

Close Relative Placements

§63.2-1251 Close Relative Placements

A. A close relative placement for the purpose of this statute shall be an adoption by the child's grandparent, great-grandparent, adult brother or sister, adult uncle or aunt, or adult great uncle or great aunt.

B. In a close relative placement the court may accept the written and signed consent of the birth parent(s) that is in writing under oath and acknowledge by an officer authorized by law to take such acknowledgments.

C. When the child has resided in the home or has been in the physical custody of the prospective adoptive parent(s) who is a close relative continuously for less than three years, the proceeding shall commence in the juvenile and domestic relations district court pursuant to the parental placement provisions of Articles 3. For adoptions under this section:

1. The birth parent's consent does not have to be executed in the juvenile and domestic relations district court in the presence of the prospective adoptive parents.

2. The simultaneous meeting specified in §63.2-1231 shall not be required.

3. No hearing shall be required for ^{this proceeding} ~~the court's acceptance of any birth parent's consent.~~

D. 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, they may file their petition in the circuit court pursuant to the general provisions of Article 1. For Adoptions under this section:

1. An order of reference, an investigation and report shall not be made if the report of home study is filed with the circuit court 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 interlocutory order would otherwise be proper.

3. If the circuit court determines the need for an additional investigation, it shall refer the matter to the licensed child-placing agency who drafted the report of home study for an investigation and report, which shall be completed within such time as the circuit court designates.

E. When the child has resided in the home or has been in the physical custody of the prospective adoptive parent(s) who is a close relative continuously for three or more years, the parental placement provisions of Article 3 shall not apply and the petitioner may commence in the circuit court. For adoptions under this section:

1. An order of reference, an investigation and 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 interlocutory 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 for an investigation and report, which shall be completed within such time as the circuit court designates.

CODE SECTIONS TO BE DELETED

63.2-1202(E)

63.2-1210(4) (renumber 5 and 6)

63.2-1231 - Delete the last sentence only

63.2-1233(6) (renumber 7 and 8)

(63.2-1244 Should not be deleted or changed)

REASONS FOR THIS SECTION

Close relative placements have been the most confusing adoption procedure because the requirements are spread throughout the adoption statutes. The provisions are found in Title 63.2 under §1202(E), §1210(4), §1231, §1233(6) and §1244. Errors in close relative cases is the number one area where the Department of Social Services notifies courts of procedural problems. Courts frequently complain about the difficulty in following the procedures.

This section does not change existing procedures but rather collects all of the hidden code sections and recodifies them into an easy to follow procedure.