WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3175

By Delegate C. Pritt

[Introduced January 31, 2023; Referred to the Committee on Senior, Children, and Family Issues then the Judiciary]

A BILL to amend and reenact §48-22-201 of the Code of West Virginia, 1931, as amended, relating to venue for an adoption when a court had guardianship jurisdiction of a minor child.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22. ADOPTION.

§48-22-201. Persons who may petition for decree of adoption; venue when court has guardianship jurisdiction.

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

(b) Notwithstanding any other provision of this code to the contrary, the location of a court that had guardianship jurisdiction over a minor child has venue for an adoption petition of that child.

NOTE: The purpose of this bill is to provide that the location of a court with guardianship jurisdiction of a minor child has venue for an adoption.

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