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VIRGINIA DEPARTMENT OF SOCIAL SERVICES

ADOPTION-NON-AGENCY PLACEMENT
AND OTHER COURT SERVICES

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VOLUME VII, SECTION III, CHAPTER D

INTRODUCTION

This chapter provides guidance and procedures for non-agency adoption placements, other court ordered services, adoption searches, inter-country adoptions, putative father registry, and close relative placement.

NON-AGENCY PLACEMENTS FOR ADOPTION

Adoption is a social and legal process which establishes the relationship of parent and child between people who do not have this relationship by birth. It provides the same rights and obligations that exist between children and their birth parents.

Virginia statutes allow a child to be placed with either an unmarried individual or a married couple (**Sections 63.2-1225 & 63.2-1232.6 of the Code of Virginia**). **In addition Section 63.2-1208 of the Code of Virginia requires that the petitioner is morally suitable to adopt.**

Adoption procedures are governed by Chapter 12 of the *Code of Virginia*. There are only two types of adoptive placements that are allowed by Virginia law. These are agency placements and non-agency placements.

[Section 63.2-1200](#), *Code of Virginia*, A child may be placed for adoption by: a licensed child-placing agency; local board; the child's parent or legal guardian if the placement is a parental placement; and any agency outside of the Commonwealth that is licensed or otherwise duly authorized to place children for adoption by virtue of the laws under which it operates.

Agency placements occur when the child is in the custody of a local department of social services or licensed child-placing agency. A placement for adoption can be made by a licensed child-placing agency, local board or any agency outside of the Commonwealth that is licensed or otherwise duly authorized to place children by the laws under which it operates. In an agency placement, all parental rights are terminated, custody with authority to place for adoption is granted to the agency, and the agency consents to the child's adoption. See Volume VII, Section III, Chapter C for guidance governing agency placements.

A non-agency placement occurs when the child is not in the custody of an agency. In a non-agency placement, the birth parents or legal guardian(s) consent to the adoption, and parental rights are terminated by entry of the final order of adoption.

Except for licensed or duly authorized child-placing agencies, only birth parents and legal guardians are allowed to place a child for adoption in Virginia. Although anyone

may provide assistance to birth parents in locating a prospective adoptive family and to adoptive parents in locating a child, only birth parents and legal guardians may actually place the child for adoption.

There are basically four different types of non-agency adoptions. These are stepparent adoptions, parental placement adoptions, close relative adoptions, and adult adoptions. Guidance and procedures governing each type of adoption are listed in the following pages.

OTHER COURT ORDERED SERVICES

In addition to ordering the agency to provide services for children placed for adoption, the court may also order the agency to conduct other court ordered services.

Other court ordered services involve custody investigations or supervised visitation. "Custody investigation" means a court ordered method of gathering information regarding a child whose custody, visitation, or support is in controversy or requires determination. Custody investigations are usually requested in divorce situations.

"Supervised visitation" is another court ordered service. Supervised visitation means supervision of the visits by a court appointed representative. There are no standardized procedures or formats for conducting supervised visitation. The local court will advise the agency on any preferred procedures or formats.

"Mediation" is another court ordered service. Mediation is used in custody disputes. It is a means for the parties to work out arrangements regarding custody and visitation between themselves in a non-adversarial way. Mediation requires specific training and is not included in this chapter.

ADOPTION SEARCHES

The Adoption Unit, acting on behalf of the Commissioner of Social Services, may request the agency to conduct an adoption search. An "adoption search" means interviews and written or telephone inquiries made by an agency to locate and advise the birth parents or siblings of an adult adoptee's petition for information from a closed adoption record. An adoption search includes a written report submitted to the Adoption Unit of the results of the search. It may also include facilitating reunions of the parties.

FEES FOR COURT ORDERED SERVICES

The petitioners, the respondent or both may be charged a fee for some court ordered

services provided by local departments of social services. Fees for court ordered services are discussed in Section 9 of this manual.

INTER-COUNTRY ADOPTIONS

An inter-country adoption is when the petitioners have adopted a child from a foreign country. In most inter-country adoptions, the adoptive parents are encouraged to re-adopt in Virginia.

Definitions of Fathers

1.A

This section includes the definitions of fathers. The definitions of fathers apply to this Chapter D of this manual. These definitions do not apply in surrogacy situations.

An Acknowledged Father is a man with a relationship with a child established by:

A voluntary written statement between the man and the mother of the child made under oath agreeing to the paternity and confirming that prior to signing the acknowledgement, that the parties were provided with a written and oral description of the rights and responsibilities of acknowledging paternity and the consequences arising from the signed acknowledgement. The acknowledgement may be rescinded by either party within 60 days from the date it was signed, after which time the acknowledgement shall have the same legal effect as a judgment. (Section 20-49.1, *Code of Virginia*)

An Adjudicated Father is a man with a judgment or order from a court establishing paternity of a child. (Section 20-49.8, *Code of Virginia*)

A Presumed Father is the man that:

1) is married to the mother and the child is born during the marriage; (Section 63.2-1202.D.1, *Code of Virginia*)

Or

2) was married to the mother and the child was born within 300 days from the date of their separation as evident by a written agreement, or decree of separation, or within 300 days after the marriage was terminated by death, annulment, declaration of invalidity, or divorce; (Section 63.2-1202.D.2, *Code of Virginia*)

Or

3) before the birth of the child, he and the mother of the child, married each other in apparent compliance with the law, even if the attempted marriage is, or could be declared invalid, and a child was

born within 300 days of their separation, as evidence by a written agreement, or decree of separation, or within 300 days after the marriage was terminated by death, annulment, declaration of invalidity, or divorce. (Section 63.2-1202.D.3, *Code of Virginia*)

A Birth Father is the man with the genetic relationship to a child that indicates the child is an offspring of the man.

A Putative Father is the alleged father of a child born out of wedlock.

A registered putative father is one who has completed a registration for The Virginia Putative Father Registry and mailed the registration to the Virginia Department of Social Services and for whom the registration has been entered into The Virginia Putative Father Registry database.

1. STEPPARENT ADOPTIONS

A stepparent adoption is when the spouse or former spouse of the birth or adoptive parent is adopting the child. The regulations governing parental placement adoptions are not applicable in stepparent adoptions because no placement occurs in a stepparent adoption. In a stepparent adoption consent has either been obtained or is not required in certain circumstances as outlined in this chapter. However, when a former spouse is adopting, the consent of the birth parent is required (Section 63.2-1201.1).

The investigation and report shall be undertaken only if the court in its discretion determines that there should be an investigation before a final order of adoption is entered (Section 63.2-1242). If the court makes such a determination, the agency becomes involved when the adoption petition is filed and the circuit court enters the order of reference.

1.1.1 Case Opening

A case is opened when a petition for adoption is received from the circuit court. A petition is a written request filed with the court by prospective adoptive parents asking the court to legalize a relationship with a child.

1.1.1.1 Open the case.

1.1.1.2 Set up a case record

the case record should contain the following documents, if applicable:

all court orders,

all required documentation,

Report of Investigation,

all correspondence, and

narrative.

— If two children are on the same petition, only one case is

needed.

1.1.2 Review the petition and order of reference

The petition for adoption is usually accompanied by an order of reference, which is an order from the court directing an agency to make an investigation and report.

- 1.1.2.1 The petition and order of reference must be reviewed to ensure the petition is filed in the court having jurisdiction 1) where the petitioner(s) resides, or 2) in the city or county where the birth parents executed consent occurred (Section 63.2-1201) and the case has been referred to the proper agency. The petition must be signed by the petitioner and by counsel of record, if any (Section 63.2-1201).

Section 63.2-1201, Code of Virginia, Proceedings for the adoption of a minor child...shall be instituted only by petition to a circuit court in the county or city in which the petitioner resides, in the county or city in which the child-placing agency that placed the child is located, or in the county or city in which the birth parent executed a consent pursuant to §63.2-1233 ...If any procedural provisions of this chapter applies only to one **of the adoptive parents**, then the court may waive the application of the procedural provision for the spouse of the adoptive parent **to whom the provision applies**....A petition filed while the child is under 18 years of age shall not become invalid because the child reaches 18 years of age prior to the entry of a final order of adoption. Any final order of adoption entered pursuant to §63.2-1213 after a child reaches 18 years of age, where the petition was filed prior to the child turning 18 years of age, shall have the same effect as if the child was under 18 years of age at the time the order was entered by the circuit court provided the court has obtained the consent of the adoptee.

Section 63.2-1201.1.B, Code of Virginia, An individual previously married to a parent of a child by birth or adoption and who stood in loco parentis to that child during the marriage, and who could have adopted the child pursuant to 63.2-1241 during the marriage, may, with the consent of the prior spouse who is the parent of the child by birth or adoption, adopt the child, after the marriage has dissolved, annulled, or voided, pursuant to the provisions of this chapter that are applicable to step-parents.

- 1.1.2.2 The petition shall ask permission to adopt a minor child who is not legally the petitioner's by birth.
- 1.1.2.3 If the agency receives an order of reference in either of the following cases, the agency should contact the local social service agency in the locality of the petitioners' residence to request assistance with completion of the investigation.
- The petitioner(s) is a legal resident of Virginia but is living outside the state; or
- The petitioner(s) moves from the state after the petition is filed.
- 1.1.2.4 In some stepparent adoptions, the court has the option of dispensing with the investigation and entering a final order. If an order of reference is entered in these cases, the attorney is to be contacted to make sure he is aware the court may enter a final order without an investigation. If the order of reference is not rescinded, the agency is responsible for making the investigation and report. (See section 1.16 of this section).
- 1.1.2.5 If the petitioner(s) moves from the agency's jurisdiction but within Virginia or it appears to be in the best interest of the child for another agency to make the investigation, the agency is to request that the court enter an amended order referring the investigation to another agency. If the court denies the request for an amended order, the agency must complete the investigation and report. The services of another agency can be requested by the agency ordered to make the investigation.

1.1.3 Review of the Consents

The agency does not have any responsibility for obtaining written parental consent. The agency is responsible for reviewing the consent document

to determine if:

1.1.3.1 Valid consent has been obtained from:

The Birth Mother or adoptive mother,
and any man who is:

An Acknowledged Father

An Adjudicated Father

A Presumed Father

A Registered Putative Father (Section 63.2-1202, *Code of Virginia*).

Consent is also obtained from:

The adoptee who is 14 years of age or older (Section 63.2-1202.C).

1.1.3.2 Consent is not required from the birth parent if:

1) A birth father denies under oath and in writing the paternity of the child. The denial can not be withdrawn after 10 days. Once the child is 10 days old, any denial of paternity is final and constitutes a waiver of all rights. (Section 63.2-1202.E, *Code of Virginia*)

1.1.3.3 Consent has been properly executed.

– The parent, who is the spouse of the petitioner, must join in the petition to indicate consent (section 63.2-1201); and

– The other parent must give consent in writing and under oath. The consent must identify the child and the petitioner(s) by name and must be signed, dated, and notarized (section 63.2-1202).

– The consent must be notarized.
(Section 63.2-1202.a).

1.1.4 Inquiries made during the investigation

The Code (Section 63.2-1208.C, 63.2-1242) requires the following items to be addressed:

- 1.1.4.1 Whether the petitioner(s) is financially able, morally suitable, in satisfactory physical and mental health, and a proper person(s) to care for and train the child
- A child protective service checks, criminal records checks, and references are not needed.
- 1.1.4.2 What the physical and mental condition of the child is, medical reports are not needed;
- 1.1.4.3 Why the parents, if living, desire to be relieved of the responsibility for the custody, care and maintenance of the child, and what their attitude is toward the proposed adoption;
- 1.1.4.4 Whether the parents have abandoned the child or are morally unfit to have custody over him;
- 1.1.4.5 The circumstances under which the child came to live and is in the physical custody the petitioner(s);
- 1.1.4.6 Whether the child is a suitable child for adoption by the petitioner(s); and
- 1.1.4.7 What fees have been paid by the petitioners or in their behalf to persons or agencies which have assisted them in obtaining the child.
- 1.1.4.8 The report must include the physical and mental history of birth parents, if it is known.
- 1.1.4.9 A statement in the report of the efforts made to encourage birth parents to provide information related to all reasonably ascertainable background, medical, and psychological records of the child to the prospective adoptive parent(s). A list of reports given to the prospective adoptive parents shall also be submitted with the Report of Investigation.
- 1.1.5 The Investigation includes:
- 1.1.5.1 Interviews with:

adoptive parents,

child, if of the age to participate,

Parents to include the birth mother, the presumed father, acknowledged father, adjudicated father, and/or putative father whose identity is known to determine their attitude, physical and mental health history, and background information.

- If an interview is not possible, contact must be made by mail or telephone, or through another agency.
- When a letter is sent to the parent(s) of a child born out of wedlock, it must be sent by certified mail.
- The letter must be delivered to the addressee only and a return receipt requested.

professional persons concerned with case;

- 1.1.5.2 Home visits to describe for the court the physical environment in which the child will live, and to observe interactions between the parent and child in a familiar environment.
- 1.1.5.3 Information on the adoptive parents' income in order to determine the fee assessed.
- 1.1.5.4 If unable to complete the investigation,
 - The court and the Adoptions Unit must be notified if the investigation and report are delayed and cannot be completed within 60 days. (Section 63.2-1208.B, *Code of Virginia*)
 - A report must be sent to the court with a recommendation for abeyance. The report must include the reason(s) for the delay or

inability to complete the investigation and the period of time needed to complete the investigation.

- If the petitioners cannot be contacted or located, the agency is to submit a report to the court and recommend the petition be dismissed.
- If the petitioner(s) moves from Virginia before completion of the investigation, the agency can request the assistance of an out-of-state agency in completing the investigation.

1.1.6 Prepare the Report of Investigation

The format of the report must be that prescribed by the Adoptions Unit. The Report of Investigation Format and Checklist in the Forms section outlines information to be included in the report.

For purposes of confidentiality, the report must not contain identifying information on the legal/birth parent who is not a party to the petition. The report must contain a recommendation as to the action to be taken by the court.

1.1.6.1 Prepare four copies of the report

Send original to the court with certificate of service showing copy of report was sent to the adoptions unit (Section 63.2-1208). The certificate of service form is in the forms section.

Send one copy to the Adoptions Unit with completed commissioner's confidential report (see the forms section for the CCR).

Send one copy to the attorney. If the petitioners do not have an attorney, advise them to contact the Clerk of Court to have the case placed on the docket for disposition. Do not send the petitioner(s) a copy of the report.

Keep a copy in agency's file until final disposition.

- 1.1.6.2 If a letter of opposition to the adoption is received from the legal/birth parent, the letter is to be sent to the court with the report. A copy is sent to the attorney and to the Adoptions Unit with the copy of the report. A copy is kept in the agency's file.
- 1.1.6.3 The agency must submit any additional information requested by the Adoptions Unit.
- 1.1.6.4 In those instances where the court may enter a final order, the agency shall include a statement as to the amount of the fee assessed and whether the fee has been paid. A receipt must be provided to the court by the local department of social services which completed the investigation and court report to provide proof of payment of the fee.

1.1.7 A Supplementary Report

Sometimes after the required report has been submitted, the agency receives factual information on a case that would influence the action to be taken by the court. The agency must submit a Supplementary Report when factual information is received after making the required report and no court action has been taken or the case is pending as a result of a recommendation for abeyance. The format for a Supplementary Report is in the forms section.

1.1.8 What must be done following final disposition

- 1.1.8.1 Final disposition is the final action taken by the court in an adoption which means the case is closed. A final order granting an adoption means the child acquires parents other than his natural parents and a person(s) acquires a child other than by birth. A final order is not subject to attack for any reason after six months from the date it is entered and is final for all purposes (section 63.2-1216).
- 1.1.8.2 Acknowledgment and disposition of case material

The agency must review and acknowledge receipt of the final order of adoption or any other order of final

disposition. A copy of the acknowledgment to the court should be sent to the Adoptions Unit. The agency should advise the court of any problem that could affect the legality of the adoption. The acknowledgment form is in the Forms section.

The agency must purge the record of duplicate material and send original copies of all pertinent material that has not been sent to the Adoptions Unit for preservation (See the Forms section for "Guidelines Regarding the Preparation of Adoption Material to be Forwarded to Adoption Reports for Preservation in a Non-agency Adoption).

1.1.9 Closing the case

The case should be closed when the final order of adoption is received.

1.2 Responsibilities of the attorney

Some courts allow petitioners to represent themselves in adoption proceedings. The decision to require an attorney rests with the court. The attorney:

- 1.2.1 Files the petition, which must be signed by the petitioner and counsel of record (Section 63.2-1201),
- 1.2.2 Obtains required consents,
- 1.2.3 Prepares appropriate orders,
- 1.2.4 Informs the petitioners of the legal requirements,
- 1.2.5 Assists the agency in obtaining necessary verifications, and
- 1.2.6 Assists the petitioner(s) in obtaining a new birth certificate for the child.

1.3 Responsibilities of the Commissioner

The Adoptions Unit carries out the duties of the Commissioner of Social Services in adoptions. These duties include:

- 1.3.1 establishing a permanent record of all adoptions petitioned and providing post-adoption services to adult adoptees and adoptive parents seeking background information on the biological family; and
- 1.3.2 monitoring adoption cases and submitting reports to courts when necessary.

1.4 Responsibilities of the circuit court

1.4.1 If the petition is executed under oath and in writing, the court may, without an investigation, enter a final order in accordance with code section 63.2-1213 when:

- 1.4.1.1 A natural parent, whose spouse has died, marries again and the surviving parent and new spouse petition for adoption (section 63.2-1241a); or

- 1.4.1.2 A legitimate child of a divorced parent is being adopted by a stepparent and the other natural parent has consented to the adoption (section 63.2-1241b); or
- 1.4.1.3 A mother of an illegitimate infant marries, and her husband desires to adopt, provided (section 63.2-1241c):
- The birth father consents, or
 - The mother executes an affidavit that the identity of the father is not known or not reasonably ascertainable; or
 - The putative father denies paternity under oath and in writing, according to §63.2-1202, *Code of Virginia*; or
 - The child is 14 years of age and has lived in the petitioners' home for at least five years; or
 - The alleged father is deceased; or
 - The non-custodial birth parent executes a denial of paternity under oath and in writing; or
 - The non-custodial birthparent:
 - Is not an acknowledged father and
 - Is not adjudicated father; and
 - Is not a presumed father; and
 - Is a putative father who has not registered with the Virginia Putative Father Registry and if his identity is reasonably ascertainable, he has been provided notice to register with the Virginia Putative Father Registry and has failed to timely register.
- 1.4.1.4 A single person who adopted a child marries and files a petition with his/her spouse (section 63.2-1241.D)
- 1.4.2 The investigation and report shall be undertaken only if the court in its discretion determines that there should be an investigation before a final order of adoption is entered (section 63.2-1242). If the court makes such a determination, it shall refer the matter to the local director of social

services.

- 1.4.2.1 The clerk of the circuit court where the petition is filed sends a copy of the petition, order of reference and all exhibits to the director of the department of social services and to the Adoption Unit. The petition must be signed by the petitioner and counsel of record, if any (section 63.2-1201)
- 1.4.2.2 The court will expeditiously consider the merits of the petition when the report is received (Section 63.2-1208a, 63.2-1242.2).

The court may take any action it finds appropriate if the report is not submitted in the specified time (Section 63.2-1242, 63.2-1208B). The court may:

enter a final order,

deny petition,

dismiss petition,

continue proceeding,

schedule a hearing, or

enter an interlocutory order (in stepparent adoptions, the interlocutory order is almost always waived by the court in accordance with Code Section 63.2-1210.1).

- 1.4.2.3 The court may dispense with parental consent if the court finds that consent is withheld contrary to the best interest of the child or is unobtainable (section 63.2-1203a) provided that:

Twenty-one (21) days have elapsed since personal notice of the petition was served on the person(s) whose consent is required (when personal notice is by certified or registered mail, there should be a returned postal receipt signed by the parent to indicate that notice was received); or

If personal service is unobtainable, 10 days have elapsed after the completion of the execution of an order of publication against the person(s) whose consent is required; or

The judge certifies on the record that the identity of the person whose consent is required is unobtainable. An affidavit of the mother that the identity of the father is not reasonably ascertainable is sufficient evidence provided that there is no evidence before the court to refute the affidavit.

1.4.2.4 The court does not require consent when:

- The birth father is convicted of

rape;

carnal knowledge of a child between the ages of thirteen and fifteen; or

adultery or fornication with his daughter or granddaughter, or his mother;

And the child was conceived from this action (Section 18.2-366b, *Code of Virginia*).

- A parent is deceased (Section 63.2-1203b, *Code of Virginia*), or
- The parents of a child born in wedlock are divorced and the residual parental rights and responsibilities of one parent have been terminated by the divorce decree or another order of the court (Section 63.2-1202C.2, *Code of Virginia*); or
- A birth father denies under oath and in writing the paternity of the child. The denial can not be withdrawn after 10 days. Once the child is 10 days old, any denial of paternity is final and constitutes a waiver of all rights, or

- The parent has not visited or contacted the child for a period of six (6) months without any justification (Section 63.2-1202.H, *Code of Virginia*), or
 - **A child born outside wedlock.** (Section 63.2-1202.C.2, *Code of Virginia*)
 - The father's identity is unknown; or
 - The putative father consents to the termination of all of his parental rights before the child is born (Section 63.2-1202.i, *Code of Virginia*).
 - The father is given notice of the adoption proceedings by certified or registered mail at his last known address and fails to object within 15 days of the date the notice was mailed (Section 63.2-1233.1.C, *Code of Virginia*) or
 - Once proper notice has been given and the nonconsenting parent fails to appear in court either in person or by counsel the nonconsenting parent waives any objection and right to consent to the adoption (Section 63.2-1202.J *Code of Virginia*), or
 - **A death certificate for a deceased birth parent can be submitted to the court as evidence that the consent is not required (Section 63.2-1203.3 Code of Virginia).**
- 1.4.2.5 When no action is taken by the court for at least one year from the entry of the last order, the clerk of court places the case on the docket for review by the court.
- 1.4.2.6 The clerk of the court sends to the agency and to the Adoption Unit a copy of any order entered. Upon entry of a final order or any other final disposition, the clerk forwards all reports submitted with the final order to the Adoption Unit for preservation.
- 1.4.2.7 When services have been provided by a local department of social services, the court shall assess a fee, in accordance

with regulations and fee schedules established by the State Board of Social Services. The court shall not enter a final order of adoption until proof of payment of fees has been received (code section 63.2-1248).

- 1.4.2.8 The court may not enter a final order of adoption without the information needed to complete a Report of Adoption (VS-21), unless the court determines this information is unavailable or unnecessary. The Report of Adoption (VS-21) provides information that is needed to locate and identify the original birth certificate and to establish a new birth certificate.
- 1.4.2.9 After the entry of a final order, the clerk of court sends to the state department of health, bureau of vital records and health statistics a completed report of adoption, VS-21, and a completed application for a certified copy of a birth record, VS-6, with a check for the required fee (Section 32.1-262, Code of Virginia).

2. PARENTAL PLACEMENT ADOPTIONS

Parental placements for the purpose of adoption are governed by the provisions in Code Section 63.2-1230. In a parental placement, the child's parent or legal guardian places the child with a family of his/her choice for the purpose of adoption. In a parental placement, the agency completes a home study report and a petition is filed in the juvenile and domestic relations court for execution of consent and awarding of custody to the prospective adoptive parents. The juvenile and domestic relations court reviews the home study report and collateral material to determine whether the requirements of law have been met, accepts parental consent, and transfers custody to the adoptive parents. An adoption petition may then be filed in circuit court.

[Section 63.2-1230](#), *Code of Virginia*, The birth parent, legal guardian or **adoptive parent** of a child may place his child for adoption directly with the adoptive parents of his choice. Consent to the proposed adoption shall be executed upon compliance with the provision of this chapter before a juvenile and domestic relations district court or, if the birth parent or legal guardian does not reside in Virginia, before a court having jurisdiction over child custody matters in the jurisdiction where the birth parent or legal guardian resides when requested by a juvenile and domestic relations district court of this Commonwealth...

The overall steps in a parental placement adoption are as follows:

- (i) the agency receives a request for a home study;
- (ii) a home study is completed;
- (iii) a report of the home study is submitted to the juvenile and domestic relations district court;
- (iv) adoptive parents file a petition for execution of consent in juvenile and domestic relations district court;
- (v) court accepts consent and awards custody to the prospective adoptive parents;
- (vi) a petition for adoption is filed in the circuit court;
- (vii) the circuit court enters an Interlocutory Order of Adoption if everything has been done in compliance with law; and
- (viii) after a six month supervisory period, the circuit court enters a final order of adoption.

In a parental placement the birth parents may designate either the agency adoption provisions (Chapter C) or the parental placement adoption provisions (Chapter D). When the agency is requested to and accepts custody of a child for the purpose of placing said child with adoptive parents recommended by the birth parents or a person other than a licensed child-placing agency or local board, the birth parents shall select

either the parental placement adoption provisions or the agency adoption provisions for the adoption of such child (Section 63.2-1226, *Code of Virginia*). The agency adoption provisions are found in Chapter C of Volume VII, Section III Policy Manual.

[Section 63.2-1226](#), *Code of Virginia*, When a licensed child-placing agency or local board is requested to accept custody of a child for the purpose of placing the child with adoptive parent(s) recommended by the birth parent(s)... Either the parental placement adoption provisions or the agency adoption provisions of this chapter shall apply to such placement at the election of the birth parent(s).

2.1 Responsibilities of the agency in a parental placement adoption before the adoption petition is filed in circuit court.

In a parental placement, in order for the juvenile and domestic relations court to make the required determinations before accepting consent, the agency shall:

2.1.1 Open the case

In most parental placements, the agency will be asked to complete a home study before the petition to execute consent is filed in the juvenile and domestic relations court. The request will come from either the birth parent or adoptive parent. In some cases, the agency will receive an Order For a Home Study directly from the court.

When the request for services comes from either the birth parent or the prospective adoptive parents, a service application is completed. In cases where the court order initiates the request for services, the court order serves as the service application.

2.1.1.1 Set up case records

A parental placement case record should contain the following documents:

- Service application (or court order);
- all court orders,
- home study, including all certifications,

- Home Study Report,
- Report of Investigation, if applicable,
- Report of Visitation,
- all correspondence, and
- narrative

2.1.2 Conduct a home study of the prospective adoptive home.

The manner in which a family receives a child for adoption shall have no bearing on how the family is to be assessed for purposes of adoptive placement. The criteria of capacity for parenthood are the same whether the child was placed by an agency, by the birth parents, or by a legal guardian.

The difference between completing a home study for a child placed by an agency and for a child placed by birth parents is in the role of the agency, not in the assessment of the adoptive family.

In an agency placement, the agency approves or denies adoptive applicants based on agency standards. In a parental placement, the agency makes a recommendation to the court regarding the suitability of the family to adopt. The recommendation is based on an assessment of whether the placement is contrary to the best interest of the child. The assessment is based on information gathered during the home study process. (See the Forms section for the format for the home study report).

The adoptive home study is a process that involves the adoptive applicants in determining with the agency whether they can meet the needs of an adopted child.

The home study should be carried out so that it brings about increased understanding of the adoption process and begins to prepare the applicants for adoption.

In a parental placement, it is important for the home study to be completed as early in the process as possible. Early completion of the home study provides safeguards for the child and facilitates the adoption process.

In a parental placement, the agency is not responsible for approving or denying the family. State law gives birth parents the right to place their child with a family of their choice. The agency's responsibility is to assess the family and report its findings to the Juvenile Court. The birth family and the Juvenile Court will make the determination as to whether the family is a suitable family for the child.

After completing the home study, the agency should inform the birth parents of their recommendation to the court. When the agency's recommendation is that the placement appears to be contrary to the welfare of the child, the birth parents may want their attorney present for the court hearing.

A thorough assessment of the adoptive family is critical in evaluating whether the placement is contrary to the best interest of the child. See Section 5 - The Adoptive Home Study for adoptive home standards and assessment criteria.

2.1.3 Requirements for home study.

In addition to the information gathered during the home study assessment, in the course of the home study the agency must include the following:

- 2.1.3.1 The agency worker must meet at least once with the birth parent(s) and at least once with the prospective adoptive parents. If the birth parents and prospective adoptive parents agree, the meeting may occur simultaneously (Section 63.2-1231).

The purpose of this simultaneous meeting is to facilitate the exchange by the birth parent(s) and adoptive parents of 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.

The exchange of names and addresses may be waived if both parties agree in writing to waive the disclosure of this information.

If the social worker is unable to complete the simultaneous meeting, it must be documented in the home study the reasons why they were not able to meet this requirement. Upon receipt and review of the home study the court may waive the requirement to meet simultaneously where the opportunity for compliance is not reasonably available under the circumstances in accordance with

the *Code of Virginia*, Section 63.2-1233.4.

See the Forms section for a suggested format for the sharing of identifying information.

- 2.1.3.2 The birth parent(s) must be informed of alternatives to adoption, adoption procedures and opportunities for placement with other adoptive families (Section 63.2-1232.1).

It must be determined that the birth parents' consent is informed and uncoerced (Section 63.2-1232.1)

Anyone may provide the required information to birth parents including doctors, attorneys, ministers, and friends.

The agency's responsibility is to determine whether this information has been provided, and if not, to provide it.

When birth parents indicate that they desire additional counseling to help them work through feelings and issues related to placing the child for adoption, the role of the agency is to assist the birth parent(s) in obtaining this counseling. The agency may provide the counseling directly or refer the birth parent(s) to another community agency.

- 2.1.3.3 The prospective adoptive family must be informed of alternatives to adoption; adoption procedures, including the need to address the parental rights of the birth parents; the procedures for terminating parental rights; the opportunities for adoption of other children (Section 63.2-1232.2, *Code of Virginia*).

It must be determined 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 (Section 63.2-1232.2).

The family can be informed of this information by the attorney or the agency. The agency must determine whether the family has received this information and, if not, provide it during the course of the home study.

The agency must include in the Report of Home Study that this determination has been made. (See the Forms section for a Certification Form that can be used for this purpose).

- 2.1.4 The agency must determine that there has been no exchange of property, advertisement, or solicitation except that allowed in (Sections 63.2-1218, & 63.2-1232.5). Fees that are allowable include:

reasonable and customary services provided by a licensed or duly authorized child-placing agency and fees, based on prevailing community rates, paid for such services;

payment or reimbursement for medical expenses and insurance premiums which 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, and for expenses incurred for medical care for the child;

payment or reimbursement for reasonable and necessary expenses for food, clothing, and shelter when, upon the written advise of her physician, the birth mother is unable to work or otherwise support herself due to medical reasons or complications associated with the pregnancy or birth of the child;

payment or reimbursement for reasonable expenses incurred incident to any court appearance including, but not limited to, transportation, food, and lodging;

usual and customary fees, based on prevailing community rates, for legal services in adoption proceedings; and

payment or reimbursement of reasonable expenses incurred by adoptive parents for transportation in connection with any of the services specified in Chapter 12, Article 3 or inter-country placements and as necessary for compliance with state and federal law in such placements.

- 2.1.5 The agency must determine that all parties understand that no binding contract exists regarding placement or adoption of the child (section 63.2-1232.4).

Birth parents may change their minds about adoption, even after executing consent. Consent does not terminate parental rights and may be revoked under certain conditions until entry of the final order of adoption.

The adoptive parents may also decide not to pursue the adoption. The agency's responsibility is to ensure that both parties understand that the only guarantee of adoption in a parental placement is the entry of the final order of adoption.

2.1.6 Provide the juvenile court with a report of the home study.

The report to court is a separate document from the home study; however, information in the home study should be included in the court report. Two copies of the court report must be sent with the original for the court, at its discretion, to provide to the birth and adoptive parents. The agency worker may give prospective adoptive parent(s) a copy of the court report.

2.1.6.1 Section 63.2-1208.D, requires the agency to furnish the attorney a copy of the report made to the court

2.1.6.2 Section 63.2-1239 requires the attorney to return the report to the clerk of court without it having been duplicated. The agency should be sure the attorney is aware of these provisions.

2.1.7 Format for the report of home study in the format prescribed by the Adoptions Unit.

See the Forms section for the format for the Report of Home Study. The report is to include the following:

2.1.7.1 information regarding whether the prospective adoptive parents are financially able, morally suitable, and in satisfactory physical and mental health to enable them to care for the child;

2.1.7.2 the physical and mental condition of the child;

2.1.7.3 information about both birth parents, including:

names and addresses,

why the parents desire to be relieved of the responsibility for the child and what their attitude is toward the proposed adoption;

physical description, ages, races, marital status, education, employment, and, if known, physical and mental health.

- 2.1.7.4 The circumstances under which the child came to live, or will be living, in the home of the prospective adoptive family, and if applicable, a statement as to whether the requirements of law related to the interstate compact on the placement of children have been met;
- 2.1.7.5 All financial agreements or exchange of property among the parties, including fees paid for services related to the placement and adoption of the child, must be reported to the court.
- The agency includes this information in the report of home study that is submitted to the juvenile court.
 - The agency is also responsible for reporting suspected violations to the Commissioner.
- 2.1.7.6 A statement as to whether the requirements of law related to execution of consent have been met. These requirements include:
- **The child must be at least 3 days old before consent can be executed. (Section 63.2-1233, Code of Virginia)**
 - When there is an identified child, the agency must verify the child's birth (if a birth certificate is not available due to the child having been recently born, verification may be made through a hospital certificate. The agency should make an attempt to get a certified copy of the birth certificate with the birth registration number as soon as possible.
 - **If the identity of the birth father is reasonably ascertainable, but the whereabouts of the birth father are not reasonably ascertainable, verification of**

**compliance with the Virginia Putative
Father Registry must be provided to the
court (Section 63.2-1233.1.b).**

- The birth registration number should be listed on the Report of Visitation and the Commissioner's Confidential Report form.
- The agency must include birth information in the Report of Home Study.

2.1.7.7. A statement in the report of the efforts made to encourage birth parents to provide information related to all reasonably ascertainable background, medical, and psychological records of the child to the prospective adoptive parent(s). A list of reports given to the prospective adoptive parents shall also be submitted with the Report of Investigation.

The birth parent(s) must be aware of their opportunity to be represented by legal counsel, and consent of the birth parents must be informed and uncoerced.

This information is reported on the certification form (see forms).

- The adoptive family must have been provided counseling with regard to alternatives to adoption, adoption procedures, including the need to address the parental rights of the birth parent and the procedures for terminating such rights, and opportunities for adoption of other children, and their decision to adopt must be informed and uncoerced
- This information is reported on the certification form (see the forms section).
- The birth parent(s) and adoptive parents must exchange identifying information including but not limited to full names, addresses, physical, mental, social, and psychological information.
- The agency social worker must report that the worker has met at least once with the birth parent(s) and prospective adoptive parents simultaneously. The certification form is used to report this to the court (see the forms section).

2.1.7.8 The original and two copies of the report of home study are provided to the court and the court, at its discretion, provides the birth and adoptive parents with copies of the home study report.

The agency submits the certification form (see the forms section) to the court with the report of home study.

- 2.1.8 Upon entry of the final order of adoption, a copy of the report of home study and all other information in the adoption record shall be sent to the Adoptions Unit at the Virginia Department of Social Services for preservation and release in accordance with the provisions of Code Section 63.2-1246.
- 2.1.9 If the agency suspects there has been an exchange of property, money, services, or any other thing of value in violation of law in the placement or adoption of the child, the agency shall report the findings to the commissioner for investigation (if the agency has questions as to whether a violation of code section 63.2-1218 has occurred, it is recommended that the agency ask the prospective adoptive family to obtain an itemized account of services rendered for the fees charged). The following exceptions apply:
- 2.1.9.1 reasonable and customary services provided by a licensed or duly authorized child-placing agency and fees, based on prevailing community rates, paid for such services;
 - 2.1.9.2 payment or reimbursement for medical expenses and insurance premiums which 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, and for expenses incurred for medical care for the child;
 - 2.1.9.3 payment or reimbursement for reasonable and necessary expenses for food, clothing, and shelter when, upon the written advice of her physician, the birth mother is unable to work or otherwise support herself due to medical reasons or complications associated with the pregnancy or birth of the child.
 - 2.1.9.4 Payment or reimbursement for reasonable expenses incurred incident to any court appearance pursuant to section 63.2.1218 including, but not limited to, transportation food and lodging.
 - 2.1.9.5 Usual and customary fees, based on prevailing community rates, for legal services in adoption proceedings; and
 - 2.1.9.6 Payment or reimbursement of reasonable expenses incurred for transportation in connection with any of the services specified in section 63.2-1218 or inter-country placements and as necessary for compliance with state and federal law in such placements.

2.1.10 If the agency becomes aware that any person has knowingly and intentionally provided false information in writing and under oath, which is material to an adoptive placement, the agency shall report this to the Commissioner (Section 63.2-1217).

NOTE: The above responsibilities all take place at the juvenile court level. Once the adoption petition is filed in the circuit court, the agency has additional responsibilities.

2.2 Responsibilities of the attorney in parental placement adoption in juvenile court.

2.2.1 File petition for consent hearing (Section 16.1-241.U).

2.2.2 Obtain consent from (Section 63.2-1202):

2.2.2.1 The mother;

2.2.2.2 The father who may be:
An acknowledged;
An adjudicated;
A presumed; and/or
A registered putative father.

If a legal father denies that he is the father of a child born to his wife or ex-wife and the child was born within 300 days or 10 months of the marriage ending, the agency must make all effort to identify the father by gathering more information from the wife or ex-wife, verifying paternity through testing or checking the putative father registry.

2.2.2.3 The child who is 14 years of age or older, unless the court finds that the best interest of the child will be served by not requiring such consent (Section 63.2-1202.C.4).

2.2.2.4 If consent cannot be obtained from at least one parent, the court shall deny the petition and determine custody of the child pursuant to code section 16.1-278.2 unless all parents are deceased (Section 63.2-1233.3).

2.2.2.5 Consent is not required when:

2.2.2.5.1 A birth father denies under oath and in writing the paternity of the child. A denial of paternity may be withdrawn no more than 10 days after it is executed. Once a child is 10 days old, any executed denial of

- paternity is final and constitutes a waiver of all rights with respect to adoption of the child and cannot be withdrawn. (Section 63.2-1202.e of the *Code of Virginia*)
- 2.2.2.5.2 The birth father is convicted of a rape, carnal knowledge of a child between 13-15, or adultery or fornication with a daughter, granddaughter, son, grandson, father or mother.
- 2.2.2.5.3 A person's parental rights have been terminated by a court of competent (legally qualified) jurisdiction.
- 2.2.2.5.4 If birth parent(s) without cause, has neither visited nor contacted the child for a period of six months prior to the petition for adoption.
- 2.2.2.5.4.1 The adoptive parent needs to show evidence that the birth parent(s) has not visited or contacted the child for a period of six months.
- 2.2.2.5.4.2 A birth parent is still required to receive noticed and be heard on the allegation of abandonment.
- 2.2.2.5.4.3 Failure of the nonconsenting parent to appear at any scheduled hearing constitutes a waiver of such objection.
- 2.2.2.6 If both parents are deceased, the court, after hearing evidence to that effect, may grant the petition without the filing of any consent (Section 63.2-1233.5). **A death certificate for a deceased birth parent can be submitted to the court as evidence that the consent is not required (Section 63.2-1203.3 Code of Virginia).**
- When the parents of a child born in wedlock are divorced and the residual parental rights and responsibilities of the parent have been terminated by the divorce decree or another order of a court (Code Section 63.2-1202.C.1) When consent has been obtained from the birth mother, consent of the birth father who was not married to the birth mother at the time of the child's conception or birth is not

required if: (Code Section 63.2-1202.C.2).

If the putative father did not register with the Virginia Putative Father Registry his consent is not required(Section 63.2-1233.1.b). If the identity of the birth father is reasonably ascertainable, but the whereabouts or the birth father are not reasonably ascertainable, verification of compliance with the Virginia Putative Father Registry must be provided to the court (Section 63.2-1233.1.b);

- The identity of the birth father is ascertainable and his whereabouts are known, he is given notice of the proceedings by registered or certified mail to his last known address and fails to object to the proceeding with fifteen days of the mailing of the notice (Section 63.2-1233.1c); or
- The putative birth father named by the birth mother denies under oath and in writing paternity of the child (Section 63.2-1202.3);

2.2.2.7 When the consent of one parent has been obtained, the consent of the other parent(s) may be waived if the court determines that consent is being withheld contrary to the best interest of the child or is unobtainable (section 63.2-1203.a):

2.2.2.8 The circuit court may grant the petition without consent if:

Fifteen days after personal service of notice of the petition for adoption. Personal notice is by certified or registered mail. There should be a returned postal receipt signed by the parent to indicate that notice was received and this notice is kept in the record (Section 63.2-1203.A.1, *Code of Virginia*); or

If personal service is unobtainable, ten days after the completion of the execution of an order of publication against the party or parties whose consent is required; or (Section

63.2-1203.2, *Code of Virginia*)

If a birth parent is deceased, upon the filing of a death certificate for a deceased parent with the court; (Section 63.2-1203.3) or

If the judge certifies on the record that the identity of any person whose consent is required is not reasonably ascertainable. (Section 63.2-1203.2, *Code of Virginia*)

- 2.2.2.9 No consent shall be required from the birth father of a child placed for adoption through a parental placement when such father is convicted of rape or incest and the child was conceived as a result of such violation, nor shall the birth father be entitled to notice of any of the adoption proceedings (section 63.2-1233.6).

- 2.3 Responsibilities of the juvenile court in a parental placement before the adoption petition is filed in circuit court.
- 2.3.1 Advance the consent proceedings on the docket to be heard within 10 days of filing of the petition, or as soon thereafter as practicable (section 63.2-1230).
- 2.3.2 Consent must be executed in:
- 2.3.2.1 the juvenile and domestic relations court in the city or county where the child to be adopted was born; in the city or county where the birth parents reside; or in the city or county where the prospective adoptive parents reside, (section 16.1-243.1c); or
- 2.3.2.2 if the birth parent does not reside in Virginia, before a court having jurisdiction over child custody matters in the jurisdiction where the birth parent resides when requested by a court of Virginia (Section 63.2-1230).
- 2.3.3 Consent must be executed by the birth parent(s) while before the juvenile and domestic relations court in person and in the presence of the prospective adoptive parents (section 63.2-1233).
- 2.3.4 If the child was placed by the birth parent(s) with the prospective adoptive parents and if both birth parents have failed, without good cause, to appear at a hearing to execute consent, the court may grant the petition without the consent of either birth parent and enter an order waiving consent and transferring custody of the child to the prospective adoptive parents (section 63.2-1233.4).
- 2.3.4.1 Transferring custody becomes effective immediately.
- 2.3.4.2 Prior to the entry of such an order, the court may appoint legal counsel for the birth parents and must find by clear and convincing evidence that the:
- Birth parents were given proper notice of the hearing to execute consent and of the hearing to proceed without their consent,
- Birth parents failed to show good cause for their failure to appear at such hearings, and

The consent of the birth parents is withheld contrary to the best interests of the child or is unobtainable.

- 2.3.5 In determining whether the valid consent of any person whose consent is required is withheld contrary to the best interests of the child, or is unobtainable, the court shall consider whether granting the petition for adoption would be in the best interest of the child. In determining the best interest, the court must consider all relevant factors, including:
(Section 63.2-1205)
- 2.3.5.1 the birth parent(s) efforts to obtain or maintain legal and physical custody of the child;
 - 2.3.5.2 whether the birth parent(s) are currently willing and able to assume full custody of the child;
 - 2.3.5.3 whether the birth parent(s) efforts to assert parental rights were thwarted by other people;
 - 2.3.5.4 the birth parent(s) ability to care for the child;
 - 2.3.5.5 the age of the child;
 - 2.3.5.6 the quality of any previous relationship between the birth parent(s) and the child and between the birth parent(s) and any other minor children;
 - 2.3.5.7 the duration and suitability of the child's present custodial environment; and
 - 2.3.5.8 the effect of a change of physical custody on the child.
- 2.3.6 Before accepting a consent that is executed in court, the juvenile and domestic relations court must determine that:
- 2.3.6.1 The child is at least 3 days old; (Section 63.2-1233)
 - 2.3.6.2 The birth parent(s) are aware of alternatives to adoption, adoption procedures, and opportunities for placement with other adoptive families, and that the birth parents consent is informed and uncoerced. (Section 63.2-1232.A.13)

(This information is provided to the court by the agency on the certification form in the forms section);

- 2.3.6.3 A licensed or duly authorized child-placing agency has counseled the prospective adoptive parents with regard to alternatives to adoption, adoption procedures, including the need to address the parental rights of the 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. (Section 63.2-1232.A.2)

(This information is provided to the court by the agency on the certification form in the forms section);

- 2.3.6.4 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. (Section 63.2-1232.A.3)

(This information is provided to the court by the agency on the certification form in the forms section)

- 2.3.6.5 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; (Section 63.2-1232.A.5)

- 2.3.6.6 There has been no violation of law in connection with the placement (Section 63.2-1232.A.5);

- 2.3.6.7 A licensed or duly authorized child-placing agency has conducted a home study of the prospective adoptive home in accordance with the guidelines listed in forms section and that during the course of the home study. The worker has met at least once with the birth parent and prospective adoptive parents simultaneously. (Section 63.2-1232.A.6)

(This information is provided to the court by the agency on the certification form in the forms section).

- 2.3.6.8 The birth parents have been informed of their opportunity to be represented by legal counsel. (Section 63.2-1237.A.7)
- 2.3.6.9 If any of the requirements in section 2.3.6.1 - 2.3.6.8 have not been met, the juvenile and domestic relations court shall refer the birth parent to a licensed or duly authorized child-placing agency for investigation and recommendation. (Section 63.2-1232.b)
- 2.3.6.10 The court can waive the requirement of the simultaneous meeting where the opportunity for compliance is not reasonably available under the applicable circumstances (Section 63.2-1233.4, *Code of Virginia*).
- 2.3.7 Consent shall be revocable as follows (section 63.2-1234):
- 2.3.7.1 By either consenting birth parent for any reason for up to seven days from its execution, however the seven-day revocation period may be waived provided that the child is 10 days old and the consenting birth parent acknowledges having independent legal counsel regarding the effect of the waiver (Section 63.2-1234)

63.2-1234, Code of Virginia, provides consent shall be revocable as follows: By either consenting birth parent for any reasons for up to seven days from its execution; however, such seven-day revocation period may be waived in writing at the time of consent provided that the child is at least 10 days old and the consenting birth parent acknowledges having received independent legal counsel regarding the effect of such waiver. In the case of two consenting birth parents, the wavier by one consenting birth parent shall not affect the right of the second consenting birth parent to retain his seven-day revocation period.

Revocation must be in writing, signed by the revoking party or counsel of record for the revoking party, and filed with the clerk of the court in which the petition was filed during the business day of the court, within the following time period:

If the revocation period expires on a Saturday, Sunday, legal holiday or any day on which the clerk's office is closed, the

revocation period shall be extended to the next day that is not Saturday, Sunday, legal holiday or other day on which the clerk's office is closed.

Upon the filing of a valid revocation within the time period specified, the court must order that any consent given for the purpose of such placement is void and, if necessary, determine custody of the child as between the birth parents.

- 2.3.7.2 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. (Section 63.2-1234.2)

- 2.3.8 After accepting consent, the juvenile and domestic relations court shall transfer custody to the prospective adoptive parents, to be responsible for the care of the child until such time as the court order is modified (Section 63.2-1233).
 - 2.3.8.1 The juvenile and domestic relations court shall review such orders of appointment at least annually until such time as the final order of adoption is entered (Section 63.2-1233);

 - 2.3.8.2 When a child is placed in an adoptive home by the birth parent and a court of competent jurisdiction has not entered an interlocutory order of adoption, the child shall not be removed from the physical custody of the adoptive parents, except (Section 63.2-1103):
 - With the consent of the adoptive parents,

 - Upon order of the juvenile and domestic relations district court or the circuit court of competent jurisdiction,

 - Pursuant to 63.2-904, which removal shall be subject to review by the juvenile and domestic relations district court upon petition of the adoptive parents, or

 - Upon order of the court which accepted consent when consent has been revoked as authorized by section 63.2-1204 or section 63.2-1223.

- 2.3.9 After the expiration of the appropriate revocation period:

(Section 63.2-1206)

- 2.3.9.1 When a birth parent or an alleged birth parent attempts to obtain or regain custody of or attempts to exercise parental rights to a child who has been placed for adoption, there shall be no parental presumption in favor of any party.
- 2.3.9.2 Upon the motion of any such birth parent or alleged birth parent, or upon the motion of any person or agency with whom the child has been placed, the court shall determine:
- whether the birth parent or alleged birth parent is a person whose consent to the adoption is required and;
- if so, whether, in the best interest of the child, the consent of the person whose consent is required is being withheld contrary to the best interest of the child or is unobtainable.
- 2.3.10 If the juvenile and domestic relations court suspects there has been an exchange of property, money, services, or any other thing of value in violation of law in the placement or adoption of the child, the court shall report the findings to the Commissioner for investigation (Section 63.2-1218).
- 2.3.11 When services have been provided by a local department of social services, the court shall assess a fee, in accordance with regulations and fee schedules established by the state board of social services. The court shall not accept parental consent until proof of payment of fees has been received (Section 63.2-1248)
- 2.3.12 If the juvenile and domestic relations court determines that the placement will be contrary to the best interests of the child, the court shall inform the birth parents. If the birth parents choose neither to retain custody of the child nor to designate other prospective adoptive parents, or if the birth parents' whereabouts are not reasonably ascertainable, the court shall determine custody of the child (section 63.2-1235).

2.4 Responsibilities of the Commissioner in a parental placement adoption when reports of suspected violations of law in the placement and adoption of the child are received (Section 63.2-1218)

2.4.1 When reports of suspected violations of law in the placement and adoption of the child are received by the Commissioner, the Commissioner shall:

2.4.2 Investigate the suspected violation; and take appropriate action when the investigation reveals that:

There may have been a violation of law; the Commissioner shall report his findings to the appropriate attorney for the Commonwealth;

The violation occurred in the course of the practice of a profession or occupation licensed or regulated pursuant to title 54.1, the Commissioner shall also report his findings to the appropriate regulatory authority for investigation and appropriate disciplinary action (Section 63.2-1219); **or**

The violation involves engaging in the activities of a child-placing agency without a license, the Commissioner may file suit with the court of record having chancery jurisdiction. (Section 63.2-1701).

2.4.3 The Commissioner is also authorized to investigate and may refer to the attorney for the Commonwealth any person who has knowingly and intentionally provided false information in writing and under oath, which is material to an adoptive placement (Section 63.2-1217).

- 2.5 Responsibilities of the circuit court in a parental placement adoption after the adoption petition is filed in circuit court.
- 2.5.1 The clerk of the court where the petition is filed sends a copy of the petition, the interlocutory order, and all exhibits to the local department of social services or licensed private child-placing agency, whichever agency completed the home study report required by code Section 63.2-1231. A copy is also sent to the Commissioner (Section 63.2-1209).
- 2.5.1.1 The petition must be signed by the petitioner and counsel of record, if any (Section 63.2-1237).
- 2.5.1.2 In any case in which the petition seeks the entry of an adoption order without referral for investigation, the petition shall be under oath (Section 63.2-1237).
- 2.5.2 The circuit court shall not accept a petition in a parental placement unless:
- 2.5.2.1 Copies of documents executing consent, transferring custody to the petitioners, and the home study report are filed with the petition (Section 63.2-1237); and
- 2.5.2.2 The circuit court has determined that the findings required by law have been made by the juvenile and domestic relations court (see pages 2.19-2.20).
- 2.5.3 When all legal requirements related to executing consent pursuant to Code Section 63.2-1232 have been met, the circuit court may dispense with the order of reference and enter an interlocutory order. The home study report that was submitted to the juvenile and domestic relations court and filed with the petition in the circuit court takes the place of the investigation required in other non-agency adoptions (Section 63.2-1238.b).
- 2.5.4 In those parental placements where an order of reference or an interlocutory order is entered, the circuit court shall expeditiously consider the merits of the petition upon receipt of the report. (Section 63.2-1208.B and section 63.2-1212a).

The court may take any action it finds appropriate if the report is not submitted in

the specified time. The court may:

- 2.5.4.1 enter a final order,
 - 2.5.4.2 enter an interlocutory order,
 - 2.5.4.3 deny petition,
 - 2.5.4.4 dismiss petition,
 - 2.5.4.5 continue proceeding, or
 - 2.5.4.6 schedule a hearing.
- 2.5.5 When no action is taken by the court for at least one year from the entry of the last order, the clerk of court places the case on the docket for review by the court (Section 63.2-1214).
- 2.5.6 The clerk of the court sends a copy of any order entered to the agency and to the Commissioner (Section 63.2-1238.a).
- 2.5.7 Upon entry of a final order or any other final disposition, the clerk forwards all reports submitted with the final order to the Commissioner for preservation (Section 63.2-1246).
- 2.5.8 When services have been provided by a local department of social services, the court shall assess a fee, in accordance with regulations and fee schedules established by the state board of social services. The court shall not enter a final order of adoption until proof of payment of fees has been received (Section 63.2-1248).
- 2.5.9 The court may not enter a final order of adoption without the information needed to complete a report of adoption (VS-21); unless the court determines this information is unavailable or unnecessary (Section 63.2-1213). The report of adoption (VS-21) provides information that is needed to locate and identify the original birth certificate and to establish a new birth certificate.
- 2.5.10 After the entry of a final order, the clerk of court sends to the state department of health, office of vital statistics a completed report of adoption, VS-21, and a completed application for a certified copy of a birth

record, VS-6, with a check for the required fee (Section 32.1-262).

2.5.11 After the expiration of six months from the date of entry of any final order of adoption from which no appeal has been taken to the court of appeals, the validity of the final order shall not be subject to attack in any proceedings, collateral or direct, for any reason, including but not limited to fraud, duress, failure to give any required notice, failure of any procedural requirement, or lack of jurisdiction over any person and the final order shall be final for all purposes (Section 63.2-1216).

2.6 Responsibilities of the attorney in a parental placement adoption after the adoption petition is filed in circuit court.

Some courts allow petitioners to represent themselves in adoption proceedings. The decision to require an attorney rests with the court. The attorney:

2.6.1 files the petition which must be signed by the petitioner and counsel if any. The petition must state that the findings required by code section 63.2-1232 have been met and, which must be accompanied by the following documentation:

2.6.1.1 copies of documents executing consent,

2.6.1.2 a copy of the court order transferring custody of the child to the prospective adoptive parents, and

2.6.1.3 a copy of the home study report required by code section 63.2-1231.

2.6.2 Prepares appropriate orders,

2.6.3 informs the petitioners of the legal requirements,

2.6.4 assists the agency in obtaining necessary verifications, and

2.6.5 assists the petitioner(s) in obtaining a new birth certificate for the child.

2.7 Responsibilities of the Commissioner in a parental placement adoption after the adoption petition is filed in circuit court.

The adoptions unit is the office which carries out the duties of the Commissioner of social services in adoptions. These duties include:

- 2.7.1 establishing a permanent record of all adoptions petitioned and providing post adoption services to adult adoptees and adoptive parents seeking background information on the biological family (Section 63.2-1246);
- 2.7.2 monitoring and evaluating adoption cases and submitting reports to courts (Sections 63.2-1238, 63.2-1212); and
- 2.7.3 arranging through the Interstate Compact on the Placement of Children (ICPC) for investigation and supervisory visits to be made when an out-of-state/country agency is involved (Section 63.2-1240).

2.8 Responsibilities of the agency in a parental placement after the adoption petition is filed in circuit court

2.8.1 Petition

2.8.1.1 Review the Petition

The petition is a written request filed with the court by prospective adoptive parents asking the court to legalize a relationship with a child.

The petition must be reviewed to be sure the petition is filed in the court having jurisdiction where the petitioner(s) reside, or in which the county or city in which the birth parent executed a consent, or the county or city in which the child-placing agency that placed the child is located in and the case has been referred to the proper agency. The petition must be signed by the petitioner and by counsel, if any.

The petition must be under oath whenever the petition seeks the entry of an order without referral for investigation (section 63.2-1201).

In a parental placement, the petition must state that the findings required by code section 63.2-1232. Have been met, and must be accompanied by the following documentation:

copies of documents executing consent,

a copy of the court order transferring custody of the child to the prospective adoptive parents, and

a copy of the home study report required by code Section 63.2-1231.

2.8.2 Order of reference

The order of reference is an order from the court directing an agency to make an investigation and report.

2.8.2.1 The court has the option of dispensing with the order of reference if all legal requirements relative to executing consent pursuant to Code Section 63.2-1232 have been met. The home study report that was submitted to the juvenile and domestic relations court and filed with the

petition in the circuit court takes the place of the investigation required by Code Section 63.2-1238.

- 2.8.2.2 When an order of reference is entered by the court, it must be acknowledged to the court with a copy to the Adoptions Unit. The acknowledgment must show the date of receipt of the order and the name of the agency. The acknowledgment form is in the Forms section. (See Section 2.8.4 for conducting an investigation).

2.8.3 Consents

The agency does not have the responsibility for obtaining written parental consent. The agency is responsible for reviewing the consents to determine if consent has been obtained from:

- 2.8.3.1 The mother: **and**
- 2.8.3.2 The father which may be the:
An acknowledged,
An adjudicated,
A presumed, and/or
A registered putative father.

If a legal father denies that he is the father of a child born to his wife or ex-wife born within 300 days after the marriage is terminated, the agency must make efforts to identify the father by gathering more information from the mother, and verifying paternity through testing.

This presumption may be rebutted by sufficient evidence, satisfactory to the court, which would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation of the birth mother and her husband for a period of at least 300 days preceding the birth of the child. In this case, the consent of the mother's husband is not required.

- 2.8.3.3 The birth father,

The court may accept the written consent of the birth father who is not married to the birth mother of the child prior to or at the time of the child's birth provided that the required identifying information is filed in writing with the court.

The written consent shall be under oath and can be executed prior to the birth of the child or at the time of the child's birth, shall advise the birth father of his opportunity for legal counsel and shall be presented to the court for acceptance.

The consent may waive further notice of the adoption proceedings.

2.8.3.4 The child who is fourteen years of age or older, unless the court finds that the best interest of the child will be served by not requiring such consent.

2.8.3.5 The legal guardian, if appropriate.

In cases where a guardian is consenting to the adoption, the birth parent(s) do not need to appear in the juvenile and domestic relations court to execute consent.

Also, the simultaneous meeting between the agency social worker and the birth parent(s) and prospective adoptive parents is not required.

The requirements in 4.1.3, however, still need to be met. Even though the guardian is consenting, the court cannot accept consent until it finds that the birth and adoptive parents are making informed and uncoerced decisions.

2.8.3.6 If consent cannot be obtained from at least one parent, the court shall deny the petition and determine custody of the child pursuant to code section 16.1-278.2 unless all parents are deceased (Section 63.2-1233.3).

2.8.3.7 If both parents are deceased, the court, after hearing evidence to that effect, may grant the petition without the filing of any consent (63.2-1233.5).

2.8.3.8 When the consent of one parent has been obtained, the consent of the other parent is not required:

2.8.3.9

if the parent is deceased. (Section 63.2-1202.C1)

When the parents of a child born in wedlock are divorced and the residual parental rights and responsibilities of the parent have been terminated by the divorce decree or another order of a court (Section 63.2-1202.c1);

When consent has been obtained from the birth mother, consent of the birth father who was not married to the birth mother at the time of the child's conception or birth is not required if (Section 63.2-1202.C2);

The birth mother swears under oath and in writing that the identity of the birth father is not reasonably ascertainable (section 63.2-1233.1a);

The identity of the birth father is ascertainable and his whereabouts are known, he is given notice of the proceedings by registered or certified mail to his last known address and fails to object to the proceeding with twenty-one days of the mailing of the notice (section 63.2-1233.1a); or

The putative birth father named by the birth mother denies under oath and in writing paternity of the child (section 63.2-1233.2).

2.8.3.9

When the consent of one parent has been obtained, the consent of the other parent(s) may be waived if the court determines that consent is being withheld contrary to the best interest of the child or is unobtainable (section 63.2-1203):

fifteen days after personal service of notice of the petition for adoption (when personal notice is by certified or registered mail, there should be a returned postal receipt signed by the parent to indicate that notice was received.); or

if personal service is unobtainable, ten days after the completion of the execution of an order of publication against the party or parties whose consent is required; or

if the judge certifies on the record that the identity of any person whose consent is required is not reasonably ascertainable.

- 2.8.3.10 No consent shall be required from the birth father of a child placed for adoption through a parental placement when such father is convicted of rape or incest and the child was conceived as a result of such violation, nor shall the birth father be entitled to notice of any of the adoption proceedings (section 63.2-1233.7).

2.8.4 Inquiries made during the investigation

The court may dispense with the investigation in a parental placement adoption if a home study report was done and the other requirements of chapter 12 article 6 were met. If the court does not dispense with the investigation, the questions specified in Section 63.2-1238 must be answered:

- 2.8.4.1 whether the petitioner(s) is financially able, morally suitable, in satisfactory physical and mental health, and a proper person(s) to care for and train the child;
- 2.8.4.2 what the physical and mental condition of the child is;
- 2.8.4.3 why the parents, if living, desire to be relieved of the responsibility for the custody, care and maintenance of the child, and what their attitude is toward the proposed adoption;
- 2.8.4.4 whether the parents have abandoned the child or are morally unfit to have custody over him;
- 2.8.4.5 the circumstances under which the child came to live, or will be living, in the home of the petitioners;
- 2.8.4.6 whether the child is a suitable child for adoption by the

petitioner;

2.8.4.7 what fees have been paid by the petitioners or in their behalf which have assisted them in obtaining the child; and

2.8.4.8 relevant physical and mental history of the birth parents, if known.

2.8.5 The investigation should include:

2.8.5.1 Interviews with:
adoptive parents,

child, if of the age to participate,

all biological/legal parents to determine their attitude, physical and mental health history, and background information,

If an interview is not possible, contact must be made by mail or telephone, or through another agency.

When a letter is sent to the parent(s) of a child born out-of-wedlock, it must be sent by certified mail.

The letter must be delivered to the addressee only and a return receipt requested.

References - contact in person, by mail or telephone, and

Professional persons concerned with case;

2.8.5.2 home visit(s);

2.8.5.3 medical statements on the child and adoptive parents in non-relative cases; and

2.8.5.4 information on the adoptive parents' income in order to determine the fee assessed.

2.8.5.5 If unable to complete the investigation

The court and the Adoptions Unit must be notified if the investigation and report are delayed and cannot be completed within 60 days.

A report must be sent to the court with a recommendation for abeyance. The report must include the reason(s) for the delay or inability to complete the investigation and the period of time needed to complete the investigation.

If the petitioners cannot be contacted or located, the agency is to submit a report to the court and recommend the petition be dismissed.

If the petitioner(s) moves from Virginia before completion of the investigation, the agency requests assistance from the new state of residence.

An Interstate Compact Form (100A) is completed and forwarded to the ICPC Office with a cover letter clearly stating the needed services and any collateral materials the out of state agency may need in completing their services.

Collateral materials would include social and medical information on the child and birth parents and the home study report on the adoptive family.

2.8.6 Preparation of the report of investigation required by code section 63.2-1238

2.8.6.1 Use the format for the home study report shown in the Forms section with the following changes:

Title the report "Report of Investigation";

Direct the report to the appropriate circuit court and the appropriate circuit court judge;

Put the Virginia adoption case number on the report and the court chancery number, if applicable;

Cite the appropriate code section under which the agency

was directed to do the report (Code Section 63.2-1208B, 63.2-1238);

Insert a section on consent after the section on separation from birth parents;

State who consented to the adoption and the manner in which consent was executed, and,

If applicable, state whose consent was not required or can be waived and why.

The report must include the physical and mental history of birth parents, if it is known.

Under the recommendation section, specify what order is recommended (Section 63.2-1208C) rather than simply stating whether or not the placement is a suitable placement for the child. For example, the agency should recommend entry of an Interlocutory Order.

If the provisions of Chapter 12, Article 3 were not complied with, indicate this and qualify the recommendation of the interlocutory by stating that such order is recommended "when or if the court is satisfied that consent has been executed in accordance with the law."

2.8.6.2 Prepare four copies of the report

Send original to the court with a Certificate of Service showing that a copy of report was sent to the Adoptions Unit. The Certificate of Service is in the Forms section.

Send one copy to the Adoptions Unit with completed Commissioner's Confidential Reports form shown in the Forms section.

Send one copy to the attorney. If the petitioners do not have an attorney, advise them to contact the Clerk of Court to have the case placed on the docket for disposition. Do not send the petitioner(s) a copy of the report.

Keep a copy in agency's file until final disposition.

- 2.8.6.3 If a letter of opposition to the adoption is received from the biological parent(s), the letter is to be sent to the court with the report. A copy is sent to the attorney and to the Adoptions Unit with the copy of the report. A copy is kept in the agency's file.
- 2.8.6.4 The agency must submit any additional information requested by the Adoptions Unit.
- 2.8.6.5 In those instances where a local department of social services has provided services and the court may enter a final order, the agency shall include a statement as to the amount of the fee assessed and whether the fee has been paid. Proof of payment of the fee shall be provided by the local department of social services to the court prior to the entry of the final order (Section 63.2-1248).

2.8.7 A supplementary report

- 2.8.7.1 Sometimes after the required report has been submitted, the agency receives factual information on a case that would influence the action to be taken by the court. The agency must submit a Supplementary Report when factual information is received after making the required report and no court action has been taken or the case is pending as the result of a recommendation for abeyance.
- 2.8.7.2 Send original to the court, a copy to the Adoptions Unit and to the attorney. One copy is retained in the agency's file. See format for Supplementary Report on in the Forms section.

2.8.8 Receipt of interlocutory order

2.8.8.1 Review Interlocutory Order

In a parental placement adoption, if a home study report was done and the other requirements of chapter 12, article 3

were met, the circuit court may dispense with an investigation and proceed with the entry of an interlocutory order. The agency which completed the home study report required by section 63.2-1231 is responsible for providing supervision after the entry of the interlocutory order. The court may also order the entry of an interlocutory order after the investigation allowed by Section 63.2-1208C is completed.

The agency must review and acknowledge to the court receipt of the interlocutory order. See the Forms section for the acknowledgment form. A copy of the acknowledgment should be sent to the Adoptions Unit.

2.8.8.2 Supervisory Visits (Section 63.2-1212).

The agency must make at least three visits to the child within a six month period following the date the interlocutory order is entered.

The visits must be in the presence of the child.

One visit must be in the home of the petitioner(s) with the child and both petitioners present unless one of the petitioners is no longer residing in the home.

Visits must be scheduled so that at least 90 days elapse between the first and last visit.

If one of the petitioners is no longer living in the home, the agency must contact that petitioner to determine if he/she desires to remain a party to the proceedings. The report to court must include the results of the contact.

If the petitioner(s) moves from Virginia prior to completion of the three visits, the agency must request assistance from an agency in the new state of residence in completing the visits.

— An interstate compact form (100a) is completed and forwarded to the interstate compact office in the foster care unit with a cover letter clearly stating the needed

services and any collateral materials the out of state agency may need in completing their services.

After the entry of the interlocutory order

After the entry of the interlocutory order the judge/court is the sender and no longer the agency (Section 63.2-1240, *Code of Virginia*).

Section 63.2-1240, *Code of Virginia* provides, when a petitioner moves outside of the Commonwealth after the entry of an interlocutory order of adoption but prior to the entry of a final order of adoption and the child was not placed by a child-placing agency, the circuit court issuing the interlocutory order shall be deemed the sending agency for the purposes of the Interstate Compact on the Placement of Children....

Collateral material would include social and medical information on the child and birth parents and the home study report on the adoptive family. A copy of the Interlocutory Order is also included in the materials.

2.8.9 Report of visitation

2.8.9.1 The Report of Visitation is sent to the court within 15 days of the last visit. The agency sends a Certificate of Service with the Report.

2.8.9.2 The format for the Report of Visitation must be that prescribed by the Adoptions Unit. The Report of Visitation Format is in the Forms section.

2.8.9.3 Prepare four copies of the report.

Send original to the court with Certificate of Service shown in the Forms section.

Send one copy to the Adoptions Unit.

Send one copy to the attorney. If the petitioners do not have an attorney, advise them to contact the clerk of court to have the case placed on the docket for final disposition. Do not

send the petitioner(s) a copy of the report.

Keep one copy in agency's file until final action by the court.

2.8.9.4 The agency must submit any additional information requested by the Adoptions Unit.

2.8.9.5 In those instances where a local department of social services has provided services and the court may enter a final order, the agency shall include a statement as to the amount of the fee assessed and whether the fee has been paid. Proof of payment of the fee shall be provided by the local department of social services to the court prior to the entry of the final order (Section 63.2-1248).

2.8.10 What must be done following final disposition

A final disposition is the final action taken by the court in an adoption which means the case is closed. A final order granting an adoption means the child acquires parents other than his natural parents and a person(s) acquires a child other than by birth. A final order is not subject to attack after six months from the date it was entered and is final for all purposes (Section 63.2-1213).

2.8.10.1 Acknowledgment and disposition of case material

The agency must review and acknowledge receipt of the final order of adoption or any other order of final disposition. A copy of the acknowledgment to the court should be sent to the Adoptions Unit. The agency should advise the court of any problem that could affect the legality of the adoption. The acknowledgment is in the Forms section.

The agency must purge the record of duplicate material and send to the Adoptions Unit for preservation original copies of all pertinent material that has not been sent (See the Forms section for "Guidelines Regarding the Preparation of Adoption Material to be forwarded to the Adoptions Unit for Preservation in a Non-agency Adoption").

- 2.8.10.2 The agency may wish to work out a procedure with their circuit court whereby the circuit court will notify the juvenile and domestic relations court when the final order of adoption is entered so that the juvenile and domestic relations court can remove the case from their docket.

2.9 Adoption Recommended by Birth Parents, Physicians, Virginia Licensed Attorneys, and Clergymen (Section 63.2-1226)

- 2.9.1 A designated adoption is an adoption where the birth parents or a person other than a licensed child placing agency or local board recommends the prospective adoptive placement of a child. Birth parents, physicians, licensed attorneys in Virginia and clergymen may recommend prospective adoptive parents when they are familiar with such parent or child.
- 2.9.2 The birth parent(s) requests the local board to accept custody of a child by signing a permanent entrustment agreement or by petitioning the court to be relieved of their rights. (See chapter C, 3.A.2 for how to voluntarily terminate rights).
- 2.9.3 When a licensed child-placing agency or local board is requested to accept custody of a child for the purpose of placing the child with adoptive parent(s) recommended by the birth parent(s) or a person other than a licensed child-placing agency or local board, either the parental placement provisions or the agency provisions shall apply to the adoption at the election of the birth parent(s). (Section 63.2-1226, *Code of Virginia*)

The agency shall:

- 2.9.3.1 1) provide information to the birth parents on the parental placement adoption procedures and the agency placement adoption procedures;
- 2.9.3.2 2) provide the birth parents with the opportunity to be counseled by a social worker; and
- 2.9.3.3 3) provide the birth parents with the opportunity to be represented by independent legal counsel.
- 2.9.3.4 4) the documentation for the method chosen to provide these services should be kept with the child's record.
- 2.9.4 The agency must determine if an approved home study has been completed on the prospective adoptive family.
- 2.9.4.1 If a home study has been completed, the agency should

review the home study and determine whether it is in the best interest of the child.

2.9.4.2 If a home study has not been completed, a home study must be initiated accordingly:

When the birth parents elects the agency placement adoption procedures, the agency initiates a home study of the prospective adoptive parents as outlined in Part 10 of Chapter C.

When the birth parents elects the non- agency placement adoption procedures, the agency initiates a home study of the prospective adoption parents as outlined in Part 5 of Chapter D.

If the prospective family lives out of state, the agency must use the Interstate Compact on the Placement of Children procedures to obtain an approved home study from the other state.

3. CLOSE RELATIVE ADOPTION

Section 63.2-1242.1 *Code of Virginia*. Close relative adoption. For the purpose of this chapter, a “close relative placement” shall be an adoption by the child’s grandparent, great-grandparent, adult nephew or niece, adult brother or sister, adult uncle or aunt, or adult great uncle or aunt.

Other family members may adopt using procedures outlined in agency placement or parental placement. If a petition is filed while the child is under 18 years of age and the child then turns 18 years of age the petition will not become invalid because the child reaches 18 years of age prior to the entry of a final order of adoption.

- 3.1 In a close relative placement the court may accept a written consent signed under oath by the birth parent(s) and notarized. The birth parent does not have to execute consent in court.
- 3.2 Close relative placement for a child who has been in the home less than three years:
 - 3.2.1 When a child who continuously resided in the home or has been in the continuous physical custody of a relative for less than three years:
 - 3.2.1.1 the adoption proceedings, including the court approval of the home study, shall begin in the juvenile and domestic relations district court pursuant to the parental placement adoption provisions according to Section 63.2-1242.2, *Code of Virginia*.
 - 3.2.2 Exceptions to the parental placement adoption proceedings are:
 - 3.2.2.1 The birth parent(s)’ consent does not have to be executed in juvenile and domestic relations district court in the presence of the prospective adoptive parents.
 - 3.2.2.2 The simultaneous meeting specified in the home study is not required.

- 3.2.2.3 No hearing is required in the juvenile domestic relation district court.
- 3.3 The close relative may file in circuit court after the juvenile and domestic relations district court:
 - 3.3.1 issues an order accepting the consents or otherwise deals with the birth parents rights, and
 - 3.3.2 appoints the close relative custodians of the child
- 3.4 What is needed to file in circuit court
 - 3.4.1 When the home study is filed with the circuit court an order of reference, investigation and report shall not be made unless the circuit court in its discretion requires an investigation and report to be made.
 - 3.4.2 The circuit court may omit the probationary period and the interlocutory order and enter a final order of adoption.
A home study is not required.
 - 3.4.3 If the circuit court determines the need for an additional investigation, it shall refer the matter to the licensed child-placing agency that completed the home study report. The licensed child-placing agency shall complete the report in the timeframe specified by the circuit court.
- 3.5 Close relative placement for a child who has been in the home three or more years:
 - 3.5.1 When a child who continuously resided in the home or has been in the continuous physical custody of a close relative for three years or more, the adoption proceeding of the parental placement provisions shall not apply and the adoption proceeding shall begin in the circuit court according to Section 63.2-1242.3, *Code of Virginia*.
- 3.6 Finalizing the adoption
 - 3.6.1 An order of reference, investigation and report shall not be made unless the circuit court in its discretion requires an investigation and report to be made.

- 3.6.2 The circuit court may omit the probationary period and the interlocutory order and enter a final order of adoption.
- 3.6.3 In the event that the circuit court determines that there is a need for an investigation, it shall be referred to the local director of the department of social services for an investigation and report.

4. RESPONSIBILITIES OF THE AGENCY.

When the order of reference and the interlocutory order are omitted and a final order of adoption is entered at the time the petition and consent are filed, the agency has no responsibility in this type of adoption.

However, the circuit court may order a thorough investigation of the matter and report to be performed by the applicable agency and submitted to the court within a timeframe the court determines (Section 63.2-1208). In this case, the agency has the following responsibilities:

The overall steps in this type of parental placement are as follows: (i) the agency receives a request for a home study; (ii) a home study is completed; (iii) a report of the home study is submitted to the juvenile and domestic relations district court; (iv) adoptive parents file a petition for a consent hearing in juvenile and domestic relations district court; (v) court accepts written consent and awards custody to the prospective adoptive parents; (vi) a petition for adoption is filed in the Circuit Court; and (vii) the circuit court omits the Order of Reference and Interlocutory Order of adoption if everything has been done in compliance with law and enters a final order of adoption.

4.1 Open the case

When the Order of Reference is received by the agency, the court order serves as the service application.

4.1.1 Set up case records

A parental placement case record, where the Circuit Court has entered an Order of Reference and/or an Interlocutory Order, should contain the following documents:

Court order (Service application);

all court orders;

Report of Investigation;

Report of Visitation;

all correspondence; and

narrative.

4.1.2 Review the Petition

The petition is a written request filed with the court by prospective adoptive parents asking the court to legalize a relationship with a child.

4.1.2.1 The petition must be reviewed to be sure the petition is filed in the court having jurisdiction where the petitioner(s) reside and the case has been referred to the proper agency (section 63.2-1201)

4.1.2.2 the petition must be signed by the petitioner and by counsel, if any (section 63.2-1201).

4.1.3 Acknowledge the Order of Reference

The order of reference must be acknowledged to the court. A copy of the agency's acknowledgment is sent to the Adoptions Unit. The acknowledgment must show the date of receipt of the order and the name of the agency. See the Forms section for the Acknowledgment form.

4.1.4 Review Consents

The agency does not have the responsibility for obtaining written parental consent. The agency is responsible for reviewing the consent to determine if valid consent has been obtained from:

4.1.4.1 The mother;

4.1.4.2 The legal father;

The mother's husband is presumed to be the child's legal father. Even if he is not the child's birth father, his parental rights must be addressed.

If the mother is divorced, and the child was born within 300 days of the divorce decree, after the marriage is terminated by death, annulment, declaration of invalidity of the marriage, the man to whom the mother was married is the presumed father and his rights must be

terminated.

The presumption may be rebutted by sufficient evidence, satisfactory to the court, which would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation of the birth mother and her husband for a period of at least 300 days preceding the birth of the child. In this case, the consent of the mother's husband is not required (Section 63.2-1233.1d).

4.1.4.3 The birth father;

The court may accept the written consent of the birth father who is not married to the birth mother of the child prior to or at the time of the child's conception or birth provided that the required identifying information is filed in writing with the court.

The written consent must be executed after the birth of the child, shall advise the birth father of his opportunity for legal counsel and shall be presented to the court for acceptance.

The consent may waive further notice of the adoption proceedings.

4.1.4.4 The child who is fourteen years of age or older, unless the court finds that the best interest of the child will be served by not requiring such consent;

4.1.4.5 If consent cannot be obtained from at least one parent, the court shall deny the petition and determine custody of the child pursuant to Code Section 16.1-278.2 unless all parents are deceased (Section 63.2-1233.3).

4.1.4.6 If both parents are deceased, the court, after hearing evidence to that effect, may grant the petition without the filing of any consent (Section 63.2-1233.5).

A death certificate for a deceased birth parent can be submitted to the court as evidence that the consent is not required (Section 63.2-1203.3 Code of Virginia).

- 4.1.4.7 When the consent of one parent has been obtained, the consent of the other parent is not required:
- if the parent is deceased; (Section 63.2-1202.c.1);
 - When the parents of a child born in wedlock are divorced and the residual parental rights and responsibilities of the parent have been terminated by the divorce decree or another order of a court (Section 63.2-1202.c.1);
 - When consent has been obtained from the birth mother, consent of the birth father who was not married to the birth mother at the time of the child's conception or birth is not required if (Section 63.2-1202.c.2);
 - the birth mother swears under oath and in writing that the identity of the birth father is not reasonably ascertainable (Section 63.2-1233.1a);
 - the identity of the birth father is ascertainable and his whereabouts are known, he is given notice of the proceedings by registered or certified mail to his last known address and fails to object to the proceeding with fifteen days of the mailing of the notice (Section 63.2-1233.2); or
 - the putative birth father named by the birth mother denies under oath and in writing paternity of the child (Section 63.2-1233.2);
- 4.1.4.8 When the consent of one parent has been obtained;

the consent of the other parent(s) may be waived if the court determines that consent is being withheld contrary to the best interest of the child or is unobtainable (section 63.2-1203):

fifteen days after personal service of notice of the petition for adoption (when personal notice is by certified or registered mail, there should be a returned postal receipt signed by the parent to indicate that notice was received.); or

if personal service is unobtainable, ten days after the completion of the execution of an order of publication against the party or parties whose consent is required; or

if the judge certifies on the record that the identity of any person whose consent is required is not reasonably ascertainable.

- 4.1.4.9 No consent shall be required from the birth father of a child placed for adoption through a parental placement when such father is convicted of rape or incest and the child was conceived as a result of such violation, nor shall the birth father be entitled to notice of any of the adoption proceedings (Section 63.2-1233.7).

4.1.5 Complete the Investigation

When the Circuit Court requires an Investigation, the following questions must be addressed (Section 63.2-1208, 63.2-1238).

- 4.1.5.1 Whether the petitioner(s) is financially able, morally suitable, in satisfactory physical and mental health, and a proper person(s) to care for and train the child;
- 4.1.5.2 What the physical and mental condition of the child is;
- 4.1.5.3 Why the parents, if living, desire to be relieved of the responsibility for the custody, care and maintenance

- of the child, and what their attitude is toward the proposed adoption;
- 4.1.5.4 Whether the parents have abandoned the child or are morally unfit to have custody over him;
- 4.1.5.5 The circumstances under which the child came to live and is living in the home of the petitioner(s);
- 4.1.5.6 Whether the child is a suitable child for adoption by the petitioner(s); and
- 4.1.5.7 What fees have been paid by the petitioners or in their behalf to persons or agencies which have assisted them in obtaining the child.
- 4.1.6 Ensure that the Investigation required by Code Section 63.2-1208 includes (See the Forms section for sample Report of Investigation):
 - 4.1.6.1 Interviews with:
 - adoptive parents,
 - child, if of the age to participate,
 - all natural/legal parents to determine their attitude, physical and mental health history, and background information,

If an interview is not possible, contact must be made by mail or telephone, or through another agency.

When a letter is sent to the parent(s) of a child born out-of-wedlock, it must be sent by certified mail.

The letter must be delivered to the addressee only and a return receipt requested.

references - contact in person, by mail or telephone,

and

professional persons concerned with case;

4.1.6.2 Home visits;

4.1.6.3 information on the adoptive parents' income in order to determine the fee assessed.

4.1.6.4 If unable to complete the investigation the court and the Adoptions Unit must be notified if the investigation and report are delayed and cannot be completed within 60 days.

4.1.6.5 A report must be sent to the court with a recommendation for abeyance. The report must include the reason(s) for the delay or inability to complete the investigation and the period of time needed to complete the investigation.

If the petitioners cannot be contacted or located, the agency is to submit a report to the court and recommend the petition be dismissed.

4.1.6.6 If the petitioner(s) moves from Virginia before completion of the investigation, the agency requests the help of an out-of-state/country agency through the Interstate Compact on the Placement of Children.

4.1.6.7 Prepare four copies of the report

Send original to the court with Certificate of Service showing copy of report was sent to the Adoption Reports Unit. The Certificate of Service is in the Forms section.

Send one copy to the Adoptions Unit with completed Commissioner's Confidential Reports (See the Forms section for sample CCR);

Send one copy to the attorney. If the petitioners do

not have an attorney, advise them to contact the clerk of court to have the case placed on the docket for disposition. Do not send the petitioner(s) a copy of the report.

Keep a copy in agency's file until final disposition.

- 4.1.6.8 If a letter of opposition to the adoption is received from the birth parent(s), the letter is to be sent to the court with the report. A copy is sent to the attorney and to the Adoptions Unit with the copy of the report. A copy is kept in the agency's file.

The agency must submit any additional information requested by the Adoptions Unit. In those instances where a local department of social services has provided services and the court may enter a final order, the agency shall include a statement as to the amount of the fee assessed and whether the fee has been paid. Proof of payment of the fee shall be provided by the local department of social services to the court prior to the entry of the final order (Section 63.2-1248).

4.1.7 A Supplementary Report

Sometimes after the required report has been submitted, the agency receives factual information on a case that would influence the action to be taken by the court. The agency must submit a Supplementary Report when factual information is received after making the required report and no court action has been taken or the case is pending as the result of a recommendation for abeyance.

Send original to the court, a copy to the Adoptions Unit and to the attorney. One copy is retained in the agency's file. (See the Forms section for sample Supplementary Report).

4.1.8 Review Interlocutory Order

In this type of case, the court may enter an interlocutory order after the

investigation is completed or omit the Interlocutory Order and enter a final order of adoption.

If an Interlocutory Order is entered, the agency must review and acknowledge to the court receipt of the interlocutory order. A copy of the acknowledgment should be sent to the Adoptions Unit. (See the Forms section for sample acknowledgment form).

4.1.9 Conduct the Supervisory Visits

If the circuit court enters an Interlocutory Order of Adoption, supervisory visits must be made (Section 63.2-1212).

- 4.1.9.1 The agency must make at least three visits to the child within a six month period following the date the interlocutory order is entered.
- 4.1.9.2 Visits must be scheduled so that no less than 90 days elapse between the first and last visit.
- 4.1.9.3 The visits must be in the presence of the child. One visit must be in the home of the petitioners with the child and both petitioners present unless the petition was filed by a single parent or one of the petitioners is no longer residing in the home.
- 4.1.9.4 If one of the petitioners is no longer living in the home, the agency must contact that petitioner to determine if he/she desires to remain a party to the proceedings. The report to court must include the results of the contact.
- 4.1.9.5 If the petitioners move from Virginia prior to completion of the three visits, the agency must request the assistance of an agency in the new state of residence in completing the visits. This is done through the Interstate Compact on the Placement of Children.

4.1.10 Complete the Report of Visitation

- 4.1.10.1 The Report of Visitation is sent to the court within 15 days of the last visit.
- 4.1.10.2 The format for the report of visitation must be that prescribed by the adoptions unit. (See the Forms section for a sample Report of Visitation Format).
- 4.1.10.3 Prepare four copies of the report.
- Send original to the court with certificate of service (see the Forms section for this form).
- Send one copy to the Adoptions Unit.
- Send one copy to the attorney. If the petitioners do not have an attorney, advise them to contact the clerk of court to have the case placed on the docket for final disposition. Do not send the petitioner(s) a copy of the report.
- Keep one copy in agency's file until final action by the court.
- 4.1.10.4 The agency must submit any additional information requested by the Adoptions Unit.
- 4.1.10.5 In those instances where a local department of social services has provided services and the court may enter a final order, the agency shall include a statement as to the amount of the fee assessed and whether the fee has been paid. Proof of payment of the fee shall be provided by the local department of social services to the court prior to the entry of the final order (section 63.2-1248).

4.1.11 What Must Be Done Following Final Disposition

Final disposition is the final action taken by the court in an adoption which means the case is closed. A final order granting an adoption means the

child acquires parents other than his natural parents and a person(s) acquires a child other than by birth.

4.1.11.1 After the expiration of six months from the date of entry of the final order from which no appeal has been taken, the validity of the final order shall not be subject to attack for any reason including but not limited to fraud, duress, failure to give any required notice, failure of any procedural requirement, or lack of jurisdiction (Section 63.2-1216).

4.1.11.2 Acknowledgment

The agency must review and acknowledge receipt of the final order of adoption or any other order of final disposition. A copy of the acknowledgment to the court should be sent to the Adoptions Unit. The agency should advise the court of any problem that could affect the legality of the adoption.

4.1.12 Closing the Case

The agency must purge the record of duplicate material and send to the Adoptions Unit for preservation original copies of all pertinent material that has not been sent (See the Forms section for "Guidelines Regarding the Preparation of Adoption Material to be Forwarded to the Adoptions Unit for Preservation in a Non-agency Adoption").

4.2 Responsibilities of the attorney.

In this type of adoption, the attorney has primary responsibility for the work that must be done. The attorney:

4.2.1 Files the petition for adoption (Section 63.2-1201).

4.2.1.1 the petition must be signed by the petitioner and the petitioner's attorney, if any;

4.2.1.2 If the petition seeks entry of a final order without referral for investigation, the petition must be under oath.

4.2.2 Obtains required consents, which are to be filed with the petition for adoption. When the child has resided in the home of the prospective adoptive parents continuously for at least three years, consent is executed in accordance with Section 63.2-1202, of the Code of Virginia.

The consent must be in writing, signed by the birth parent under oath, and acknowledged by a notary public (Section 63.2-1202.10A).

4.2.2.1 The mother;

4.2.2.2 The legal father;

The mother's husband is presumed to be the child's legal father. Even if he is not the child's birth father, his parental rights must be addressed.

If the mother is divorced and the child was born within ten months of the divorce decree, the former husband is considered the legal father.

This presumption may be rebutted by sufficient evidence, satisfactory to the court, which would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation of the birth mother and

her husband for a period of at least 300 days preceding the birth of the child. In this case, the consent of the mother's husband is not required. the birth father;

- 4.2.2.3 The court may accept the written consent of the birth father who is not married to the birth mother of the child at the time of the child's conception or birth provided that the required identifying information is filed in writing with the court.

The written consent can be signed prior to the birth or must be executed after the birth of the child, shall advise the birth father of his opportunity for legal counsel and shall be presented to the court for acceptance.

The consent may waive further notice of the adoption proceedings.

- 4.2.2.4 The child who is fourteen years of age or older, unless the court finds that the best interest of the child will be served by not requiring such consent;

- 4.2.2.5 If consent cannot be obtained from at least one parent, the court shall deny the petition and determine custody of the child pursuant to Code Section 16.1-278.2 unless all parents are deceased (Section 63.2-1233.3).

- 4.2.2.6 If both parents are deceased, the court, after hearing evidence to that effect, may grant the petition without the filing of any consent (Section 63.2-1233.5).

- 4.2.2.7 When the consent of one parent has been obtained, the consent of the other parent is not required:

If the parent is deceased;
(Section 63.2-1202.c.1);

When the parents of a child born in wedlock are divorced and the residual parental rights and responsibilities of the parent have been terminated by

the divorce decree or another order of a court
(Section 63.2-1202.c.1);

When consent has been obtained from the birth mother, consent of the birth father who was not married to the birth mother at the time of the child's conception or birth is not required if (Section 63.2-1202.c.2);

The birth mother swears under oath and in writing that the identity of the birth father is not reasonably ascertainable (Section 63.2-1233.1a);

The identity of the birth father is ascertainable and his whereabouts are known, he is given notice of the proceedings by registered or certified mail to his last known address and fails to object to the proceeding with twenty-one days of the mailing of the notice (Section 63.2-1233.1a); or

The putative birth father named by the birth mother denies under oath and in writing paternity of the child (Section 63.2-1203);

4.2.2.8 When the consent of one parent has been obtained, the consent of the other parent(s) may be waived if the court determines that consent is being withheld contrary to the best interest of the child or is unobtainable (Section 63.2-1203):

fifteen days after personal service of notice of the petition for adoption (when personal notice is by certified or registered mail, there should be a returned postal receipt signed by the parent to indicate that notice was received.); or

if personal service is unobtainable, ten days after the completion of the execution of an order of publication

against the party or parties whose consent is required; or

if the judge certifies on the record that the identity of any person whose consent is required is not reasonably ascertainable.

- 4.2.2.9 No consent shall be required from the birth father of a child placed for adoption through a parental placement when such father is convicted of rape or incest and the child was conceived as a result of such violation, nor shall the birth father be entitled to notice of any of the adoption proceedings (section 63.2-1233.7).

- 4.2.3 Prepares the appropriate orders.

In this type of placement, neither an Order of Reference (Section 63.2-1238) nor an Interlocutory Order (Section 63.2-1210.4) needs to be entered. In most cases, a final order is filed with the petition and consent.

- 4.2.4 Assists the petitioners in obtaining a new birth certificate for the child.

- 4.2.4.1 Before entering a final order of adoption, the court shall require the preparation of a report of adoption on a form furnished by the state registrar of vital records (VS-21).

- 4.2.4.2 The report shall:

include such facts as are necessary to locate and identify the original certificate of birth;

provide information necessary to establish a new certificate of birth; and

identify the order of adoption and be certified by the clerk of court.

- 4.3 Responsibilities of the circuit court when the child has resided in the home of the prospective adoptive parents continuously for at least three years.
- 4.3.1 The clerk of the court where the petition is filed sends a copy of the petition, order of reference, or interlocutory order and all exhibits to the local department of social services. A copy is also sent to the Commissioner. The petition must be signed by the petitioner and counsel of record, if any (Section 63.2-1201).
- 4.3.2 If, after considering evidence, the court finds that the valid consent of any person whose consent is required is withheld contrary to the best interests of the child or is unobtainable, the court may grant the petition without consent (Section 63.2-1203):
- 4.3.2.1 **fifteen** days after personal service of notice of the petition on the party whose consent is required;
- 4.3.2.2 If personal service is unobtainable, ten days after the completion of the execution of an order of publication against the party whose consent is required; or
- 4.3.2.3 If the judge certifies on the record that the identity of any person whose consent is required is not reasonably ascertainable.
- An affidavit of the birth mother that the identity of the birth father is not reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other evidence which would refute such an affidavit (section 63.2-1203a).
- 4.3.3 The court may omit the Order of Reference and the Interlocutory Order and enter a Final Order.
- 4.3.4 In those parental placements where an interlocutory order is entered, visitations will be required, (Section 63.2-1212A) the agency is required to furnish a report of the finding of the visitation. The court may take any action it finds appropriate if the report is not submitted in the specified time. The court may:

- 4.3.4.1 enter a final order,
- 4.3.4.2 enter an interlocutory order,
- 4.3.4.3 deny petition,

If the court denies the petition and the child is without proper care, the court may appoint a guardian for the child or commit the child to a custodial agency (section 63.2-1209),
- 4.3.4.4 dismiss petition,
- 4.3.4.5 continue proceeding, or
- 4.3.4.6 schedule a hearing.
- 4.3.5 When no action is taken by the court for at least one year from the entry of the last order, the clerk of court places the case on the docket for review by the court (Section 63.2-1214).
- 4.3.6 The clerk of the court sends to the agency and to the Commissioner a copy of any order entered. Upon entry of a final order or any other final disposition, the clerk forwards all reports submitted with the final order to the Commissioner for preservation (Section 63.2-1213).
- 4.3.7 When services have been provided by a local department of social services, the court shall assess a fee, in accordance with regulations and fee schedules established by the state board of social services. The court shall not enter a final order of adoption until proof of payment of fees has been received (Section 63.2-1248).
- 4.3.8 The court may not enter a final order of adoption without the information needed to complete a Report of Adoption (VS-21), unless the court determines this information is unavailable or unnecessary. The Report of Adoption (VS-21) provides information that is needed to locate and identify the original birth certificate and to establish a new birth certificate.
- 4.3.9 After the entry of a final order, the clerk of court sends to the State Department of Health, Bureau of Vital Records and Health Statistics a completed Report of Adoption (VS-21), and a completed Application for a Certified Copy of a Birth Record (VS-6), with a check from the petitioners

for the required fee.

4.4 Responsibilities of the Commissioner

The Adoptions Unit is the office which carries out the duties of the Commissioner of Social Services in adoptions. These duties include:

- 4.4.1 establishing a permanent record of all adoptions petitioned and providing post adoption services to adult adoptees and adoptive parents seeking background information on the biological family (Section 63.2-1246);
- 4.4.2 monitoring and evaluating adoption cases and submitting reports to courts (Sections 63.2-1208.b and 63.2-1212, *Code of Virginia*); and
- 4.4.3 arranging, through the Interstate Compact on the Placement of Children, for investigation and supervisory visits to be made when the petitioners move prior to completing the adoption (chapter 10, of the *Code of Virginia*).

5. THE ADOPTIVE HOME STUDY

The manner in which a family receives a child for adoption shall have no bearing on how the family is to be assessed for purposes of adoptive placement. The criteria of capacity for parenthood are the same whether the child was placed by an agency, by the birth parents, or by a legal guardian.

The adoptive home study is a process that involves the adoptive applicants in determining with the agency whether they can meet the needs of an adopted child. The home study should be carried out so that it brings about increased understanding of the adoption process and begins to prepare the applicants for adoption.

5.1 METHOD OF STUDY

5.1.1 Interviews

The home study consists of a series of interviews in which the adoptive applicant and the worker exchange factual information, discuss emotional factors involved in adoption, and come to recognize feelings and attitudes that may affect adoption.

There shall be a minimum of three interviews. At least one interview must occur in the home of the adoptive family and, in the case of married applicants, shall be a joint interview with husband and wife.

5.1.2 In a parental placement, the agency social worker shall meet at least once with the birth parent(s) and at least once with the prospective adoptive parents. If the birth parents and prospective adoptive parents agree the meetings can occur simultaneously or separately. If the social worker is unable to meet simultaneously with the birth parent and the prospective adoptive parent it must be documented in the report. The court may waive the requirement of the simultaneous meeting where the opportunity for compliance is not reasonably available under the applicable circumstances.

5.1.3 All members of the household shall be interviewed as part of the home study, including children when appropriate.

5.2 References

Adoptive applicants shall provide at least two references from individuals who are unrelated to them.

5.3 Criminal records

5.3.1 Adoptive applicants, and all other adults residing in the home, shall identify any criminal convictions and be willing to consent to a criminal records search;

The adoptive parent(s) shall submit to fingerprinting and provide personal descriptive information to be forward with the fingerprints through the Central Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining a national criminal record check regarding such applicant and adult household member(s). (Section 63.2-901.1 *Code of Virginia*).

5.3.2 Adoptive applicants, and all other adults residing in the home, shall not have been convicted of a felony or misdemeanor which jeopardizes the safety or proper care of the child.

The application for adoption must be denied if the adoptive applicants, or another adult residing in the home, have been convicted of criminal sexual assault, or taking indecent liberties with children.

Section 63.2-1205.1 Code of Virginia, An adoptive applicant must also be denied if the applicant is a person who has been convicted of a violent sexual offense or is required to register on the sex offender & crimes against minors registry.

The agency shall exercise professional judgment in the approval or denial of applicants where convictions of other felonies and misdemeanors are found. The applicant's record shall document the reasons for the approval or denial. No denial shall be based solely on arrest information where no conviction has been made.

If an adoptive applicant was convicted of a felony drug possession and ten

(10) years have passed since the conviction; and his/her civil rights have been restored by the Governor, the applicant may be approved.

The adoptive applicant is responsible for getting their rights restored.

5.4 Child protective services and Division of Motor Vehicle records.

5.4.1 Adoptive applicants, and all other adults in the household, shall be willing to consent to a search of the child protective services central registry.

5.4.2 If an agency believes it is needed, it may require consent to check Division of Motor Vehicle Records.

5.5 Medical examinations

Adoptive applicants shall provide a physician's statement that reflects their current health and that states that they are in satisfactory physical and mental health to enable them to provide adequate care to the child.

5.6 Approval period

A home study conducted for purposes of parental placements shall be approved for a period of 36 months from the date of completion of the study.

Section 63.2-1234.1.B, Code of Virginia, provides, any home study conducted pursuant to this section for the purpose of parental placement or agency placement shall be valid for a period of 36 months from the date of completion of the study. However, the Board may, by regulation, require an additional state criminal background check before finalizing an adoption if more than 18 months have passed from the completion of the study.

5.7 Assessment of the family

A thorough assessment of the adoptive family is critical in evaluating whether the placement is in the best interest of the child. The following criteria should be used as guidelines in completing an adoptive home study:

5.7.1 Motivation to adopt

Key Considerations

- _ Degree to which both spouses want to adopt
- _ If infertility is one reason for adoption, how have parents dealt with loss of biological child
- _ Messages parents have learned about adoption from their (other) experiences.
- _ Degree to which other family members support adoption
- _ Perceived need adoption will meet for parents

Facts

- _ How long parents have considered adoption
- _ Reasons for adoption
- _ Who first spoke of adoption
- _ Reactions of spouse, children, significant others
- _ Fertility procedures undertaken
- _ Parents' feelings about infertility
- _ How they've coped with the loss
- _ Prior experience with adoption
- _ Knowledge of adoption from other individuals/sources

Documentation

Notes from interviews with applicant that describe parents' reasons for adoption, their thoughts and feelings and perception of need adoption will meet and others' responses to adoption

5.7.2 FAMILY BACKGROUND AND FAMILY RELATIONSHIPS

Key Considerations

- Emotional maturity, stability, physical and mental capabilities
- Ability to cope with problems, disappointments and frustrations
- Capability to accept and handle loss
- Nature and duration of family relationships
- Ability to be flexible in their expectations of others and in their role as parents
- Ability to respond to the needs of others
- Ability to accept normal hazards and risks
- Capability to take responsibility for one's own actions
- Ability to commit to another individual
- Capability to know one's strengths and limitations
- Extended family's ability to accept an adopted child as an equal member of the family, entitled to all benefits and responsibilities
- Role of religion in current family life

Facts

- Physical description
- Date, place of birth
- Information about parents and siblings (Names, ages, location, marital status, health status, education, current employment, ages of children of sibs, others living in parents' household)
- Current relationships with parents and sibs and children living outside the home

- Childhood experiences:
 - Parents' marital relationship
 - Parental roles each assumed
 - Disciplinary techniques
 - Communication
 - Interests/activities
 - Expression of affection
 - School experience
 - Family values
 - Religion
- Education
- Employment History
- Military service
- Physical health
- Mental health, counseling
- Hobbies/interests/community involvement
- Past losses and how they've coped
- Problem-solving style
- How individual's needs are met
- How difficult situations have been handled
- Amount of contact and degree of intimacy with nuclear and extended family member
- How individual has changed over time and how change has occurred, include examples of how individuals has changed in response to needs of others
- Words used to describe self, strengths, limitations

- Individual's role/job in managing household
- How both positive and negative feelings are expressed
- Sources of support
- Extended family's response to adoption in general and to the particular child
- Language family members use about adoption
- Religious denomination and degree of involvement in religious activities.

Documentation

Notes from interviews with applicant and other family members, autobiography or other similar written exercises. Statement from counselor, where applicable and physician's statements/medical form.

5.7.3 Adoption issues

Key Considerations

- Ability to love, nurture and make a life-long commitment to a child not born to them
- Ability to accept the circumstances of a child's birth and birth family history
- Ability to demonstrate empathy for a child's birth parents
- Capacity to understand the life-long impact of adoption and to help child deal with the adoption issues of identity, loss, intimacy, control, and attachment
- Ability to understand the relationship between child development and adoption
- Capacity to develop a sense of entitlement to parent a particular

- child and to "claim" that child as an equal member of their family
- Capacity to accept professional and personal support
- Ability to lower expectations of child in response to child's needs
- Ability to maintain contact with significant others in child's life (including birth and former foster families and siblings)
- Willingness and ability to talk openly and comfortably about child's adoption with the family
- Understanding of search laws and willingness to offer on-going support to child if he/she decides to search
- Understanding of how attachments are formed and willingness to work at forming healthy attachments with a child even when they resist it
- Ability to understand and cope with health and behavioral issues of the child

Facts

- Types of long-term commitments family has made in the past which have endured over time, especially during high stress times
- Knowledge of unique experiences and losses of adopted children and how they effect children's development and how children's developmental stage effects their response to trauma
- Type of life experiences that demonstrate understanding of why people make different choices than they do or are unable to make good choices and ability to show care and concern for people when they make those choices
- Words parents use to describe birth parents and why child placed for adoption
- Parents' response to core issues in adoption, how they impact them, child and birth parents and their ideas about how to deal with

them

- Parents' perception of how they and child will change over time
- Parents' expectations, hopes and plans for child
- How parents define "family"
- Language parents use about adoption
- Examples of circumstances when parents have lowered expectations of others and still maintained close relationship with them
- How parents have changed over time and what provoked those changes
- Types of risks parents are willing to take
- Level and types of convictions parents have maintained with family and friends
- Parents' use of outside supports
- Knowledge of search laws and parents' feelings about search
- Examples of parents' abilities to delay gratifications
- Types of attachments parents have formed in the past
- Families' understanding of the risks associated with adoption
- How applicant plan to tell child about his/her adoption
- What the parents do if they do not want the child in the home any more
- Examples of the types of people that the parents have given up on before

- Examples of what will make parents want to "give up" on their child

Documentation

Notes from interviews with applicant, autobiography of application or other similar written information.

5.7.4 Quality of marital and other relationships

Key Considerations

- Capacity to develop and maintain long-term relationships
- Capacity of the relationship or the single parent to sustain high levels of stress and change
- Degree of openness in the family system
- Ability to solve problems and make decisions (jointly, if married)
- Degree to which communication is open, clear, sensitive to others' needs, reflective of true feelings, responsive to the situation, consistent with behavior and effective
- Presentation of an accurate "picture" of family relationships and interactions

Facts

- Relationships with friends (length, effort made to maintain contact, how much they accept and give help and support)
- Problem-solving and decision-making styles of parent(s)
- For single parents, who do they consider, related or non-related a part of their family system
- The length of marriage. How family talks about both negative and positive events and feelings

- The ways in which affection and anger, are demonstrated. How conflict is resolved
- Pattern of communication and degree to which it meets the individuals' needs
- What are marital roles? Strength and weakness and how complement each other
- What makes these people stay married to each other. Previous marriages; when and why marriage ended; what learned from experience, what do they do when they spend time together?
- If been to marriage counseling, how long and what issues addressed

Documentation

Autobiography notes from interviews. Reference letters, marriage/divorce certificates (where applicable).

5.7.5 PARENTING SKILLS

Key Considerations

- Parenting style
- Relationship between how you were parented and how you will or do parent
- Applicant's understanding of physical, developmental, emotional need of children
- Applicant's understanding of the impact of adoption on children in the home and family routines
- Ability to develop and adjust realistic expectations of children
- Ability to separate their needs from child's needs

- _ Ability to communicate effectively
- _ Ability to assume responsibility for care, guidance, protection of children
- _ Willingness to try new parenting approaches in order to more effectively meet child's needs and manage behavior
- _ Willingness to formulate a plan for child's care, if one or both parents are deceased
- _ Ability to feel satisfaction from allowing children to grow and develop in their own way and at their own pace
- _ Age of applicants in relation to the age of the child

Facts

- _ Experience with children
- _ Applicant's communication and problem-solving style
- _ Types of nurturing behaviors applicants demonstrate
- _ Applicant's views of children, anger and types of behaviors they are most/least comfortable with
- _ How family routine will be affected by adoption
- _ Applicant's plans for child, if deceased
- _ How family expresses affection and anger
- _ Knowledge of child development and changing needs and expectations of children over time
- _ Expectations of children
- _ Family routine
- _ Description of parenting style of family of origin (discipline,

communication, values, experience of affection and anger, history of abuse/neglect)

- Criminal and child abuse/neglect history
- Description of children in home (age, developmental and emotional needs, perceived impact of adoption)
- How applicant identifies his/her needs, how they separate their needs from needs of others and how they get their needs met
- Self-esteem of applicant
- Examples of how applicant is able to delay gratification
- Examples of how applicant has been open to new ideas and has been willing to try a new approach to problems they have been faced with
- Applicants plans for child care when they are not available to supervise (i.e. babysitters and day care)

Documentation

Autobiography or other similar exercises, notes from interviews, and reference letters.

5.7.6 Home and community

Key Considerations

- Health and safety of environment
- Space for play and privacy
- Accessibility of community resources

Facts

- Description of house and neighborhood

- Fire arms, ammunition and other weapons are unloaded and kept in locked areas
- Description of family’s proximity to community resources
- Safety devises, such as smoke alarms and fire extinguishers are apparent and are operable

Documentation

Notes regarding worker’s observations

5.7.7 Financial Circumstances

Key Considerations

- Ability of applicant to meet the financial needs of adopted child and family

Facts

- Financial resources of applicant
- How applicant manages those resources

Documentation

Financial statement, employer’s verification

5.7.8 Type of child applicant can parent

Key Considerations

- What applicant needs from a child and ability of child to meet that need
- Ability of applicant to meet special needs of children
- For Parental Placements adoption, applicant’s ability to manage legal and emotional risks and maintain ongoing contact with birth parents

- For Inter-country adoption, applicant's ability to manage health risks and unknown background of child
- For Special Needs adoption, applicant's ability to manage special needs of the child

Facts

- Types of behaviors and background issues applicant is most/least comfortable with and able to handle
- Applicant's description of child(ren) they want to adopt
- Worker's assessment of the needs of the applicant and the degree to which those needs can be met by the type of child requested
- Worker's assessment of the needs of the child and the degree to which those needs can be met by the applicant

Documentation

Written summary of worker's assessment

6. ADULT ADOPTIONS

An adult adoption is the adoption of any person who is 18 years of age or older at the time that the adoption petition is filed. Adult adoptions are governed by the provisions in Chapter 12, Article 5 of the *Code of Virginia*.

The circuit court may, without an investigation or supervisory period, enter a final order in the adoption of an adult if consent has been obtained from the person to be adopted, if the person to be adopted is: (Section 63.2-1244):

- A stepchild parented by the petitioner at least three months;
- A child who is adopted by a close relative as defined in section 63.2-1242.1 as grandparent, great-grand parent, adult nephew or niece, adult brother or sister, adult uncle or aunt or adult great uncle or great aunt;
- A birth child; or
- Any adult who has resided in the home at least three months before age eighteen

The circuit court must require an investigation and report when the petition for adoption is for a person 18 years of age or older when there is no relationship between the adoptee and the petitioner (Section 63.2-1244).

- The person to be adopted must be at least fifteen years younger than the petitioner;
- The petitioner and the person to be adopted must have known each other for at least one year prior to the filing of the petition for adoption; and

The circuit court may also, in its discretion, require an investigation in any adult adoption.

6.1 Responsibilities of the agency in adult adoption

When the circuit court requires an investigation, the agency must:

6.1.1 Open the case

6.1.1.1 Set up a case record.

A case record should contain the following documentations:

Service application (court order),
all court documents,
Report of Investigation, if applicable,
Report of Visitation, if applicable,
all correspondence, and
narrative.

6.1.2 Review the petition and Order of Reference

The petition is a written request filed with the court by prospective adoptive parents asking the court to legalize a relationship with an adult.

The order of reference is an order from the court directing an agency to make an investigation and report.

6.1.2.1 The petition and order of reference must be reviewed to be sure the petition is filed in the court having jurisdiction where the petitioner(s) resides and the case has been referred to the proper agency. The petition must be signed by the petitioner and by the counsel, if any (Section 63.2-1201).

6.1.2.2 If an order of reference is entered in one of the situation where an investigation is not required, the attorney should be contacted to make certain that he is aware the court may enter a final order without

investigation. If the order of reference is not rescinded, the agency is responsible for making the investigation and report.

- 6.1.2.3 If the petitioner(s) moves from the agency's jurisdiction but within Virginia or if it appears to be in the best interest of the person being adopted for another agency to make the investigation:

the agency is to request that the court enter an amended order referring the investigation the agency in the location where the petitioner has taken up new residence.

If the court denies the request for an amended order, the agency must complete the investigation and report. The services of another agency can be requested by the agency ordered to make the investigation.

- 6.1.2.4 The order of reference must be acknowledged to the court with a copy to the Adoption Unit. The acknowledgement must show the date of receipt of the order and the name of the agency (Section 63.2-1208, *Code of Virginia*). The acknowledgement is in the Forms section.

6.1.3 Review of the Consents

The agency does not have any responsibility for obtaining written consent. The agency is responsible for reviewing the consent to determine if:

- 6.1.3.1 Valid consent has been obtained from the person being adopted (Section 63.2-1243.b, *Code of Virginia*)

Consent does not have to be obtained from either birth parent (Section 63.2-1243.a, *Code of Virginia*)

- 6.1.3.2 Consent has been properly executed. The consent must be signed, dated, and notarized and must identify the person being adopted and the petitioner(s) by name (Section 63.2-1202.A and 16.1-262, *Code of Virginia*).

6.1.4 Inquiries Made During the Investigation

In those cases in which an investigation must be made, the report to the court must be made within 60 days after the copy of the petition is forwarded (63.2-1243 and 63.2-1208.B)

The Code requires the following questions be answered: 63.2-1244

- 6.1.4.1 Whether the petitioner(s) is financially able, morally suitable, in satisfactory physical and mental health, and a proper person(s) to care for and train the person to be adopted;
- 6.1.4.2 What the physical and mental condition of the person to be adopted is;
- 6.1.4.3 Why the birth parent of the person to be adopted desire to be relieved of the responsibility for the custody, care and maintenance for the person to be adopted and what their attitude is toward the proposed adoption;
- 6.1.4.4 Whether the parents have abandoned the person to be adopted or are morally unfit to have custody over him;
- 6.1.4.5 The circumstances under which the person to be adopted came to live and is living in the home of the petitioner(s);
- 6.1.4.7 What fees have been paid by the petitioners or in their behalf, if appropriate.
- 6.1.4.8 Relevant physical and mental history of the birth parents, if known to the person making the report
 - An investigation is not necessary to report the physical and mental history of the birth parents.
 - This information is reported only if it is known to the agency.

6.1.5 The Investigation Includes:

- 6.1.5.1 Interviews with:
 - adoptive parents,

the person being adopted,

references - contact in person, by mail or telephone,
and

professional persons involved with either the
petitioner(s) or person to be adopted;

6.1.5.2 home visit;

6.1.5.3 medical statements on the adoptee and adoptive parents in
non-relative cases; and

6.1.5.4 information on the adoptive parents' income in order to
determine the fee assessed.

6.1.5.5 If unable to complete the investigation:

The court and the Adoption Reports Unit must be notified if
the investigation and report are delayed and cannot be
completed within 60 days.

A report must be sent to the court with a recommendation for
abeyance. The report must include the reason(s) for the
delay or inability to complete the investigation and the period
of time needed to complete the investigation.

If the petitioner(s) cannot be contacted or located, the
agency is to submit a report to the court and recommend the
petition be dismissed.

6.1.6 Prepare the Report of Investigation

6.1.6.1 The format of the report must be that prescribed by the
Adoption Unit. The Report of Investigation Format and
Checklist in the Forms section outlines information to be
included in the report.

- For purposes of confidentiality, the report must not
contain identifying information on the biological family.

- The report must contain a recommendation as to the action to be taken by the court. (63.2-1208.C, 63.2-1244).

6.1.6.2 Prepare four copies of the report

Send original to the court with Certificate of Service showing copy of report was sent to the Adoption Unit. The Certificate of Service in the Form section.

Send one copy to the Adoption Unit with completed Commissioner's Confidential Reports form found in the Forms section.

Send one copy to the attorney. If the petitioners do not have an attorney, advise them to contact the Clerk of Court to have the case placed on the docket for disposition. Do not send the petitioner(s) a copy of the report.

Keep a copy in agency's file until final disposition.

6.1.6.3 The agency must submit any additional information requested by the Adoption Unit. In those instances where the court may enter a final order, the agency shall include a statement as to the amount of the fee assessed and whether the fee has been paid.

- A receipt must be provided to the court by the local department of social services which completed the investigation and court report to provide proof of payment of the fee. (Section 63.2-1248)

6.1.7 A Supplementary Report

6.1.7.1 Sometimes after the required report has been submitted, the agency receives factual information on a case that would influence the action to be taken by the court. The agency must submit a Supplementary Report when factual information is received after making the required report and no court action has been taken or the case is pending as a

result of a recommendation for abeyance.

6.1.7.2 Send original to the court, a copy to the Adoption Unit and to the attorney. One copy is retained in the agency's file. See format for Supplementary Report in the Forms section.

6.1.8 What must be done following entry of an interlocutory order, if the court in its discretion decides to enter the order.

6.1.8.1 Conduct Supervisory Visits (Section 63.2-1212)

- The agency must make at least three visits within six month period following the date the interlocutory order is entered.
- The visits must be in the presence of the adopted person
- One visit must be in the home of the petitioner(s) with the adoptive person and both petitioners present unless one of the petitioners is no longer residing in the home.
- Visits must be scheduled so that at least 90 days elapsed between the first and last visit.

If one of the petitioners is no longer living in the home, the agency must contact that petitioner to determine if he/she desires to remain a party to the proceedings. The report to court must include the results of the contact.

If the petitioner(s) moves from Virginia prior to completion of three visits, the agency must request assistance from an agency in the new state of residence in completing the visits.

Since this type of adoption does not involve the placement of a child across state lines, the Interstate Compact on the Placement of Children does not apply.

6.2 Report of visitation

6.2.1 The report of Visitation is sent to the court within 15 days of the last visit.

6.2.2 The format for the Report of Visitation must be that prescribed by the Adoption Unit. The Report of Visitation Form is in the Forms section.

6.2.3 Prepare four copies of the report.

Send original to the court with Certificate of Service shown in the Forms section.

Send one copy to the Adoptions Unit.

Send one copy to the attorney. If the petitioners do not have an attorney, advise them to contact the clerk of court to have the case placed on the docket for final disposition. Do not send the petitioner(s) a copy of the report.

Keep one copy in agency's file until final action by the court.

The agency must submit any additional information requested by the Adoptions Unit.

6.2.4 In those instances where a local department of social services has provided services and the court may enter a final order, the agency shall include a statement as to the amount of the fee assessed and whether the fee has been paid.

Proof of payment of the fee shall be provided by the local department of social services to the court prior to the entry of the final order. (Section 63.2-1248)

6.3 What Must Be Done Following Final Disposition

Final disposition is the final action taken by the court in an adoption which means the case is closed. A final order granting an adoption means the child acquires parents other than his natural parents and a person(s) acquires a child other than by birth. A final order is not subject to attack after six months from the date it was entered and is final for all purposes

(Section 63.2-1216).

6.3.1 Acknowledgement and disposition of case material

6.3.1.1 The agency must review and acknowledge receipt of the final order of adoption or any other order of final disposition. A copy of the acknowledgement should be sent to the Adoption Unit. The agency should advise the court of any problem that could affect the legality of the adoption.

6.3.2 The acknowledgement is in the forms section.

The agency must purge the record of duplicate material and send to the Adoption Unit for preservation original copies of all pertinent material that has not been sent (See the Forms section for "Guidelines Regarding the Preparation of Adoption Material to be Forwarded to Adoption Reports for Preservation in a Non-agency Adoption").

6.3.3 Closing the Case

The case should be closed when the final order of adoption is received.

6.4 Responsibilities of the attorney in an adult adoption.

Some courts allow petitioners to represent themselves in adoption proceedings. The decision to require an attorney rests with the court. The attorney:

6.4.1. Files the petition which must be signed by the petitioner and by counsel, if any, (Section 63.2-1201)

6.4.2 Obtains required consents (in an adult adoption, only the consent of the person to be adopted is required). Section 63.2-1243.a

6.4.3 Prepares appropriate orders,

6.4.4 Informs the petitioners of the legal requirements,

6.4.5 Assists the agency in obtaining necessary verifications, and

6.5 Assists the petitioner(s) in obtaining a new birth certificate for the person being adopted.

6.6 Responsibilities of the court

- 6.6.1 The investigations and visitations shall not be required unless the court, in its discretion, so requires (section 63.2-1244).
- 6.6.2 The clerk of the court where the petition is filed sends a copy of the petition, order of reference and all exhibits to the director of the department of social services and to the Commissioner. The petition must be signed by the petitioner and by counsel, if any. (Section 63.2-1201).
- 6.6.3 The circuit court shall expeditiously consider the merits of the petition upon receiving the report of investigations. (Section 63.2-1208) The court may:
- 6.6.3.1 enter a final order,
 - 6.6.3.2 deny petition,
 - 6.6.3.3 dismiss petition,
 - 6.6.3.4 continue proceeding, or
 - 6.6.3.5 schedule a hearing.
 - 6.6.3.6 enter an interlocutory order (an interlocutory order is not required in an adult adoption and is seldom entered by the court).
- 6.6.4 When no action is taken by the court for at least one year from the entry of the last order, the clerk of court places the case on the docket for review by the court. (Section 63.2-1212)
- 6.6.5 The clerk of the court sends to the agency and to the Commissioner a copy of any order entered. Upon entry of a final order or any other final disposition, the clerk forwards all reports submitted with the final order to the Commissioner for preservation. (Section 63.2-1213)
- 6.6.6 If the petition is executed under oath, the court may, without an investigation, enter a final order in the adoption of an adult if the person to be adopted is (Section 63.2-1244):
- 6.6.6.1 A stepchild parented by the petitioner at least three months;

- 6.6.6.2 A child adopted by a close relative as defined as a grandparent, great-grandparent, an adult nephew or niece, adult brother or sister, adult uncle or aunt or adult great uncle or great adult who has lived in the home at least three months;
- 6.6.6.3 A birth child; or
- 6.6.5.4 Any adult who has resided in the home at least three months before age 18.
- 6.6.7 When services have been provided by a local department of social services, the court shall assess a fee, in accordance with regulations and fee schedules established by the State Board of Social Services. The court shall not enter a final order of adoption until proof of payment of fees has been received (Section 63.2-1248, *Code of Virginia*).
- 6.6.8 The court may not enter a final order of adoption without the information needed to complete a Report of Adoption (VS-21), unless the court determines this information is unavailable or unnecessary. The Report of Adoption (VS-21) provides information that is needed to locate and identify the original birth certificate and to establish a new birth certificate. (Section 63.2-1248)
- 6.6.9 After the entry of a final order, the clerk of court sends to the State Department of Health, Bureau of Vital Records and Health Statistics a copy of the final order of adoption which incorporates a change of name.

6.7 Responsibilities of the Commissioner

The Adoption Unit is the office which carries out the duties of the Commissioner of Social Services in adoptions. These duties include:

- 6.7.1 Establishing a permanent record of all adoptions petitioned and providing post adoption services to adult adoptees and adoptive parents seeking background information on the biological family; (Section 63.2-1246)
- 6.7.2 Monitoring and evaluating adoption cases and submitting reports to courts (Section 63.2-1244, *Code of Virginia*).

7. Disclosure of information from closed adoptive records

The statute allows adults adopted in Virginia to apply to the Commissioner of Social Services, rather than petitioning the circuit court, for identifying information on their birth families. A petition to the circuit court may be made by the adult adoptee in certain cases. These cases involve those situations where the Commissioner fails, within thirty days of receipt of the application, to designate a person or agency to attempt to locate the birth family, or if the Commissioner denies disclosure of the identifying information after receiving the designated person's or agency's report.

Access to closed records for the purpose of releasing non-identifying and identifying information is governed by *Virginia Code* Section 63.2-1246.

Section 63.2-1247, of the *Code of Virginia*, was revised in 1995 to allow the entire adoption record in parental placements to be open to the adoptive parents, the adoptee who is eighteen years of age or older, and a birth parent who executed a written consent to the adoption, if the consent to adoption was executed on or after July 1, 1994. For adoptions where the consent was executed before July 1, 1994 the following procedures apply.

7.1 Release of non-identifying information from a closed adoptive record (Section 63.2-1246)

When a final order of adoption is entered, non-identifying information may be given to adoptive parents, licensed or authorized child-placing agencies providing services to the child and the adoptive parents, the adoptee, upon reaching the age of 18.

7.1.1 Open the case

7.1.1.1 When the request for information is forwarded from the Adoption Unit, a service application is completed.

7.1.1.2 Set up case records

An adoption search case record should contain the following documents:

- Service application (or court order);
- all information forwarded by the state.

7.1.1.3 Prepare materials for release

Prior to releasing information to the adoptee the record should be redacted to remove any information which would lead to the identification of any birth family member. This includes but is not limited to:

- Names, addresses and telephone numbers of all members of birth family.
- School attended and date of graduation (if applicable).
- Social Security numbers, military I.D. and other identifying numbers.
- Names of attending physician, teacher, family friends, etc.

The adoptee shall not be allowed to inspect the home study of the adoptive parents unless written consent has first been obtained from the adoptive parents. This includes:

- Reference letters on the adoptive parents.
- Questionnaires completed on themselves by the adoptive parents.
- Medical and psychologicals on the adoptive parents.
- AREVA Family's Registration Form
- Criminal record checks on the adoptive parent
- Child protective service checks on the adoptive parents
- The section of the report of Investigation or Home Study Report entitled Suitability to Adopt

- Any paragraph in the Report of Visitation that deals solely with the adoptive parents.
- The portion of the Commissioner's Confidential Report from pertaining to the adoptive parents.

7.1.1.4 Release of information to allowed individuals

The redacted information may be released to the allowed individuals when:

- The individual has presented a picture I.D. such as a driver's license.
- If it is not convenient for the adoptee to come to the local agency, the information should be sent to a licensed or approved social services agency or licensed human services practitioner (i.e., social worker, psychologist) or a minister in a location convenient to the requester, who will verify the identify of the individual and share the information with them.
- If there is concern that any information contained in the record could cause emotional trauma, then the record should be shared in a supervised setting with an adoption or mental health professional.

7.2 Release of identifying information (Section 63.2-1246)

Identifying information or any information that would lead to the identity of the birth family can only be released to an adult adopted whose adoption was finalized prior to July 1, 1994 under the following conditions:

7.2.1 The adoptee, 18 years of age or older, contacts the Virginia DSS to request that a search be initiated.

7.2.2.1 The adoptee needs to complete an "Adoptee Application for Disclosure" and return to the Adoption Unit at the central office of the Virginia Department of Social Services.

7.2.2 The adoption was finalized in the State of Virginia.

7.3 Responsibilities of the Commissioner in releasing identifying information

7.3.1 Upon receiving the Adoptee Application for Disclosure, the Commissioner shall designate the person or agency which made the investigation required by §63.2-1208 or §63.2-1212 to attempt to locate and advise the applicable member(s) of the birth family of the request for identifying information.

7.3.1.1 The Adoption Unit, acting for the Commissioner, will send the agency an Agency Letter of Appointment requesting the agency to conduct the search.

7.3.1.2 The agency has eight months unless otherwise determined by the Adoption Unit.

7.3.1.3 If the agency needs additional time, this will be granted if such need is documented in writing by the searching agency to the Adoption Unit.

7.3.2 Assist the agency in the search by providing technical assistance and case material from the adoption record(s).

7.3.3 Upon receipt of the agency's report of findings to the Adoption Unit, make a determination as to whether good cause exists for the release of identifying information.

7.3.3.1 The Adoption Unit will send the adoptee and searching agency a copy of the Final Disposition granting or denying the adoptee's Application of Disclosure.

7.3.3.2 The disclosure of identifying information will be granted when the birth family member(s) for whom the agency searched was located and consented to having his identity and whereabouts disclosed to the adoptee. However, the following extenuating circumstances are to be considered:

- if the birth parent is deceased and other family members who knew about the birth and adoption of

the adoptee want their names and addresses disclosed, good cause may exist for identifying information on these family members to be given to the adoptees if the adoptee wishes this.

- if one birth parent does not want his identity disclosed to the adoptee, other children of the birth parent who were not adopted or who were adopted by a relative should generally not have their identity disclosed. Exceptions are:

If the other birth parent of the adoptee and sibling(s) consents to disclosure and if the searching agency ascertains that the sibling(s) has been informed about the adopted child (in such a case, the searching agency could give informed consent relative to the disclosure of his identity and whereabouts);

If the birth parents was deceased and the sibling was contacted by the designated person or agency doing the search because the record or other information indicated that the sibling(s) knew the circumstances surrounding the child's placement and adoption, and the sibling(s) consented to disclosure.

If the search is for a birth sibling who was adopted, at least one of the sibling's adoptive parents, unless both are deceased, must give his consent for the birth sibling to be contacted unless it is certain that the birth sibling knows that he was adopted. It may be ascertained that the birth sibling knew of his adoption if he had contacted the Virginia Department of Social Services or the placing agency to find out about his adoption or to ask that a letter be put in the file of adopted siblings.

Advise the adoptee of his right to file a petition with the appropriate circuit court if the Commissioner fails to designate within thirty days a person or agency to do the search or if the Commissioner denies the Adoptee Application for Disclosure after receiving the designated person's or agency's report.

7.4 Responsibilities of the designated person or agency conducting the search.

The designated person or agency conducting the search shall, upon receiving an Agency Letter of Appointment:

7.4.1 Open the case to

When the Application for Disclosure is forwarded, a case should be opened.

7.4.2 Set Up Case Records

A case record should contain the following documents:

7.4.2.1 Service application (letter of appointment);

7.4.2.2 Case information.

7.4.3 Attempt to locate and advise the birth family member(s) about whom the adoptee wants identifying information of the Adoptee Application for Disclosure. The birth family member(s) is at least 18 years of age.

7.4.3.1 If the adoptee applies for identifying information on birth relatives other than his birth parent(s), the birth parent(s), unless deceased, must still be contacted and consent to having identifying information on themselves disclosed. An exception would be if the adoptee does not want identifying information his birth parents but does want identifying information on birth siblings adopted by non-relatives.

7.4.3.2 If one birth parent does not want his identity disclosed to the adoptee, other children of the birth parent who were not adopted or who were adopted by a relative should generally not be contacted. Exceptions are:

- If the other birth parent of the adoptee and the sibling(s) consents to disclosure and if the searching agency ascertains that the sibling(s) has been informed about the adopted child; or

- If the birth parent is deceased and information in the record or other information indicates that the sibling(s) knew about the circumstances surrounding the child's placement and adoption.
- 7.4.3.3 If the search is for a birth sibling who was adopted, at least one of the sibling's adoptive parents, unless both are deceased, must give his consent for the birth sibling to be contacted unless it is certain that the birth sibling knows that he was adopted. It may be ascertained that the birth sibling knew of his adoption if he had contacted the Virginia Department of Social Services or the placing agency to find out about his adoption or to ask that a letter be put in the file of adopted siblings.
- 7.4.3.4 In contacting relatives or persons who know the birth parent/sibling and can aid in the search, the searching agency is to use discretion. The confidential nature of the inquiry is not to be revealed unless it is clear from the record or other information that the contacted person knows the circumstances surrounding the child's placement and adoption.
- 7.4.4 Report to the Adoption Unit, or the court if applicable, the results of the attempt to locate and advise the birth family member(s) about whom the adoptee wants identifying information of the Adoptee Application for Disclosure.
 - 7.4.4.1 The agency's report shall be in the format prescribed by the in the Forms section and shall not include identifying information on the birth family. No identifying information is to be disclosed to the adoptee, the birth family, or any attorney representing the parties without proper authorization from the Adoption Unit or the court.
 - 7.4.4.2 Resources used to locate the birth family member(s) should be fully documented in the agency's report in those cases where agency efforts were unsuccessful.

- 7.4.4.3 If the birth family member(s) about whom the adoptee wants identifying information can be located, the agency's report shall include updated non-identifying information about him. The report should also indicate his wishes regarding having his identity disclosed and being contacted by the adoptee.
- 7.4.4.4 The agency's report shall include a recommendation regarding disclosure based on their findings. If the agency recommends that identifying information be disclosed, the agency may wish to offer its services as an intermediary or suggest some other agency or person be appointed.
- 7.4.4.5 If there is a fee, the agency's report shall include a statement indicating the amount of the fee assessed and whether or not the fee has been paid. The Adoption Unit cannot grant the release of identifying information unless the agency has provided verification that the fee has been paid.
- 7.4.4.6 If the agency needs additional time to conduct the search, the agency shall document this need in writing to the Adoption Unit. The agency shall inform the adoptee of the need for additional time and obtain the adoptee's written consent for an extension. The agency shall inform the Adoption Unit in writing that the adoptee has agreed to the extension.
- 7.4.5.7 If disclosure of identifying information is granted by the Adoption Unit, the searching agency is responsible for providing the identifying information to the adoptee.

7.4.5. Charge a fee for services (Section 63.2-1248)

The Code of Virginia allows fees to be assessed for adoption searches. To determine the amount of the fee to be charged, see section 9 of the chapter.

8. Other court ordered services

The court may direct the local department of welfare/social services to provide supervised visitation or mediation services or to conduct an investigation pursuant to §16.1-273 in adjudicating matters involving a child whose custody, visitation, or support is in controversy or requires determination.

8.1 Guidelines for custody investigations (§16.1-273)

These guidelines for child custody investigations are jointly issued by the State Board of Social Services and the State Board of the Department of Juvenile Justice Services (DJJS) pursuant to 16.1-278.15, *Code of Virginia*.

These guidelines set forth the basic assumptions and describe the preferred practices to be followed in conducting child custody investigations for Juvenile and Circuit Courts in the Commonwealth of Virginia. Sample forms are also provided for local units to consider using in their investigations.

In issuing these guidelines, the State Boards recognize that child custody investigations must always be conducted subject to the specific order of the court. The Boards further recognize that differing circumstances may sometimes warrant actions that differ from the preferred practices described in these guidelines. In such cases, the investigator and the investigator's supervisor should be prepared to justify the chosen alternative.

8.1.1 Purpose:

The goal of the custody investigation is to help the court determine the living and visitation arrangement that will enable the child to establish a meaningful relationship with both parents or the parties in the custody dispute.

8.1.2 Definitions:

"Custody" means a designation of legal and physical control of a child.

"Investigation" means a process of gathering and assessing information relative to the best interest of the child.

"Parties" means any adult(s) having established interest in the child.

"Joint Legal Custody" means equal responsibility and authority regarding the child.

"Shared Parenting" means any mutual agreement developed by parents or caretakers to share responsibility and care of the child.

8.1.3 Basic assumptions:

8.1.3.1 Custody investigations are guided by the principals of objectivity, competence, and thoroughness.

8.1.3.2 Whenever possible, custody investigations are limited to addressing issues that remain unresolved after the disputing parties have had the opportunity to resolve contested issues by mediation. Thus, the scope and depth of the custody investigation will vary depending on the degree to which the parties have been able to come to some agreement.

8.1.3.3 Information reported to court is always validated by supported documentation.

8.1.4 Qualifications of investigators:

To ensure the highest level of competence and accountability, custody investigators should have specific training that is current on issues related to the effect of custody disputes on children and appropriate techniques for interviewing children and families.

8.1.5 Consistency in gathering information:

When all parties reside in the same jurisdiction, one investigator should complete the assessment of both parents and the child. When one or more parties reside in another jurisdiction, the investigator should consult with professional staff in the other jurisdiction to ensure that all parties are asked for the same information in the same format.

8.1.6 Questionnaires:

8.1.6.1 If the investigator plans to use questionnaires to ensure that comparable information is obtained from the parents, the investigator should be aware that some parents may not understand or may be intimidated or put off by lengthy questionnaires, surveys, and forms. The investigator should use materials judiciously and should not rely on them as a primary source of information.

8.1.6.2 Whenever possible, the investigator should use the sample questionnaire that is provided with these guidelines. A shorter questionnaire may be used if it meets the needs of the court.
(See the Forms section for sample questionnaire).

8.1.6.3 Any questionnaire used should be reevaluated periodically to ensure that issues addressed and language used are current and appropriate.

8.1.6.4 The investigator may ask the parents to complete a questionnaire in advance of a home visit to help both the parents and the investigator prepare for the visit.

8.1.7 Authorization for release of information:

8.1.7.1 The parents or legal guardian should sign authorizations for release of information from schools, past or present counselors, substance abuse counselors, etc., as appropriate to the situation. A sample format is available.

(See the Forms section for this format).

8.1.7.2 The parents or legal guardian should be told that the information obtained will be made available to the court and to counsel through the court. The clerk of court shall furnish a copy of such report to all attorneys representing parties in the matter before the court no later than seventy-two hours, and in cases of child custody fifteen days, prior to the scheduled court hearing. (Section 16.1-274, Code of Virginia)

8.1.7.3 When various sources are asked for information and the parents or legal guardian sign an authorization to release the information as presented, the investigator should inform the source that the information will be made available to the court. (Section 16.1-274, Code of Virginia)

8.1.8 Information from observations:

8.1.8.1 The investigator should visit both parties' homes to determine if the environment is sanitary and safe; to observe how comfortable the child is in the home; and to observe the interaction between child and parent/caretaker and any other members of the household. A sample format for reporting observations is available.

8.1.8.2 When a child spends a large part of the time in a setting other than the home (for example, in school, day care or with a baby-sitter), the investigator should visit that setting to observe the child's level of comfort and interaction with others, etc.

8.1.9 Conducting interviews:

8.1.9.1 The investigator should always interview the involved parties face-to-face. A sample questionnaire is available for use in conducting the interview. The same questions should be asked to both parties regardless of the interview method utilized.

- 8.1.9.2 The investigator should personally interview those knowledgeable about the child's situation (such as teachers, school administrators, day care workers, baby sitters, neighbors, the child's physicians, and others, as applicable).
- 8.1.9.3 The investigator should interview the child alone to obtain the child's perception of each parent/party to the dispute, about daily events in the home, and, when applicable, the child's relationship with siblings and extended family members.
- Preferences of the child should be explored, but the child should never be asked to choose between parents or caretakers.
 - Children's comments should be sent separately from the regular report to the court for the judge's review and discretionary use.

8.1.10 Court and department records:

The investigator should review all records concerning the child and the family that are available through the court and the local unit at the Department of Juvenile Justice Services and the Department of Social Services.

8.1.11 Record checks:

- 8.1.11.1 The investigator should secure a check of the Child Protective Services Registry and report the findings to the court.
- 8.1.11.2 The client should obtain a copy of his/her criminal records check through the police department and provide the investigator with a copy for inclusion in the report to court.

8.1.12 Letters of reference:

Three letters of reference must be requested. The individuals providing the references must be made aware their responses will be attached to the report sent to the court.

8.1.13 Investigator's assessment:

- 8.1.13.1 The investigator should offer an informed assessment of each parent's behavior as perceived through personal interviews, written records, and third party observations. Such assessment should consider each parent's:
- level of cooperation with the investigation;
 - stability in the work and home environment;
 - style of interpersonal interactions including discipline; and
 - ability to promote a positive relationship between the child and the other parent and family members.
- 8.1.13.2 Unless there is a formal psychological evaluation by an appropriately licensed practitioner, the investigator's report should not include a psychological assessment component.

8.1.14 Referral for further assessment:

When a custody investigation reveals evidence of substance abuse, mental health problems, dysfunctional family behaviors, or other problems that the investigator cannot immediately assess, the investigator should recommend to the court that the family, parent, or child be referred to an

appropriate third party for expert assessment. The investigator should also recommend that the assessment of all parties be completed by the same provider.

8.1.15 Preparing the information for the court:

- 8.1.15.1 The format for the report to the court should be left up to the locality.
- 8.1.15.2 If the investigator has made use of questionnaires, checklists, etc. that are not part of the local format, the investigator should make these materials available, upon request, to the court.
- 8.1.15.3 Information included in the report should be comprehensive and easy to read.

8.1.16 Options for recommendations:

- 8.1.16.1 If the court requests an investigator to make a recommendation, the investigator should consider recommending joint legal custody absent any convincing evidence to the contrary. If joint legal custody is not recommended, the investigator should specifically state why this custody arrangement is not appropriate to the specific child and family situation. Other recommendations that may be made, as appropriate, are:
 - Shared parenting.
 - Sole custody with visitation.
 - Sole custody with visitation denied.
 - Sole custody with supervised visitation.
 - Court determines custody.

8.1.16.2 Justification must be provided for any recommendation made.

8.1.17 Fees for services:

The Code of Virginia allows fees to be assessed for custody/visitation investigations. The amount of the fee is determined by the locality in accordance with Section 16.1-274, Code of Virginia. (See Section 9 for determining amount of fee).

9. Fees for Court Ordered Services

9.1 Fees for Non-agency placement adoption services and home studies in surrogacy cases (Section 63.2-1248, Code of Virginia).

The adoption services for which the local agency shall charge a fee are non-agency placement adoption investigations and reports; parental placement home studies; visitation and reports; and home study reports in surrogacy cases.

The agency may recommend that all or part of the fee be waived in cases of hardship due to unusual circumstances.

Fees are based on actual costs of services, including direct and indirect costs taking into consideration family income and size.

Determining Direct Costs of Services

In determining direct costs, the local departments of social services has the option of using the actual salary and benefits of the worker performing the services, and average of the salary and benefits, or the minimum salary and benefits.

If the actual salary and benefits of the worker performing the services is used, and a supervisor has to perform the service due to the worker being absent, the fee would be based on the amount of the salary and benefits of the worker that would have ordinarily performed the service to avoid overcharging.

If some form of average is used, the averaging should be based on the budget figures for the previous fiscal year and should be calculated on a yearly basis around May or June when the budget is reviewed. The method of averaging would be to average the actual salaries and benefits of the workers performing the services.

Example:

If an agency had a Social Worker I earning \$15 an hour in salary and benefits, a Social Worker II also earning \$15 an hour, a Social Worker III earning \$16 an hour, and a Social

Work Supervisor (who has a normal caseload) earning \$18 an hour, the agency would calculate an average of \$16 an hour.

If minimum salary and benefits is chosen, the first step of the compensation schedule for a social worker for the agency is used. The only recalculating would occur when the agency changes or updates the compensation schedule. This method is very simple and will insure that the salary charged will not exceed the actual salary and benefits of the worker performing the service.

9.1.2 Determining Indirect Costs of Services.

Annually, the Bureau of Local Reimbursement of the State Department of Social Services will continue to calculate for each local agency an indirect cost factor to cover expenses other than the direct worker's salary and benefits (such as overhead costs).

Local agencies will record the time that a worker spends providing the service.

9.1.2.2 The time spent providing the service will be multiplied by the combined worker's hourly salary and benefits: Refer to the section on Determination of Direct Costs) and the Indirect cost.

Example:

20 hours (time to provide services)

\$16 (worker's hourly salary and benefits)

Indirect cost factor of \$.50

Combined worker's hourly salary and benefits plus indirect costs=
 $\$16 + 8 (16 \times \$.50) = 24$

20 hours x \$24 = \$480 (to be adjusted for family size and income)

9.1.3 Income and Family Size

A fee schedule, based upon family size and income, shall be developed annually using the median income level for Virginia.

Determine the family size and income. For purpose of determining family size, include all persons for whom the petitioner/applicant and spouse are responsible.

Determine the petitioner's/applicant's percent of median income using the median income scale disseminated by the Generic Policy Unit. If income falls between two percentages, the lower figure shall be used to determine the amount of the fee assessed. The median income scale is revised annually.

9.1.3.3 Using the percentage of fee scale shown here determine the fee to be assessed

Families with 50% or less of median income shall not be charged a fee.

Families whose income falls at 60% of median income shall be charged 10% of the actual costs.

Families whose income falls at 70% of median income shall be charged 25% of the actual costs.

Families whose income falls at 80% of median income shall be charged 50% of the actual costs.

Families whose income falls at 90% of median income shall be charged 75% of the actual costs.

Families whose income falls at 100% of median income or above all be charged 100% of the actual costs.

Example

The court orders the petitioner/applicant to pay a fee. The cost is calculated to be \$480. Using the median income scale, the fee is adjusted for family size and income. The worker determines that the petitioner's/applicant's annual income falls between 80% and 90% of the median. The worker uses the lower figure of 80%. Using the scale shown

above, the worker determines that the fee should be assessed 50% of the \$480 or \$240.

- 9.1.3.4 Local agencies shall include in reports to the court the amount of the fee assessed to the petitioners, if any. If a local agency finds an unusual circumstance that would affect a petitioner's ability to pay, it shall include this in its report to the court.

9.1.4 Collection and Reporting of Fees.

- 9.1.4.1 The fee shall be collected by the appropriate department of social services. The amount of the fee collected should be included in the agency's report to court.
- 9.1.4.2 The local agency shall report any fees collected as expenditures refunded on its financial report. The local agency's reimbursement from state and federal funds shall be adjusted to reflect the state and federal share of income collected.

9.2 Fee For Custody Investigations, Mediation Services, and Supervised Visitation.
(Section 16.1-274, Code of Virginia)

The court shall assess a fee in accordance with fee schedules established by the appropriate local board of social services.

The fee schedules shall include:

standards for determining the ability of the parties to pay; and

a scale of fees based on the parties' income and family size.

The fee charged shall not exceed the actual cost of services.

The method and medium for payment shall be determined by the local board of social services.

When a local department of social services is requested by another local department or court services unit in the Commonwealth or by a similar department or entity in another state to conduct an investigation involving a child's custody, visitation or support; or to provide mediation services or supervised visitation, the department may require fees prior to conducting the services.

9.3 Fees For Adoption Searches (Section 63.2-1246 and 63.2-1247, Code of Virginia)

Fees are based on actual costs of services, including direct and indirect costs, and taking into consideration family size and income. (See Section 9.1 for determining direct and indirect costs and family size income). The local agency should use 20 hours as an estimated time for services and may charge that amount in advance.

If the search is completed in less than 20 hours, the agency must return the non-expended funds if the cost was paid in advance. If the agency is not successful at the end of 20 hours, the agency has the following options.

The agency can inquire of the applicant if he wishes to continue the search and be charged for the additional hours (written permission from the applicant is mandatory); or

The agency can continue the search, but not charge the applicant more than the initial estimated fee which is based on 20 hours of work.

The agency has the authority (and responsibility) to waive part or the entire fee in unusual circumstances.

10. Intercountry Adoptions

An intercountry adoption is the placement into Virginia of a child already adopted in a foreign country or placement into Virginia of a child from a foreign country for the purpose of adoption. In most inter-country adoptions, the adoptive parents are encouraged to re-adopt in Virginia. Re-adoption, however, is not required to obtain a new birth certificate. See Section 63.2-1220, *Code of Virginia*.

10.1 Pre-adoptive Requirements

Prior to bringing a foreign born child into Virginia, the prospective adoptive parents must meet Virginia's pre-adoptive requirements as well as certain requirements of the Department of Immigrations. Families requesting information on Virginia's pre-adoptive requirements and requirements of the Department of Immigrations should be referred to the Inter-country adoption specialist in the Adoption Unit.

10.2 Adoptive Home Study

In most inter-country adoptions, the family will obtain an adoptive home study from a private agency. In these cases, the private agency that completed the home study will be responsible for the investigation and supervision required to obtain a final order of adoption in Virginia.

10.3 Responsibilities of the Local Department of Social Services in Inter-country adoptions.

There may be times when no Virginia agency was involved in assisting the family with pre-adoptive requirements. In these rare cases, the circuit court will refer the matter for investigation to the local department of social services in the county where the petitioners reside.

10.3.1 Case Opening

A case is opened when a petition for adoption is received from the circuit court. A petition is a written request filed with the court by prospective adoptive parents asking the court to legalize a relationship with a child.

10.3.1.1 Open the case.

10.3.1.2 Set up a case record

the case record should contain the following documents, if applicable:

all court orders,
all required documentation,

Report of Investigation,

all correspondence, and

narrative.

- if two children are on the same petition, only one case is needed.

10.3.2 Review the Petition and Order of Reference

The petition for adoption is usually accompanied by an order of reference, which is an order from the court directing an agency to make an investigation and report.

10.3.2.1 The petition and order of reference must be reviewed to be sure the petition is filed in the court having jurisdiction where the petitioner(s) resides and the case has been referred to the proper agency. The petition must be signed by the petitioner and by counsel of record, if any (Section 63.2-1201).

10.3.2.2 For a child born in another country, an affidavit by a representative of the child-placing agency that a birth certificate number is not available may be substituted for verification by a registrar of vital statistics for that country.

10.3.2.3 If the petitioner(s) moves from the agency's jurisdiction but within Virginia or it appears to be in the best interest of the child for another agency to make the investigation, the agency is to request that the court enter an amended order referring the

investigation to another agency. If the court denies the request for an amended order, the agency must complete the investigation and report. The services of another agency can be requested by the agency ordered to make the investigation.

- 10.3.2.4 The order of reference must be acknowledged to the court with a copy to the Adoptions Unit. The acknowledgment must show the date of receipt of the order and the name of the agency. The acknowledgment form is in the Forms section.

10.3.3 Review of the Consents

The agency does not have any responsibility for obtaining written consent. The agency is responsible for reviewing the consent and including a description in their report of the consent documents.

10.3.4 The Report of Investigation Includes:

- 10.3.4.1 Interviews with:
- adoptive parents,
 - child, if of the age to participate,
- 10.3.4.2 Home visits to describe for the court the physical environment in which the child will live, and to observe interactions between the parent and child in a familiar environment.
- 10.3.4.3 Information on the adoptive parents' income in order to determine the fee assessed.
- 10.3.4.4 If unable to complete the investigation
- The court and the Adoptions Unit must be notified if the investigation and report are delayed and cannot be completed within 60 days.

- A report must be sent to the court with a recommendation for abeyance. The report must include the reason(s) for the delay or inability to complete the investigation and the period of time needed to complete the investigation.

If the petitioners cannot be contacted or located, the agency is to submit a report to the court and recommend the petition be dismissed.

If the petitioner(s) moves from Virginia before completion of the investigation, the agency requests the assistance of an out-of-state agency in completing the investigation.

10.3.5 Prepare the Report of Investigation

The format of the report must be that prescribed by the Adoptions Unit. The Report of Investigation Format and Checklist in the Forms section outlines information to be included in the report.

The report must contain a recommendation as to the action to be taken by the court.

10.3.5.1 Prepare four copies of the report

send original to the court with certificate of service showing copy of report was sent to the adoptions unit. The Certificate of Service form is in the Forms section.

send one copy to the adoptions unit with completed commissioner's confidential report (See the Forms section for the CCR).

Send one copy to the attorney. If the petitioners do not have an attorney, advise them to contact the Clerk of Court to have the

case placed on the docket for disposition. Do not send the petitioner(s) a copy of the report.

Keep a copy in agency's file until final disposition.

10.3.5.2 The agency must submit any additional information requested by the Adoptions Unit.

10.3.5.4 In those instances where the court may enter a final order, the agency shall include a statement as to the amount of the fee assessed and whether the fee has been paid. A receipt must be provided to the court by the local department of social services which completed the investigation and court report to provide proof of payment of the fee.

10.3.6 A Supplementary Report

Sometimes after the required report has been submitted, the agency receives factual information on a case that would influence the action to be taken by the court. The agency must submit a Supplementary Report when factual information is received after making the required report and no court action has been taken or the case is pending as a result of a recommendation for abeyance. The format for a Supplementary Report is in the Forms section.

10.3.7 What Must Be Done Following Final Disposition

10.3.7.1 Final disposition is the final action taken by the court in an adoption which means the case is closed. A final order granting an adoption means the child acquires parents other than his natural parents and a person(s) acquires a child other than by birth. A final order is not subject to attack for any reason after six months from the date it is entered and is final for all purposes (Section 63.2-1216).

10.3.7.2 Acknowledgment and disposition of case material

The agency must review and acknowledge

receipt of the final order of adoption or any other order of final disposition. A copy of the acknowledgment to the court should be sent to the Adoptions Unit. The agency should advise the court of any problem that could affect the legality of the adoption. The acknowledgment form is in the Forms section.

The agency must purge the record of duplicate material and send original copies of all pertinent material that has not been sent to the Adoptions Unit for preservation (See the Forms section for "Guidelines Regarding the Preparation of Adoption Material to be forwarded to Adoption Reports for Preservation in a Non-agency Adoption).

10.3.8 Closing the Case

The case should be closed when the final order of adoption is received.

10.4 Responsibilities of the attorney

Some courts allow petitioners to represent themselves in adoption proceedings. The decision to require an attorney rests with the court. The attorney:

10.4.1 files the petition, which must be signed by the petitioner and counsel of record (Section 63.2-1201),

10.4.2 obtains required consents,

10.4.3 prepares appropriate orders,

10.4.4 informs the petitioners of the legal requirements,

10.4.5 assists the agency in obtaining necessary verifications, and

10.4.6 assists the petitioner(s) in obtaining a new birth certificate for the child.

10.5 Responsibilities of the Commissioner

The Adoptions Unit carries out the duties of the Commissioner of Social Services in adoptions. These duties include:

- 10.5.1 establishing a permanent record of all adoptions petitioned and providing post-adoption services to adult adoptees and adoptive parents seeking background information on the biological family; and
- 10.5.2 monitoring adoption cases and submitting reports to courts when necessary.

10.6 Responsibilities of the circuit court

10.6.1 The petition and all exhibits must be forwarded to the local director of social services which completed the home study or provided supervision. If no Virginia agency provided such services, the petition and all exhibits shall be forwarded to the local director of social services in the city or county where the adoptive family resides, or resided at the time of filing the petition, or had legal residence at the time of the filing of the petition.

10.6.1.1 The clerk of the circuit court where the petition is filed sends a copy of the petition, order of reference and all exhibits to the local director of the department of social services and to the Adoption Unit. The petition must be signed by the petitioner and counsel of record, if any (Section 63.2-1201).

10.6.1.2 The circuit court shall expeditiously consider the merits of the petition upon receipt of the report (Section 63.2-1208).

10.6.1.3 The court may take any action it finds appropriate (Section 63.2-1208B). The court may:

enter a final order,

deny petition,

dismiss petition,

continue proceeding, or
schedule a hearing.

10.6.2 The court may dispense with entry of the interlocutory order
when (section 63.2-1210):

10.6.2.1 the child has been legally adopted according to the
laws of a foreign country with which the United States
has diplomatic relations (section 63.2-1210.5):

if the circuit court is of the opinion that the entry
of an interlocutory order would otherwise be
proper; and

The child has been in the physical custody of
the petitioners for:

at least one year immediately prior to
the filing of the petition, and

a representative of a child-placing
agency has visited the petitioner and
child at least once in a six months
immediately preceding the filing of the
petition or during its investigation, or

the child has been in the physical
custody of the petitioners for at least six
months immediately prior to the filing of
the petition,

has been visited by a representative of a
child placing agency or the local
department of social service three times
within such six month period with no
fewer than ninety days between the first
and last visits,

and the last visit has occurred within six
months immediately prior to the filing of
the petition.

- 10.6.2.2 the child was placed into Virginia from a foreign country in accordance with §63.2-1104, and if (section 63.2-1210.6):
- The child has been in the physical custody of the petitioner for at least six months immediately prior to the filing of the petition,
- has been visited by a representative of a child placing agency or the local department of social service three times within such six month period with no fewer than ninety days between the first and last visits,
- and the last visit has occurred within six months immediately prior to the filing of the petition. The circuit court may, in cases of an international placement, omit the requirement that three visits be made within a six-month period.
- 10.6.2.3 When no action is taken by the court for at least one year from the entry of the last order, the clerk of court places the case on the docket for review by the court.
- 10.6.2.4 The clerk of the court sends to the agency and to the Adoption Unit a copy of any order entered. Upon entry of a final order or any other final disposition, the clerk forwards all reports submitted with the final order to the Adoption Unit for preservation.
- 10.6.2.5 When services have been provided by a local department of social services, the court shall assess a fee, in accordance with regulations and fee schedules established by the State Board of Social Services. The court shall not enter a final order of adoption until proof of payment of fees has been received (Code Section 63.2-1248).
- 10.6.2.6 The court may not enter a final order of adoption without the information needed to complete a Report of Adoption (VS-21), unless the court determines this information is unavailable or unnecessary. The Report of Adoption (VS-

21) provides information that is needed to locate and identify the original birth certificate and to establish a new birth certificate.

- 10.6.2.7 After the entry of a final order, the clerk of court sends to the state department of health, bureau of vital records and health statistics a completed report of adoption, VS-21, and a completed application for a certified copy of a birth record, VS-6, with a check for the required fee (Code Section 32.1-262).

11. Virginia Putative Father Registry

11.1 Virginia Putative Father Registry

The Virginia Putative Father Registry is a confidential database of registered putative fathers. The purpose of The Virginia Putative Father Registry is to protect the rights of putative fathers by allowing them to be notified of termination of their parental rights and/or adoption proceeding regarding a child that he may have fathered.

About the Virginia Putative Father Registry:

- The 2006 General Assembly passed into law Section 63.2-1249, which established The Virginia Putative Father Registry in the Virginia Department of Social Services.
- The Virginia Putative Father Registry provides a mechanism to identify putative fathers who desire to be notified of termination of parental rights and/or adoption proceeding regarding a child they may have fathered.
- If the conception or birth of a child occurred in another state and that state has a Putative Father Registry, the male should register in that state in addition to registering with the Virginia Putative Father Registry to protect his rights.
- The Virginia Putative Father Registry is not intended to start a paternity proceeding. However, the registration may be used to help establish paternity.

11.2 Who May Register

Any putative father is required to register if he would like to receive notice of an adoption proceeding or termination of parental rights for a child he may have fathered.

A putative father is the alleged father of a child. A putative father must register with the Virginia Putative Father Registry if he wants to protect his rights to receive notice of termination of parental rights and/or adoption proceeding regarding a child he may have fathered.

Any male who desires to be notified of an adoption proceeding of, or termination of parental rights regarding, a child that he may have fathered shall register with The Virginia Putative Father Registry. This may include a male who currently lives in Virginia or who visited Virginia at the time of conception of the child or

birth of the child.

11.3 Who Does Not Have To Register

A male who has an established or is establishing a legal relationship with his child does not have to register for protection of his rights and to receive notice of an adoption proceeding or termination of parental rights.

As indicated in section 1.A of the guidance section for Chapter D, the following are legal fathers:

- An acknowledged father is a male who has established, by voluntary written statement, a relationship between himself and the mother of the child that he is the father of the child. The statement is made under oath and in writing agreeing to the paternity.
- An adjudicated father is a male with a judgment or court order establishing the paternity of a child.
- A presumed father is a male married to the mother of the child or was married to the mother of the child and the child was born within 300 days after the termination of the marriage.

Any male that begins paternity proceedings before a petition is filed for adoption or termination of parental rights is not required to register with the Virginia Putative Father Registry.

Section 63.2-1249 A putative father registry shall be established in the Department of Social Services.

Section 63.2-1250A man who desires to be notified of a proceeding for adoption of, or the termination of parental rights regarding a child he may have fathered shall register with the putative father registry before the birth of the child or within 10 days after the birth....

Section 63.2-1250.B, A man will not prejudice any rights by failing to register if:

1. A father-child relationship between the man and the child has been established pursuant to Section 20-49.1, 20-49.8, or if the man is a presumed father as defined in Section 63.2-1202; or

2. The man commences a proceeding to adjudicate his paternity before a petition to

accept consent or waive adoption is filed in juvenile and domestic relations court, or a petition for adoption or a petition for the termination of his parental rights is filed with the court.

11.4 How to Register

A male wishing to register must complete a Virginia Putative Father Registry registration form.

A registration form can be obtained at any of the local departments of social services, by downloading an application from the Virginia Putative Father Registry web site at www.VAPutativeFather.com, or by contacting 1-877-IF-DADDY (1-877-433-2339) to request that an application be mailed to them.

The following information must be provided by the male on the registration form:

- his name, date of birth, social security number;
- his driver's license number and state of issuance;
- his home address, telephone number, employer;
- the name, date of birth, ethnicity, address and telephone number of the putative mother, if known;
- state of conception (i.e. Maryland, North Carolina, California, etc.);
- place and date of birth of the child, if known; and,
- name and gender of the child, if known.

Other identifying information about the father, putative mother or child may be requested.

The completed form is signed and should be mailed to:

Virginia Putative Father Registry
Virginia Department of Social Services
7 North Eighth Street
Richmond, Virginia 23219-3301

**Effective October 27, 2009 send to:
Virginia Putative Father Registry
Virginia Department of Social Services
801 East Main Street
Richmond, VA 23219-2901**

Once registered with the Virginia Putative Father Registry, a male is known as a registrant.

11.5 Timely Registration

A male must register in a timely manner in order to protect his rights. A registration is considered timely when it is received:

- 1) before the child is born; or
- 2) within 10 calendar days after the child is born, or
- 3) within 10 days from the mailing of notice from the child placing agency or adoptive parent of an adoptive plan for a child; or
- 4) within 10 days upon the discovery of fraud by the mother. Fraud is considered the following:
 - a) that a pregnancy was terminated or the mother miscarried when actually the baby was born, or
 - b) the male was told the child had died when actually the baby is alive.

The child-placing agency or adoptive parent is required to give notice of the adoptive plan to the putative father. Typically an agency would provide notice in an agency adoption and an adoptive parent would provide notice in a non-agency placement.

Section 63.2-1202.d.Verification of compliance with the notice provisions of the Putative Father Registry shall be provided to the court.

All registrations received by the Department will be entered into the Virginia Putative Father Registry.

Section 63.2-1250.A ...A man who desires to be notified of a proceeding for adoption of, or termination of parental rights regarding a child that he may have fathered shall register with the Putative Father Registry before the birth of the child or within 10 days

after the birth.

Section 63.2-1250.C ...Upon the discovery of the fraud the man shall register with the Putative Father Registry within 10 days.

Section 63.2-1250.ELack of knowledge of the pregnancy does not excuse failure to timely register. **In the event that the identity and whereabouts of the birth father are reasonably ascertainable, written notice of an adoption plan and the availability of registration with the Putative Father Registry shall be provided by certified mailing to the man's last known address.** The man shall have no more than 10 days from the date of such mailing to register. The mailing may be done either prior to or after the birth of the child.

11.6 If a male would like to receive confirmation that he has been registered, he may contact the Virginia Putative Father Registry at 1-877-IF-DADDY.

11.7 Updating Registration

The registrant shall promptly notify The Virginia Putative Father Registry of any changes including but not limited to change of address.

The registrant can update his registration by completing another Virginia Putative Father Registry registration form. The registrant indicates that he is updating his registration by marking the box on the registration form with an X or check mark stating it is an updated registration. The registrant updates the information that has changed, signs the registration form and mails the form to:

Virginia Putative Father Registry
Virginia Department of Social Services
7 North Eighth Street
Richmond, Virginia 23219-3301

**Effective October 27, 2009 send to:
Virginia Putative Father Registry
Virginia Department of Social Services
801 East Main Street
Richmond, VA 23219-2901**

11.8 Rescinding or Withdrawing Registration

The registrant has a right to rescind his registration at any time.

To rescind a registration, the registrant must complete another Virginia Putative

Father Registry registration form.

The registrant marks the box on the registration form indicating that the registration is being withdrawn for a specific registration.

The registrant must rescind a registration form for each registration with a different name of a putative mother or child.

The registrant must sign the form and mailed it to:

Virginia Putative Father Registry
Virginia Department of Social Services
7 North Eighth Street
Richmond, Virginia 23219-3301

**Effective October 27, 2009 send to:
Virginia Putative Father Registry
Virginia Department of Social Services
801 East Main Street
Richmond, VA 23219-2901**

11.9 Access to The Virginia Putative Father Registry

- The Virginia Putative Father Registry is confidential and exempt from the Virginia Freedom of Information Act.

Section 63.2-1251.C. Information contained in the registry shall be exempt from disclosure under the Virginia Freedom of Information Act (§2.2-3700 et seq.).

- The information in the database shall only be released to the authorized entities:
 - The court or a person designated by the court
 - A designated person must submit documentation from a court signed by a judge indicating that they have been designated by the court
 - The mother of the child who is the subject of registration
 - The mother must submit proof of being the mother of the child by providing a copy of the birth certificate and

notice from The Virginia Putative Father Registry of being listed in it

- A licensed child-placing agency
- A support enforcement agency
- An agency authorized by law to receive such information
- A party or the party's attorney of record in an adoption proceeding, or in a proceeding of termination of parental rights, regarding a child who is the subject of the registration
 - A party of an adoption proceeding may be a petitioner in a termination of parental rights or adoption proceedings such as a local department of social services or an adoptive parent. The foster parent who is not adopting is not party to the termination of parental rights or adoption proceeding for the purposes of the registry
- A putative father registry in another state

11.10 Search of The Virginia Putative Father Registry:

A search of the Virginia Putative Father Registry shall be conducted for all adoptions except for children who have been adopted according to the laws of a foreign country or if the child was placed in Virginia from a foreign country in accordance with §63.2-1104 for the purpose of adoption.

Any petitioner, who files a petition for the termination of parental rights or for an adoption proceeding, shall request a search of the Virginia Putative Father Registry for any putative father.

A petitioner who requests a search of the Virginia Putative Father Registry is called a requestor. The requestor is an authorized person, agency or organization listed in section 12.9 above.

The Virginia Putative Father Registry only conducts searches of the Virginia Putative Father Registry. If the birth and/or conception occurred in another state, the requestor must request a search of the Putative Father Registry in the other state. Staff at the Registry are available to assist in obtaining contact information for a Putative Father Registry in another state by calling 1-877-IF-DADDY (1-877-433-2339).

The requestor completes the Request to Search Form. The Request to Search Form (032-02-0501-00-eng) can be obtained at a local department of social services, may

be downloaded at the Virginia Putative Father Registry web site at www.VAPutativeFather.com or by calling 1-877-IF-DADDY to request a form be mailed or faxed.

The Request to Search form must be notarized and mail to:

Virginia Putative Father Registry
Virginia Department of Social Services
7 North Eighth Street
Richmond, Virginia 23219-3301.

**Effective October 27, 2009 mail to:
Virginia Putative Father Registry
Virginia Department of Social Services
801 East Main Street
Richmond, VA 23219-2901**

The Virginia Putative Father Registry must request documentation to verify authorization to release information. If you have any questions regarding your documentation, please call the Virginia Putative Father Registry at 1-877-IF-DADDY (1-877-433-2339).

Upon satisfaction of documentation requirements, the Department will conduct a search of the Virginia Putative Father Registry, furnish a certificate that a search was conducted and include an attachment of any findings of the search to the certificate.

The Department will furnish within four business days from receipt of a request from a court, agency or individual:

- 1) a signed certificate stating that a search was completed; and
- 2) the findings of the search.

The Department will mail the certificate using the United States mail or at the requestor's expense have the certificates, along with the findings of the search, delivered by overnight mail, in person, by messenger, by facsimile or other electronic communication.

The certificate of search and findings shall be filed with the court before an adoption proceeding can conclude.

A copy of the certificate of search shall be maintained in the case record of the child-placing agency. The social worker shall file a copy of the certificate of search and the findings with the adoption record.

If a search of the registry does not identify a match to the child who is the subject of the search, the social worker should gather and explore other information to locate and identify the name of the father.

11.11 Compliance with Notice Provisions

It is the responsibility of the agency to provide evidence that the agency complied with the following provisions of the Virginia Putative Father Registry:

- notice to a known putative father, and/or
- notice to the putative father regarding his rights.

The evidence must be submitted to the courts when filing the petition that notice was sent to the putative father.

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The Virginia Putative Father Registry Request to Search Form

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1111. FORMS AND INSTRUCTIONS

The following forms and formats are attached.

Format for Identifying Information In Parental Placements

Format for Waive of disclosure of Full names and addresses

c. Formats used in non-agency adoptions and court ordered searches

Report of Investigation Format in a Stepparent Adoption

Report of Investigation Format in an Adult Adoption

Checklist for Report of Investigation

Home Study Format in a Parental Placement and Certification Format

Report of Suspected Violation Format

Report of Visitation Format

Supplementary Report of Investigation (or Visitation) Format

Report to Court Re: Petition for Disclosure

d. Guide material

Guidelines Regarding the Preparation of Adoption Material to be forwarded to the Adoption Reports Unit for Preservation in a Non-agency Adoption.

Sample forms for use in custody investigations.

SUGGESTED FORMAT FOR IDENTIFYING INFORMATION FORM

PURPOSE: The forms entitled, "Identifying Information Form" are to be used for the exchange of identifying and background information between the birth and adoptive parents in parental placement adoptions as required by the Parental Placement law of Virginia (Chapter 12, Article.3)

USE: The forms may be filled out during the simultaneous meeting between the birth parent(s), the adoptive parents and the agency worker. In those close relative adoptions (grandparent, great-grandparent, adult aunt or uncle, adult brother or sister) where the simultaneous meeting is not required, the forms must still be filled out and shared with each party.

A copy of the completed forms is kept in the agency's file. Upon request, the agency is required to make available at any time a copy of the document to any party who signed the document. Another copy of the forms should be sent to the Adoptions Unit upon finalization of the adoption.

COPIES: Except for the initial form which is filled out, dated and signed by the birth parent(s), the adoptive parents and the agency worker, all other forms which pertain to the birth parents are separate forms and a copy must be filled out by the birth mother, birth father, and legal father (if different from the birth father). If the mother was married at the time of the child's conception or birth, but her husband is not the child's birth father, he would be considered the legal father for the purpose of these forms. These forms are subtitled "Birth Parent Information Sheet (Part 1, Part 2 and Part 3)" and "Medical Information on Birth Family (Part 1, Part 2 and Part 3)."

INSTRUCTIONS FOR COMPLETING THE FORM: The birth and adoptive parents should be asked to fill out the appropriate forms with the information requested. In order to insure that forms are legible, it should be requested that information be typed or printed. The forms should then be shared between the birth and adoptive parents.

The birth and adoptive parents must sign and date the initial form. The agency worker should also sign and date the initial form where indicated and list the name of the agency.

In those instances where the child is not yet born when the birth and adoptive parents complete the forms, the agency worker will need to fill in the child's original name and birth date later on. This information is very important for filing purposes.

**SUGGESTED FORMAT FOR
IDENTIFYING INFORMATION FORM**

Please type or print

ADOPTEE'S ORIGINAL NAME AND BIRTH
DATE _____

This form is to comply with Virginia Law Chapter 10.2, Article 3 and Virginia Department
of Social Services Regulations (VR 615-43-3 Part II).

BIRTH MOTHER

BIRTH FATHER

LEGAL FATHER

*(If different
from birth father)

(Name) (Name) (Name)

(Address) (Address) (Address)

_() _____ _() _____ _() _____
(Telephone) (Telephone) (Telephone)

(Signature) (Signature) (Signature)

(Date) (Date) (Date)

ADOPTIVE PARENT/S

(Name)

(Name)

(Address)

()

(Telephone)

(Signature)

(Date)

(Signature)

(Date)

AGENCY REPRESENTATIVE _____

DATE _____

NAME OF AGENCY _____

Additional information attached.

*If the mother was married at the time of the child's conception or birth, but the husband was not the child's birth father, he would still be considered the legal father.

**SUGGESTED FORMAT FOR
IDENTIFYING INFORMATION FORM (Con't)**

Please type or print

ADOPTEE'S ORIGINAL NAME AND BIRTH DATE: _____

BIRTH PARENT INFORMATION SHEET (PART 1)

(This form is for purposes of providing background information for your child and for exchange of information as required by the Parental Placement Law of Virginia. It will be shared with the adoptive parents and part of it will be used for the report to court.)

RELATIONSHIP OF PARENT TO ADOPTEE:

() BIRTH MOTHER () BIRTH FATHER () LEGAL FATHER (if different from birth father)

Name: _____

Address: _____

Telephone number: _____ Social Security number: _____

Date of birth: _____ Place of birth: _____

Height: _____ Weight: _____

Eye color: _____ Hair color: _____

Education: _____

Employment: _____

Religion: _____ Ancestry: _____

Interests and talents: _____

Other information if considered pertinent: _____

SUGGESTED FORMAT FOR
IDENTIFYING INFORMATION FORM (Con't)

Please type or print

ADOPTEE'S ORIGINAL NAME AND BIRTH DATE: _____

BIRTH PARENT INFORMATION SHEET (PART 2)

CHILDREN OF () BIRTH MOTHER () BIRTH FATHER () LEGAL FATHER
(if different from birth father)

Name of parent: _____

The parent should fill out a separate form for each of their children including the adoptee if born:

Full name of child and sex: _____

Child's date and place of birth: _____

Health of child to include birth and developmental information: _____

Physical description of child to include eye and hair color, approximate height and weight: _____

Personality of child: _____

Other pertinent information on child: _____

**SUGGESTED FORMAT FOR
IDENTIFYING INFORMATION FORM (Con't)**

Please type or print

ADOPTEE'S ORIGINAL NAME AND BIRTH DATE: _____

BIRTH PARENT INFORMATION SHEET (PART 3)

BIRTH RELATIVES OF () BIRTH MOTHER () BIRTH FATHER () LEGAL FATHER
(if different from birth father)

Name of parent:

Parent's mother's name: _____ Parent's father's name: _____

Parent's mother's birth date: _____ Parent's father's birth date: _____

Parent's mother's education: _____ Parent's father's education: _____

Parent's mother's employment: _____ Parent's father's employment: _____

Parent's mother's health: _____ Parent's father's health: _____

Parent's sisters and brothers
names and ages:

**SUGGESTED FORMAT FOR
IDENTIFYING INFORMATION FORM**

Please type or print

ADOPTEE'S ORIGINAL NAME AND BIRTH DATE: _____

MEDICAL INFORMATION ON BIRTH FAMILY (PART 1)

RELATIONSHIP OF PARENT TO ADOPTEE: () BIRTH MOTHER () BIRTH FATHER
() LEGAL FATHER (if different from birth father)

Name of parent: _____

List any drugs used: _____

If birth mother, list any drugs used during pregnancy: _____

Have you been tested for AIDS? _____ Results of test: _____

The following two pages are for listing medical information on your family. Please check (x) any of the blocks that are applicable. If any blocks are checked, please give specific details on this page including description of illness (e.g. type of mental/emotional problems, metabolic disorder, eye problems, or blood diseases), age of onset of the illness and any deaths that resulted.

SUGGESTED FORMAT FOR
IDENTIFYING INFORMATION FORM (Con't)

Please type or print

ADOPTEE'S ORIGINAL NAME AND BIRTH DATE: _____

ADOPTIVE PARENT INFORMATION SHEET

Date: _____

Names: _____

Date of birth: _____

Address: _____

City/Zip: _____

Phone number: _____

List mental and physical health
issues: _____

Education: _____

Employment: _____

Interests: _____

Religion: _____

Other children in the
family: _____

Hopes and expectations for
adoptee: _____

SUGGESTED FORMAT FOR WAIVER OF FULL NAME & ADDRESS FORM

PURPOSE: The forms entitled, "Waiver of Identifying Information Form" are to be used to acknowledge that the birth parents and the adoptive parents agree to waive the disclosure of full names and addresses. The birth parent is to complete one form which is entitled Waiver of Full Names & Address Form (Birth Parent). The adoptive parent is to complete a separate form which is entitled Waiver of Full Names & Address Form (Adoptive Parent).

USE: The forms must be completed when the birth parents and adoptive parents elected to waive disclosure of full names and addresses.

A copy of the completed forms is kept in the agency's file. Upon request, the agency is required to make available at any time a copy of the document to any party who signed the document. Another copy of the forms should be sent to the Adoptions Unit upon finalization of the adoption.

COPIES: Except for the initial form which is filled out, dated and signed by the birth parent(s), the adoptive parents and the agency worker, all other forms which pertain to the birth parents are separate forms and a copy must be filled out by the birth mother, birth father, and legal father (if different from the birth father). If the mother was married at the time of the child's conception or birth, but her husband is not the child's birth father, he would be considered the legal father for the purpose of these forms.

INSTRUCTIONS FOR COMPLETING THE FORM: The birth and adoptive parents should be asked to complete the form if the birth parent and adoptive parent agree to waive disclosure of full names and addresses. In order to insure that forms are legible, it should be requested that information be typed or printed. The forms should then be shared between the birth and adoptive parents.

The birth and adoptive parents must sign and date the form separately. Each parent should complete their respective form. The agency worker should also sign and date the initial form where indicated and list the name of the agency.

In those instances where the child is not yet born when the birth and adoptive parents complete the forms, the agency worker will need to fill in the child's original name and birth date later on. This information is very important for filing purposes.

SUGGESTED FORMAT FOR WAIVER OF FULL NAME & ADDRESS FORM
(Birth Parent)

I, _____, birth parent of said child _____

agree to waive the disclosure of full names and address. Section 63.2-1232.3 *Code of Virginia*.

I, _____, birth parent of said child _____

agree, to waive the disclosure of full names and address. Section 63.2-1232.3 *Code of Virginia*.

Singed:

Birth Parent

Date

Birth Parent

Date

Witness

Date

SUGGESTED FORMAT FOR WAIVER OF FULL NAME & ADDRESS FORM
(Adoptive Parent)

I, _____, adoptive parent of said of said child _____

agree to waive the disclosure of full names and address. Section 63.2-1232.3 *Code of Virginia*.

I, _____, adoptive parent of said of said child _____

agree to waive the disclosure of full names and address. Section 63.2-1232.3 *Code of Virginia*.

Singed:

Adoptive Parent

Date

Adoptive Parent

Date

Witness

Date

REPORT OF INVESTIGATION
FORMAT IN A STEPPARENT ADOPTION

NOTE: The Commissioner's Confidential Report form on page 10.3 is to be submitted only to the Adoptions Unit with one copy of the report.

VIRGINIA

In The Circuit Court of (city and county)

REPORT OF INVESTIGATION
BY (name of agency)
Agency Case No.
Virginia Adoption Case No.
Chancery No. (if applicable)
(current date)

In Re: Adoption of _____
(child's name)

Also Known As _____
(show all names by which child is known)

To Be Named _____

By _____
(male petitioner's name)

And _____
(female petitioner's name)

(street address)

(specify city or county)

To the Honorable (Judge's name), Judge of the Circuit Court of the (city/county):

The (name of agency) having received an order of reference to make an investigation in the above-styled case, pursuant to Section 63.1-219.35, Code of Virginia, makes the following report:

The child to be adopted is a (race and sex) born (date of birth) in (place of birth) (state whether birth information has been verified and show birth registration number, if available). He/she is identified as (child's name) on his/her birth

certificate. He/she is (state the relationship of the child to the petitioners).

Suitability of the petitioners to adopt:

Ages, races, educational background, date of marriage, (state whether verified), sex and ages of children.

Former marriages, place, date, method of termination (state whether verified), ages and whereabouts of children of former marriages.

Report of Investigation Format (Continued)

Employment of the petitioners, all income, savings, investments, insurance, debts, including mortgage and time payments, and real estate owned.

Description of the home and community, members of the household, relationships, and housekeeping standards.

Religion of the petitioners, personality, community activities, and physical and mental health.

Condition of the Child:

Name, age, school grade and achievement, if applicable, and health condition. Physical, mental and emotional development. Relationship with petitioners, other members of the household, peers and adults.

Separation from natural parents:

Circumstances of the birth, reason for separation, way in which separation occurred.

Physical description of all parents, ages, races, verified marital status of the mother at the time of the child's conception and birth, educational backgrounds, employment, physical and mental health history, and personality. Names of the natural parents not to be used.

Attitudes toward adoption.

Consent:

State who consents, by what authority and in what manner.

Circumstances of the placement:

State when and how the child came to live with both petitioners.

Evaluate the care the child receives, adjustment in the home, the petitioners' adjustment to the child and the suitability of the adoption. If the adoption is not in the child's best interest, the recommendation should include a statement regarding custody and/or visitation rights, if applicable.

Agency's Recommendation:

Suggested wording for final order: The (name of agency) recommends that the final order of adoption be entered, omitting the interlocutory order and period of probation, as provided by Section 63.2-1210, Code of Virginia.

Suggested wording for amount of fee assessed: The (name of agency) recommends that the petitioners be assessed a fee in the amount of \$_____, or recommends that no fee be assessed to the petitioners.

Respectfully submitted,

(Superintendent/Director)

(name of agency)

OR

John Doe
Superintendent/Director

By

(name and title of person signing report)

Prepared by: (caseworker's name)

NOTE: Please note that all copies of the report are to be signed by the Superintendent/Director or designated person as shown above.

REPORT OF INVESTIGATION
FORMAT IN AN ADULT ADOPTION

NOTE: The Commissioner's Confidential Report form on page 10.3 is to be submitted only to the Adoptions Unit with one copy of the report.

VIRGINIA

REPORT OF INVESTIGATION

BY (name of agency)

In The Circuit Court of (city and county)

Agency Case No.

Virginia Adoption Case No.

Chancery No. (if applicable)

(current date)

In Re: Adoption of _____
(adoptee's name)

Also Known As _____
(show all names by which adoptee is known)

To Be Named _____

By _____
(male petitioner's name)

And _____
(female petitioner's name)

(street address)

(specify city or county)

To the Honorable (Judge's name), Judge of the Circuit Court of the (city/county):

The (name of agency) having received an order of reference to make an investigation in the above styled case, pursuant to Section 63.1-219.50 Code of Virginia, makes the following report:

The subject of the adoption petition is a (race and sex) born (date of birth) in (place of

birth) (state whether birth information has been verified and show birth registration number, if available). He/she is identified as (adoptee's name) on his/her birth certificate. He/she is not related to the petitioners by blood or marriage (or state the relationship of the adoptee to the petitioners).

Report of Investigation Format (Continued)

Suitability of the petitioners to adopt:

Ages, races, educational background, date of marriage, (state whether verified), sex and ages of children.

Former marriages, place, date, method of termination (state whether verified), ages and whereabouts of children of former marriages.

Employment of the petitioners, all income, savings, investments, insurance, debts, including mortgage and time payments, and real estate owned.

Description of the home and community, members of the household, relationships, and housekeeping standards.

Religion of the petitioners, personality, community activities, and physical and mental health. Medicals are required in non-relative placements.

Petitioners as observed by references.

Condition of the adoptee:

Name, age, education, employment, marital status, hobbies, health condition, confirmed by medical statement in non-relative placements. Physical, mental and emotional development. Relationship with petitioners, other members of the household, and peers.

The adoptee's reason for wanting the adoption to occur.

Separation from natural parents:

Physical description of all parents, ages, races, educational backgrounds, employment, physical and mental health history, and personality. Names of the natural parents not to

be used.

Consent:

State who consents, by what authority and in what manner. Only the consent of the adoptee is required in an adult adoption.

Report of Investigation Format (Continued)

Circumstances of the placement:

State when and how the adoptee came to live in the home, if applicable. State any fees paid to person(s) or agencies that assisted in the placement.

Evaluate the suitability of the adoption.

Agency's Recommendation:

Suggested wording for final order: The (name of agency) recommends that the final order of adoption be entered in accordance with Code Section 63.2-1213.

Suggested wording for amount of fee assessed: The (name of agency) recommends that the petitioners be assessed a fee in the amount of \$_____, or recommends that no fee be assessed to the petitioners.

Respectfully submitted,

(Superintendent/Director)

(name of agency)

OR

John Doe
Superintendent/Director

By _____
(name and title of person signing)

report)

Prepared by: (caseworker's name)

NOTE: Please note that all copies of the report are to be signed by the Superintendent/Director or designated person as shown above.

CHECKLIST FOR REPORT OF INVESTIGATION

- (1) Verification of the child's/adoptee's name, date and place of birth with birth registration number
- (2) Petitioners:
- (a) race
 - (b) age
 - (c) verification of marriage
 - (d) verification of termination of marriage(s)
 - (e) children
 - (f) education
 - (g) employment
 - (h) physical and mental health (medicals required in non-relative placement)
 - (i) religion
 - (j) references (not specifically required in stepparent adoptions)
 - (k) finances:
 - 1. income
 - 2. savings and investments
 - 3. debts
 - 4. insurance
 - (l) home:
 - 1. size
 - 2. location
 - 3. standards
 - 4. occupants
 - (m) personalities
 - (n) marital relationship
- (3) Child/Adoptee:
- (a) birth history
 - (b) development
 - (c) health (medical required in non-relative placement)
 - (d) personality
 - (e) education, if applicable
 - (f) family relationships
 - (g) employment, if applicable
 - (h) marital status in an adult adoption

- (4) Natural parents:
- (a) verification of the mother's marital status at time of the child's conception and birth **(not required in an adult adoption)**
 - (b) separation from and planning for the child
 - (c) attitude toward adoption **(not required in an adult adoption)**
 - (d) age and race
 - (e) education
 - (f) employment
 - (g) physical and mental history, including current health
 - (h) physical description
 - (i) personality
 - (j) relationship assumed by father:
 - 1. acknowledgment of paternity
 - 2. financial support and visitation
 - (k) relationship between parents
 - (l) family relationships
- (5) Consent:
- (a) are the child/adoptee and the petitioner(s) properly identified
 - (b) who was given notice and the method of notice (not applicable in an adult adoption)
 - (c) date and manner consent was given
- (6) Placement:
- (a) how did the petitioners learn about the child/adoptee
 - (b) who made or assisted in the placement
 - (c) date of the placement
 - (d) were the petitioners given guardianship (not applicable in stepparent and adult adoptions)
 - (e) fees paid regarding the placement
- (7) Recommendation
- (a) agency's recommendation
 - (b) if a final order is recommended and services were provided by a local department of social services, the agency must state the amount of the fee assessed, if any, **AND PROVIDE THE COURT WITH A RECEIPT TO SHOW PROOF OF PAYMENT OF THE FEE.**

HOME STUDY FORMAT
IN A PARENTAL PLACEMENT ADOPTION

VIRGINIA

Home Study Report
By (name of agency)

In The Juvenile and Domestic Relations Court of (city and county)

In Re:

(name of family)

(street address)

(city or county, state and zip)

(telephone number)

To the Honorable (Judge's name), Judge of the Juvenile and Domestic Relations Court
of (city/county):

The (name of agency) having been requested to complete a home study on the above-
named family, pursuant to Chapter 12 Article 3 makes the following report:

The child to be adopted is a (race and sex) born (date of birth) in (place of birth) (state
whether birth information has been verified. If verified by birth certificate, include birth
certificate number). He/she is identified as (child's name) on the birth certificate.
He/she is not related to the petitioners by blood or marriage (or state the relationship of
the child to the petitioners).

Suitability of the petitioners to adopt:

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Ages, races, educational background, date of marriage (state whether verified), sex and ages of children.

Former marriages, place, date, method of termination (state whether verified), ages and whereabouts of children of former marriages.

Employment of the petitioners, all income, savings, investments, insurance, debts, including mortgage and time payments, and real estate owned.

Description of the home and community, members of the household, relationships, and housekeeping standards.

Religion of the petitioners, personality, community activities. Statement about whether the petitioners are in satisfactory physical and mental health to raise a child.

Petitioners as observed by references. Findings of the criminal record check and child protective services check.

Condition of the child

Name, age, school grade and achievement, if applicable, and health condition confirmed by medical statement. Physical, mental and emotional development. Birth history. Relationship with petitioners, other members of the household, peers and adults.

Separation from birth parents

Circumstances of the birth, reason for separation, way in which separation occurred and attitude of the birth parents toward the adoption.

Physical description of all parents, ages, races, verified marital status of the mother at the time of the child's conception and birth, educational backgrounds, employment, physical and mental health, personality.

Name and address of the birth parent(s).

Circumstances of the placement

State when and how the child came to live in the home. If applicable, include a statement as to whether the requirements of law related to the Interstate Compact on the Placement of Children have been met.

Evaluate, if appropriate, the care the child receives, adjustment in the home, the petitioners' adjustment to the child and the suitability of the adoption.

Report financial arrangements, exchange of property among the parties, and the fees paid or charged for services related to the placement or adoption of the child. Include names and addresses.

Home Study Format
In A Parental Placement Adoption (Con't)

Agency's Recommendation

The (name of agency) recommends that this placement is/is not a suitable placement for the child.

If the recommendation is against the placement, the agency must specify why the placement is contrary to the best interest of the child.

The (name of agency) recommends that the petitioners be assessed a fee in the amount of \$_____, or recommends that no fee be assessed to the petitioners.

Respectfully submitted,

(Superintendent/Director)

Prepared By _____
(Name of worker)

NOTE: A COPY OF THE CERTIFICATION FORM ON PAGE 11.23 MUST BE SUBMITTED TO THE COURT WITH THE HOME STUDY REPORT.

CERTIFICATIONS

I certify that:

 / the birth parent(s) are aware of alternatives to adoption, adoption procedures, and opportunities for placement with other adoptive families.

 / the prospective adoptive parents have been counseled with regard to alternatives 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 appears to be informed and uncoerced, and that the adoptive parents have stated that they intend to file an adoptive petition and proceed towards a final order of adoption.

 / during the course of the home study, the agency worker met with the birth parent(s) and the adoptive parents simultaneously; or

 / the simultaneous meeting between the agency worker, the birth parent(s) and adoptive parents did not occur because the child was being adopted by his/her grandparents, adult brother or sister or adult uncle or aunt.

 / identifying information including but not limited to full names, addresses, physical, mental, social and psychological information was exchanged between the birth parent(s) and adoptive parents.

(Name of Worker)_____

(Worker's Title)_____

(Agency)_____

(Date)_____

STATE OF VIRGINIA

COUNTY/CITY OF _____, to wit:

I, _____, a Notary Public in and for the County/City aforesaid, in the State of Virginia, do hereby certify that

_____ whose name is signed to the foregoing

Certifications has acknowledged the same before me in my County/City aforesaid.

My Commission expires _____

Given under my hand this _____ day of _____, 20____

(Notary Public)

REPORT OF SUSPECTED VIOLATIONS

(Current Date)

Agency Case No.

Adoption of: (name of child)

By: (name of prospective adoptive family)

Address: (street address and city or county)

Name of Birth Mother:

Address:

Date of Placement:

Reported Violator(s):

Profession, if appropriate:

Address (or addresses):

Provide description of violation. The violation could be for exchanging money, property, or anything of value or it could be for engaging in the activities of a licensed child-placing agency without a license to do so.

When the suspected violation relates to the exchange of money, property, or anything of value, provide a detailed listing of the information. Information provided should include a description of what the fee was for and the amount paid.

Please note that this report is to be sent to the Adoptions Unit. When the home study was requested by the court, this report is sent to the Adoptions Unit at the time the home study report is submitted to juvenile court or, if information is learned at a later time, with the Report of Visitation that is submitted to the circuit court.

When the home study was requested by the birth or adoptive parents and arrangements have been made between those parties for the placement of the child, this report is sent to the Adoptions Unit when the home study report is sent to the adoptive parents' attorney.

NOTE: In a parental placement adoption, the Commissioner's Confidential Report form should be submitted to the Adoptions Unit with one copy of the Report of Visitation if the form has not already been submitted. The Commissioner's Confidential Report form is to be submitted only to the Adoptions Unit.

REPORT OF VISITATION FORMAT

VIRGINIA

REPORT OF VISITATION

BY (name of agency)

Agency Case No.

Virginia Adoption Case No.

In The Circuit Court of (city/county)

Chancery No. (if applicable)

(current date)

In Re: Adoption of _____
(child's name)

Also Known As _____
(show all names by which child is known)

To Be Named _____

By _____
(male petitioner's name)

And _____
(female petitioner's name)

(street address)

(specify city or county)

To the Honorable (Judge's name), Judge of the Circuit Court of the (city/county):

An interlocutory order having been entered on (date), the (name of agency) herewith makes the following Report of Visitation, pursuant to Section 63.2-1212 Code of Virginia:

Identify the child, stating race, sex, date and place of birth, whether verified and birth registration number, name as it appears on the birth certificate, and relationship to petitioners.

Statement regarding the visits, giving the dates of the visits. State where the visits occurred and who was seen.

Paragraph reporting any changes in the home situation.

Paragraph summarizing the child's present condition and development since the initial investigation.

Report of Visitation Format (Continued)

Summary of contacts the natural family may have had with the child, petitioners or agency.

In a parental placement adoption, include any additional information obtained that pertains to the circumstances of the placement. Such information would include financial arrangements, exchange of property among the parties, and the fees paid or charged for services or related to the placement or adoption of the child.

Evaluation of the adoption and a statement concerning the court action which would appear to be in the child's best interest. The fee assessed to the petitioner is \$ _____. If the report is submitted before the end of the probationary period, a statement should indicate the action to be taken at the conclusion of the probationary period and the 21 days allowed for the Commissioner's review of the report.

Respectfully submitted,

Superintendent/Director

(name of agency)

OR

John Doe
Superintendent/Director

By _____
(name and title of person signing
report)

Prepared by: (caseworker's name)

[NOTE: Please note that formal headings are not used in the body of the report and

all copies of the report are to be signed by the Superintendent/Director or designated person as shown above.

SUPPLEMENTARY REPORT OF INVESTIGATION
(OR VISITATION) FORMAT

VIRGINIA

In The Circuit Court of (city/county)

SUPPLEMENTARY REPORT OF
INVESTIGATION (OR VISITATION)

BY (name of agency)

Agency Case No.

Virginia Adoption Case No.

Chancery No. (if applicable)

(current date)

In Re: Adoption of _____
(child's name)

Also Known As _____
(show all names by which child is known)

To Be Named _____

By _____
(male petitioner's name)

And _____
(female petitioner's name)

(street address)

(specify city or county)

To the Honorable (Judge's name), Judge of the Circuit Court of the
(city/county):

The (name of agency) having submitted a Report of Investigation (or
Visitation) on (date) makes the following Supplementary Report:

Optional Paragraph: The child to be adopted is a (race and sex)
born (date of birth) in (place of birth) (state whether birth information has been verified
and show birth registration number, if
available). He/she is identified as (child's name) on his/her birth

certificate. He/she is not related to the petitioners by blood or marriage (or state the relationship of the child to the petitioners).

Supplementary Report of Investigation (or Visitation) (Continued)

Text: Include additional information. Formal headings are not used in the body of the report.

Agency's Recommendation: If there is no change, repeat the recommendation made in the prior report. Include the amount of the fee assessed.

Respectfully submitted,

Superintendent/Director

(name of agency)

OR

John Doe
Superintendent/Director

By _____
(name and title of person
signing report)

Prepared by: (caseworker's name)

NOTE: Please note that all copies of the report are to be signed by the Superintendent/Director or designated person as shown above.

SAMPLE FORMAT FOR REPORT
RE: APPLICATION FOR DISCLOSURE

REPORT OF INQUIRIES

BY:
Name of Agency
DATE:

By: _____
Name of Applicant

Re: Virginia Adoption Case No. _____

In Chancery No. _____
(If applicable)

The (name of agency) having received a Letter of Appointment to attempt to locate and advise the (person(s) to be located) of the application for disclosure, pursuant to Chapter 12 Article 6, of the Code of Virginia, makes the following report:

In the first paragraph, explain in detail (without disclosing identifying information on the person(s) to be located) what efforts were made to comply with the court order. Resources used to locate the person(s) named in the order should be fully documented, especially in those cases where agency efforts were unsuccessful.

Explain findings. If the person(s) are located, include updated non-identifying information about them. Indicate their attitude towards having their identity disclosed and/or being contacted by the petitioner.

Agency's recommendation: State the action on the application felt to be appropriate according to the request and findings. A denial of the application for disclosure would be indicated in those cases where the person(s) sought could not be located, were deceased, or were opposed to having their identity disclosed. If the agency recommends that identifying information be disclosed, the agency may wish to offer its services as an intermediary or suggest some other agency or person be appointed. State the amount of the fee assessed.

Respectfully submitted,

(Name and Title)
Case Worker who prepared report

GUIDELINES REGARDING THE PREPARATION OF ADOPTION MATERIAL
TO BE FORWARDED TO THE ADOPTIONS UNIT FOR PRESERVATION
IN A NON-AGENCY ADOPTION

The material to be sent for preservation is to include data and documents pertaining to the child, the natural parents and relatives, and the adoptive parents. The material must be purged of all duplicate and non-pertinent information. The originals of all material are to be sent to the Adoptions Unit since copies do not microfilm well.

HOW TO SUBMIT MATERIAL TO THE ADOPTIONS UNIT FOR PRESERVATION

Case material should be prepared for microfilming and forwarded to the Adoptions Unit within thirty (30) days after receipt of the final order if the material has not already been sent. All pertinent material can be sent along with the court report rather than after finalization. All material sent to the Adoptions Unit after the finalization of the adoption should be placed in folders and the tab labeled with the Virginia Adoption Case Number.

All names by which the child may have been known should be shown on the front of the folder. These names would include the child's original name, adoptive name, agency code name, and any other name by which the child has been known.

WHAT TO FORWARD:

1. All medical and psychological reports;
2. All verifications of births, deaths, divorces, and marriages;
3. Original letters of reference;
4. Copies of letters to legal/natural parents and the envelopes, if returned by the post office;
5. Original letters from legal/natural parents;
6. Background summaries and reports to Juvenile and Domestic Relations Courts;
7. All legal documents concerning the child's custody;
8. Case narrative material (See Number 3 under "What to Purge").

9. In a parental placement adoption, send a copy of the prescribed forms for sharing identifying and background information between the birth parent(s) and adoptive parents. Each of these forms is entitled "Identifying Information Form." another copy of these forms should be retained by the agency (see section of these guidelines entitled "material to be retained by the agency").

WHAT TO PURGE:

1. Miscellaneous correspondence, letters, greeting cards, acknowledgments and requests for status of reports;
2. Duplicates and extra copies of material. These could be copies of material which the agency knows that the Adoption Reports Unit already has such as the Report of Investigation, Report of Visitation, adoption petition, Certificate of Service and order of reference;
3. Case narrative that does not contain specific factual information relative to the child's background;
4. Pictures, baby's hospital bracelet;
5. Service application forms.

MATERIAL TO BE RETAINED BY THE AGENCY:

In a parental placement adoption, the agency is to retain a copy of the prescribed forms for sharing identifying and background information between the birth parent(s) and adoptive parents. Each of these forms is entitled "identifying information form" and a suggested format for the form is shown in the forms section. The initial form is to be dated and signed by the birth parent(s) and adoptive parents. Upon request, the agency is to make available a copy of these forms to either party who signed the initial form.

PROPOSED PROCEDURES FOR COURT ORDERED
CUSTODY/VISITATION INVESTIGATIONS

1. Agency receives the order from the court.
2. An initial letter is sent to the parties asking that they complete and return the financial statement, Child Protective Services release of information form and payment for Child Protective Services, questionnaire, and authorization to release school/academic information.
3. Upon receipt of the financial statement, the local agency mails the parties the fee assessment and questionnaire letter. This letter requests that the parties pay the assessed fee to the agency within a specified period of time.
4. If the parties do not return the questionnaire and/or pay the fee by the requested date (and have not contacted the agency with an acceptable explanation), the agency then sends a final letter requesting return of the questionnaire and/or payment of the fee, giving the parties an additional period of time in which to return the questionnaire and pay the fee.

This letter informs the parties that if they fail to comply by the new date, the agency will then plan to notify the court that the agency is unable to provide the requested service. If the petitioner continues to fail to pay the fee and/or return the questionnaire, the agency may then notify both the parties and the court that the investigation cannot be completed or if an assessment of available information indicates it to be in the child's best interest to continue to attempt to complete the investigation, the agency may take steps to do so without payment of the fee and/or the completed questionnaire.

5. Once the local agency has received the questionnaire and the fee has been paid, the agency completes one or more home visits to obtain additional information and necessary verifications and to make an assessment of the home environment.
6. The agency then prepares the investigation report, which is a summary of the information obtained from the questionnaires, home visits, and interviews, as well as the reference letters and assessment of the information obtained and a recommendation, if requested by the court.
7. The investigation report, the questionnaire completed by the parties, and the reference letters are submitted to the court.

INSTRUCTION FOR CUSTODY INVESTIGATION PROCESS

1. By _____ return the following completed forms:
 - a. Financial statement (report all income available to all members of your family unit. Your family unit includes yourself, your spouse or live-in companion, and your children or stepchildren under 18 years of age who live with you).
 - b. Child Protective Services release of information form (for each adult in the home with a \$5 check or money order payable to Virginia Department of Social Services).
 - c. Criminal history records request (this is to be picked up by the client from the police department themselves).
 - d. Authorization to release school/academic information. Please sign and return to agency.
 - e. Questionnaire for completion of custody investigation (to be completed by the petitioner and spouse or other significant adult who lives in the home/has responsibility for children).
2. Upon receipt of your financial statement, the agency will assess the fee to be paid. Virginia Law has established a schedule for certain court ordered services based on income and family size. You will be notified of the assessed fee and will receive specific instruction as to how to pay the fee. We will not be able to proceed further with the custody/visitation matter until fees have been properly assessed and paid.
3. Once the fee has been paid (and all the items in #1 have been returned), we will contact you to arrange an appointment.
4. Appointments may be scheduled to meet with both you and your child(ren) at our office and at your home.

The agency has a limited amount of time to prepare this custody investigation report. Therefore, we must receive all the requested materials by _____.

Failure to submit all the requested information timely will result in our inability to submit our report to the court.

IF YOU HAVE DIFFICULTIES WITH QUESTIONNAIRE OR ANY OTHER MATERIAL,
PLEASE CONTACT YOUR WORKER IMMEDIATELY.

CUSTODY INVESTIGATIONS/VISITATIONS
SAMPLE FEE ASSESSMENT AND QUESTIONNAIRE LETTER

DATE

Petitioner's Name
Street Address
City, State, & ZIP

RE: Custody/Visitation of _____
(Name of Child)

Dear Petitioner:

Based on our evaluation of your financial statement, you have been assessed a fee of \$_____. You may pay this fee by cash, certified check, personal check, or money order. This fee can be mailed or brought to the

Name & Address of Agency

We have also enclosed a questionnaire which you and your spouse (or other persons who live in the home and are responsible for raising the child/children) will need to complete as accurately as possible. This questionnaire will become an important part of the document that is presented to court.

Once the fee is paid and you have returned your questionnaire, we will contact you to arrange an appointment for a home visit.

The agency has a limited amount of time to prepare this investigation. Therefore, we **MUST** receive the fee payment and the completed questionnaire by _____. Failure to submit this information to the agency necessitates that we notify the court.

We know you want what is best for your child/children. Your prompt response to the questionnaire and payment of your fee will help us to address the needs of your children as quickly as possible.

October 2009

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Sincerely,

(Worker Name)

(Worker Title)

(Telephone Number)

1. _____
2. _____
3. _____
4. _____

H. Names of any children not living with you: Describe Relationship.

1. _____
2. _____
3. _____

II Family History

QUESTION	
Your father's full name	
Your father's address	
If deceased, give date and cause	
Was your father ever divorced, separated, remarried? Specify	
Number of children he had	
What was his employment?	
Last grade in school completed?	
Your mother's full name	
Your mother's address	

QUESTION	
If deceased, give date and cause	
Was your mother ever divorced, separated, remarried? Specify	
Number of children she had	
What was her employment?	
Last grade in school completed?	
Names and ages of your brothers and sisters	

III Your Background

A. EDUCATION	
QUESTION	
What was the highest grade you completed?	
How many years did you attend college?	
What degree did you receive?	
Name and location of college	
What special vocational or job training other than college have you	

received?	
-----------	--

B. EMPLOYMENT	
QUESTION	
Name and address of current employer	
Working hours	
Date hired in current job	
Type position currently held	
Approximate time you expect to remain in this employment	

C. PREVIOUS EMPLOYMENT	
QUESTION	
Last place you worked	
Date job began	
Date job ended	
Type of work	
Reason for leaving	

Place you worked before that Date job began Date job ended Type of work Reason for leaving	
Placed you worked before that Date job began Date job ended Type of work Reason for leaving	
Place you worked before that Date job began Date job ended Type of work Reason for leaving	

D. MILITARY HISTORY	
QUESTION	

Branch	
Date(s) of service	
Rate/Rank at discharge	

E. CRIMINAL RECORD HISTORY	
QUESTION	
Have you ever been arrested?	
If so, list date, place, charges and circumstances	

F. CHILD PROTECTIVE SERVICES HISTORY	
QUESTION	
Have you ever had a child abuse/neglect complaint lodged against you?	
Date and place	
Disposition, if known	

G. RESIDENCY HISTORY (within last 7 years, starting with most recent)	
QUESTION	
Previous address	
When did you live there? (from-to dates)	
Previous address	

When did you live there? (from-to dates)	
Previous address When did you live there? (from-to dates)	
Previous address When did you live there? (from-to dates)	

H. HEALTH	
QUESTION	
Identify current illnesses or medical problems	
If you or anyone in your family has ever experienced any of the following, please state relationship of person to you:	
Alcoholism	
Substance Abuse	
T.B.	
Epilepsy	
Cancer	
HIV	
Heart disease	

Diabetes	
Allergies	
Asthma	
Emotional/mental illness	
List any surgery or hospitalizations (include psychiatric hospitalizations)	
Please explain any treatment you have received for emotional or marital-related problems	
Please describe your drug and/or alcohol use	

I. MARRIAGE BACKGROUND	
Date and place of present marriage (ATTACH COPY OF CERTIFICATE)	
QUESTION	
Describe previous marriage Date of marriage To whom Place Date of divorce/death Names/ages of children from this marriage	
Describe previous marriage Date of marriage To whom Place Date of divorce/death Names/ages of children from this marriage	

<p>Describe previous marriage</p> <p>Date of marriage</p> <p>To Whom</p> <p>Place</p> <p>Date of divorce/death</p> <p>Names/ages of children from this marriage</p>	
---	--

IV Family Relationships

QUESTION	
How did your parents view the importance of your education? Were you able to meet their expectations? Explain	
Describe your relationship with your parents as a child	
How did your parents show affection? How did they show anger?	
As a child, did any of your family members experience problems with sudden loss of income, jail, death, divorce, foster care, abuse? Explain	
How have your childhood experiences affected the way you are as an adult?	
Considering your own upbringing, what would you want to do differently with your own child?	
What do children owe their parents?	
How did you meet your present partner? How long did you know	

each other before marriage or living together?	
Describe current relationships with extended family members (parent, brothers and sisters, etc.)	

V Support Network

QUESTION	
Describe relationship with extended friends, neighbors, church, etc.	

VI Personal Profile

QUESTION	
What do you consider your strengths and weaknesses as a person?	
What are some failures or disappointments you have experienced? How did you handle these?	
What activities do you enjoy by yourself?	
What activities do you enjoy participating in with your family?	
Does your religious affiliation prevent medical intervention or public school attendance for your child? If so, please explain.	

VI Personal Profiled (Con't)	
How do you show affection to each member of your family?	
How do you handle your anger?	
How is your present marriage or relationship different from previous marriages or relationships?	
What are your moral and religious expectations of a child?	
If something should happen to you, who will be responsible for your child?	
How is your role as a parent different since the separation?	

Describe the role/responsibilities you feel the other parent should have in your life.	
In your opinion, what role should a stepparent play in your child's life?	

**VII Child Care Plans and Activities
for the Child(ren) Before the Court**

When you are unable to be with your child, what is/will be your child care plan? (Include provider's name, licensure status, other children kept)	
How much additional time is your child(ren) left in the care of others?	
How often do you currently visit with your children?	
How much of your visitation time is spent in direct interaction with your child(ren)? Is this court-ordered? Supervised?	

Name _____ DOB _____

School and grade attended _____

--	--

Child's hobbies/ participation in activities	
What does your child add to your life?	
Where will this child fit into your family?	
Describe this child's feelings about you.	

Describe this child's feelings about his/her other parent.	
How did you explain the divorce and/or separation to this child?	
How did you explain the present court action to this child?	
Describe child's relationship with <u>all</u> other children in the home.	

IX Court Action

- A. Explain briefly the reason for the present court intervention.

- B. What steps have you taken to resolve the present difficulties before resorting to court action?

- C. How have you contributed to the present difficulties?

- D. Please explain why you think you should be awarded custody/visitation.
- X **Please add any additional information or comments which you feel will be helpful in the completion of your custody investigation.**

XI **List names, addresses, and telephone numbers of three non-relative references.**

- 1. _____
- 2. _____
- 3. _____

I certify that all of the above is accurate and true to the best of my knowledge.

Signature

Date

**CUSTODY INVESTIGATION REFERRAL FORM
TO BE COMPLETED AT COURT**

1. NAME, SEX, RACE, DATE OF BIRTH, ADDRESS OF CHILD (CHILDREN).

1. _____

2. _____

3. _____

2. HOME TO BE INVESTIGATED:

RELATI ON NAME- TO ABOVE	ADDRE SS/ PHONE	SS#	DOB	SEX	RACE	MARITA L STATUS

3. REASON CASE IS BEFORE THE COURT (PROTECTIVE SERVICE, PARENT PETITIONING FOR CUSTODY, ETC.) Motion to Amend Custody

4. DATE OF LAST COURT HEARING: _____

DUE DATE OF NEXT COURT HEARING: _____

- 5. PRESIDING JUDGE: _____
- 6. ATTORNEYS INVOLVED AND WHO THEY REPRESENT:
 - 1. _____
 - 2. _____
 - 3. _____
- 6. IS CUSTODY MEDIATION ORDERED? _____
(COURT STAFF _____ SOCIAL SERVICES _____)
- 7. HAS A REFERRAL BEEN MADE TO CASA? _____
- 8. OTHER PERTINENT INFORMATION: _____

NOTICE:

A home study has been ordered in this case. The Department of Social Services will complete that study and the court will assess a fee against the party whom the court feels should be responsible for the fee. That fee will be established by the Department taking into consideration the parties' income, family size, and the actual cost of the study. In cases where the Department determines the parties cannot afford the fee, upon justification, the court may waive the fee.

Date	Signature
	Address
	Phone Number

HOME INSPECTION REPORT

RE: _____ (Case Name)

1. Parent/Party: _____

2. Address: _____

3. How long resided at current address? _____

4. Relationship to child: _____

5. Names and ages of persons living in home (even part-time)

6. Home is being rented___ or purchased___ at _____/month.

7. Dwelling Type: Detached home____; Townhouse____;
Apartment____; Mobile Home____; Duplex____; Other____.

8. In whose name is lease or mortgage? _____

9. Description of Interior:
a. Number of Bedrooms____; Kitchen____; Living Room____;
Number of Baths____; Basement____; Levels____; Other____.

b. Physical Condition/State of Repair: Adequate__; Inadequate__

Comments: _____

c. Housekeeping Standards: Adequate____; Inadequate____;

Comments: _____

d. Furnishings: Adequate_____; Inadequate_____;

Comments: _____

e. Working smoke detector near sleeping area on every level: Yes_ No__

f. Accessible working basin and toilet facilities: _____

g. Working heating system:_____ Type:_____

h. Working light in each room: _____

i. Is there a means for cooking and refrigeration? _____

j. Access to a working phone:_____. Is location in home:_____
If outside home, specify location and name and telephone number of
person with
phone _____

10. Sleeping arrangement in home:

Bedroom (by number)	# of Beds	Occupants' Names	Relationship	Age
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

11. Home or yard has space for recreational activities? _____

12. Firearms in home (per party statement)? _____
If yes, are firearms unloaded and ammunition stored in a locked cabinet or
inaccessible
area? _____

13. Pool on premises? _____
If yes, is the pool completely enclosed by a sturdy fence measuring at least four feet high? _____
Does the fence have a self-latching lock, that also measures four feet high, on a self closing gate? _____

14. Pets: _____ (Type, breed, number)

15. Evidence of Lead Based Paint or is paint on wall chipping? _____

16. Are there plans to move in the near future? _____
If yes, where and when? _____

17. Describe neighborhood in general (including known drug activity or documented violence). _____

18. Are cleaning materials and poisonous materials put away from small children? _____

Further Comments (look for safety around wood stoves, kerosene heaters, stair railings, fenced yard if near street, etc.)



Inspection:

The home inspection was completed on _____

at _____ . Advance notice was

given.

Submitted By:

Signature

Typed Name

**CUSTODY INVESTIGATION/VISITATION
RETURN FORM TO: FINANCIAL STATEMENT**

NAME _____ WORK
PHONE _____ (Times) _____

ADDRESS _____ HOME
PHONE _____ (Times) _____

EMPLOYER'S
NAME: _____

SOCIAL SECURITY # _____

YOUR DATE OF BIRTH _____

YOUR GROSS SALARY \$ _____ Gross refers to total salary, before deductions)

How is this amount paid to you? Check one: hourly _____ weekly _____ bi-weekly _____
monthly _____

AMOUNT OF OTHER INCOME AND SOURCE (public assistance, child support,
alimony, rental income, investments, etc.) Use back of form if necessary.

Amount _____ Source _____

OTHER FAMILY UNIT MEMBERS
(List all children and adults. Use back of form if necessary)

FULL NAME	SOCIAL SECURITY #	DATE OF BIRTH	RELATIONS HIP TO YOU	INCOME & SOURCES

October 2009

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ADDITIONAL
COMMENTS: _____

I certify that the information above is true and correct to the best of my knowledge.

Signature

OFFICE USE ONLY:

Number in family _____ Monthly income \$ _____

Fee Assessed \$ _____ Date _____ Worker _____

Fee Paid \$ _____ Date _____ Worker _____

**The Virginia Putative Father Registry
Registration Form**

Type of Registration:

New Registration Updated Registration Withdrawal Registration

The Virginia Putative Father Registry does not establish paternity. The registration may be used to help establish paternity, but does not start the legal process to establish paternity.

Instructions:

- Please print or type. Detach. Place in the envelope provided and mail to:
The Virginia Putative Father Registry, Virginia Department of Social Services, 7 North Eighth St., Richmond, VA 23219-3301
- Please complete all items. If an item is not known, enter "unknown." If the item does not apply, enter N/A (not applicable).

Putative Father's Identifying Information:

First Name: _____ Middle Name: _____ Last Name: _____
 Also Known As: _____ Date of Birth: Month: _____ Day: _____ Year: _____
 Social Security Number:* _____ Driver's License Number: _____
 State That Issues Driver's License: _____ State ID Number: _____
 Proof of Legal Residence: Type: _____ Number: _____
 Permanent Home Address: Street: _____ City: _____ State: _____ Zip Code: _____
 Current Mailing Address: Street: _____ City: _____ State: _____ Zip Code: _____
 Telephone Number: Area Code:- _____
 Email Address: _____
 Employer: _____ Occupation: _____
 Ethnicity: _____ Race: _____
 Father's Physical Description (Optional Response):
 Height: __ Ft. __ in. Weight: _____ lbs. Hair Color: _____ Eye Color: _____ Identifying Marks: _____
 State of Conception of Child (i.e. VA, NC, MD) _____ Location of Conception of Child (i.e. City): _____
 Dates of Possible Conception: _____

Mother's Identifying Information (if known):

First Name: _____ Middle Name: _____ Last Name: _____
 Also Known As: _____ Date of Birth: Month: _____ Day: _____ Year: _____
 Approximate Age of Mother: _____
 Permanent Home Address: Street: _____ City: _____ State: _____ Zip Code: _____
 Current Mailing Address: Street: _____ City: _____ State: _____ Zip Code: _____
 Telephone Number: Area Code: _____ - _____
 Email Address: _____
 Employer: _____ Occupation: _____
 Ethnicity: _____ Race: _____
 Mother's Physical Description (Optional Response):
 Height: __ Ft. __ in. Weight: _____ lbs. Hair Color: _____ Eye Color: _____ Identifying Marks: _____

Child's Information (if known):

First Name: _____ Middle Name: _____ Last Name: _____
 Also Known As: _____ Date of Birth: Month: _____ Day: _____ Year: _____
 Gender: _____ Child's Place of Birth: (City and State) _____
 Hospital Where Birth Occurred: _____
 Estimated Due Date of Mother: _____

October 2009

VOLUME VII, SECTION III, CHAPTER D

This information is true and accurate to the best of my ability. This form is signed under penalty of perjury (Class 5 Felony) punishable by fine, imprisonment or both:

Signed: _____
Putative Father

Date of Signature: _____

*Section 63.2-1251, *Code of Virginia* requires the submission of the social security number.
032-02-0500-00-eng

Virginia Department of Social Services

The Virginia Putative Father Registry

Request to Search Form

Please print or type

Name of Person Requesting Search _____
Law Firm or Agency Name _____
Address _____ City _____, State _____, Zip Code _____
Phone Number _____ Fax Number _____
Email Address _____

Select status to search the registry. Information in the Putative Father Registry is confidential may be release on upon request to:

- Mother of the child
- Attorney representing a party in an adoption proceeding
- A party to an adoption proceeding
- Attorney representing a party in a termination of parental rights proceeding
- A party to a termination of parental rights proceeding
- Child Placing Agency/Local Department of Social Services
- Court or person designated by the court
- Other State Putative Father Registry
- Support Enforcement

The Virginia Putative Father Registry does not establish paternity. The registration may be used to help establish paternity. Section 63.2-1250 Code of Virginia requires the child-placing agency or adoptive parent(s) to give notice of a proceeding for adoption or termination of parental rights regarding, a child to a registrant who has timely registered.

I certify that I am authorized as selected from the list above as a person or representative of an agency to request a search of The Virginia Putative Father Registry.

Signature of Requestor

Date of Signature

State _____

City/County _____

Sworn and subscribe before me. This _____ day of _____, 20__.

Notary Public _____ My commission expires: _____.

**The Virginia Putative Father Registry
Search Form**

The Virginia Putative Father Registry does not establish paternity. The registration may be used to help establish paternity, but does not start the legal process to establish paternity.

Instructions:

- Please print or type and send to:
The Virginia Putative Father Registry, Virginia Department of Social Services, 7 North Eighth St., Richmond, VA 23219-3301
- Please complete all items. If an item is not known, enter "unknown." If the item does not apply, enter N/A (not applicable).

Putative Father's Identifying Information:

First Name: _____ Middle Name: _____ Last Name: _____
 Also Known As: _____ Date of Birth: _____ Month: _____ Day: _____ Year: _____
 Social Security Number:* _____ Driver's License Number: _____
 State that issued Driver's License: _____ State ID Number: _____
 Proof of Legal Residence: Type: _____ Number: _____
 Permanent Home Address: Street: _____ City: _____ State: _____ Zip Code: _____
 Current Mailing Address: Street: _____ City: _____ State: _____ Zip Code: _____
 Telephone Number: Area Code:- _____
 Email Address: _____
 Employer: _____ Occupation: _____
 Ethnicity: _____ Race: _____
 Father's Physical Description (Optional Response):
 Height: __ Ft. __ in. Weight: _____ lbs. Hair Color: _____ Eye Color: _____ Identifying Marks: _____
 State of Conception of Child (i.e. VA, NC, MD) _____ Location of Conception of Child (i.e. City): _____
 Dates of Possible Conception: _____

Mother's Identifying Information (if known):

First Name: _____ Middle Name: _____ Last Name: _____
 Also Known As: _____ Date of Birth: _____ Month: _____ Day: _____ Year: _____
 Approximate Age of Mother: _____
 Permanent Home Address: Street: _____ City: _____ State: _____ Zip Code: _____
 Current Mailing Address: Street: _____ City: _____ State: _____ Zip Code: _____
 Telephone Number: Area Code: _____ - _____
 Email Address: _____
 Employer: _____ Occupation: _____
 Ethnicity: _____ Race: _____
 Mother's Physical Description (Optional Response):
 Height: __ Ft. __ in. Weight: _____ lbs. Hair Color: __ Eye Color: __ Identifying Marks: _____

Child's Information (if known):

First Name: _____ Middle Name: _____ Last Name: _____
Also Known As: _____ Date of Birth: Month: _____ Day: ___ Year: _____
Gender: _____ Child's Place of Birth: (City and State) _____
Hospital Where Birth Occurred: _____
Estimated Due Date of Mother: _____

This information is true and accurate to the best of my ability. This form is signed under penalty of perjury (Class 5 Felony) punishable by fine, imprisonment or both:

Signed: _____ Date: _____

*Section 63.2-1251, *Code of Virginia* requires the submission of the social security number.
032-02-0501-00-eng

<p>COMMONWEALTH OF VIRGINIA DEPARTMENT OF SOCIAL SERVICES</p> <p>ACKNOWLEDGEMENT</p> <p>CLERK CIRCUIT COURT OF</p>	<p>DATE: _____</p> <p>ENTER ALL INFORMATION BELOW WHEN KNOWN</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">RE: ADOPTION OF _____</td> </tr> <tr> <td style="padding: 2px;">PETITIONERS: _____</td> </tr> <tr> <td style="padding: 2px;">AGENCY CASE NUMBER: _____</td> </tr> <tr> <td style="padding: 2px;">VIRGINIA ADOPTION CASE NUMBER: _____</td> </tr> <tr> <td style="padding: 2px;">CHANCERY NUMBER: _____</td> </tr> </table>	RE: ADOPTION OF _____	PETITIONERS: _____	AGENCY CASE NUMBER: _____	VIRGINIA ADOPTION CASE NUMBER: _____	CHANCERY NUMBER: _____
RE: ADOPTION OF _____						
PETITIONERS: _____						
AGENCY CASE NUMBER: _____						
VIRGINIA ADOPTION CASE NUMBER: _____						
CHANCERY NUMBER: _____						

THIS WILL ACKNOWLEDGE RECEIPT ON _____ BY _____

Date Agency

OF THE ITEMS MARKED BELOW:

PETITION

CONSENT

ORDER OF REFERENCE TO _____

INTERLOCUTORY ORDER TO _____

FINAL ORDER ENTERED ON _____

OTHER _____

TO COURT AND ATTORNEY:

OTHER: _____

032-02-0504-00 eng