

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1968



## ENROLLED

HOUSE BILL No. 321

(By Mr. Harmon)



PASSED February 6, 1968

In Effect Ninety days from Passage



FILED IN THE OFFICE  
BY D. DAILEY  
SECRETARY OF STATE  
THIS DATE 2-16-68

# 321

**ENROLLED**  
**House Bill No. 321**  
(By MR. HARMAN)

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[Passed February 6, 1968: In effect ninety days from passage.]

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AN ACT to amend and reenact section three, article four, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to adoption.

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

That section three, 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.**

**§48-4-3. Proceedings on petition; appointment of next friend; contents of decree.**

1    Upon the presentation of such petition to the court, or  
2    judge thereof in vacation, the same shall be ordered  
3    filed with the clerk of such court, and the court or judge  
4    thereof shall appoint a day for the hearing of such

5 petition and the examination under oath of the parties  
6 in interest. And the court or judge thereof may adjourn  
7 the hearing of such petition or the examination of the  
8 parties in interest from time to time, as the nature of  
9 the case may require. Between the time of the filing  
10 of the petition for adoption and the hearing thereon,  
11 the court may cause a discreet inquiry to be made  
12 respecting the child, for the purpose of ascertaining  
13 whether such child is a proper subject for adoption and  
14 shall cause a discreet inquiry to be made respecting  
15 the home of the petitioner or petitioners to determine  
16 whether it is a suitable home for such child. Such in-  
17 quiry shall be made by any suitable person or agency  
18 designated by the court, and the results thereof shall  
19 be embodied in a full written report and shall be sub-  
20 mitted to the court at or prior to the hearing upon the  
21 petition and shall be filed with the records of the pro-  
22 ceeding and become a part thereof. If it shall be neces-  
23 sary, under the provisions of this article, that a discreet  
24 and suitable person shall be appointed to act as the  
25 next friend of the child sought to be adopted, then and

26 in that case the court or judge thereof shall order a  
27 notice of the petition and of the time and place when  
28 and where the appointment of next friend will be made,  
29 to be published as a Class II legal advertisement  
30 in compliance with the provisions of article three, chap-  
31 ter fifty-nine of this code, and the publication area for  
32 such publication shall be the county where such court  
33 is located. At the time and place so named and upon  
34 due proof of the publication of such notice, the court  
35 or judge thereof shall make such appointment, and shall  
36 thereupon assign a day for the hearing of such petition  
37 and the examination of the parties interested. Upon  
38 the day so appointed the court or judge thereof shall  
39 proceed to a full hearing of the petition and examina-  
40 tion of the parties in interest, under oath and of such  
41 other witnesses as the court or the judge thereof may  
42 deem necessary to fully develop the standing of the peti-  
43 tioners and their responsibility, and the status of the  
44 child sought to be adopted; and if the court or judge  
45 thereof shall be of the opinion from the testimony that  
46 the facts stated in the petition are true, and if upon

47 examination the court or the judge thereof is satisfied  
48 that the petitioner is, or the petitioners are, of good  
49 moral character, and of respectable standing in the com-  
50 munity, and are able properly to maintain and educate  
51 the child sought to be adopted, and that the best in-  
52 terests of the child would be promoted by such adoption,  
53 then and in such case the court or judge thereof shall  
54 make a decree reciting at length the facts proved and  
55 the name by which the child shall thereafter be known,  
56 and declaring and adjudging that from the date of such  
57 decree, the rights, duties, privileges and relations, there-  
58 tofore existing between the child and his or her parents,  
59 shall be in all respects at an end, and that the rights,  
60 duties, privileges and relations between the child and  
61 his or her parent or parents by adoption shall thence-  
62 forth in all respects be the same, including the right of  
63 inheritance, as if the child had been born to such adopt-  
64 ing parent or parents in lawful wedlock, except only  
65 as otherwise provided in this article.

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

*William Tompos*  
Chairman Senate Committee

*Clayton B. Davidson*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*Thomas Theace*  
Clerk of the Senate

*M. Blunkership*  
Clerk of the House of Delegates

*Howard C. Casper*  
President of the Senate

*H. Lohman White*  
Speaker of the House of Delegates

The within *approved* this the *14*  
day of *February*, 1968.

*Hubert C. Smith*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 2/12/68

Time 3:00 P.m.

RECEIVED

FEB 13 1 01 PM '68

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA