

SJR 331
Study of Virginia's Adoption Laws and Policies
<http://dls.state.va.us/adoption.htm>

Summary of September 12, 2005 meeting

Chair's Opening Remarks

Senator O'Brien thanked everyone for their attendance and welcomed guest speaker Professor Mary Beck from the University of Missouri School of Law. She is a preeminent national expert on putative father registries. The Chairman further stated that after the discussion of putative father registries that he would invite comment on designated adoption language (see handout) and then allow time for Andrea Gaines to voice her concerns regarding barrier crimes.

Overview of Administrative Changes and Designated Adoption

Greg O'Halloran, Staff Attorney with the Division of Legislative Services, introduced himself as the new staff attorney for the study and gave a brief summary of the first two meetings as well as possible avenues of pursuit prior to the next meeting.

Discussion of Putative Father Registries

Professor Mary Beck from the University of Missouri School of Law discussed putative father registries ("PFR") on the state level and the Proud Father Act which would provide for a nationwide PFR. She stated that 35 states have a PFR and 15 of those states recognize sexual intercourse as notice to the putative father of pregnancy. If the putative father registers, he has to be provided notice of all adoption proceedings and he has the right to object and to establish legal paternity. If the putative father does not register his rights are terminated and he cannot impede the adoption process. The only exception to this is fraud on the part of the mother. (Mother tells putative father that she had an abortion or that she is not pregnant, ect.)

Ms. Beck also stated that if Virginia were to adopt a PFR it would have to conduct and finance a media campaign to publicize the registry and secure cooperative agreements between hospitals, courts, law enforcement and the Health Department. Ms. Beck suggested that a surcharge on all adoptions would cover the cost of the registry. Potential adopting parties would be willing to pay this additional charge because it would result in a more secure adoption.

Public Comments

James Stansel, an attorney from Washington, DC and an adoptive parent, relayed a personal anecdote where he and his family were blocked from adopting children because Virginia does not allow designated adoptions. Joan Richwine of Bethany Christian Services, Chuck Johnson of the National Counsel for Adoption and Rebecca Ricardo of Coordinators/2, Inc. expressed support for a change in Virginia's law to allow designated adoptions. Rodney Poole and Stan Phillips, both members of the American Academy of Adoption Attorneys, expressed support for current law regarding designated adoption.

Andrea Gaines spoke regarding barrier crimes and her particular situation where her husband was convicted of felony attempt to possess an illegal substance nearly fifteen years ago. Since then he has turned his life around yet they are not able to adopt under the current law.

Member Discussion

The members, by way of an informal vote, agreed to pursue a PFR and a change in Virginia's adoption laws to allow designated adoption.

Other Business

The Chairman stated that the next meeting will be scheduled sometime in the middle November.

Members (*present at September 12, 2005 meeting):

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| * Senator Jay O'Brien (Chairman) | Senator Frederick M. Quayle |
| * Delegate Michele McQuigg (Vice Chairman) | *Mr. Frederick P. Helm |
| Delegate Benjamin L. Cline | *Ms. Barbara C. Jones |
| Delegate Robert Hurt | *Mr. Jack Knapp |
| * Delegate Robert H. Brink | *Mr. Anthony Conyers, Jr., Ex. Officio |

Staff:

- *Greg O'Halloran, Staff Attorney, *Division of Legislative Services*
- *Jescey French, Staff Attorney, *Division of Legislative Services*
- *Patty Lung, Clerk, *Senate Committee Operations*