**IN THE CIRCUIT COURT OF [COUNTY] COUNTY, WEST VIRGINIA**

IN RE: ADOPTION OF [NAME OF CHILD]

[NAMES OF PETITIONERS]

Petitioners

Civil Action No.:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PETITION FOR ADOPTION OF [NAME OF CHILD]

Comes now the Petitioners, [NAMES OF PETITIONERS] to petition this Court to permit the adoption of the minor child, [NAME OF CHILD], (hereinafter, “minor child”) born [CHILD’S DATE OF BIRTH] to [NAME OF BIOLOGICAL MOTHER] and [NAME OF BIOLOGICAL, LEGAL, OR “UNKNOWN” FATHER] pursuant to West Virginia Code §§ 48-22-101 et seq., and state as follows:

1. Petitioners are residents of **[COUNTY]** County, West Virginia, and have resided in **[COUNTY]**  County, West Virginia for more than one year preceding the institution of this action.
2. The minor child has resided with [WHO HAS THE CHILD RESIDED WITH AND SINCE WHAT DATE].
3. Petitioners believe that the adoption is in the best interest of the minor child.
4. [NAME OF BIOLOGICAL OR LEGAL FATHER] is the [BIOLOGICAL OR LEGAL] father of the minor child, [NAME OF CHILD], born [CHILD’S DATE OF BIRTH], and is listed on the child’s birth certificate. (see birth certificate-attached)
5. [NAME OF BIOLOGICAL/LEGAL FATHER] is/has [DECEASED, CONSENTED, ABANDONED]
   1. DECEASED-NEED DATE AND CITY, COUNTY, STATE OF DEATH AND COPY OF DEATH CERTIFICATE (is deceased and died on DATE in LOCATION. Death certificate attached.)
   2. CONSENTED-NEED SIGNED CONSENT ATTACHED (has consented to the adoption of the minor child)
   3. ABANDONED-NEED LAST TIME CONTACTED CHILD AND FINANCIALLY SUPPORTED CHILD (has abandoned the child pursuant to West Virginia Code §48-22-306.)
6. The minor child was born at [NAME OF HOSPITAL] in [CITY/STATE OF HOSPITAL], on [CHILD’S DATE OF BIRTH] to [NAME OF BIOLOGICAL MOTHER] and [NAME OF BIOLOGICAL, LEGAL, OR “UNKNOWN” FATHER].
7. The minor child [IS/IS NOT] an “Indian child” as defined in the Indian Child Welfare Act, 25 U.S.C. §1903.
8. Petitioner, [NAME OF BIOLOGICAL BIRTH PARENT PETITIONER] desires that [HER HUSBAND/HIS WIFE], Petitioner [NAME OF ADOPTING STEP PARENT] become the legal adoptive [MOTHER OR FATHER] of the minor child; [SHE/HE] joins in this petition to be filed and in this prayer that the minor child be adopted. [SHE/HE] believes that this adoption is in the minor child’s best interest.
9. [NAME OF ADOPTING STEP PARENT] wishes to become the legal [FATHER/MOTHER] of the minor child, and understands that, should this be ordered, [HE/SHE] will have all the responsibilities and rights of a legal [FATHER/MOTHER].
10. [NAME OF MINOR CHILD], the minor child being [AGE IF 12 OR OVER] years of age, desires that [HIS/HER] [STEPFATHER/STEPMOTHER], [NAME OF ADOPTING STEP PARENT], become [HIS/HER] legal, adoptive [FATHER/MOTHER]. [HE/SHE] believes that this adoption is in [HIS/HER] best interest.
11. [PETITIONERS (if child under 12) OR NAME OF CHILD (if child 12 or over)], wish(es) for the (minor child’s or HIS/HER) name to be changed to [FULL DESIRED NEW NAME].
12. [NAME OF ADOPTING STEP PARENT] is [AGE OF ADOPTING PARENT] years of age and is more than 15 years older than the minor child.
    1. If Adopting Stepparent is NOT more than 15 years older than child, this needs to be stated. {ADOPTING STEPPARENT IS # YEARS OLD AND IS # YEARS OLDER THAN THE MINOR CHILD}
13. [NAME OF ADOPTING STEP PARENT] is of good moral character, of respectable standing in the community, is properly able to maintain and educate the minor child and is a fit and proper person to raise said minor child.
14. [NAME OF PETITIONING BIOLOGICAL PARENT] is [AGE OF PARENT] years of age and is the [BIRTH OR LEGAL] [MOTHER/FATHER] of the minor child.
15. Petitioners [NAME OF ADOPTING STEP PARENT] and [NAME OF PETITIONING BIOLOGICAL PARENT] were married on [DATE OF MARRIAGE]. (see marriage license-attached).
16. The minor child is/ is not possessed of any property.
17. The Petitioners do/ do not know of any other persons with custody or visitation rights to the minor child herein.
18. The Petitioners do/do not know of no proceeding pending in any court of this or any other state concerning the custody, visitation or dependency of the minor child named herein.
19. [CAN INCLUDE EXPLANATION OF WHEN OTHER PARENT LAST HAD CONTACT WITH CHILD IF ABANDONMENT OR ANY OTHER CIRCUMSTANCES PETITIONERS FEEL RELEVANT]
20. The Petitioners have/ have not participated as a party, witness, or in any other capacity in any proceeding regarding custody or visitation of the minor child.

WHEREFORE, Petitioners [NAMES OF PETITIONERS] pray for relief as the Court deems appropriate, including but not limited to the following:

1. That Petitioner [NAME OF ADOPTING STEP PARENT] be permitted to adopt the minor child, to be designated the child’s legal [FATHER/MOTHER], and to assume all parental rights, duties, privileges, obligations and relations, including without limitation, the rights of inheritance, as if the child had been born to him/her.
2. That the minor child’s name be changed from [NAME OF CHILD] to [FULL DESIRED NEW NAME]..
3. That Petitioners be granted such other and further relief as the Court may deem appropriate.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[IF ATTORNEY REPRESENTING-CONTACT INFO HERE, IF PRO SE, PETITIONER’S INFO]

**IN THE CIRCUIT COURT OF [COUNTY] COUNTY, WEST VIRGINIA**

[NAMES OF PETITIONERS] v. [NAME OF CHILD]

IN RE: ADOPTION OF [NAME OF CHILD

**VERIFICATION OF THE PLEADINGS**

State of West Virginia

County of [COUNTY], To-wit:

The petitioner named in the foregoing petition, after being first duly sworn, says that the facts and allegations therein contained are true, except insofar as they are therein stated to be on information, and that insofar as they are stated to be on information, petitioner believes them to be true.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[PETITIONER’S NAME] (2 SEPARATE IF 2 PARTIES)

Taken, sworn to and subscribed before me on

this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2015.

My commission expires on:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

NOTARY PUBLIC