

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

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ENROLLED

HOUSE BILL No. 662

(By Mr. Bayne)

—●—

PASSED March 10, 1967

In Effect Twenty days from Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-20-67

#662

ENROLLED
House Bill No. 662

(By MR. SAYRE)

[Passed March 10, 1967; in effect ninety days 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 an adoption decree as to the relations of parents and child, the rights of inheritance and the intestacy of an adopted child; and providing that an adopted child shall to all intents and for all purposes be considered to be the legitimate issue of the person or persons so adopting such child.

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:

ARTICLE 4. ADOPTION.**§48-4-5. Effect of decree as to relations of parents and child and as to rights of inheritance; intestacy of adopted child.**

1 Upon the entry of such decree of adoption, the natural
2 parent or parents, any parent or parents by any previous
3 legal adoption, and the lineal or collateral kindred of any
4 such parent or parents, except any such parent who is
5 the husband or wife of the petitioner for adoption, shall
6 be divested of all legal rights, including the right of
7 inheritance from or through the adopted child under the
8 statutes of descent and distribution of this state, and
9 shall be divested of all obligations in respect to the said
10 adopted child, and the said adopted child shall be free
11 from all legal obligations, including obedience and main-
12 tenance, in respect to any such parent or parents. From
13 and after the entry of such decree of adoption, the
14 adopted child shall be, to all intents and for all pur-
15 poses, the legitimate issue of the person or persons
16 so adopting him or her and shall be entitled to
17 all the rights and privileges and subject to all the

18 obligations of a natural child of such adopting parent or
19 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
26 as though said adopted child were a natural child of
27 such adopting parent or parents, but such child shall not
28 inherit from his or her natural parent or parents nor
29 their lineal or collateral kindred, except that a child
30 legally adopted by a husband or wife of the natural
31 parent shall inherit from the natural parent of such child
32 as well as from the adopting parent. If a legally adopted
33 child shall die intestate, all property, including real and
34 personal, of such adopted child shall pass, according to
35 the statutes of descent and distribution of this state, to
36 those persons who would have taken had the decedent
37 been the natural child of the adopting parent or parents.

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

William Tompos
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Meyers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. L. White
Speaker House of Delegates

The within approved this the 17
day of March, 1967.

Willard C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3/12/67
Time 9:30 a.m.