

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4129**

BY DELEGATES SUMMERS, HILL, PACK, ESPINOSA,  
HANNA. ROWAN, WORRELL, ESTEP-BURTON,  
FLEISCHAUER, C. THOMPSON AND WALKER

[Introduced January 13, 2020; Referred to the  
Committee on Health and Human Resources then the  
Judiciary]

1 A BILL to amend and reenact §48-22-201 and §48-22-501 of the Code of West Virginia, 1931, as  
 2 amended; and to amend said code by adding thereto a new section, designated §49-2-  
 3 111c, all relating to adoption; providing that if a minor child to be adopted has been  
 4 removed from a prior home due to an abuse or neglect, the petition for adoption may be  
 5 filed in the same county as the original abuse and neglect proceeding; eliminating a 45-  
 6 day waiting period; and requiring the Department of Health and Human Services to pay  
 7 for adoption services.

*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.

**CHAPTER 49. CHILD WELFARE.**

**ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.**

**§49-2-111c. Adoption reimbursement.**

1 The department shall pay the child placing agency with moneys received by the  
2 department from the United States Department of Human Services. The department shall  
3 disburse the money based upon the number of successful and timely adoptions as provided for  
4 in a performance-based formula as provided in the performance based contract pursuant to §49-  
5 2-111a of this code.

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. The bill requires the Department of Health and Human Services to pay for adoption services.

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.