

parents, and a copy of the report required by §§ 63.2-1231. The court shall not waive any of the requirements of this paragraph nor any of the requirements of §§ 63.2-1232. *except as allowed pursuant to §63.2-1233(4)*

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.

(Code 1950, §§ 63-348; 1952, c. 550; 1954, c. 489; 1956, c. 300; 1964, c. 459; 1968, c. 578, §§ 63.1-221, §§ 63.1-219.44; 1970, c. 672; 1973, c. 406; 1975, c. 461; 1978, c. 730; 1983, c. 614; 1988, c. 882; 1989, c. 647; 1991, cc. 76, 602; 1995, cc. 772, 826; 2000, c. 830; 2002, c. 747.)

** Excellent revisions. that the agencies requested at the first meeting of*

THIS is the provision the committee ↓

ARTICLE 7
CONFIDENTIALITY

#15 63.2-1249. Child-Placing Agency Confidentiality. *A child-placing agency may divulge identifying information if it is of the opinion that such information would be in the best interests of the child and it has the written consent of the birth parent(s) and the adoptive parent(s). If the adopted person is 21 years of age or older, the child-placing agency may accept the adopted person's consent in lieu of the adoptive parent(s). When the child-placing agency is contacting any individual for consent, it shall approach the individual in a confidential and sensitive manner and provide any reasonable counseling it deems appropriate.*

**No objection to this language, however, it may be wise to reference §63.2-1226, indicating that when exchanged prior to an adoptive placement, these statutory provisions must be followed (the newly recommended provisions).*

to be deleted

REASONS FOR §63.2-1249

A number of child-placing agencies expressed concern that they were statutorily prohibited from divulging identifying information when the parties desired such and the agency was in agreement that it was best for that particular adoption. The proposal is worded broadly as to be inclusive of both during the placement stage as well as after the entry of the final order of adoption. One agency expressed that the more options for birth parents, adoptive parents and adoptees to personalize their adoption experience, the better.

The proposed statute keeps the agency professional in control by allowing them to decide if such action will be in the best interest of the child. A written consent is utilized to protect all parties in that they will clearly understand their consent. The age of 21 is utilized for the adoptee to be consistent with §63.2-1247(A) and the legislative intent therein of using an age over majority where the adoptee have gained some additional maturity. Finally, this section requires the agency to approach the individuals in an appropriate manner and require and provide counseling where appropriate.

The addition in A & the deletion in C were the two concerns raised about this section

#16 §63.2-1250. Court Proceedings; Duty of Attorney.

- A. If requested by the adoptive petitioner, birth parent or adoption agency to obtain confidentiality in the proceedings, the court shall endeavor to maintain confidentiality of identifying information. Identifying information for the purpose of the Article shall include names, addresses and any information that could reasonably lead to the discovery of a party's identity. This provision shall not apply to at least one birth parent in a parental placement adoption where consent is taken pursuant to the requirements of §63.2-1232 but this provision may be utilized with respect to the other birth parent.
- B. Petitions for adoption, petitions to accept consents and entrustment agreements shall not be served on any opposing party. Rather, a notice of the proceedings, as provided by statute, shall be served when required. Home studies, reports of home studies, court reports, licensed child placing agency records, local social service agency records and the Commissioner's records shall not be available to anyone opposing an adoption without the specific approval of the court hearing the adoption proceeding after determining release of any such information would benefit the interests of the child and only after the opportunity to review and redact identifying information or information the court believes is not relevant to the proceedings.
- C. Whenever an attorney is provided with or learns of identifying information regarding another party whose identity is not known to the attorney's client, the attorney shall not knowingly and intentionally reveal the identifying information to the client. ~~If such identifying information is knowingly and intentionally revealed, the court, upon motion or on its own initiative, may sanction the attorney.~~

*No objections to new language. Perhaps should reference confidentiality as it relates to "nonconsenting birth parents or opposing parties".

This provision should also be referenced in Title §16.1 of the Code (TPRs, Petitions to approve Entrustment Agreements, etc.). (This provision would apply to both agency & private)

REASONS FOR §63.2-1250

There has been a long history of confidentiality in adoption proceedings. The modern trend has been for more openness. While openness has been positive with most modern adoptions, these are still situations where it is in the best interests of the child to maintain confidentiality. Example may be the mentally unstable birth parent, the criminal birth parent or in a contested case where a successful adoptive parent may live in fear that the birth parent may attempt to kidnap the child.

Section A provides a mechanism for a party to request confidentially in a specific case and that the court will attempt to maintain that confidentiality.

Section B covers documents. Our statutes currently provide that notice of proceedings and entrustments agreements are served (see §63.2-1222 for entrustments and §63.2-1233(2) for