

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

ENROLLED

Com Sub for
SENATE BILL NO. 9

(By Mr. Carew [Mr. President] and
Mr. Huttard original sponsors)

PASSED March 13, 1965

In Effect Ninety days from Passage



FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-19-65

6
#

ENROLLED

JUDICIARY
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 9

(By MR. CARSON [Mr. President] and MR. HUBBARD
original sponsors)

[Passed March 13, 1965; in effect ninety days from passage.]

AN ACT to amend article four, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section one-a, and to amend and reenact section one, article three, chapter forty-nine of said code, relating to revocation of parental consent for adoption, revocation of relinquishment of legal custody for adoption, and relinquishment of a child to, and consent to an adoption by, private and public child welfare agencies.

JSM

Be it enacted by the Legislature of West Virginia:

That article four, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section one-a, and that section one, article three, chapter forty-nine of said code be amended and reenacted, all to read as follows:

CHAPTER 48. DOMESTIC RELATIONS.

Article 4. Adoption.

Section 1-a. Revocation of Consent or Relinquishment

2 **for Adoption.**—Parental consent or relinquishment of
3 legal custody for adoption purposes, if given prior to the
4 expiration of seventy-two hours after the birth of the
5 child, may be revoked by such parent within ten days
6 after the birth of said child. Except as provided in the
7 preceding sentence and except where a court of competent
8 jurisdiction finds that such consent or relinquishment for
9 adoption was obtained by fraud or duress, no consent or
10 relinquishment of legal custody for adoption of a child,
11 whether given by an adult or a minor, shall be revocable:
12 *Provided*, That a relinquishment of legal custody for adop-
13 tion of a child given by a minor parent or parents to a

14 licensed private child welfare agency or to the state de-
15 partment of welfare shall be revocable unless the relin-
16 quishment was given in compliance with section one,
17 article three, chapter forty-nine of the code: *Provided,*
18 *however,* That the foregoing proviso shall not be con-
19 strued as precluding a minor parent or parents from con-
20 senting to the adoption of his or her or their child by an
21 individual or individuals.

CHAPTER 49. CHILD WELFARE.

Article 3. Child Welfare Agencies.

Section 1. Private and Public Child Welfare Agencies.—

2 Whenever a child welfare agency licensed to place chil-
3 dren for adoption or the state department of welfare shall
4 have been given the permanent care, custody and guar-
5 dianship of any child and the rights of the parents of such
6 child shall have been terminated by order of a court of
7 competent jurisdiction or by a legally executed relin-
8 quishment of parental rights, the child welfare agency or
9 department of welfare may consent to the adoption of
10 such child pursuant to the statutes regulating adoption pro-
11 ceedings. The parents or the surviving parent of a child

12 or the mother of an illegitimate child may relinquish the
13 child to a child welfare agency licensed to place children
14 for adoption, or the department of welfare, by a written
15 statement acknowledged as deeds are required to be ac-
16 knowledged by law: *Provided*, That if either of the par-
17 ents of such child is under twenty-one years of age, such
18 relinquishment shall not be valid unless and until the
19 same shall have been approved in writing by a judge
20 of a court having jurisdiction of adoption proceedings in
21 *gjm* ~~in~~ the county in which such parent may reside or in
22 which such relinquishment is made. Notwithstanding
23 any other provision in this article, no minor parent or
24 parents shall be required to go before any court in order
25 to execute a consent to the adoption of his, her, or their
26 child by an individual or individuals.

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

A. Ray Parker
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the Senate.

Takes effect Ninety days from Passage.

J. Dorman Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard G. Carson
President of the Senate

H. Lebau White
Speaker House of Delegates

The within approved this the 18
day of March, 1965.

Hubert C. Smith
Governor



Presented to Hancock's Office
Mar. 18, 1965
4:30 pm.