

**Senate Bill No. 105**

(By Senators Tucker, Fitzsimmons, Williams and Beach)

[Introduced February 13, 2013; referred to the Committee on the  
Judiciary; and then to the Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §48-22-501 of the Code of West  
Virginia, 1931, as amended, relating to waiving the filing fee  
upon the filing of a petition for adoption in cases in which  
the Department of Health and Human Resources is the payor for  
attorney fees of the petitioner.

*Be it enacted by the Legislature of West Virginia:*

That §48-22-501 of the Code of West Virginia, 1931, as  
amended, be amended and reenacted to read as follows:

**ARTICLE 22. ADOPTION.**

PART V. PETITION FOR ADOPTION.

**§48-22-501. Filing of petition for adoption.**

(a) The petition for adoption may be filed at any time after  
the child who is the subject of the adoption is born, the adoptive  
placement determined and all consents or relinquishments that can

1 be obtained have been executed.

2       **(b)** The hearing on the petition may be held no sooner than  
3 forty-five days after the filing of the petition and only after the  
4 child has lived with the adoptive parent or parents for a period of  
5 six months, proper notice of the petition has been given and all  
6 necessary consents or relinquishments have been executed and  
7 submitted or the rights of all nonconsenting birth parents have  
8 otherwise been terminated.

9       **(c)** Notwithstanding any other provision of this code or state  
10 rule to the contrary, filing fees for a petition for adoption are  
11 waived in a case wherein the Department of Health and Human  
12 Resources is the payor of attorney fees for the petitioner.

NOTE: The purpose of this bill is to waive filing fees for a petition for adoption in cases wherein the Department of Health and Human Resources is the payor of attorney fees for the petitioner.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.