

**SJR 331**  
**Study of Virginia's Adoption Laws**  
**Summary of November 14, 2005 Meeting**

**Chair's Opening Remarks**

Senator O'Brien stated that the members would vote to recommend legislation to be introduced during the 2006 session. He encouraged comments from the public to assist the members as they prepared to vote.

**Overview of Administrative Changes to Adoption Laws**

Stan Phillips of the American Academy of Adoption Attorneys reviewed proposed legislative changes that are designed to facilitate the adoption process and improve the procedures involved with adoptions. The members voted unanimously to adopt the legislative changes with the caveats that if the putative father registry was approved that the language necessary to enact it would override the administrative language and that the language in the handout would have to be revised. (See Handout #1)

**Discussion of the Putative Father Registry**

Barbara Jones, a member of the committee and of the American Academy of Adoption Attorneys, briefly reviewed the concepts and mechanisms of the putative father registry. It will require any man who has had sexual intercourse with a woman and who is not a presumed, adjudicated or acknowledged father to register with the putative father registry in order to protect his rights should the mother decide to place the child up for adoption. If such man does not register, all his rights to oppose the adoption will be terminated.

Recommendation to pursue the putative father registry was approved by the members with that caveat that some of the language in the draft would have to be revised. (See Handout #2)

**Vote on the Hybrid/Designated Adoption**

Greg O'Halloran from the Division of Legislative Services summarized the impact of the hybrid adoption legislation. The proposed legislative changes would require a child-placing agency or local board of social services to consider any adoptive parent recommended by the birth parent. It also would allow a birth parent, whose recommendation regarding an adoptive parent was followed, to choose parental placement adoption procedures (which are open and encourage meetings and exchange of information between the adoptive parent and the birth parent) or agency adoption procedures (which afford the birth parent much more privacy throughout the process). The changes also require that the child-placing agency or local board notify the birth

parent of the right to independent legal counsel and to meet with a social worker. (See Handout #3)

The members voted to recommend these proposed changes with the caveat that the language in the handout would have to be revised.

### **Modification of the "Barrier Crime" Law as it pertains to Adoption**

The Chairman cited the previous testimony of Andrea Gaines regarding her husband's situation and how the barrier crime of felony drug possession related to his ability to adopt a child. Greg O'Halloran from the Division of Legislative Services summarized the proposed legislative changes as allowing a potential adoption applicant to be considered 10 years after a conviction for drug possession or distribution. (See Handout # 4)

The members voted to recommend such a change with the caveat that the language would have to be revised.

### **Public Comments**

There were many comments from the public and all objections were heard. There was also a great deal of support expressed from the audience regarding the concepts stated above.

### **Other Business**

The Chairman stated upon adjournment that this was the final meeting of the Committee on the Study of Adoption Laws and he thanked all that participated and contributed.

### **Members (\*present at November 14, 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*

