

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 4129

BY DELEGATES SUMMERS, HILL, PACK, ESPINOSA,

HANNA, ROWAN, WORRELL, ESTEP-BURTON,

FLEISCHAUER, C. THOMPSON AND WALKER

[Originating in the Committee on the Judiciary;

January 21, 2020.]

1 A BILL to amend and reenact §48-22-201 and §48-22-501 of the Code of West Virginia, 1931, as
2 amended, all relating to adoption; providing for the location of the adoption hearing; and
3 eliminating a waiting period.

Be it enacted by the Legislature of West Virginia:

CHAPTER 48. DOMESTIC RELATIONS.

PART 2. PERSONS WHO MAY ADOPT.

ARTICLE 22. ADOPTION.

§48-22-201. Persons who may petition for decree of adoption.

1 Any person not married or any person, with his or her spouse's consent, or any husband
2 and wife jointly, may petition a circuit court of the county wherein such person or persons reside
3 for a decree of adoption of any minor child or person who may be adopted by the petitioner or
4 petitioners: Provided, That if the minor child to be adopted has been removed from a prior home
5 due to an abuse or neglect proceeding, the petition may be filed in the same county as the original
6 abuse and neglect proceeding regarding the minor child.

PART 5. PETITION FOR ADOPTION.

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

1 The petition for adoption may be filed at any time after the child who is the subject of the
2 adoption is born, the adoptive placement determined and all consents or relinquishments that can
3 be obtained have been executed. The hearing on the petition may be held ~~no sooner than forty-~~
4 ~~five days after the filing of the petition and~~ only after the child has lived with the adoptive parent
5 or parents for a period of six months, proper notice of the petition has been given and all
6 necessary consents or relinquishments have been executed and submitted or the rights of all
7 nonconsenting birth parents have otherwise been terminated.

NOTE: The purpose of this bill is to provide that if a minor child to be adopted has been removed from a prior home due to an abuse or neglect proceeding, the petition for adoption may be filed in the same county as the original abuse and neglect proceeding. The bill eliminates a 45-day waiting period before a petition for adoption may be filed.

CS for HB 4129

This bill was recommended for passage during the 2020 legislative session by the Interim Joint Committee on Health.

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