

Department of Legislative Services
2024 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 214
Judiciary

(Delegates Boyce and Grammer)

Judicial Proceedings

Family Law – Adoption of an Adult

This bill establishes that specified provisions of law requiring the issuance and service of a show cause order on a prospective adoptee’s parents do not apply if the prospective adoptee is an adult. The bill also (1) specifies that a court may order – *on a showing of good cause* – specified investigations prior to ruling on an adoption petition if the prospective adoptee is an adult and (2) establishes that parental consent to an adoption is not required if the prospective adoptee is an adult.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: In an independent adoption case, a court must issue a show cause order that includes advice as to the parent’s rights to have independent counsel and receive adoption counseling and guidance. This provision does not apply to an adoption by a spouse of the prospective adoptee’s parent or a relative of the prospective adoptee. Service of the order must be in accordance with statutory guidelines.

Subject to limited exception, before ruling on a consensual adoption petition, a court may order a court investigator or child placement agency to conduct any investigation that the court considers necessary. For a nonconsensual adoption petition, the court must order a court investigator or child placement agency to investigate and submit a report that

summarizes specified information, including the prospective adoptee’s emotional ties with and feelings toward the prospective adoptee’s parents.

A court may enter an order for adoption only if:

- each of the prospective adoptee’s living parents consents in writing or by failure to timely file notice of objection after being served with a show cause order; an administrative, executive, or judicial body of a state or other jurisdiction has granted a governmental unit or person other than a parent the power to consent to adoption and the unit or person consents; or parental rights have been terminated in compliance with the laws of a state or other jurisdiction, and, if the prospective adoptee is at least age 10, the prospective adoptee consents; or
- the court orders adoption without consent as allowed by statute (circumstances when a parent affirmatively withholds consent by filing a notice of objection).

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1117 of 2023.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - January 15, 2024
km/jkb Third Reader - March 18, 2024

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