

**SUMMARY**

Hwdart # 3

**Designated (hybrid) Adoption**  
(Birth Parents Select Adoptive Parents)SUMMARY PARAGRAPH

This language is intended to allow the birth parents to recommend adoptive parents and still be allowed to use the more private procedures under agency adoption. As it stands currently, if the birth parents want to designate adoptive parents they must use the parental placement procedures which forces birth parents to meet with adoptive parents and disclose more information.

## Statutes Changed:

## § 63.2-1225- Determination of appropriate home.

Change allows agency or local board to consider adoptive parent recommendation of birth parents even after accepting custody of child for the purposes of adoption as long as it is in the best interests of the child. also allows attorneys to advertise and that agency or board shall allow representation by legal counsel and social worker.

## § 63.2-1226-When birth parents recommend adoptive parents.

Change codifies notion that birth parents can recommend adoptive parents and use either parental placement or agency adoption procedures.

## §63.2-1232-Requirements of parental placement adoption.

Change would require certification that parties waived the right to disclose identifying information.

SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

1 § 63.2-1225. Determination of appropriate home.

2 A. In determining the appropriate home in which to place a child for adoption, a married couple  
3 or an unmarried individual shall be eligible to receive placement of a child for purposes of adoption.  
4 When ~~an~~ a licensed child placing agency or a local board accepts custody of the child for the purpose of  
5 placing the child for adoption ~~with adoptive parents who have been designated by the birth parents~~, the  
6 agency or local board may ~~give consideration for placement of the child to the designated adoptive~~  
7 ~~parents if the agency or local board finds such placement to be in the best interests of the child.~~ In  
8 addition, the agency or board may consider the recommendations of consider the recommendations of a  
9 birth parent, a physician or attorney licensed in the Commonwealth, or a clergyman who is familiar with  
10 the situation of the prospective adoptive parents or the child. The birth parent, physician, attorney or  
11 clergyman shall not charge any fee for recommending such a placement to a board or agency except that  
12 an attorney may charge for legal services rendered in connection with such placement. ~~and shall not~~  
13 ~~advertise that he is available to make such recommendations.~~

14  
15 B. The agency or local board may give consideration of placement of the child to the  
16 recommended adoptive parents if the agency or local board finds that such placement is in the best  
17 interest of the child. When a birth parent has recommended such placement, the agency or local board  
18 shall provide the birth parent the opportunity to be represented by independent legal counsel as well as  
19 the opportunity for counseling by an impartial social worker. The agency or board also shall advise the  
20 prospective adoptive parents of the right to be represented by independent legal counsel. The parties  
21 may, but are not required to, exchange identifying information including but not limited to full names,  
22 addresses, physical, mental, social and psychological information and any other information necessary  
23 to promote the welfare of the child.

24 § 63.2-1226. When Birth Parents Recommend Adoptive Parents. ---

25        ~~When a licensed child placing agency or a local board accepts custody of a child for the purpose~~  
26 ~~of placing the child with adoptive parents designated by the birth parents or a person other than a~~  
27 ~~licensed child placing agency or local board, the parental provisions of this chapter shall apply to such~~  
28 ~~placement.~~ When a licensed child-placing agency or local board accepts custody of a child for the  
29 purpose of placing the child with adoptive parents recommended by the birth parents or a person other  
30 than a licensed child placing agency or local board, either the parental placement adoption provisions or  
31 the agency adoption provisions of this chapter shall apply to such placement at the election of the birth  
32 parent. Such agency or local board shall provide information to the birth parents regarding the parental  
33 placement adoption and the agency adoption provisions in order to give the birth parents the opportunity  
34 to make an informed choice. The agency or local board shall provide the birth parent the opportunity to  
35 be represented by independent legal counsel as well as counseling by an impartial social worker. No  
36 person shall charge, pay, give or agree to give or accept any money, property, services or other thing of  
37 value in connection with such adoption except as provided in § 63.2-1218.

38        § 63.2-1232. Requirements of a parental placement adoption.

39        A. The juvenile and domestic relations district court shall not accept consent until it determines  
40 that:

41        1. The birth parent(s) are aware of alternatives to adoption, adoption procedures, and  
42 opportunities for placement with other adoptive families, and that the birth parents' consent is informed  
43 and uncoerced.

44        2. A licensed or duly authorized child-placing agency has counseled the prospective adoptive  
45 parents with regard to alternatives to adoption, adoption procedures, including the need to address the  
46 parental rights of birth parents, the procedures for terminating such rights, and opportunities for adoption  
47 of other children; that the prospective adoptive parents' decision is informed and uncoerced; and that  
48 they intend to file an adoption petition and proceed toward a final order of adoption.

49        3. The birth parent(s) and adoptive parents have exchanged identifying information including but  
50 not limited to full names, addresses, physical, mental, social and psychological information and any

51 other information necessary to promote the welfare of the child; or verification that the parties were  
52 provided the opportunity to exchange such identifying information but elected not do so.

53 4. Any financial agreement or exchange of property among the parties and any fees charged or  
54 paid for services related to the placement or adoption of the child have been disclosed to the court and  
55 that all parties understand that no binding contract regarding placement or adoption of the child exists.

56 5. There has been no violation of the provisions of § 63.2-1218 in connection with the  
57 placement; however, if it appears there has been such violation, the court shall not reject consent of the  
58 birth parent to the adoption for that reason alone but shall report the alleged violation as required by §  
59 63.2-1219.

60 6. A licensed or duly authorized child-placing agency has conducted a home study of the  
61 prospective adoptive home in accordance with regulations established by the Board and has provided to  
62 the court a report of such home study, which shall contain the agency's recommendation regarding the  
63 suitability of the placement. A married couple or an unmarried individual shall be eligible to receive  
64 placement of a child for adoption.

65 7. The birth parent(s) have been informed of their opportunity to be represented by legal counsel.

66 B. The juvenile and domestic relations district court shall not accept the consent if the  
67 requirements of subsection A have not been met. In such cases, it shall refer the birth parent to a  
68 licensed or duly authorized child-placing agency for investigation and recommendation in accordance  
69 with §§ 63.2-1208 and 63.2-1238. If the juvenile and domestic relations district court determines that  
70 any of the parties is financially unable to obtain the required services, it shall refer the matter to the local  
71 director.