

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959

**ENROLLED**

HOUSE BILL No. 212

(By Mr. Watson)

PASSED March 11, 1959

In Effect from Passage

Filed in Office of the Secretary of State  
of West Virginia **MAR 19 1959**

**JOE F. BURDETT**  
SECRETARY OF STATE

**ENROLLED**  
**House Bill No. 212**  
(By MR. WATSON)

[Passed March 11, 1959; in effect from passage.]

AN ACT to amend and reenact section five, article four, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the effect of a decree of adoption as to the relations of parent and child and rights of inheritance.

*Be it enacted by the Legislature of West Virginia:*

That section five, article four, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 5. *Effect of Decree as to Relations of Parents*

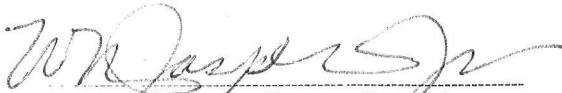
2 *and Child and Rights of Inheritance.*—Upon the entry of  
3 such decree of adoption, the natural parent or parents,  
4 any parent or parents by any previous legal adoption,  
5 and the lineal or collateral kindred of any such parent  
6 or parents, except any such parent who is the husband

7 or wife of the petitioner for adoption, shall be divested  
8 of all legal rights, including the right of inheritance from  
9 or through the adopted child under the statutes of descent  
10 and distribution of this state, and shall be divested of all  
11 obligations in respect to the said adopted child, and the  
12 said adopted child shall be free from all legal obligations,  
13 including obedience and maintenance, in respect to any  
14 such parent or parents. From and after the entry of such  
15 decree of adoption, the adopted child shall be, to all in-  
16 tents and for all purposes, the child of the person or per-  
17 sons so adopting him or her and shall be entitled to all  
18 the rights and privileges and subject to all the obligations  
19 of a natural child of such adopting parent or parents.

20 For the purpose of descent and distribution, from and  
21 after the entry of such decree of adoption, a legally  
22 adopted child shall inherit from and through the parent  
23 or parents of such child by adoption and from or through  
24 the lineal or collateral kindred of such adopting parent  
25 or parents in the same manner and to the same extent as  
26 though said adopted child were a natural child of such  
27 adopting parent or parents, but such child shall not inherit

28 from his or her natural parent or parents nor their lineal  
29 or collateral kindred, except that a child legally adopted  
30 by a husband or wife of the natural parent shall inherit  
31 from the natural parent of such child as well as from the  
32 adopting parent. If a legally adopted child shall die inte-  
33 state, all property, including real and personal, of such  
34 adopted child shall pass, according to the statutes of de-  
35 scent and distribution of this state, to those persons who  
36 would have taken had the decedent been the natural child  
37 of the adopting parent or parents.


The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee


  
Chairman House Committee

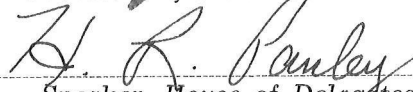
Originated in the House of Delegates

Takes effect from passage.

  
Clerk of the Senate

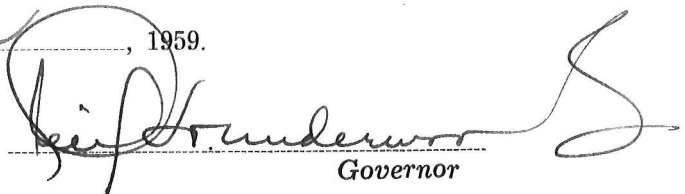
  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker, House of Delegates

The within approved this the 18<sup>th</sup>

day of March, 1959.

  
Governor