WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED
SENATE BILL NO. 9

(By Mr. [signature]
Mr. President [signature]
Mr. [signature] original sponsor)

PASSED March 13, 1965

In Effect [signature] Passage

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-14-65
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 relinquish-
ment of legal custody for adoption, and relinquishment of
a child to, and consent to an adoption by, private and pub-
lic child welfare agencies.
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 for Adoption.—Parental consent or relinquishment of legal custody for adoption purposes, if given prior to the expiration of seventy-two hours after the birth of the child, may be revoked by such parent within ten days after the birth of said child. Except as provided in the preceding sentence and except where a court of competent jurisdiction finds that such consent or relinquishment for adoption was obtained by fraud or duress, no consent or relinquishment of legal custody for adoption of a child, whether given by an adult or a minor, shall be revocable:

Provided, That a relinquishment of legal custody for adoption of a child given by a minor parent or parents to a
licensed private child welfare agency or to the state department of welfare shall be revocable unless the relinquishment was given in compliance with section one, article three, chapter forty-nine of the code: Provided, however, That the foregoing proviso shall not be construed as precluding a minor parent or parents from consenting to the adoption of his or her or their child by an individual or individuals.

CHAPTER 49. CHILD WELFARE.


Section 1. Private and Public Child Welfare Agencies.—

Whenever a child welfare agency licensed to place children for adoption or the state department of welfare shall have been given the permanent care, custody and guardianship of any child and the rights of the parents of such child shall have been terminated by order of a court of competent jurisdiction or by a legally executed relinquishment of parental rights, the child welfare agency or department of welfare may consent to the adoption of such child pursuant to the statutes regulating adoption proceedings. The parents or the surviving parent of a child
or the mother of an illegitimate child may relinquish the child to a child welfare agency licensed to place children for adoption, or the department of welfare, by a written statement acknowledged as deeds are required to be acknowledged by law: Provided, That if either of the parents of such child is under twenty-one years of age, such relinquishment shall not be valid unless and until the same shall have been approved in writing by a judge of a court having jurisdiction of adoption proceedings in the county in which such parent may reside or in which such relinquishment is made. Notwithstanding any other provision in this article, no minor parent or parents shall be required to go before any court in order to execute a consent to the adoption of his, her, or their child by an individual or individuals.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Ray Parker
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the Senate.

Takes effect Ninety days from Passage.

J. Howard Neace
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Howard C. Hanson
President of the Senate

H. Cabell White
Speaker House of Delegates

The within approved this the 18

day of March, 1965.

Herbert C. Hoover
Governor
Presented to Henderson's Office
Mar. 18, 1965
1:30 P.M.