknown, the local board shall request a search of the ~~Putative~~ *Virginia Birth Father* Registry
342 established pursuant to Article 7 (§ 63.2-1249 et seq.) of Chapter 12 to determine whether any man has
343 registered as the putative father of the child. If the search results indicate that a man has registered as
344 the putative father of the child, the local board shall contact the man to begin the process to determine
345 paternity.

346 The local board shall, in accordance with the regulations adopted by the Board and in accordance
347 with the entrustment agreement or other order by which such person is entrusted or committed to its
348 care, have custody and control of the person so entrusted or committed to it until he is lawfully
349 discharged, has been adopted or has attained his majority.

350 Whenever a local board places a child where legal custody remains with the parent, parents or
351 guardians, the board shall enter into an agreement with the parent, parents or guardians. The agreement
352 shall specify the responsibilities of each for the care and control of the child.

353 The local board shall have authority to place for adoption, and to consent to the adoption of, any
354 child properly committed or entrusted to its care when the order of commitment or entrustment
355 agreement between the parent or parents and the agency provides for the termination of all parental
356 rights and responsibilities with respect to the child for the purpose of placing and consenting to the
357 adoption of the child.

358 The local board shall also have the right to accept temporary custody of any person under 18 years
359 of age taken into custody pursuant to subdivision B of § 16.1-246 or § 63.2-1517. The placement of a
360 child in a foster home, whether within or without the Commonwealth, shall not be for the purpose of
361 adoption unless the placement agreement between the foster parents and the local board specifically so
362 stipulates.

363 B. Prior to the approval of any family for placement of a child, a home study shall be completed and
364 the prospective foster or adoptive parents shall be informed that information about shaken baby
365 syndrome, its effects, and resources for help and support for caretakers is available on a website
366 maintained by the Department as prescribed in regulations adopted by the Board.

C. Prior to placing any such child in any foster home or children's residential facility, the local board shall enter into a written agreement with the foster parents, pursuant to § 63.2-902, or other appropriate custodian setting forth therein the conditions under which the child is so placed pursuant to § 63.2-902. However, if a child is placed in a children's residential facility licensed as a temporary emergency shelter, and a verbal agreement for placement is secured within eight hours of the child's arrival at the facility, the written agreement does not need to be entered into prior to placement, but shall be completed and signed by the local board and the facility representative within 24 hours of the child's arrival or by the end of the next business day after the child's arrival.

D. Within 72 hours of placing a child of school age in a foster care placement, as defined in § 63.2-100, the local social services agency making such placement shall, in writing, (i) notify the principal of the school in which the student is to be enrolled and the superintendent of the relevant school division or his designee of such placement, and (ii) inform the principal of the status of the parental rights.

If the documents required for enrollment of the foster child pursuant to § 22.1-3.1, 22.1-270 or 22.1-271.2, are not immediately available upon taking the child into custody, the placing social services agency shall obtain and produce or otherwise ensure compliance with such requirements for the foster child within 30 days after the child's enrollment.

§ 63.2-1201. Filing of petition for adoption; venue; jurisdiction; and proceedings.

Proceedings for the adoption of a minor child and for a change of name of such child shall be instituted only by petition to a circuit court in the county or city in which the petitioner resides, in the county or city in which the child-placing agency that placed the child is located, or in the county or city in which a birth parent executed a consent pursuant to § 63.2-1233. Such petition may be filed by any natural person who resides in the Commonwealth, or who has custody of a child placed by a child-placing agency of the Commonwealth, or by an adopting parent of a child who was subject to a consent proceeding held pursuant to § 63.2-1233, or by intended parents who are parties to a surrogacy contract. The petition shall ask leave to adopt a minor child not legally the petitioner's by birth and, if it is so desired by the petitioner, also to change the name of such child. In the case of married persons, or persons who were previously married who are permitted to adopt a child under § 63.2-1201.1, the petition shall be the joint petition of the husband and wife or former spouses but, in the event the child to be adopted is legally the child by birth or adoption of one of the petitioners, such petitioner shall unite in the petition for the purpose of indicating consent to the prayer thereof only. If any procedural provision of this chapter applies to only one of the adoptive parents, then the court may waive the application of the procedural provision for the spouse of the adoptive parent to whom the provision applies. The petition shall contain a full disclosure of the circumstances under which the child came to live, and is living, in the home of the petitioner. Each petition for adoption shall be signed by the petitioner as well as by counsel of record, if any. In any case in which the petition seeks the entry of an adoption order without referral for investigation, the petition shall be under oath.

A single petition for adoption under the provisions of this section shall be sufficient for the concurrent adoption by the same petitioners of two or more children who have the same birth parent or parents, and nothing in this section shall be construed as having heretofore required a separate petition for each of such children.

The petition for adoption, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, shall include an additional \$50 filing fee that shall be used to fund the ~~Putative~~ *Virginia Birth* Father Registry established in Article 7 (§ 63.2-1249 et seq.) of this chapter.

A petition filed while the child is under 18 years of age shall not become invalid because the child reaches 18 years of age prior to the entry of a final order of adoption. Any final order of adoption entered pursuant to § 63.2-1213 after a child reaches 18 years of age, where the petition was filed prior to the child turning 18 years of age, shall have the same effect as if the child was under 18 years of age at the time the order was entered by the circuit court provided the court has obtained the consent of the adoptee.

§ 63.2-1202. Parental, or agency, consent required; exceptions.

A. No petition for adoption shall be granted, except as hereinafter provided in this section, unless written consent to the proposed adoption is filed with the petition. Such consent shall be in writing, signed under oath and acknowledged before an officer authorized by law to take acknowledgments. The consent of a birth parent for the adoption of his child placed directly by the birth parent shall be executed as provided in § 63.2-1233, and the circuit court may accept a certified copy of an order entered pursuant to § 63.2-1233 in satisfaction of all requirements of this section, provided the order clearly evidences compliance with the applicable notice and consent requirements of § 63.2-1233.

B. A birth parent who has not reached the age of 18 shall have legal capacity to give consent to adoption and perform all acts related to adoption, and shall be as fully bound thereby as if the birth parent had attained the age of 18 years.

C. Consent shall be executed:

1. By the birth mother and by any man who:

a. Is an acknowledged father under § 20-49.1;

b. Is an adjudicated father under § 20-49.8;

c. Is a presumed father under subsection D; or

d. Has registered with the ~~Putative~~ *Virginia Birth* Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.).

Verification of compliance with the notice provisions of the ~~Putative~~ *Virginia Birth* Father Registry shall be provided to the court.

2. By the child-placing agency or the local board having custody of the child, with right to place him for adoption, through court commitment or parental agreement as provided in § 63.2-900, 63.2-903, or 63.2-1221; or an agency outside the Commonwealth that is licensed or otherwise duly authorized to place children for adoption by virtue of the laws under which it operates; and

3. By the child if he is 14 years of age or older, unless the circuit court finds that the best interests of the child will be served by not requiring such consent.

D. A man shall be presumed to be the father of a child if:

1. He and the mother of the child are married to each other and the child is born during the marriage;

2. He and the mother of the child were married to each other and the child is born within 300 days of their date of separation, as evidenced by a written agreement or decree of separation, or within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce; or

3. Before the birth of the child, he and the mother of the child married each other in apparent compliance with the law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within 300 days of their date of separation, as evidenced by a written agreement or decree of separation, or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce.

Such presumption may be rebutted by sufficient evidence that would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation with the birth mother for a period of at least 300 days prior to the birth of the child.

E. No consent shall be required of a birth father if he denies under oath and in writing the paternity of the child. Such denial of paternity may be withdrawn no more than 10 days after it is executed. Once the child is 10 days old, any executed denial of paternity is final and constitutes a waiver of all rights with respect to the adoption of the child and cannot be withdrawn.

F. No consent shall be required of the birth father of a child when the birth father is convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, and the child was conceived as a result of such violation.

G. No notice or consent shall be required of any person whose parental rights have been terminated by a court of competent jurisdiction, including foreign courts that have competent jurisdiction. No notice or consent is required of any birth parent of a child for whom a guardianship order was granted when the child was approved by the United States Citizenship and Immigration Services for purposes of adoption.

H. No consent shall be required of a birth parent who, without just cause, has neither visited nor contacted the child for a period of six months immediately prior to the filing of the petition for adoption or the filing of a petition to accept consent to an adoption. The prospective adoptive parent(s) shall establish by clear and convincing evidence that the birth parent(s), without just cause, has neither visited nor contacted the child for a period of six months immediately prior to the filing of the petition for adoption or the filing of a petition to accept consent to an adoption. This provision shall not infringe upon the birth parent's right to be noticed and heard on the allegation of abandonment. For purposes of this section, the payment of child support, in the absence of other contact with the child, shall not be considered contact.

I. A birth father of the child may consent to the termination of all of his parental rights prior to the birth of the child.

J. The failure of the nonconsenting party to appear at any scheduled hearing, either in person or by counsel, after proper notice has been given to said party, shall constitute a waiver of any objection and right to consent to the adoption.

K. If a birth parent, legal guardian, or prospective adoptee, executing a consent, entrustment, or other documents related to the adoption, cannot provide the identification required pursuant to § 47.1-14, the birth parent, legal guardian, or prospective adoptee may execute a self-authenticating affidavit as to his identity subject to the penalties contained in § 63.2-1217.

§ 63.2-1222. Execution of entrustment agreement by birth parent(s); exceptions; notice and objection to entrustment; copy required to be furnished; requirement for agencies outside the

Commonwealth.

A. For the purposes of this section, a birth parent who is less than 18 years of age shall be deemed fully competent and shall have legal capacity to execute a valid entrustment agreement, including an agreement that provides for the termination of all parental rights and responsibilities, and perform all acts related to adoption and shall be as fully bound thereby as if such birth parent had attained the age of 18 years.

B. An entrustment agreement for the termination of all parental rights and responsibilities with respect to the child shall be valid notwithstanding that it is not signed by the birth father of a child born out of wedlock if the identity of the birth father is not reasonably ascertainable or such birth father did not register with the ~~Putative~~ *Virginia Birth* Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.) or the birth father named by the birth mother denies under oath and in writing the paternity of the child. An affidavit signed by the birth mother stating that the identity of the birth father is unknown may be filed with the court alleging that the identity of the birth father is not known or reasonably ascertainable. A birth father shall be given notice of the entrustment if he is an acknowledged father pursuant to § 20-49.1, an adjudicated father pursuant to § 20-49.8, a presumed father pursuant to § 63.2-1202, or a putative father who has registered with ~~Putative~~ *the Virginia Birth* Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.). If the putative father's identity is reasonably ascertainable, he shall be given notice pursuant to the requirements of § 63.2-1250.

C. When a birth father is required to be given notice, he may be given notice of the entrustment by registered or certified mail to his last known address. If he fails to object to the entrustment within 15 days of the mailing of such notice, his entrustment shall not be required. An objection to an entrustment agreement shall be in writing, signed by the objecting party or counsel of record for the objecting party and filed with the agency that mailed the notice of entrustment within the time period specified in § 63.2-1223.

D. The execution of an entrustment agreement shall be required of a presumed father except under the following circumstances: (i) if he denies paternity under oath and in writing in accordance with § 63.2-1202; (ii) if the presumption is rebutted by sufficient evidence, satisfactory to the circuit court, which would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation of the birth mother and her husband for a period of at least 300 days preceding the birth of the child; (iii) if another man admits, in writing and under oath, that he is the biological father; or (iv) if an adoptive placement has been determined to be in the best interests of the child pursuant to § 63.2-1205.

E. When none of the provisions of subsections C and D apply, notice of the entrustment shall be given to the presumed father pursuant to the requirements of § 16.1-277.01.

F. An entrustment agreement for the termination of all parental rights and responsibilities with respect to the child shall be valid notwithstanding that it is not signed by the birth father of a child when the birth father has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, and the child was conceived as a result of such violation.

G. A birth father may execute an entrustment agreement for the termination of all of his parental rights prior to the birth of the child. Such entrustment shall be subject to the revocation provisions of § 63.2-1223.

H. No entrustment shall be required of a birth father if he denies under oath and in writing the paternity of the child. Such denial of paternity may be withdrawn no more than 10 days after it is executed. Once the child is 10 days old, any executed denial of paternity is final and constitutes a waiver of all rights with respect to the adoption of the child and cannot be withdrawn.

I. A copy of the entrustment agreement shall be furnished to all parties signing such agreement.

J. When any agency outside the Commonwealth, or its agent, that is licensed or otherwise duly authorized to place children for adoption by virtue of the laws under which it operates executes an entrustment agreement in the Commonwealth with a birth parent for the termination of all parental rights and responsibilities with respect to the child, the requirements of §§ 63.2-1221 through 63.2-1224 shall apply. The birth parent may expressly waive, under oath and in writing, the execution of the entrustment under the requirements of §§ 63.2-1221 through 63.2-1224 in favor of the execution of an entrustment or relinquishment under the laws of another state if the birth parent is represented by independent legal counsel. Such written waiver shall expressly state that the birth parent has received independent legal counsel advising of the laws of Virginia and of the other state and that Virginia law is expressly being waived. The waiver also shall include the name, address, and telephone number of such legal counsel. Any entrustment agreement that fails to comply with such requirements shall be void.

§ 63.2-1224. Explanation of process, legal effects of adoption required.

Prior to the placement of a child for adoption, the licensed child-placing agency or local board having custody of the child shall provide an explanation of the adoption process to the birth mother and,

551 if reasonably available, the man who is an acknowledged father pursuant to § 20-49.1, an adjudicated
552 father pursuant to § 20-49.8, a presumed father pursuant to § 63.2-1202, or a putative father who has
553 registered with the ~~Putative~~ *Virginia Birth* Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.) of
554 this chapter.

555 **§ 63.2-1233. Consent to be executed in juvenile and domestic relations district court; exceptions.**

556 When the juvenile and domestic relations district court is satisfied that all requirements of
557 § 63.2-1232 have been met with respect to at least one birth parent and the adoptive child is at least in
558 the third calendar day of life, that birth parent or both birth parents, as the case may be, shall execute
559 consent to the proposed adoption in compliance with the provisions of § 63.2-1202 while before the
560 juvenile and domestic relations district court in person and in the presence of the prospective adoptive
561 parents. The juvenile and domestic relations district court shall accept the consent of the birth parent(s)
562 and transfer custody of the child to the prospective adoptive parents, pending notification to any
563 nonconsenting birth parent, as described hereinafter.

564 1. a. The execution of consent before the juvenile and domestic relations district court shall not be
565 required of a birth father if the birth father consents under oath and in writing to the adoption.

566 b. The consent of a birth father who is not married to the mother of the child at the time of the
567 child's conception or birth shall not be required if the putative father named by the birth mother denies
568 under oath and in writing the paternity of the child or if the putative father did not register with the
569 ~~Putative~~ *Virginia Birth* Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.) of this chapter. If the
570 identity of the birth father is reasonably ascertainable, but the whereabouts of the birth father are not
571 reasonably ascertainable, verification of compliance with the ~~Putative~~ *Virginia Birth* Father Registry shall
572 be provided to the court.

573 c. When a birth father is required to be given notice, he may be given notice of the adoption by
574 registered or certified mail to his last known address and if he fails to object to the adoption within 15
575 days of the mailing of such notice, his consent shall not be required. An objection shall be in writing,
576 signed by the objecting party or counsel of record for the objecting party and shall be filed with the
577 clerk of the juvenile and domestic relations district court in which the petition was filed during the
578 business day of the court, within the time period specified in this section. When no timely objection is
579 filed, no hearing on this issue is required. Failure of the objecting party to appear at any scheduled
580 hearing, either in person or by counsel, shall constitute a waiver of such objection.

581 d. The juvenile and domestic relations district court may accept the written consent of the birth father
582 at the time of the child's conception or birth, provided that his identifying information required in
583 § 63.2-1232 is filed in writing with the juvenile and domestic relations district court of jurisdiction. Such
584 consent shall advise the birth father of his opportunity for legal representation, shall identify the court in
585 which the case was or is intended to be filed, and shall be presented to the juvenile and domestic
586 relations district court for acceptance. The consent may waive further notice of the adoption proceedings
587 and shall contain the name, address and telephone number of the birth father's legal counsel or an
588 acknowledgment that he was informed of his opportunity to be represented by legal counsel and
589 declined such representation. For good cause shown, the court may dispense with the requirements
590 regarding the filing of the birth father's identifying information pursuant to this subdivision 1. d.

591 e. In the event that the birth mother's consent is not executed in the juvenile and domestic relations
592 district court, the consent of the birth father shall be executed in the juvenile and domestic relations
593 district court.

594 f. A child born to a married birth mother shall be presumed to be the child of her husband and his
595 consent shall be required, unless the court finds that the father's consent is withheld contrary to the best
596 interests of the child as provided in § 63.2-1205 or if his consent is unobtainable. The consent of such
597 presumed father shall be under oath and in writing and may be executed in or out of court. The
598 presumption that the husband is the father of the child may be rebutted by sufficient evidence,
599 satisfactory to the juvenile and domestic relations district court, which would establish by a
600 preponderance of the evidence the paternity of another man or the impossibility or improbability of
601 cohabitation of the birth mother and her husband for a period of at least 300 days preceding the birth of
602 the child, in which case the husband's consent shall not be required. The executed denial of paternity by
603 the putative father shall be sufficient to rebut the presumption that he is the father of the child. If the
604 court is satisfied that the presumption has been rebutted, notice of the adoption shall not be required to
605 be given to the presumed father.

606 2. After the application of the provisions of subdivision 1, if a birth parent is entitled to a hearing,
607 the birth parent shall be given notice of the date and location of the hearing and be given the
608 opportunity to appear before the juvenile and domestic relations district court. Such hearing may occur
609 subsequent to the proceeding wherein the consenting birth parent appeared but may not be held until 15
610 days after personal service of notice on the nonconsenting birth parent, or if personal service is
611 unobtainable, 10 days after the completion of the execution of an order of publication against such birth
612 parent. The juvenile and domestic relations district court may appoint counsel for the birth parent(s). If

the juvenile and domestic relations district court finds that consent is withheld contrary to the best interests of the child, as set forth in § 63.2-1205, or is unobtainable, it may grant the petition without such consent and enter an order waiving the requirement of consent of the nonconsenting birth parent and transferring custody of the child to the prospective adoptive parents. No further consent or notice shall be required of a birth parent who fails to appear at any scheduled hearing, either in person or by counsel. If the juvenile and domestic relations district court denies the petition, the juvenile and domestic relations district court shall order that any consent given for the purpose of such placement shall be void and, if necessary, the court shall determine custody of the child as between the birth parents.

3. Except as provided in subdivisions 4 and 5, if consent cannot be obtained from at least one birth parent, the juvenile and domestic relations district court shall deny the petition and determine custody of the child pursuant to § 16.1-278.2.

4. If a child has been under the physical care and custody of the prospective adoptive parents and if both birth parents have failed, without good cause, to appear at a hearing to execute consent under this section for which they were given proper notice pursuant to § 16.1-264, the juvenile and domestic relations district court may grant the petition without the consent of either birth parent and enter an order waiving consent and transferring custody of the child to the prospective adoptive parents. Prior to the entry of such an order, the juvenile and domestic relations district court may appoint legal counsel for the birth parents and shall find by clear and convincing evidence (i) that the birth parents were given proper notice of the hearing(s) to execute consent and of the hearing to proceed without their consent; (ii) that the birth parents failed to show good cause for their failure to appear at such hearing(s); and (iii) that pursuant to § 63.2-1205, the consent of the birth parents is withheld contrary to the best interests of the child or is unobtainable. Under this subdivision, the court or the parties may waive the requirement of the simultaneous meeting under § 63.2-1231 and the requirements of subdivisions A 1, A 3, and A 7 of § 63.2-1232 where the opportunity for compliance is not reasonably available under the applicable circumstances.

5. If both birth parents are deceased, the juvenile and domestic relations district court, after hearing evidence to that effect, may grant the petition without the filing of any consent.

6. No consent shall be required from the birth father of a child placed pursuant to this section when such father is convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, and the child was conceived as a result of such violation, nor shall the birth father be entitled to notice of any of the proceedings under this section.

7. No consent shall be required of a birth father if he denies under oath and in writing the paternity of the child. Such denial of paternity may be withdrawn no more than 10 days after it is executed. Once the child is 10 days old, any executed denial of paternity is final and constitutes a waiver of all rights with the respect to the adoption of the child and cannot be withdrawn.

8. A birth father may consent to the adoption prior to the birth of the child.

9. The juvenile and domestic relations district court shall review each order entered under this section at least annually until such time as the final order of adoption is entered.

10. When there has been an interstate transfer of the child in a parental placement adoption in compliance with Chapter 10 (§ 63.2-1000 et seq.) of this title, all matters relating to the adoption of the child including, but not limited to, custody and parentage shall be determined in the court of appropriate jurisdiction in the state that was approved for finalization of the adoption by the interstate compact authorities.

§ 63.2-1249. Establishment of Registry.

A. A ~~Putative~~ Virginia Birth Father Registry is hereby established in the Department of Social Services.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the ~~Putative~~ Virginia Birth Father Registry Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys collected under § 63.2-1201 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 administration of the ~~Putative~~ Virginia Birth Father 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 or his designee.

§ 63.2-1250. Registration; notice; form.

A. ~~Except as otherwise provided in subsection C,~~ *Any man who has engaged in sexual intercourse with a woman is deemed to be on legal notice that a child may be conceived and that the man is entitled to all legal rights and obligations resulting therefrom. Lack of knowledge of the pregnancy does*

674 *not excuse failure to timely register with the Virginia Birth Father Registry.*

675 B. A man who desires to be notified of a placement of a child by a local board pursuant to
676 § 63.2-900, a proceeding for adoption, or a proceeding for termination of parental rights regarding a
677 child that he may have fathered shall register with the *Putative Virginia Birth Father Registry* before the
678 birth of the child or within 10 days after the birth. A registrant shall promptly notify the registry of any
679 change in the information registered including but not limited to change of address. The Department
680 shall incorporate all new information received into its records but is not required to obtain current
681 information for incorporation in the registry.

682 C. *Failure to timely register with the Virginia Birth Father Registry shall waive all rights of a man*
683 *who is not acknowledged to be, presumed to be, or adjudicated the father to withhold consent to an*
684 *adoption proceeding unless the man was led to believe through the birth mother's misrepresentation that*
685 *(i) the pregnancy was terminated or the mother miscarried when in fact the baby was born or (ii) the*
686 *child died when in fact the child is alive. Upon discovery of the misrepresentation, the man shall*
687 *register with the Virginia Birth Father Registry within 10 days.*

688 B. D. A man will not prejudice any rights by failing to register if:

689 1. A father-child relationship between the man and the child has been established pursuant to
690 § 20-49.1, 20-49.8, or if the man is a presumed father as defined in § 63.2-1202; or

691 2. The man commences a proceeding to adjudicate his paternity before a petition to accept consent or
692 waive adoption consent is filed in the juvenile and domestic relations district court, or *before* a petition
693 for adoption or a petition for the termination of his parental rights is filed with the court.

694 C. *Failure to register pursuant to subsection A shall waive all rights of a man who is not an*
695 *acknowledged, presumed, or adjudicated father to withhold consent to an adoption proceeding unless the*
696 *man was led to believe through the birth mother's fraud that (i) the pregnancy was terminated or the*
697 *mother miscarried when in fact the baby was born or (ii) that the child died when in fact the child is*
698 *alive. Upon the discovery of the fraud, the man shall register with the Putative Father Registry within 10*
699 *days.*

700 E. *Registration is timely if it is received by the Department within (i) 10 days of the child's birth or*
701 *(ii) the time specified in subsection C or F. Registration is complete when the signed registration form*
702 *is first received by the Department. The signed registration form shall be submitted in the manner*
703 *prescribed by the Department.*

704 F. *In the event that the identity and whereabouts of the birth father are reasonably ascertainable, the*
705 *child-placing agency or adoptive parents shall give written notice to the birth father of the existence of*
706 *an adoption plan and the availability of registration with the Virginia Birth Father Registry. Such*
707 *written notice shall be provided by personal service or by certified mailing to the birth father's last*
708 *known address. Registration is timely if the signed registration form is received by the Department*
709 *within 10 days of personal service of the written notice or within 13 days of the certified mailing date*
710 *of the written notice. The personal service or certified mailing may be completed either prior to or after*
711 *the birth of the child.*

712 D. G. The child-placing agency or adoptive parent(s) shall give notice to a registrant who has timely
713 registered of a placement of a child by a local board pursuant to § 63.2-900, a proceeding for adoption,
714 or a proceeding for termination of parental rights regarding a child to a registrant who has timely
715 registered pursuant to subsection A. Notice shall be given pursuant to the requirements of this chapter or
716 § 16.1-277.01 for the appropriate adoption proceeding.

717 E. Any man who has engaged in sexual intercourse with a woman is deemed to be on legal notice
718 that a child may be conceived and the man is entitled to all legal rights and obligations resulting
719 therefrom. Lack of knowledge of the pregnancy does not excuse failure to timely register. In the event
720 that the identity and whereabouts of the birth father are reasonably ascertainable, written notice of the
721 existence of an adoption plan and the availability of registration with the Putative Father Registry shall
722 be provided by personal service or by certified mailing to the man's last known address. The man shall
723 have no more than 10 days from the date of such personal service or certified mailing to register. The
724 personal service or certified mailing may be done either prior to or after the birth of the child.

725 F. H. 1. The Department shall prepare a form for registering with the agency that shall require (i) the
726 registrant's name, date of birth and social security number; (ii) the registrant's driver's license number
727 and state of issuance; (iii) the registrant's home address, telephone number, and employer; (iv) the name,
728 date of birth, ethnicity, address, and telephone number of the putative mother, if known; (v) the state of
729 conception; (vi) the place and date of birth of the child, if known; (vii) the name and gender of the
730 child, if known; and (viii) the signature of the registrant. No form for registering with the *Putative*
731 *Virginia Birth Father Registry pursuant to this subsection shall be complete unless signed by the*
732 *registrant and the signed registration form is received by the Department in the manner prescribed by*
733 *the Department.*

734 G. 2. The form shall also state that (i) timely registration entitles the registrant to notice of a
735 proceeding for adoption of the child or termination of the registrant's parental rights, (ii) registration

does not commence a proceeding to establish paternity, (iii) the information disclosed on the form may be used against the registrant to establish paternity, (iv) services to assist in establishing paternity are available to the registrant through the Department, (v) the registrant should also register in another state if conception or birth of the child occurred in another state, (vi) information on registries of other states may be available from the Department, (vii) the form is signed under penalty of perjury, and (viii) procedures exist to rescind the registration of a claim of paternity.

3. A registrant shall promptly notify the Virginia Birth Father Registry of any change in information, including change of address. The Department shall incorporate all updated information received into its records but is not required to request or otherwise pursue current or updated information for incorporation in the registry.

§ 63.2-1252. Search of registry.

A. If no father-child relationship has been established pursuant to § 20-49.1, a petitioner for adoption shall obtain from the Department a certificate that a search of the ~~Putative~~ Virginia Birth Father Registry was performed. If the conception or birth of the child occurred in another state, a petitioner for adoption shall obtain a certificate from that state indicating that a search of the putative father registry was performed, if that state has a putative father registry.

B. The Department shall furnish to the requester a certificate of search of the registry upon the request of an individual, court, or agency listed in § 63.2-1251. Any such certificate shall be signed on behalf of the Department and state that a search has been made of the registry and a registration containing the information required to identify the registrant has been found and is attached to the certificate of search or has not been found. Within four business days from the receipt of the request, the Department shall mail the certificate to the requestor by United States mail. Upon request of the requestor and payment of any additional costs, the Department shall have the certificate delivered to the requestor by overnight mail, in person, by messenger, by facsimile or other electronic communication. The Department's certificate or an appropriate certificate from another state shall be sufficient proof the registry was searched.

C. A petitioner shall file the certificate of search with the court before a proceeding for adoption of, or termination of parental rights regarding, a child may be concluded.

D. A certificate of search of the ~~Putative~~ Virginia Birth Father Registry is admissible in a proceeding for adoption of, or termination of parental rights regarding, a child and, if relevant, in other legal proceedings.

§ 63.2-1253. Duty to publicize registry.

A. The Department shall produce and distribute a pamphlet or other publication informing the public about the ~~Putative~~ Virginia Birth Father Registry including (i) the procedures for voluntary acknowledgement of paternity, (ii) the consequences of acknowledgement and failure to acknowledge paternity pursuant to § 20-49.1, (iii) a description of the ~~Putative~~ Virginia Birth Father Registry including to whom and under what circumstances it applies, (iv) the time limits and responsibilities for filing, (v) paternal rights and associated responsibilities, and (vi) other appropriate provisions of this article.

B. Such pamphlet or publication shall include a detachable form that meets the requirements of subsection F H of § 63.2-1250, is suitable for United States mail, and is addressed to the ~~Putative~~ Virginia Birth Father Registry. Such pamphlet or publication shall be made available for distribution at all offices of the Department of Health and all local departments of social services. The Department shall also provide such pamphlets or publications to hospitals, libraries, medical clinics, schools, universities, and other providers of child-related services upon request.

C. The Department shall provide information to the public at large by way of general public service announcements, or other ways to deliver information to the public about the ~~Putative~~ Virginia Birth Father Registry and its services.