

Virginia Adoptions

Legal Summary

Adoption rules in Virginia are set forth in the Code of Virginia in Title 63.2.

Who : Children can be placed for adoption by

a licensed child ♦ placing agency;
a local board;
the child's parent or legal guardian;
an authorized agency outside the Commonwealth of Virginia

Where :

Filed in Circuit Court where the petitioner resides; in the city where the child ♦ placing agency is located or in the city where the birth parent executed a consent pursuant to statute.

Consent :

A petition for adoption will not be granted unless it is accompanied by a written consent.

The consent of a birth parent who has directly placed his/her child shall be accepted by the Juvenile and Domestic Relations District Court after the adoptive child is at least three (3) days old. This is done in the presence of the prospective adoptive parents. The judges will not accept the consent, however, until he/she is satisfied that:

The birth parent(s) are aware of alternative to adoption, adoption procedures, and opportunities for placement with other adoptive families, and that the birth parents' consent is informed and uncoerced.

A licensed or duty authorized child-placing agency has counseled the prospective adoptive parents with regard to alternative to adoption, adoption procedures, including the need to address the parental rights of birth parents, the procedures for terminating such rights, and opportunities for adoption of other children; that the prospective adoptive parents' decision is informed and uncoerced; and that they intend to file an adoption petition and proceed toward a final order of adoption.

The birth parent(s) and adoptive parents have exchanged identifying information including but not limited to full names, addresses, physical, mental, social and psychological information and any other information necessary to promote the welfare of the child, unless both parties agree in writing to waive the disclosure of full names and addresses.

Any financial agreement or exchange of property among the parties and any fees charged or paid for services related to the placement or adoption of the child have been disclosed to the court and that all parties understand that no binding contract regarding placement or adoption of the child exists.

There have been no violation of the provisions of 63.2 ♦ 1218 in connection with the placement; however, if it appears there has been such violation, the court shall not reject consent of the birth parent to the adoption for that reason alone but shall report the

alleged violation as required by 63.2-1219.

A licensed or duty authorized child-placing agency has conducted a home study of the prospective adoptive home in accordance with regulations established by the Board and has provided to the court a report of such home study, which shall contain the agency's recommendation regarding the suitability of the placement. A married couple or an unmarried individual shall be eligible to receive placement of a child for adoption. The birth parent(s) have been informed of their opportunity to be represented by legal counsel.

The court then transfers custody to the prospective adoptive parents pending notification to any non-consenting birth parents follows:

No execution before the court required of a birth father is he consents in writing under oath to the adoption.

The consent is not required if the putative father denies paternity in writing under oath or if he does not register with the Putative Father Registry. If his identity is reasonably ascertainable, you must verify compliance with the Registry to the court.

If notice is required, it must be given by certified mail. If there is no objection within 15 days of mailing, consent is not required.

The court can accept the father's consent at the time of conception or birth.

Either the mother or the father's consent can be executed before the court.

If a child is born to a married birth mother, the child is presumed to be the husband's. His consent is required unless the court finds that it is withheld contrary to the best interests of the child or is unobtainable.

If both parents are deceased, the court can proceed without a consent.

A birth father may consent to adoption prior to the birth of the child.

No consent shall be required of a birth parent who, without just cause, has neither visited nor contacted the child for a period of six months prior to the filing of the petition. The parent still has a right to notice.

Consent Revocable :

Consent shall be revocable as follows:

1. By either consenting birth parent for any reason for up to 10 days from its execution. Once the child is 10 days old, no executed consent can be withdrawn. Such revocation shall be in writing, signed by the revoking party or counsel of record for the revoking party and shall be filed with the clerk of the juvenile and domestic relations district court in which the petition was filed during the business day of the juvenile and domestic relations district court, within the time period specified in this section. If the revocation period expires on a Saturday, Sunday legal holiday or any day on which the clerk's office is closed as authorized by statute, the revocation period shall be extended to

the next day that is not a Saturday, Sunday, legal holiday or other day on which the clerk's office is closed as authorized by statute.

Upon the filing of a valid revocation within the time period set out in this section, the juvenile and domestic relations district court shall order that any consent given for the purpose of such placement is void and, if necessary, the juvenile and domestic relations district court shall determine custody of the child as between the birth parents.

2. By any party prior to the final order of adoption (i) upon proof of fraud or duress or (ii) after placement of the child in an adoptive home, upon written, mutual consent of the birth parents and prospective adoptive parents.

Prohibitions :

No person or child-placing agency shall charge, pay, give, or agree to give or accept any money, property, service or other thing of value in connection with a placement or adoption or any act undertaken pursuant to this chapter except (i) reasonable and customary services provided by a licensed or duly authorized child-placing agency and fees paid for such services; (ii) payment or reimbursement for medical expenses and insurance premiums that are directly related to the birth mother's pregnancy and hospitalization for the birth of the child who is the subject of the adoption proceedings, for mental health counseling received by the birth mother or birth father related to the adoption.