

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-24-81

Time _____

770: 1605

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



ENROLLED

HOUSE BILL No. 1605

(By Mr. Hatcher)



Passed April 7, 1981

In Effect Ninety Days From Passage



ENROLLED

H. B. 1605

(By MR. HATCHER)

[Passed April 7, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article four, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to adoptions; the contents of a petition for adoption; requirement of verification; requiring specific finding when person petitioning for adoption is less than fifteen years older than child and providing an exception to such requirement.

Be it enacted by the Legislature of West Virginia:

That section two, 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.

§48-4-2. Contents of petition; age of petitioner.

1 Such petition shall set forth the name, age and place of
2 residence of the petitioner or petitioners, and of the child,
3 and the name by which the child shall be known; whether such
4 child be possessed of any property, and a full description of
5 the same, if any; whether such child has either father or mother,
6 or both, and if he, she or they are alive, then the name or
7 names, and place of residence of such father or mother, or if
8 such be the fact, that the same are unknown to the petitioner
9 or petitioners. The petition shall be duly verified according
10 to law.

11 When the person petitioning for adoption is less than fifteen
12 years older than the child sought to be adopted, such fact shall
13 be set forth specifically in the petition. In such case, the court
14 shall grant the adoption only upon a specific finding that not-
15 withstanding the nearness in age of the petitioner and child,
16 such adoption is in the best interests of the child: *Provided*,
17 That when the petitioner seeks to adopt a child of his or her
18 spouse, such specific finding shall not be required and an adop-
19 tion shall not be denied on the sole basis of proximity in age.

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

R. P. Bayler

Chairman Senate Committee

Long E. Whetlow

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Judd C. Mills

Clerk of the Senate

V. Blankenship

Clerk of the House of Delegates

Warren R. McBraw

President of the Senate

Walter G. Lee, Jr.

Speaker House of Delegates

The within *is approved* this the *24*
April day of _____, 1981.

John J. Rayner

Governor

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SECY. OF STATE