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OF WEST VIRGINIA

Davis, J., concurring:

I fully concur with the majority's Opinion in this case. Nevertheless, I feel compelled to write separately to reiterate my concern enunciated in my dissent in *State ex rel. Brandon L. v. Moats*, 209 W. Va. 752, 766, 551 S.E.2d 674, 688 (2001) (Davis, J., dissenting), that, once a child has been adopted, such adoption severs all ties between the child and the child's biological and/or former adoptive relatives¹ so as to foreclose the right to grandparent visitation otherwise permitted by statute. See W. Va. Code § 48-10-902 (2001) (Repl. Vol. 2004) ("If a child who is subject to a grandparent visitation order under this article is later adopted, the order for grandparent visitation is automatically vacated when the order for adoption is entered, unless the adopting parent is a stepparent, grandparent or other relative of the child."). In short, I wish to repeat my earlier admonition that the central aim of adoption is finality, finality in the severance of pre-existing relationships and finality

¹Except, of course, in the case of stepparent adoption wherein the spouse of the stepparent, who is also the child's biological or adoptive parent, retains his/her relationship with the child as do the parents of that parent. See W. Va. Code § 48-22-703(a) (2001) (Repl. Vol. 2004) (stating that, "[u]pon the entry of such order of adoption, any person previously entitled to parental rights, any parent or parents by any previous legal adoption, and the lineal or collateral kindred of any such person, parent or parents, *except any such person or parent who is the husband or wife of the petitioner for adoption*, shall be divested of all legal rights . . . " (emphasis added)).

in the creation of new adoptive relationships, which breeds certainty for adopted children and their adoptive parents, alike, in their new adoptive relationship. See *Brandon L.*, 209 W. Va. at 766, 551 S.E.2d at 688 (Davis, J., dissenting) (“‘Finality is of the utmost importance in an adoption.’” (quoting *State ex rel. Smith v. Abbot*, 187 W. Va. 261, 266, 418 S.E.2d 575, 580 (1992))).

Moreover, I applaud the majority’s recognition and application of these principles in the case *sub judice*, and encourage my brethren to continue to proceed with caution where claims for grandparent visitation have been tainted by the subject child’s adoption and the grandparents’ resultant divestiture of their grandparental status and attendant standing to seek visitation in such capacity.

For the foregoing reasons, I respectfully concur with the Opinion of the Court.