



State Recognition of Intercountry Adoptions Finalized Abroad

Intercountry adoption refers to the adoption of children who are citizens of one country by parents who are citizens of a different country. Intercountry adoptions may be finalized abroad or domestically in accordance with the laws of the child's country of origin. The adopting individual or couple must comply with the foreign sending country's laws, U.S. immigration law, and the law of the adoptive parents' State of residence.

Completing an adoption abroad does not, in and of itself, entitle the adopted child to enter the United States or obtain U.S. citizenship. Prospective adoptive parents should refer to the U.S. Department of State and U.S. Citizenship and Immigration Services (USCIS) websites for more information on the intercountry adoption immigration process as well as age, eligibility, and citizenship requirements before completing an adoption abroad.¹ Please also note that as of July 14, 2014, unless an exception applies, U.S. citizen adoptive parents must work with a U.S. accredited or approved primary adoption service provider if they wish to immigrate a child through the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention or Hague) process or the non-Convention (or orphan) process.

Questions about the intercountry adoption process can be emailed to Adoption@state.gov.

¹ For more information, refer to the U.S. Department of State, *Bureau of Consular Affairs* website at <https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process.html> and the USCIS website at www.uscis.gov/adoption and <https://www.uscis.gov/sites/default/files/USCIS/Resources/A3en.pdf>.

WHAT'S INSIDE

Full effect and recognition of intercountry adoption decrees

Readoption or validation after an intercountry adoption

Application for a U.S. birth certificate

Summaries of State laws

To find statute information for a particular State, go to

<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>.

Full Effect and Recognition of Intercountry Adoption Decrees

Once the child is in the United States, recognition and validation of the adoption is subject to the laws of the parents' State of residence.² For this publication, statutes regarding the recognition of adoptions finalized outside the United States were collected for all 50 States. An analysis of the information collected shows that approximately 29 States, the District of Columbia, Guam, and the Northern Mariana Islands give full effect and recognition to an adoption decree that has been issued in full compliance with the laws of the United States and the country that granted the adoption,³ although some of these States place conditions on full recognition of foreign decrees.⁴ Recognition of a foreign adoption decree means that the decree is considered by the State to be as valid and binding as a decree issued by a State court.

Readoption or Validation After an Intercountry Adoption

Many States provide for validation of the foreign adoption or readoption of the child under State law. Validation is the process of submitting an adopted child's foreign adoption decree for State court approval.⁵ Readoption is the process of adopting a child who had been adopted in another jurisdiction. The processes are similar; both

² The State of residence is the State that the adoptive parents live in and call home. Determining a military family's State of residence may be complex because the family may relocate often. For additional information about military families seeking to adopt and determining their State of residence, see the Child Welfare Information Gateway factsheet *Military Families Considering Adoption* at <https://www.childwelfare.gov/pubs/f-milita/>.

³ The word "approximately" is used because States frequently amend their laws. This information is current through April 2018. The States that currently provide full recognition to foreign adoption decrees include Alaska, Arkansas, California, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Vermont, Virginia, and West Virginia.

⁴ For example, California provides full faith and credit only for adoptions finalized in Hague Convention countries. In Hawaii and Maine, full recognition of a foreign decree is discretionary with the court with adoption jurisdiction, while Kansas and Idaho require the foreign decree to be filed with their State courts. Massachusetts grants full recognition to foreign decrees as to inheritance matters. Illinois and Iowa require postplacement investigations to ensure that the adoptive family is meeting the child's needs.

⁵ The State court must be a court that has jurisdiction over adoption cases. For more information, see Information Gateway's *Court Jurisdiction and Venue for Adoption Petitions* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/jurisdiction/>.

involve State court review and legitimization of the foreign adoption. The processes typically require adoptive parents to provide the court with certain documents, including a certified translated copy of the foreign adoption decree, proof of the date and place of the adopted child's birth, and proof that the child has an IH-3 or IR-3 visa.

Approximately nine States and Puerto Rico require adoptive parents either to petition the court for validation or file or register the foreign adoption or foreign adoption decree.⁶ Approximately three States require adoptive parents to readopt the child under certain circumstances.⁷

Approximately 25 States and the District of Columbia offer readoption or validation as an option and not a requirement.⁸ Readoption or validation protects the adoption finalized abroad from a legal challenge in State court and ensures the adopted child's ability to inherit from an adoptive parent. Also, readoption or validation provides the adopted child with an opportunity to obtain a U.S. birth certificate from the parent's State of residence.

Application for a U.S. Birth Certificate

In approximately 32 States, the Northern Mariana Islands, and Puerto Rico, adoptive parents who want to obtain a U.S. birth certificate from their State of residence for their adopted child must submit to their State registrar of vital statistics documentation from the readoption or validation of the foreign adoption that was issued by the State court.⁹ Approximately 15 States, the District of Columbia, and Guam accept the foreign adoption decree when adoptive parents request a U.S. birth certificate

⁶ Kansas, Kentucky, Louisiana, Mississippi, Montana, New York, Pennsylvania, South Carolina, and Wisconsin.

⁷ California requires readoption if it is required by the U.S. Department of Homeland Security. Kentucky and Pennsylvania require readoption if the adoption was not finalized abroad properly.

⁸ Arizona, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Maine, Maryland, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, West Virginia, and Wisconsin.

⁹ Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Kansas, Maine, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

for their adopted child.¹⁰ Typically, the request for a birth certificate is accompanied by a certified copy of the final adoption decree, the State court's findings of fact as to the date and place of the child's birth, and a written request for a new birth certificate for the adopted person.¹¹

The birth certificate issued by the State registrar lists the new name of the adopted child, if requested by the adoptive parents, and the names of the adoptive parents as the child's legal parents. In 25 States and Guam, the certificate will show the country of the child's birth,¹² and in 11 States and Guam, it will include a notation that it is a certificate of foreign birth.¹³ In 20 States and Guam, a notation is made on the certificate that it is not evidence of U.S. citizenship for the child.¹⁴ In five States, that notation will be removed when proof of the child's U.S. citizenship is submitted to the registrar.¹⁵ Afterwards, the registrar seals the original birth certificate, order or decree of adoption, and the court findings, which are not unsealed except by court order or as provided by law.¹⁶

For more general information about the intercountry adoption process, see the Information Gateway factsheet *Intercountry Adoption: Where Do I Start?* at <https://www.childwelfare.gov/pubs/f-inter/>.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

Suggested citation:

Child Welfare Information Gateway. (2018). *State recognition of intercountry adoptions finalized abroad*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.

¹⁰ Alaska, Arizona, California, Colorado, Illinois, Iowa, Louisiana, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Vermont, and Virginia.

¹¹ "Findings of fact" are court determinations about questions vital to a legal proceeding, such as facts about an adopted child, that are necessary for a readoption in State court. Adoptive parents may adopt a foreign-born child whose date and place of birth are unknown or seem incorrect. In those cases, a State court must determine the true date and place of birth because this information is necessary to conduct the adoption proceedings; to issue a U.S. birth certificate; and to fill out all future forms relating to health, education, and work for the adopted child.

¹² Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Kansas, Louisiana, Maine, Maryland, Montana, Nebraska, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

¹³ Alabama, Colorado, Florida, Georgia, Maryland, Montana, New Jersey, Oregon, Rhode Island, South Carolina, and West Virginia.

¹⁴ Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Idaho, Iowa, Louisiana, Maine, Maryland, Montana, North Dakota, Pennsylvania, South Carolina, Vermont, Virginia, and West Virginia.

¹⁵ Alaska, Louisiana, New Jersey, Pennsylvania, and Virginia.

¹⁶ For additional information about an adopted child's access to his or her sealed adoption records, see the Information Gateway State Statutes publication *Access to Adoption Records* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/infoaccessap/>.

Alabama

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Ala. Code § 22-9a-12(i)

The State registrar shall, upon request, prepare and register a certificate in this State for a person born in a foreign country who is not a citizen of the United States and who was adopted through a court in this State. The certificate shall be established upon receipt of:

- A report of adoption from the court decreeing the adoption
- Proof of the date and place of birth of the child
- A request from the court, the adopting parents, or the adopted person, if he or she is age 18 or older, that a certificate be prepared

The certificate shall be labeled 'certificate of foreign birth' and shall show the actual country of birth. A statement shall also be included on the certificate indicating that it is not evidence of U.S. citizenship for the child for whom it is issued.

After registration of the birth certificate in the new name of the adopted person, the State registrar shall seal and file the report of adoption. It shall not be subject to inspection except by court order or as provided by statute. Any person age 19 or older who has had a certificate of foreign birth prepared in Alabama may, on written request, receive a copy of any information about the adoption.

Alaska

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Alaska Stat. § 25.23.160

A court decree establishing the relationship of parent and child by adoption issued under due process of law by a court of any other jurisdiction within or outside of the United States shall be recognized in this State. The rights and obligations of the parties as to matters within the jurisdiction of this State shall be determined as though the decree were issued by a court of this State.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Alaska Stat. §§ 25.23.170; 18.50.211

The State registrar will, upon request by an adopted person or adoptive parents, issue a certificate of birth for a foreign-born person who was adopted by State residents when it receives:

- An adoption report
- Information necessary to identify the original certificate of birth
- If there is no original certificate of birth, the court findings as to the true or probable date and place of birth and parentage of the adopted person

The certificate will be in a form prescribed by the State registrar and will state that it is not evidence of U.S. citizenship for the child.

Upon proof of naturalization, an amended certificate of birth will be issued that deletes the statement that the certificate is not evidence of U.S. citizenship.

American Samoa

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

This issue is not addressed in the statutes reviewed.

Arizona

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption

Citation: Rev. Stat. § 36-338(C)

Before the State registrar creates and registers a certificate of foreign birth for a parent of an adopted child who has been issued an IR-3 visa and who has completed a readoption process in a court in this State, the parent must provide either of the following:

- An original State of Arizona certificate of adoption
- A certified court order of adoption issued by a court in this State and either a birth certificate from the country of the adopted child's birth or any other written documentation that establishes the date and place of the adopted child's birth that has been translated into English

Application for a U.S. Birth Certificate

Citation: Rev. Stat. § 36-338(A),(B),(D)-(F)

The State registrar shall create a certificate of foreign birth for an adopted person who shows that he or she:

- Was born in a foreign country
- Is not a U.S. citizen
- Has gone through a completed adoption process in a foreign country before coming to the United States
- Has an IR-3 stamped passport

Before the State registrar creates a certificate of foreign birth, a State court, an adoptive parent, or an adult adopted person must submit the following:

- An adoption decree or other official document finalizing the adoption from the country of the adopted person's birth that has been translated into English
- A copy of the passport page showing the IR-3 stamp

If the adopted person does not have an IR-3 stamped passport, before the State registrar creates a certificate, an adoptive parent or an adult adopted person must submit either:

- An original State of Arizona certificate of adoption
- A certified court order of adoption issued by a court in this State and either a birth certificate from the country of the adopted person's birth or any other written documentation that establishes the date and place of the adopted person's birth that has been translated into English
- If the person was not adopted in this State, a court order issued in this State that recognizes the adoption pursuant to § 36-336

The State registrar shall not create a State of Arizona certificate of foreign birth for an adopted person who was born in a foreign country and who was a U.S. citizen at the time of birth. The State registrar shall inform the adoptive parents or the adult adopted person that a birth certificate may be obtained through the U.S. Department of State.

A State of Arizona certificate of foreign birth for an adopted person must show the country of birth and state that the certificate is not evidence of U.S. citizenship for the person for whom it is issued.

Arkansas

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Code § 9-9-218

A court decree establishing the relationship of parent and child by adoption issued pursuant to due process of law by a court of any other jurisdiction within or without the United States shall be recognized in this State. The rights and obligations of the parties as to matters within the jurisdiction of this State shall be determined as though the decree were issued by a court of this State.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Ann. Code § 20-18-406(f)

The State Registrar of Vital Statistics will, upon request, prepare and register an Arkansas certificate of birth for a foreign-born person who is not a U.S. citizen and for whom a final decree of adoption was entered by an Arkansas court when it receives:

- A certificate of adoption
- Proof of the date and place of the adopted child's birth
- A request by the court decreeing the adoption, the adoptive parents, or the adopted person who is age 18 or older

After preparation of the certificate in the new name of the adopted person, the State Registrar of Vital Statistics will seal and file the report of adoption that will not be unsealed except upon court order or as provided by State law.

The birth certificate will show the actual foreign country of birth and will state that it is not evidence of U.S. citizenship for the child.

California

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Family Code § 8925

A Hague adoption certificate or, in outgoing cases, a Hague custody declaration, obtained pursuant to part 97 of title 22 of the Code of Federal Regulations, shall be recognized as a final valid adoption for purposes of all State and local laws.

Readoption After an Intercountry Adoption

Citation: Family Code § 8919(a)-(c)

Each State resident who adopts a child through an intercountry adoption that is finalized in a foreign country shall readopt the child in this State if it is required by the U.S. Department of Homeland Security. The readoption shall include, but is not limited to, at least one postplacement in-home visit, the filing of the adoption petition, the intercountry adoption court report, accounting reports, the home study report, and the final adoption order. If the adoptive parents have already completed a home study as part of their adoption process, a copy of that study shall be submitted in lieu of a second home study. No readoption order shall be granted unless the court receives a copy of the home study report previously completed for the international finalized adoption by an adoption agency authorized to provide intercountry adoption services pursuant to § 8900. The court shall consider the postplacement visit or visits and the previously completed home study when deciding whether to grant or deny the petition for readoption.

Each State resident who adopts a child through an intercountry adoption that is finalized in a foreign country may readopt the child in this State. Except as provided below, the readoption shall meet the standards described above.

A State resident who adopts a child through an intercountry adoption that is finalized in a foreign country with adoption standards that meet or exceed those of this State, as certified by the State Department of Social Services, may readopt the child in this State. The readoption shall include one postplacement in-home visit and the final adoption order.

Application for a U.S. Birth Certificate

Citation: Family Code § 8919(c); Health and Safety Code §§ 102635; 103450(a)

In addition to the requirement or option of the readoption process set forth in § 8919 of the Family Code, each State resident who adopts a child through an intercountry adoption that is finalized in a foreign country may obtain a birth certificate in the State of California in accordance with the provisions of § 102635 or § 103450(a) of the Health and Safety Code.

A new birth certificate shall be established by the State registrar upon receipt of either of the following:

- A report of adoption from any court of record that has jurisdiction of the child in this State, another State, the District of Columbia, in any territory of the United States, or in any foreign country, for any child born in California and whose certificate of birth is on file in the office of the State registrar
- A readoption order issued pursuant to § 8919 of the Family Code

Beneficially interested parties may petition the clerk of the superior court for an order to establish judicially the time and place of a birth that is unregistered or for which a certified copy is unobtainable.

Colorado

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption

Citation: Rev. Stat. § 19-5-205(1) & (2)

The adoptive parents may petition the court to validate an intercountry adoption that was finalized abroad. The petition must include:

- Confirmation that the petitioner has participated in adoption counseling, if the court deems it appropriate
- The physical and mental condition of the child
- The child's family background, including the names of birth parents and other identifying data regarding the parents, if obtainable
- Reasons for the termination of the parent-child legal relationship
- The suitability of the adoption of this child by this petitioner and the child's own attitude toward the adoption in any case in which the child's age makes this feasible
- The length of time the child has been in the care and custody of the petitioner

The court will issue a decree validating the adoption if it finds that:

- At the time the petition is filed, it contains a verified statement or other evidence that at least one of the adopting parents is a U.S. citizen and State resident.
- The original or a certified copy of a valid foreign adoption decree, together with a notarized translation, is presented to the court.
- The child is either a permanent resident or a naturalized citizen of the United States.

Any decree that validates a foreign adoption that was finalized abroad will have the same legal effect as any decree of adoption issued by the court.

Application for a U.S. Birth Certificate

Citation: Rev. Stat. § 25-2-113(1)(b)

The State registrar shall prepare a new certificate of birth for any adopted person born in a foreign country and who is a resident of this State upon receipt of a certified copy of the final decree of adoption and findings of fact as to the person's date and place of birth and parentage.

The State registrar shall prepare the new certificate in the new name of the adopted person and seal the certified copy of the findings of the court and the certified copy of the final decree of adoption.

The birth certificate shall be labeled as a certificate of foreign birth and show the country or probable country of birth and that the certificate is not evidence of U.S. citizenship. If the child was born in a foreign country but was a citizen of the United States at the time of birth, the State registrar shall notify the adoptive parents of the procedures for obtaining a revised birth certificate for their child through the U.S. Department of State.

Connecticut

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption

Citation: Gen. Stat. § 45a-730(a)

A petition for validation of an intercountry adoption decree may be filed with a probate court for an adoption that was finalized outside the United States when the U.S. Immigration and Naturalization Service* refused to grant the child U.S. citizenship because the adoptive parents did not personally see and observe the child prior to or during the adoption proceedings.

The petition for validation may be made by the adoptive parent or child-placing agency and filed with the probate court in the petitioner's county of residence and must be accompanied by an authenticated copy of the adoption decree, unless the court waives this requirement.

The court may validate the adoption if it finds that:

- The adoption of the foreign-born child was finalized abroad.
- The U.S. Immigration and Naturalization Service* refused to naturalize the child because the adoptive parents did not personally see and observe the child prior to or during the adoption proceedings.
- It is in the best interests of the child.

A validation under this section shall not be construed to validate an adoption otherwise invalid in accordance with the law of the place of adoption.

**As of March 1, 2003, the responsibility for providing immigration-related services was transferred from the U.S. Immigration and Naturalization Service to the U.S. Citizenship and Immigration Services, a bureau of the U.S. Department of Homeland Security. The statutes do not yet reflect this change.*

Application for a U.S. Birth Certificate

Citation: Gen. Stat. § 7-54

The Department of Public Health will prepare a certification of birth registration or a certificate of foreign birth for any person born outside the country who is adopted by a State resident provided:

- An authenticated copy of the adoption order from the court conducting the adoption proceedings, or other evidence that is considered satisfactory by the probate court, is filed with the court.
- The probate court notifies the department that the copy or satisfactory evidence has been filed.

The certification of birth registration will contain only:

- The adopted name
- Sex
- Date and place of birth
- Date of preparation of the certification

The certificate of foreign birth will contain:

- The adopted name
- Sex
- Date and place of birth
- Legal name of adoptive parent or parents
- Date of preparation of the certificate

No certification of birth registration or certificate of foreign birth shall be prepared except on specific written request by the person to whom the certification relates, if over age 16; the adopting parent(s); or the court for the district in which the adoption proceedings were held.

The adoptive parent(s) or adopted person, if age 18 or older, may apply to the court to determine the person's biological age and date of birth. After a hearing on the application, the court may issue a decree to establish the biological age and date of birth of the adopted person. If the biological age and date of birth established in the decree differs from that in the certification of birth registration or a certificate of foreign birth, the court shall provide a certified copy of the decree to the department.

Delaware

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Code Tit. 13, § 927(a)-(b)

An adoption that is finalized by a court with appropriate jurisdiction in a foreign country is valid if it was issued in accord with the laws of that country and if the child was not brought into the United States until after the adoption was finalized abroad.

A proceeding or decree issued in a foreign country is not valid if the child was brought into the United States before the adoption was finalized abroad, unless the adoption proceedings were in substantial compliance with the adoption laws of Delaware. This subsection does not apply to adoption proceedings or orders initiated in a foreign country as to persons who are not Delaware residents when the adoption proceedings commenced.

Readoption After an Intercountry Adoption

Citation: Ann. Code Tit. 13, § 927(c)

Adoptive parents seeking an order certifying the validity of their foreign adoption decree shall file the decree with the family court in the county in which they reside. An affidavit shall be filed with the decree indicating that the decree was issued in accordance with the laws of the issuing jurisdiction and that the adopted child was not brought into Delaware until the adoption was finalized. The name by which the child is to be known shall be included in the affidavit.

The court shall review the affidavit, decree, and other documents, and if the adoption meets the requirements of this section, the court shall issue an order certifying the validity of the adoption that will include the child's American name.

Application for a U.S. Birth Certificate

Citation: Ann. Code Tit. 16, § 3126

Upon the issuance of a final decree of adoption or of an order certifying the validity of a foreign adoption, the clerk of the court in which the decree of adoption was made, or filed in the case of a foreign adoption under title 13, § 927, shall immediately file in the office of the State registrar a report setting forth the information required by title 13, § 921, together with a certified copy of the final decree of adoption.

Upon receipt of the information, the State registrar shall file a new certificate setting forth the adopted name and sex of the child, together with the names of the adopting parents and the actual birth date and birthplace of the child. Certificates may be issued in accordance with § 3110 of this title.

In the event of a child born outside of the United States who is adopted in Delaware and for whom no certificate of birth can be secured from the nation of birth, the State Registrar may file and issue a special certificate of birth in accordance with this chapter, provided the adopting parents can furnish evidence considered satisfactory by the State registrar of the facts and circumstances surrounding the birth of the child.

District of Columbia

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Code § 16-317(a)

A final judgment of adoption granted by a judicial, administrative, or executive body of a country outside the United States shall have the same force and effect as that given to a judgment of adoption entered by the Superior Court of the District of Columbia without additional proceedings or documentation if:

- The adopting parent is a resident of the District of Columbia.
- The validity of the foreign adoption has been verified by the granting of an IR-3 immigrant visa or a successor immigrant visa by U.S. Citizenship and Immigration Services.

A foreign adoption that meets these requirements shall be considered final under the laws of the District of Columbia and no further petition for an adoption decree shall be required.

Readoption After an Intercountry Adoption

Citation: Ann. Code § 16-317(b)

Notwithstanding § 16-317(a), an adoptive parent may file a petition for a District adoption decree with the Superior Court. If the foreign adoption meets the requirements § 16-317(a), the court shall issue:

- Findings of fact on the foreign adoption including:
 - » The name of the adoptive parent
 - » The name or names of the child
 - » The reported birth date of the child
 - » The country of the child's birth
 - » The country and the date of the foreign adoption
 - » The date and issuance of an IR-3 immigrant visa or a successor immigrant visa by U.S. Citizenship and Immigration Services
- An adoption decree to the petitioner

Application for a U.S. Birth Certificate

Citation: Ann. Code § 7-210(a-1)

The registrar shall establish a new certificate of birth for an adopted person born outside of the United States upon receipt of a request from the adopting parents or the adopted person who is age 18 or older and receipt of one of the following documents:

- An adoption form prepared according to § 7-209 or a copy of the foreign decree
- A certified translation of the foreign adoption decree or, if birth information is not already included in the foreign adoption decree, evidence of the child's birth date and birthplace, which may include:
 - » An original birth certificate
 - » A postadoption birth certificate issued by the foreign jurisdiction, including a certified copy, extract, or translation
 - » Another equivalent document, such as a record from the U.S. Citizenship and Immigration Services or the U.S. Department of State
- Evidence of the child's IR-3 immigrant visa status or successor immigrant visa status

Florida

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Stat. § 63.192

A court judgment establishing the relationship of parent and child by adoption issued pursuant to due process of law by a court of any other jurisdiction within or without the United States shall be recognized in this State, and the rights and obligations of the parties on matters within the jurisdiction of this State shall be determined as though the judgment were issued by a court of this State.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Ann. Stat. § 382.017

The Department of Health will prepare a certificate of foreign birth for a foreign-born adopted person who is not a U.S. citizen and whose judgment of adoption was entered by a Florida court. The certificate will be established upon receipt of:

- The report or certified copy of the adoption decree
- Proof of the date and place of the adopted person's birth
- A request that the certificate be prepared from the court, the adopting parents, or the adopted person if he or she is of legal age

The certificate shall be labeled 'Certificate of Foreign Birth' and will show the true country and date of birth of the adopted person and will state that it is not evidence of U.S. citizenship for the child.

After registering the certificate of foreign birth in the new name of the adopted person, the department will seal the adoption report or decree. The seal will not be broken except pursuant to a court order.

If the adopted person was born in a foreign country but was a U.S. citizen at the time of birth, the department shall notify the adoptive parents, or the adopted person if of legal age, of the procedure for obtaining a revised birth certificate through the U.S. Department of State.

Georgia

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Code § 19-8-22

A decree establishing the relationship of parent and child by adoption, issued pursuant to due process of law by a court of any other jurisdiction within or outside the United States, shall be recognized in this State; and the rights and obligations of the parties as to matters within the jurisdiction of this State shall be determined as though any such decree was issued by a court of this State.

Readoption After an Intercountry Adoption

Citation: Ann. Code § 19-8-8

A child may be adopted pursuant to the provisions of this chapter based upon both of the following:

- A decree establishing the relationship of parent and child by adoption between each petitioner and a child born in the foreign country that has been entered pursuant to due process of law by a court of competent jurisdiction outside the United States
- The child having been granted a valid visa by the U.S. Immigration and Naturalization Service*

**As of March 1, 2003, the responsibility for providing immigration-related services was transferred from the U.S. Immigration and Naturalization Service to the U.S. Citizenship and Immigration Services, a bureau of the U.S. Department of Homeland Security. The statutes do not yet reflect this change.*

Application for a U.S. Birth Certificate

Citation: Ann. Code § 31-10-13(f)

If a person was born in a foreign country, is not a citizen of the United States, and does not meet the requirements of the Federal Child Citizenship Act of 2000 (P.L. 106-395), but was adopted through a court in this State, the State registrar shall prepare and register a birth certificate in this State. The certificate shall be established upon receipt of a report of adoption from the court decreeing the adoption and proof of the date and place of birth of the child. The certificate shall be labeled 'Certificate of Foreign Birth' and shall show the actual country of birth. A statement shall also be included on the certificate indicating that it is not evidence of U.S. citizenship for the person for whom it is issued.

If a person was born in a foreign country and was not a citizen of the United States at the time of birth but does meet the requirements of the Federal Child Citizenship Act of 2000, and he or she was adopted through a court in this State, the State registrar shall prepare and register a birth certificate in this State. The certificate shall be established upon receipt of a report of adoption from the court decreeing the adoption and proof of the date and place of birth of the child. The certificate shall be labeled 'Certificate of Foreign Birth' and shall show the actual country of birth. After registration of the birth certificate in the new name of the adopted person, the State registrar shall seal and file the report of adoption. The sealed file shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by statute.

Guam

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Code Tit. 19, § 4220

When an adoption has been judicially decreed by a court in the United States, such decree shall have the same force and effect as to matters within the jurisdiction of the territory of Guam as though it had been granted by the court.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Ann. Code Tit. 10, § 3215.1

The Registrar of Vital Statistics shall, upon request, establish a new certificate of birth for a person born in a foreign country on receipt of:

- A report of adoption decreed by a court of competent jurisdiction
- Proof of the date and place of the person's birth
- A request from the court, the adopting parent or parents, or the adopted person if he or she is age 18 or older, that such a certificate be prepared

The certificate shall be labeled 'Certificate of Foreign Birth' and shall show the actual country of birth. The certificate shall show the true or probable foreign country of birth and shall state that the certificate is not evidence of U.S. citizenship for the child for whom it is issued or for the adoptive parent or parents.

After registration of the Certificate of Foreign Birth in the new name of the adopted person, the registrar shall seal the report of adoption. The sealed report shall not be subject to inspection except upon order of a court of competent jurisdiction.

Hawaii

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Rev. Stat. § 578-8(c)

In cases in which a child is adopted from a foreign country and is brought into the State, the court, in its discretion, may dispense with a hearing on an adoption petition upon receipt of a sworn affidavit, ex parte, from the adoptive parents requesting that the hearing be dispensed with and upon a finding that the issues it would have reviewed have received full consideration by the country from which the child was adopted and the U.S. Citizenship and Immigration Services.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Rev. Stat. § 338-20.5

The Department of Health shall establish a Hawaii certificate of birth for a person born in a foreign country and for whom a final decree of adoption has been entered in a court of competent jurisdiction in Hawaii, when it receives the following:

- A properly certified copy of the adoption decree or certified abstract thereof on a form approved by the department
- A copy of any investigatory report and recommendation that may have been prepared by the Director of Social Services
- A report on a form approved by the Department of Health setting forth the following:
 - » Date of the assumption of custody
 - » The sex, color, or race of the child
 - » The approximate age of the child
 - » The name and address of the adoptive parent(s)
 - » The name given to the child by the adoptive parent(s)
 - » The true or probable country of birth
 - » A request that a new certificate of birth be established
- The true or probable country of birth shall be known as the place of birth, and the date of birth shall be determined by approximation. This report shall constitute an original certificate of birth.

After preparation of the new birth certificate in the new name of the adopted person, the Department of Health shall seal and file the certified copy of the adoptive decree, investigatory report, and recommendation of the Director of Human Services, if any; the report constituting the original certificate of birth; and the request for a new certificate of birth. The sealed documents may be opened by the department only by an order of a court of record or when requested in accordance with § 578-14.5 or 578-15.

The new certificate of birth shall show the true or probable foreign country of birth and that the certificate is not evidence of U.S. citizenship for the child for whom it is issued or for the adoptive parents.

Idaho

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Idaho Code § 16-1514(4)

The decisions and orders of foreign courts and government agencies authorized to approve adoptions shall be accorded judicial comity or the same full faith and credit accorded a judgment of a sister State without additional proceedings or documentation, provided the U.S. Department of State or the U.S. Department of Homeland Security has allowed the child to enter the United States.

Readoption After an Intercountry Adoption

Citation: Idaho Code § 16-1514A

When an Idaho resident adopts a child in a foreign country in accordance with the laws of the foreign country, and such adoption is recognized as full and final by the U.S. Government, such resident may file with a petition a copy of the decree, order, or certificate of adoption that evidences finalization of the adoption in the foreign country, together with a certified translation thereof if it is not in English, and proof of full and final adoption from the U.S. Government with the clerk of the court of any county in this State having jurisdiction over the person or persons filing such documents.

The court shall assign a docket number and file and enter the documents referenced above with an order recognizing the foreign adoption without the necessity of a hearing. Such order, along with the final decree, order, or certificate from the foreign country, shall have the same force and effect as if a final order of adoption were granted in accordance with the provisions of this chapter.

When such order is filed and entered, the adoptive parents may request a report of adoption as provided in § 39-259.

Application for a U.S. Birth Certificate

Citation: Idaho Code § 39-259(a)

The State registrar will, upon request, issue a new birth certificate for a foreign-born child who was adopted in a State court when it receives:

- A report that identifies the adoption order, contains evidence as to the true or probable date and place of birth and parentage of the adopted person, provides information necessary to establish a new birth certificate for an adopted person, and is certified by the clerk of the court
- A request by the court decreeing the adoption, the adoptive parents, or the adopted person

The certificate will show:

- The true or probable date and foreign country of birth as established by the court and shown on the court report of adoption
- The child's new name as stated in the report of adoption
- Any other necessary facts as required by the State registrar

The certificate is not evidence of U.S. citizenship for the child.

All records, files, and information of any court in this State relating to the adoption proceedings other than the new birth certificate will be sealed except as provided by court order or statute.

Illinois

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Comp. Stat. Ch. 750, §§ 50/4.1(c); 50/6(b)

The adoption of a child, if the child is a habitual resident of a country other than the United States and the petitioner is a habitual resident of the United States, or, if the child is a habitual resident of the United States and the petitioner is a habitual resident of a country other than the United States, shall comply with the Intercountry Adoption Act of 2000 and the Immigration and Nationality Act. In the case of an intercountry adoption that requires oversight by the adoption services governed by the Intercountry Adoption Universal Accreditation Act of 2012, this State shall not impose any additional preadoption requirements.

In the case of a child born outside the United States or a territory thereof, in addition to the preadoption investigation, a postplacement investigation shall be conducted in accordance with the requirements of the Child Care Act of 1969 (225 ILCS 10/1, et seq.), the Interstate Compact on the Placement of Children (45 ILCS 15/0.01, et seq.), and the Intercountry Adoption Act of 2000 (750 ILCS 50/1, et seq.).

The requirements of a postplacement investigation shall be deemed to have been satisfied if a valid final order or judgment of adoption has been entered by a court of competent jurisdiction in a country other than the United States or a territory thereof with respect to such child and the petitioners.

Readoption After an Intercountry Adoption

Citation: Comp. Stat. Ch. 750, § 50/4.1(e)

Any time after a minor child has been adopted in a foreign country and has immigrated to the United States, the adoptive parent may petition the court for a judgment of adoption to readopt the child and confirm the foreign adoption decree. The petitioner must submit to the court one or more of the following to verify the foreign adoption:

- An immigrant visa for the child issued by U.S. Citizenship and Immigration Services that was valid at the time of the child's immigration
- An adoption decree, judgment, certificate, or registration issued by a court of competent jurisdiction outside the United States
- Other evidence deemed satisfactory by the court

The child's immigrant visa shall be prima facie proof that the adoption was established in accordance with the laws of the foreign jurisdiction and met United States requirements for immigration.

If the petitioner submits documentation that satisfies the requirements above, the court shall not appoint a guardian ad litem for the child; shall not require any further termination of parental rights of the child's biological parents; nor shall it require any home study, investigation, postplacement visit, or background check of the petitioner.

The petition may include a request for change of the child's name and any other request for specific relief that is in the best interests of the child. The relief may include a request for a revised birth date for the child if supported by evidence from a medical or dental professional attesting to the appropriate age of the child or other collateral evidence.

Application for a U.S. Birth Certificate

Citation: Comp. Stat. Ch. 410, § 535/16.1

The State Registrar of Vital Records will issue a record of foreign birth for a foreign-born person who has an IR-3 visa and who was adopted under the laws of a foreign country by a State resident when it receives:

- Evidence as to the child's birth date and birthplace provided by the original birth certificate; by a certified copy, extract, or translation of the original certificate; or by another document that is essentially equivalent
- A certified copy, extract, or translation of the adoption decree or other document that is essentially equivalent
- A copy of the IR-3 visa
- The name and address of the adoption agency that handled the adoption

The record of foreign birth will include:

- The actual place and date of birth
- The child's name and parentage as ordered in the judgment of adoption
- Any other necessary facts

Indiana

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Code § 31-19-28-1

Whenever a person is adopted outside Indiana, under the laws of the State, territory, or country where the adoption took place:

- The adoption decree, when filed with the clerk of the court of any county in Indiana and when entered upon the order book of the court in open session, has the same force and effect as if the adoption decree were made in accordance with this article.
- The adopted person has the same rights and is capable of taking by inheritance, upon the death of the adoptive parent, property located in Indiana as though the person had been adopted according to the laws of Indiana.

The adopted person may request a new name in a petition filed under this section.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

This issue is not addressed in the statutes reviewed.

Iowa

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Stat. § 600.15

A decree establishing a parent-child relationship by adoption that is issued pursuant to due process of law by a court of any other jurisdiction within or outside the United States shall be recognized in this State.

For an adoption based on a decree issued by a jurisdiction outside the United States, an investigator shall conduct a postplacement investigation that consists of a minimum of three face-to-face visits with the minor person and the adoptive parents during the first year after the placement, with the first such visit to be conducted within 60 days of the placement of the minor person in the adoptive home. Additional visits shall be conducted if required by the jurisdiction that issued the decree.

The postplacement investigation and report shall include documentation that any unique needs of the minor person are being appropriately met through the placement.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Ann. Stat. § 144.25A; Admin. Code § 641-96.11(144)

The Department of Public Health shall adopt rules pursuant to chapter 17A to establish a procedure for the issuance of a certificate of birth for children adopted pursuant to § 600.15.

In regulation: A certificate of foreign birth shall be established by the State registrar for a child born in a foreign nation upon the State registrar's receipt of a completed Certificate of Adoption Report form from an Iowa court of competent jurisdiction or upon request of the resident adoptive parents and the State registrar's receipt of all of the following documents:

- The authenticated adoption decree in both the foreign language and the English translation or a certified copy of an adoption decree from an Iowa court
- If the decree does not contain information to establish the certificate of foreign birth, the adoptee's authenticated birth certificate in both the foreign language and the English translation
- Evidence of the adoptee's permanent residence, such as a passport or citizenship papers
- A certified copy of the certificate of live birth of each adoptive parent
- A notarized statement that is on letterhead from the licensed adoption agency or certified adoption investigator and that establishes the parents were residents of Iowa at the time the adoption was final in the foreign nation, unless the parents' Iowa address is shown in the adoption documents

The certificate of foreign birth shall not constitute U.S. citizenship.

The evidence presented shall be on file only at the State registrar's office, and all supporting documentation shall be placed in a sealed file that shall be opened only by order of a court of competent jurisdiction or for vital records administrative purposes.

Kansas

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Stat. § 59-2144(a)-(b)

When a Kansas resident adopts a child in a foreign country in accordance with the laws of the foreign country pertaining to relinquishment, termination of parental rights, and consent to the adoption, the decree of adoption (or a similar document or documents that evidences finalization of the adoption in the foreign country and evidence of lawful admission into the United States) has the same force and effect when filed with and entered in the records of the clerk of the district court of any county in this State as if the decree of adoption (or a similar document or documents) was granted in accordance with the provisions of the Kansas Adoption and Relinquishment Act.

When the adoption decree or document is filed and entered, the adoptive parent or parents may request a birth certificate pursuant to § 65-2423.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate**Citation: Ann. Stat. § 65-2423(b)**

The State registrar will, upon request, complete and register a birth certificate for a foreign-born child who was adopted in Kansas or who was adopted abroad and his or her foreign adoption decree was filed and entered in Kansas when it receives:

- A certified copy of the decree of adoption, or similar document(s) that evidences the finalization of the adoption abroad
- The report of adoption form and proof of the date and place of the child's birth

The certificate shall show:

- The new name of the child as specified in the decree of adoption or a similar document or documents
- Such further information concerning the adopting parents as may be necessary to complete the birth certificate

The certificate will show the true country of birth and the date of birth of the child. The certificate shall state the following: 'This certificate is issued pursuant to § 65-2423(b) and amendments thereto.'

Kentucky*Current Through April 2018***Effect and Recognition of a Foreign Adoption Decree****Citation: Rev. Stat. § 199.585(1)-(2)**

The Commonwealth of Kentucky shall recognize a decree, judgment, or final order of adoption issued by a court or other governmental authority with appropriate jurisdiction in a foreign country when the child to be adopted has been approved for U.S. citizenship or as otherwise provided by Federal law.

Upon presentation of an original decree, judgment, or final order of adoption issued by a court or other governmental authority with appropriate jurisdiction in a foreign country, the secretary or his or her designee shall issue, within 30 days, a certified notice that the foreign adoption is registered in the Commonwealth of Kentucky. The secretary or his or her designee may require a translated copy if the original decree, judgment, or final order is not in English. The cabinet shall maintain all records and notices of foreign adoptions in a manner similar to other adoption records.

Readoption After an Intercountry Adoption**Citation: Rev. Stat. § 199.585(3)**

A petition for adoption under § 199.470 shall be required for a child born outside the United States without a decree, judgment, or final order of adoption issued by a court or other governmental authority with appropriate jurisdiction in a foreign country, or for any child born outside of the United States who does not qualify for U.S. citizenship upon entry into the United States.

Application for a U.S. Birth Certificate**Citation: Rev. Stat. § 213.056(2)**

The State registrar will prepare a record of foreign birth for a foreign-born child who was adopted by a Kentucky resident and whose record of birth cannot be obtained from the country of birth.

Louisiana*Current Through April 2018***Effect and Recognition of a Foreign Adoption Decree****Citation: Ch. C. Art. §§ 1284.1; 1284.2; 1284.3**

The petition for recognition of a foreign adoption from a Hague Convention Country shall state the following:

- The full name, address, age, occupation, and marital status of each petitioner, at least one of whom is a State resident
- The child's name
- The place and date of the birth of the child, if known; if not known, then the approximate age of the child
- The date and circumstances under which the child was adopted in a foreign country and entered the home of the petitioner
- Any relationship existing between the petitioner and the child

The petition shall be accompanied by a Hague Adoption Certificate issued by a U.S. consular officer and a copy of the child's IH-3 visa. Documents related to a convention adoption shall require no authentication in order to be admissible, unless a specific and supported claim is made that the documents are false, have been altered, or are otherwise unreliable.

The court shall issue a judgment recognizing the foreign adoption and rendering a final decree of adoption upon finding that:

- At least one of the adoptive parents is a State resident.
- The original or a certified copy of the foreign adoption decree, together with a notarized transcript, has been filed and is presumed to have been granted in accordance with the law of the foreign country.
- The foreign adoption has been completed in accordance with the Hague Convention and the Intercountry Adoption Act.
- The child is either a permanent resident or a naturalized citizen of the United States.
- The petitioners have the ability to care for, maintain, and educate the child.

The court, after taking into consideration all documents filed concerning the adoption, may enter a final decree of adoption, or it may deny recognition of the adoption. Recognition may be refused only if the adoption is manifestly contrary to public policy, taking into account the best interests of the child.

Readoption After an Intercountry Adoption

Citation: Ch. C. Art. §§ 1282.1; 1282.2; 1282.3

The petition for recognition of a foreign adoption from a non-Hague Convention Country shall state the following:

- The full name, address, age, occupation, and marital status of each petitioner, at least one of whom is a State resident
- The child's name
- The place and date of the birth of the child, if known; if not known, then the approximate age of the child
- The date and circumstances under which the child was adopted in a foreign country and entered the home of the petitioner
- Any relationship existing between the petitioner and the child

The petition shall be accompanied by a certification for adoption; a certified copy of the documentation of orphan status; documentary proof of citizenship status; a copy of the child's immigrant visa or resident alien card; the original or a certified copy of a valid foreign adoption decree, together with a notarized translation; the original or certified copy of a valid birth certificate, together with a notarized translation; and an affidavit of fees and expenses.

The court shall issue a judgment recognizing the foreign adoption and rendering a final decree of adoption upon finding that:

- At least one of the adopting parents is a State resident.
- The foreign adoption decree, together with a notarized transcript, has been filed and is presumed to have been granted in accordance with the laws of the foreign country.
- The child has qualified as a foreign orphan and is in the United States in accordance with applicable Federal regulations.
- The child is either a permanent resident or a naturalized citizen of the United States.
- The petitioners have the ability to care for, maintain, and educate the child.

The court, after taking into consideration all documents filed concerning the adoption, may enter a final decree of adoption, or it may deny recognition of the adoption. The basic consideration shall be the best interests of the child.

Application for a U.S. Birth Certificate

Citation: Rev. Stat. § 40:79(c)

The State registrar will prepare a new birth certificate for a foreign-born person who is adopted outside the United States by adoptive parents who are State residents at the time of the adoption, or for a foreign-born person who is adopted in the State but who is not a U.S. citizen or who is a naturalized U.S. citizen, when it receives (1) a certified copy of the order or decree of adoption and (2) a certified copy of the original foreign birth certificate and, if the certificate is not in English, a certified verbatim translation of the certificate. If the certified copy of the original birth certificate of the adopted person and certified translation are not available, the State court may make findings on the date, place of birth, and parentage of the adopted person.

The State registrar will prepare a certificate in the new name of the adopted person and will seal and file the court findings and the order or decree of adoption. The certificate will show the true or probable country, island, or continent of birth.

The certificate will state that it is not evidence of U.S. citizenship for the child. However, the certificate may be evidence of U.S. citizenship if the State registrar receives a certified copy of a certificate of naturalization.

Maine*Current Through April 2018***Effect and Recognition of a Foreign Adoption Decree****Citation: Rev. Stat. Tit. 18-A, § 9-312**

A probate judge may enter a decree of adoption based solely upon a judgment of adoption in a foreign country pursuant to this provision.

Readoption After an Intercountry Adoption**Citation: Rev. Stat. Tit. 18-A, § 9-312**

If an adoption in a foreign country has been finalized and the adopting parents are seeking an adoption under the laws of this State to give recognition to the foreign adoption, a probate judge may enter a decree of adoption based solely upon a judgment of adoption in a foreign country and may order a change of name, if requested by the adopting parents.

Application for a U.S. Birth Certificate**Citation: Rev. Stat. Tit. 22, § 2765(1-A)**

The State registrar will, upon request, establish a birth certificate for a foreign-born person for whom an adoption decree has been entered in State court when it receives:

- A certificate of adoption
- A request by the court decreeing the adoption; the adoptive parents; or the adopted person, if he or she is age 18 or older

The certificate will show the true or probable foreign country of birth and will state that it is not evidence of U.S. citizenship for the child or for the adoptive parents.

Maryland*Current Through April 2018***Effect and Recognition of a Foreign Adoption Decree****Citation: Family Law § 5-3B-04(c)**

An order for adoption entered in compliance with a foreign jurisdiction's laws shall have the same legal effect as an order for adoption entered in this State.

Readoption After an Intercountry Adoption**Citation: Family Law § 5-3B-04(d)**

An individual is not required to petition a court in this State for adoption of a child if:

- The individual adopted the child in compliance with the laws of a foreign jurisdiction.
- The U.S. Citizenship and Immigration Services verifies the validity of that adoption by granting, under the Federal Immigration and Nationality Act, an IR-3 visa for the child.

Application for a U.S. Birth Certificate**Citation: Health-Gen. Code Ann. § 4-211(k)**

The Secretary of Health and Mental Hygiene shall, upon request, prepare and register a certificate in this State for a person born in a foreign country and who was adopted by a State resident:

- Through a court of competent jurisdiction in this State
- Under the laws of a jurisdiction or country other than the United States and who has been granted an IR-3 or IH-3 visa by the U.S. Immigration and Naturalization Service* under the Immigration and Nationality Act

The certificate shall be established upon receipt of:

- A certificate of adoption from the court decreeing the adoption
- Proof of the date and place of the adopted person's birth
- A request from the court, the adopting parents, or the adopted person who is age 18 or older

If the child was adopted under the laws of a jurisdiction or country other than the United States and has been granted an IR-3 or IH-3 visa, the certificate shall be established upon receipt of:

- An official copy of the decree from the jurisdiction or country in which the child was adopted
- A certified translation of the foreign adoption decree

- Proof of the date and place of the child's birth
- Proof of IR-3 or IH-3 visa status
- A request from the court, the adopting parents, or the adopted person who is age 18 or older
- Proof that the adopting parent is a resident of this State

The certificate shall be labeled 'Certificate of Foreign Birth' and shall show the actual country of birth. A statement also shall be included on the certificate indicating that it is not evidence of U.S. citizenship for the child for whom it is issued.

**As of March 1, 2003, the responsibility for providing immigration-related services was transferred from the U.S. Immigration and Naturalization Service to the U.S. Citizenship and Immigration Services, a bureau of the U.S. Department of Homeland Security. This section of the Maryland Code does not reflect this change.*

Massachusetts

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Laws Ch. 210, § 9

An adoption decree issued abroad in accordance with the laws of that country will have the same effect on the adopted child's rights of succession to property by grant, trust settlement, entail, devise, bequest, or by intestacy as would an adoption granted by this State.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Ann. Laws Ch. 46, § 1B

Any resident of the State who is the parent of a child born outside the State may personally present to the town clerk of the town where such parent was domiciled at the time of the birth, or in the case of an adopted child, at the time of the adoption, an original certificate or other written evidence of the birth, and a certified copy of the adoption decree if adopted, or a duly authenticated photocopy thereof. The town clerk may file such documents as evidence establishing the birth or adoption, or may make a copy thereof, which he shall attest as a true copy, and which he may then file as such evidence.

Michigan

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Comp. Laws § 710.21b

A court order or decree establishing the relationship of parent and child by adoption and issued by a court in another country is presumed to be issued in accordance with the laws of that country and shall be recognized in this State. The rights and obligations of the parties as to matters within the jurisdiction of this State shall be determined as though the order or decree were issued by a court of this State.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Comp. Laws § 333.2830

If a child whose birth occurred outside the United States, a U.S. territory, or Canada is adopted by a resident of this State under the laws of this State or under the laws of a foreign country, the probate court, on motion of the adopting parent, may file a delayed registration of birth on a form provided by the Department of Public Health. The delayed registration shall contain the date and place of birth and other facts specified by the department.

If the date and place of birth of the child cannot be documented from foreign records or a medical assessment of the development of the child indicates that the date of birth as stated in the immigration records is not correct, the court shall determine the facts and establish a date and place of birth and may file a delayed registration of birth.

A probate court may, at the request of the adopting parent when filing a delayed registration of birth, enter a new name for the child on the delayed registration of birth. The new name shall be the legal name of the adopted child.

Minnesota

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Stat. § 259.60, Subd. 1

The adoption of a child by a resident of this State under the laws of a foreign country is valid and binding under the laws of this State, if the validity of the foreign adoption has been verified by the granting of an IR-3 visa for the child by the U.S. Citizenship and Immigration Services.

Readoption After an Intercountry Adoption

Citation: Ann. Stat. § 259.60, Subd. 2 & 3

A person, whose adoption of a child under the laws of a foreign country is valid in this State, may petition the district court in the county where the adoptive parent resides for a decree confirming and recognizing the adoption, changing the child's legal name, if requested in the petition, and authorizing the Commissioner of Health to issue a new birth record for the child.

A court shall issue the decree upon receipt of the following documents:

- A petition by the adoptive parent stating that he or she completed adoption of the child under the laws of a foreign country and that the adoption is valid in this State and requesting that the court issue a decree confirming and recognizing the adoption, changing the child's legal name, if desired, and authorizing the Commissioner of Health to issue a new birth record for the child
- A copy of the child's original birth record, if available
- A copy of the final adoption certificate or equivalent as issued by the foreign jurisdiction
- A copy of the child's passport including the U.S. visa indicating IR-3 immigration status
- Certified English translations of any of the documents listed above that are not written in English

If a child is adopted by a resident of this State under the laws of a foreign country or if a resident of this State brings a child into the State under an IR-3 or IR-4 visa issued for the child by the U.S. Citizenship and Immigration Services, the postadoption reporting requirements of the country in which the child was adopted, applicable at the time of the child's adoption, must be given full faith and credit by the courts of this State and apply to the adoptive placement of that child.

Application for a U.S. Birth Certificate

Citation: Ann. Stat. § 144.218(2)

In proceedings for the adoption of a person who was born in a foreign country, the court, upon evidence presented by the Commissioner of Human Services from information secured at the port of entry or upon evidence from other reliable sources, may make findings of fact as to the date and place of birth and parentage. Upon receipt of certified copies of the court findings and the order or decree of adoption, a certificate of adoption, or a certified copy of a decree issued under § 259.60, the State registrar shall register a birth record in the new name of the adopted person.

The certified copies of the court findings and the order or decree of adoption, certificate of adoption, or decree issued under § 259.60 are confidential and shall not be disclosed except pursuant to court order or § 144.2252. The birth record shall state the place of birth as specifically as possible and that the vital record is not evidence of U.S. citizenship.

Mississippi

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Code § 93-17-305(1)-(3)

An adopting parent or parents may petition the chancery court in the county having jurisdiction to register a foreign adoption decree so that it will be given full and final effect in this State. As part of the petition to register a foreign adoption, a child's name may be changed from that appearing on the foreign adoption decree if all other legal requirements for a name change are met.

A foreign adoption decree previously registered or otherwise finalized by a court of this or any other State may not be registered subsequently in any court of this State.

If the chancellor determines that the foreign adoption can be registered, the chancellor shall sign the order and shall direct the chancery clerk to enter the date of the foreign adoption decree and identify the foreign court on the docket. A certified copy of the order, along with a copy of U.S. Government Form N-560, Certificate of Citizenship, or a copy of the child's United States passport, or both, if either or both documents are a part of the court file, shall be provided to the petitioner by the chancery clerk.

Readoption After an Intercountry Adoption**Citation: Ann. Code § 93-17-305(4)-(5)**

If the chancery court determines that the foreign adoption cannot be registered, the petitioner may proceed as applicable under the provisions of this chapter for adoptions generally. Reasons for which a foreign adoption cannot be registered include, without limitation, that the court has determined that the foreign adoption is not a full and final adoption because the foreign-born child has been issued an IH-4 or IR-4 visa.

Adopting parent(s) who are eligible to register a foreign adoption under this article may, for any reason, proceed under this chapter as for adoptions generally.

Application for a U.S. Birth Certificate**Citation: Ann. Code §§ 93-17-21(2); 93-17-303**

Either an original or a revised birth certificate may be issued by the Bureau of Vital Statistics to any child who was born outside the United States or its possessions and adopted by an order of a court in this State. Upon presentation of a certified copy of the final decree of adoption containing the required information, the bureau director shall be authorized and directed to receive the certified copy of the decree of adoption and prepare and record a birth certificate that shall disclose the following information:

- The adopted name of the child
- The child's race, sex, and date of birth
- The child's place of birth (the actual town, district, and county, except when the child is born in a penal or mental institution, in which case the name of the county shall be sufficient)
- The names, race, ages, places of birth, and occupation of the adoptive parents, including the maiden name of the adoptive mother

The certificate shall have the appearance for a 'revised' certificate issued to a child born in this State. The director shall be authorized and directed to issue certified copies thereof, the same as if the birth certificate were that of a child who had never been adopted.

A child who has automatically acquired U.S. citizenship following a foreign adoption and who possesses a Certificate of Citizenship in accordance with the Child Citizenship Act (P.L. 106-395), may be issued a Mississippi birth certificate upon compliance with this article and the requirements for adoptions under this chapter.

A parent shall not proceed under this article if the foreign adoption has been registered or otherwise finalized by a court of this or any other State.

Missouri*Current Through April 2018***Effect and Recognition of a Foreign Adoption Decree****Citation: Rev. Stat. § 453.170(2)**

When an adoption occurs in a foreign country and the adopted child migrates to the United States with the permission of the U.S. Department of Justice and the U.S. Immigration and Naturalization Service,* this State shall recognize the adoption.

**As of March 1, 2003, the responsibility for providing immigration-related services was transferred from the U.S. Immigration and Naturalization Service to the U.S. Citizenship and Immigration Services, a bureau of the U.S. Department of Homeland Security. The statutes do not yet reflect this change.*

Readoption After an Intercountry Adoption**Citation: Rev. Stat. § 453.170(3)**

The adoptive parent or parents may petition the court pursuant to this section to request a change of name. The petition shall include a certified copy of the decree of adoption issued by the foreign country and documentation from the U.S. Department of Justice and the U.S. Immigration and Naturalization Service that shows the child lawfully entered the United States. The court shall recognize and give effect to the decree of the foreign country and grant a decree of recognition of the adoption and shall change the name of the adopted child to the name given by the adoptive parent, if such a request has been made.

Application for a U.S. Birth Certificate**Citation: Rev. Stat. §§ 453.170(2); 193.125(9)**

The Department of Health and Senior Services shall issue a birth certificate for the adopted child upon request and upon receipt of proof of adoption as required in § 193.125(7).

The department, upon receipt of proof that a person has been adopted by a Missouri resident pursuant to the laws of countries other than the United States, shall prepare a birth certificate in the name of the adopted child as decreed by the court of such country.

If such proof contains the surname of either adoptive parent, the department shall prepare a birth certificate as requested by the adoptive parents. Any subsequent change of the name of the adopted child shall be made by a court of competent jurisdiction. The proof of adoption required by the department shall include:

- A copy of the original birth certificate and adoption decree
- An English translation of the birth certificate and adoption decree
- A copy of the approval of the immigration of the adopted person by the U.S. Immigration and Naturalization Service that shows the child lawfully entered the United States

The authenticity of the translation of the birth certificate and adoption decree shall be sworn to by the translator in a notarized document. The State registrar shall file the documents relating to the adoption, and the documents may be opened by the State registrar only by an order of a court.

A birth certificate shall be issued upon request of one of the adoptive parents or the adopted person if he or she is of legal age. The birth certificate prepared pursuant to the provisions of this subsection shall have the same legal weight as evidence as a delayed or altered birth certificate, as provided in §§ 193.005 to 193.325.

Montana*Current Through April 2018***Effect and Recognition of a Foreign Adoption Decree****Citation: Ann. Code § 42-2-101**

If a decree or order of adoption is entered by a court or administrative entity in another country acting pursuant to that country's laws and any convention or treaty on intercountry adoption that the United States has ratified, then it shall have the same effect as a decree or order of adoption issued by a court of this State. The rights and obligations of the parties must be determined as though the decree or order were issued by a court of this State.

Readoption After an Intercountry Adoption**Citation: Ann. Code § 42-5-205**

When the relationship of parent and child has been created by a decree of adoption from a court of any other State or country, the rights and obligations of the parties as to matters within the jurisdiction of this State must be determined pursuant to this title.

Application for a U.S. Birth Certificate**Citation: Ann. Code §§ 50-15-311(6); 50-15-223(8)**

If the birth of an adopted child occurred in a foreign country and the adopted child was not a citizen of the United States at the time of birth, the Department of Public Health and Human Services shall prepare a 'Certificate of Foreign Birth,' as required by § 50-15-223. If the adopted child was born in Canada, the department shall send a copy of the certificate of adoption, report of annulment of adoption, or amendment of a decree of adoption to the appropriate registration authority in Canada.

The department shall, upon request of the adopting parents, prepare and register a certificate of birth in this State for a person who was born in a foreign country and adopted through a district court in this State.

The certificate of birth must be established by the department upon receipt of a certificate of adoption, conforming to the requirements of § 50-15-311, from the court that reflects entry of an order of adoption; proof of the date and place of the child's birth; and a request for the establishment of a certificate of birth from the court, the adopting parents, or the adopted person, if he or she is age 18 or older.

The certificate of birth must be labeled 'Certificate of Foreign Birth' and must contain the actual country of birth. A statement must be included on the certificate indicating that it is not evidence of U.S. citizenship for the child for whom it is issued.

After registration of the certificate of birth in the new name of the adopted child, the department shall seal and file the certificate of adoption. The certificate is not subject to inspection, except upon order of the district court, as provided by rule, or as otherwise provided by State law.

Nebraska

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Rev. Stat. § 71-627.02

Upon receipt of a report of adoption or a certified copy of a decree of adoption issued by any court of competent jurisdiction in the State of Nebraska as to any foreign-born person, the Department of Health and Human Services shall prepare a birth certificate in the new name of the adopted child. The birth certificate shall show specifically:

- The new name of the adopted child
- The date of birth and sex of the adopted child
- Statistical information concerning the adoptive parents in place of the natural parents
- The true or probable place of birth, including the city or town and country

Nevada

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Rev. Stat. § 440.310(3)

Whenever the State registrar receives a certified report of adoption or amendment of adoption filed in accordance with the provisions of § 127.157 concerning a person born in a foreign country other than Canada, the State registrar shall, if he or she receives evidence that the person being adopted is a citizen of the United States and the adoptive parents are residents of Nevada, prepare and file a supplementary certificate of birth and seal and file the report.

New Hampshire

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Rev. Stat. § 170-B:29

A decree of court establishing the relationship of parent and child by adoption issued pursuant to due process of law by a court of any other jurisdiction within or without the United States shall be recognized in this State, and the rights and obligations of the parties as to matters within the jurisdiction of this State shall be determined as though the decree was issued by a court of this State.

Readoption After an Intercountry Adoption

Citation: Rev. Stat. § 170-B:27(II)

The court may validate and issue an adoption decree for an adoption finalized in another jurisdiction, provided that satisfactory evidence is produced to the court to demonstrate the validity of such adoption. For the purposes of this paragraph, satisfactory evidence includes documentation from the U.S. Department of Justice or the U.S. Department of State that a legal adoption has been completed in another country. Probate court rules shall specify such acceptable documentation.

Application for a U.S. Birth Certificate

Citation: Rev. Stat. § 5-C:34

The registrar shall establish a New Hampshire certificate of foreign birth for a person born in a foreign country and for whom a final decree of adoption has been issued by a court of competent jurisdiction in New Hampshire. This certificate of foreign birth shall be established and registered and a certified copy of such certificate issued when the registrar receives a request from the adoptive parents or adopted person if he or she is age 18 or older.

A completed application shall include:

- The county of the probate court
- The name of the child prior to adoption
- The names of the adoptive parents
- The date the adoption was approved by the probate court
- The full name of the child after adoption
- The child's sex and date of birth
- The city or town, the State or local equivalent, and the country of the child's place of birth
- Information from both adoptive parents, or one parent in the case where only one parent is adopting, including each parent's full name, the full maiden name of the adoptive mother(if applicable), each parent's date and place of birth, each parent's residence address, each parent's signature, and the date signed
- The signature of a justice of the peace or the signature and seal of a notary public

The applicant shall attach the following documents to the completed application:

- A report of adoption, as required by § 170-B:22
- A certified copy of the original adoption decree
- The child's alien registration card
- The documents used to establish the date and place of birth, such as an English translation of the original birth certificate, a copy of an adoption report from the adoption agency, or any report issued by the government of the country of birth describing facts known regarding the origin of the child

New Jersey

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Stat. § 9:3-43.2

A final judgment of adoption granted by a judicial, administrative, or executive body of a jurisdiction or country other than the United States shall have the same force and effect in this State as that given to a judgment of adoption entered by another State, without additional proceedings or documentation, if:

- The adopting parent is a resident of this State.
- The validity of the foreign adoption has been verified by the granting of an IR-3 immigrant visa, or a successor immigrant visa, for the child by the U.S. Citizenship and Immigration Services.

Readoption After an Intercountry Adoption

Citation: Ann. Stat. § 9:3-43.1

Notwithstanding the provisions § 9:3-37, et seq., or any other law to the contrary, an adopting parent shall not be required to petition a court in this State for adoption of a child if:

- The child was adopted under the laws of a jurisdiction or country other than the United States.
- The validity of the foreign adoption has been verified by the granting of an IR-3 immigrant visa, or a successor immigrant visa, for the child by the U.S. Citizenship and Immigration Services.

If an adopting parent chooses to file a petition for adoption in this State, a court may grant a judgment of adoption without requiring the consent of a parent, otherwise required pursuant to § 9:3-41, if the petitioner files with the petition a judgment of adoption, guardianship, or termination of parental rights granted by a judicial, administrative, or executive body of a jurisdiction or country other than the United States that is in compliance with the laws of that country.

Application for a U.S. Birth Certificate

Citation: Ann. Stat. § 26:8-40.1

The State registrar may file a new birth certificate for any child born in a foreign country who was not a citizen of the United States at the time of the child's birth, whose adopting parent is a resident of this State, and who is adopted:

- Through a court of competent jurisdiction in this State
- Under the laws of a jurisdiction or country other than the United States and has been granted an IR-3 immigrant visa, or a successor immigrant visa, by the U.S. Citizenship and Immigration Services

The new certificate shall be filed upon receipt of:

- A request for the certificate from the court, the adopting parent, or the adopted person if he or she is age 18 or older
- Proof that the adopting parent is a resident of this State
- An official copy of the judgment from the jurisdiction or country in which the child was adopted
- A certified translation of the foreign adoption
- Proof of the date and place of the child's birth
- Proof of IR-3 immigrant visa status or a successor immigrant visa status

When applicable, the State registrar may file a new certificate for any child who is not a citizen of the United States and who is adopted by a resident of this State. The certificate shall bear the notation 'certificate of foreign birth.' The notation may be removed at any subsequent date upon submission of acceptable proof that the child has become a citizen of the United States.

New Mexico

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Stat. § 32A-5-39

Every decree or order of adoption entered by a court or other entity in another country acting pursuant to that country's law or pursuant to any convention, treaty, or intercountry adoption that the United States has ratified shall be recognized in this State, so that the rights and obligations of the parties as to matters within the jurisdiction of this State shall be determined as though the decree or order of adoption were issued by the courts of this State.

A convention adoption in a foreign country that is certified by the U.S. Secretary of State shall be recognized as a final adoption in this State. The term 'convention adoption' refers to an adoption by a U.S. resident of a child who is a resident of a foreign country that is a party to the Hague Convention Intercountry Adoption.

Readoption After an Intercountry Adoption

Citation: Ann. Stat. § 32A-5-26(O) & (P)

A petition for adoption shall be filed and verified by petitioner alleging all items in § 32A-5-26(A)-(N). However, if the adopted child is foreign-born, copies of the child's passport and U.S. visa, along with all documents demonstrating that the child is legally free for adoption, including a certificate from the U.S. Secretary of State that certifies whether the adoption is a convention adoption, must accompany the petition. A petition alleging a convention adoption shall also allege that:

- The country in which the child has been residing is a party to the Hague Convention on Intercountry Adoption.
- The agency or person who is providing the adoption service has been approved as an accrediting entity.
- The certificate issued by the U.S. Secretary of State that certifies the adoption as a convention adoption has been filed with the court.

Application for a U.S. Birth Certificate

Citation: Ann. Stat. § 32A-5-38

Within 30 days after an adoption decree becomes final, the petitioner shall prepare an application for a birth certificate in the new name of the adopted child that shows the petitioner as the adopted child's parent and shall submit the application to the clerk of the court and the State Registrar of Vital Statistics.

In the case of the adoption of a person born outside the United States, if requested by the petitioner, the court shall make findings on the date and place of birth of the adopted child based on evidence from the petitioner and other reliable State or Federal sources. These findings shall be certified by the court and included with the application for a birth certificate.

The State Registrar of Vital Statistics shall prepare a birth record in the new name of the adopted child in accordance with the vital statistics laws but subject to the requirements of the Adoption Act as to the confidentiality of adoption records.

New York

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption

Citation: Dom. Rel. Law § 115-a(8)

Notwithstanding any provision of law to the contrary, when a child is placed with a couple or individual in New York State for the purpose of adoption, and the adoption has previously been finalized in the country of birth outside the United States, the couple or person may petition the court in their county of residence in New York State for the readoption of the child in accordance with the provisions of this chapter, providing for adoptions originally commenced in this State.

In any proceeding for readoption, proof of finalization of an adoption outside the United States shall be prima facie evidence of the consent of those parties required to give consent to an adoption.

Application for a U.S. Birth Certificate

Citation: Pub. Health Law § 4138-b

A certificate of birth shall be prepared whenever proper proof is submitted to the commissioner that a person who is under age 18 and born outside of the United States has been validly adopted by residents of this State pursuant to a judgment, order, or decree of adoption issued by a court of competent jurisdiction in this State, another State, or a foreign country.

A completed request shall include:

- Proof that the adoptive parent was a resident of this State at the time of adoption
- A copy of the adoption documents of the jurisdiction or country where the adoption took place
- A certified translation of the foreign adoption documents
- Evidence of the date and place of the child's birth
- Evidence of IR-3, IR-4, or IH-3 immigrant visa status or a successor immigrant visa status

The new birth certificate shall include the child's name, sex, date of birth, time of birth, place of birth, mother's maiden name, and father's name.

North Carolina

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption

Citation: Gen. Stat. § 48-2-205

When a child has been previously adopted in a foreign country by petitioners seeking to readopt the child under the laws of North Carolina, the adoption order entered in the foreign country may be accepted in lieu of the consent of the biological parent or parents or the guardian of the child to the readoption. A man and a woman who adopted a minor child in a foreign country while married to one another must readopt jointly, regardless of whether they have since divorced. If either parent does not join in the petition, he or she must be joined as a necessary party.

Application for a U.S. Birth Certificate

Citation: Gen. Stat. §§ 130A-108; 48-9-107(a)

In the case of an adopted person born in a foreign country and residing in this State at the time of application, the State registrar shall prepare a certificate of identification for the person upon the presentation of a certified copy of the original birth certificate from the country of birth and a certified copy of the final order of adoption.

In the case of an adopted person born in a foreign country and readopted in this State, the State registrar shall prepare a certificate of identification for that person upon receipt of a report of that adoption from the Division of Social Services. The certificate shall contain the same information required by § 48-9-107(a) for persons adopted in this State, except the country of birth shall be specified in lieu of the State of birth.

The new certificate shall contain:

- The adopted person's full adoptive name, sex, country, and date of birth
- The full name of the adoptive father, if applicable
- The full maiden name of the adoptive mother, if applicable
- Any other pertinent information consistent with this section as may be determined by the State registrar

North Dakota

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Cent. Code § 14-15-17(1)

A court decree establishing the relationship of parent and child by adoption issued pursuant to due process of law by a court of any other jurisdiction within or outside of the United States must be recognized in this State, and the rights and obligations of the parties as to matters within the jurisdiction of this State must be determined as though the decree were issued by a court of this State.

Readoption After an Intercountry Adoption

Citation: Cent. Code § 14-15-17(2)

To obtain a validation of a foreign adoption decree, the adoptive parent shall provide to the court:

- A petition for validation of foreign adoption
- An admission stamp in the adopted child's passport that indicates that he or she was admitted to the United States with an IH-3 or IR-3 visa
- The child's foreign birth certificate and English translation
- The child's foreign adoption decree and English translation
- A signed affidavit from the agency that states that the foreign adoption is valid and states the name by which the adopted child is to be known

The petition for validation of foreign adoption must be signed and verified by the petitioner, filed with the clerk of the court, and state:

- The date and place of birth of the adopted child, if known
- The name to be used for the adopted child whose foreign adoption decree is being petitioned for validation
- The date the petitioner acquired custody or the date of placement of the child and the name of the foreign country's placing agency
- The full name, age, place, and duration of residence of the petitioner
- The marital status of the petitioner, including the date and place of marriage, if married

Upon a finding that these requirements have been met, the court shall issue a decree of validation of foreign adoption. The clerk of court shall forward a copy of the decree of validation of foreign adoption to the Registrar of Vital Statistics for the issuance of a birth record in accordance with § 14-15-18.

Application for a U.S. Birth Certificate

Citation: Cent. Code §§ 14-15-18; 23-02.1-18(2)

Within 30 days after a decree of validation of foreign adoption becomes final, the clerk of the court shall prepare an application for a birth record in the new name of the adopted child, forward the application to the appropriate vital statistics office, and forward a copy of the decree to the Department of Human Services of this State for statistical purposes. In the case of the adoption of a person born outside of the United States, the court may make findings, based on evidence from the petitioner and other reliable State or Federal sources, on the date and place of birth and parentage of the adopted child. These findings must be certified by the court and included with the report of adoption filed with the State registrar.

For a person born in a foreign country whose adoptive parents are residents of the State of North Dakota at the time of the adoption, the State registrar shall prepare a new birth record:

- In the case of a foreign-born person adopted in North Dakota, upon presentation of a report of adoption as required by § 23-02.1-17
- In the case of a foreign-born person adopted outside the State of North Dakota, outside the United States, or in the State of North Dakota prior to July 1, 1979, upon presentation of a certified copy of the adoption decree, and:

- » A certified copy of the birth record of the adopted child
- » An affidavit of an adoptive parent setting forth the true or probable date and place of birth and parentage of the adopted child

Any certification of a birth record issued under this subsection must be in the same form as other certifications of birth records issued in this State, except that it must state that it does not purport to be evidence of U.S. citizenship.

Northern Mariana Islands

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Comm. Code Tit. 8, § 1415

A court decree establishing the relationship of parent and child by adoption pursuant to due process of law by a court of any other jurisdiction within or without the United States shall be recognized in the Commonwealth, and the rights and obligations of the parties as to matters in the Commonwealth shall be determined as though a court of the Commonwealth had issued the decree.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Comm. Code Tit. 8, § 1417(a), (c)

After the adoption decree has become effective, a certified copy of the adoption decree or a certified abstract thereof on a form approved by the clerk of the Superior Court shall be sent to the Commonwealth Recorder's office. The Commonwealth Recorder's office shall make a new record of the birth in the name of the individual, as fixed or changed by the decree, with the names of the adoptive parents.

If the birth of the individual occurred outside the Commonwealth and a record of birth exists, the certified copy of the decree or the abstract thereof shall be transmitted by the clerk of the Superior Court to the birth registration authorities of the place of the individual's birth with a request that those authorities take appropriate action with respect to the record of the individual's birth.

Ohio

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Rev. Code § 3107.18(A)

A court decree establishing the relationship of parent and child by adoption, issued pursuant to due process of law by a court of any jurisdiction outside this State, whether within or outside the United States, shall be recognized in this State, and the rights and obligations of the parties as to all matters within the jurisdiction of this State shall be determined as though the decree were issued by a court of this State.

A decree or certificate of adoption that is issued under the laws of a foreign country and that is verified and approved by the U.S. Immigration and Naturalization Service* shall be recognized in this State.

**As of March 1, 2003, the responsibility for providing immigration-related services was transferred from the U.S. Immigration and Naturalization Service to the U.S. Citizenship and Immigration Services, a bureau of the U.S. Department of Homeland Security. The statutes do not yet reflect this change.*

Readoption After an Intercountry Adoption

Citation: Rev. Code § 3107.18(A)-(B)

Nothing in this section prohibits a court from issuing a final decree of adoption or interlocutory order of adoption for a person the petitioner has adopted pursuant to a decree or certificate of adoption recognized in this State that was issued outside the United States.

If a child born in a foreign country is placed with adoptive parents or an adoptive parent in this State for the purpose of adoption, and if the adoption previously has been finalized in the country of the child's birth, the adoptive parent or parents may bring a petition in the probate court in their county of residence requesting that the court issue a final decree of adoption or an interlocutory order of adoption pursuant to § 3107.14. In a proceeding on the petition, proof of finalization of the adoption outside the United States is prima facie evidence of the consent of the parties who are required to give consent even if the foreign decree or certificate of adoption was issued with respect to only one of two adoptive parents who seek to adopt the child in this State.

Application for a U.S. Birth Certificate**Citation: Rev. Code § 3107.18(C)**

At the request of a person who has adopted a person pursuant to an adoption decree or certificate recognized in this State that was issued outside the United States, the court of the county in which the person making the request resides shall order the Department of Health to issue a foreign birth record for the adopted person under § 3705.12(A)(4).

The court may specify a change of name for the child and, if a physician has recommended a revision of the birth date, a revised birth date. The court shall send to the department with its order a copy of the foreign adoption decree or certificate of adoption and, if the foreign decree or certificate of adoption is not in English, a translation certified as to its accuracy by the translator and provided by the person who requested the order.

Oklahoma*Current Through April 2018***Effect and Recognition of a Foreign Adoption Decree****Citation: Ann. Stat. Tit. 10, § 7502-1.4(A)**

The courts of this State shall recognize a decree, judgment, or final order creating the relationship of parent and child by adoption, issued by a court or other governmental authority with appropriate jurisdiction in a foreign country or in another State or territory of the United States. The rights and obligations of the parties as to matters within the jurisdiction of this State shall be determined as though the decree, judgment, or final order were issued by a court of this State.

Readoption After an Intercountry Adoption**Citation: Ann. Stat. Tit. 10, § 7502-1.4(D)-(E)**

An adoptive parent of a minor adopted outside of the United States may petition to readopt the minor under Oklahoma law if one or both of the petitioners are citizens of Oklahoma and the minor is residing in Oklahoma at the time the adoption petition is filed. A proceeding to adopt a minor born outside of the United States shall proceed pursuant to the Oklahoma Adoption Code with the following provisions:

- The court may grant a decree of adoption without requiring notice to the biological parent and without requiring the consent of the biological parent if the petitioner files with the petition for adoption:
 - » A copy of the termination of parental rights granted by a judicial, administrative, or executive body of the country of origin
 - » A document or documents from such a governmental body stating any of the following:
 - The biological parent has consented to the adoption.
 - The parental rights of the biological parent of the minor have been terminated.
 - The minor to be adopted has been relinquished by the biological parent.
 - The minor has been abandoned.
- Any document in a foreign language shall be translated into English by the U.S. Department of State or by a translator who shall certify the accuracy of the translation, and a copy of the translation and certification shall be filed with the court along with a copy of the original documents.
- The court may waive the issuance of an interlocutory decree of adoption and the waiting period of 6 months provided in title 10, §§ 7505-6.1 and 7505-6.3, and grant a final decree of adoption if:
 - » The minor has been in the home of petitioner for at least 6 months prior to the filing of the petition for adoption.
 - » A postplacement report has been submitted to the court.

Application for a U.S. Birth Certificate**Citation: Ann. Stat. Tit. 10, § 7502-1.4(B)**

An adoptive parent of a minor adopted outside of the United States with a decree, judgment, or final order issued by a court or other governmental authority with appropriate jurisdiction in a foreign country may present the decree, judgment, or final order or present proof that the minor has U.S. citizenship to the court in combination with a petition for a name change. Upon presentation of a decree, judgment, or final order or if the minor presents proof of U.S. citizenship, the court shall order the State registrar to prepare a supplementary certificate of birth for the child, as provided for in title 10, § 7505-6.6, unless good cause is shown why the certificate should not be issued.

Oregon

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Rev. Stat. § 109.385(2)-(3)

An adoption in a foreign nation under the laws of that nation of a person who is at the time of the adoption a national of the nation by adoptive parents, at least one of whom is a citizen of the United States, shall be recognized as a valid and legal adoption for all purposes in the State of Oregon if the adoption is valid and legal in the foreign nation where the adoption occurred, unless the adoption violates fundamental principles of human rights or the public policy of the State or the Federal government.

A copy of a decree, order, judgment, certificate, or other document of adoption by adoptive parents, at least one of whom is a citizen of the United States, issued by a court or pursuant to an administrative proceeding of competent jurisdiction in the foreign nation is prima facie evidence in any court or administrative proceeding in this State that the adoption was legal and valid.

Readoption After an Intercountry Adoption

Citation: Rev. Stat. § 109.385

An adoptive parent who has adopted a person in a foreign nation may petition the court for readoption for the purpose of obtaining a judgment of adoption from the circuit court of the county in which the petitioner resides.

A petition for readoption must be signed by the petitioner and must contain the following:

- The full name of the petitioner
- The current marital or domestic partnership status of the petitioner
- The gender and full birth name, adopted name, and any other alias of the adoptee
- A statement of the place and date of the adoptee's birth in the foreign nation
- A statement that the foreign adoption is legal and valid under the laws of the nation in which the adoption occurred and the date of the adoption
- A statement that the person's entry into the United States has complied with applicable Federal immigration laws
- If the readoption is of a minor child, a statement that a home study was completed and approved prior to the foreign nation adoption of the minor child
- A statement of the desired new adoptive name for the person to be readopted
- A statement requesting the clerk of the court, upon payment of any required fees, to issue to the petitioner a certificate of adoption under § 109.410 and a certified copy of the general judgment of adoption

A petition filed under this section must, if applicable, have the following attached as exhibits:

- True copies of the foreign adoption decree, accompanied by an English translation, if necessary
- True copies of the adoptee's foreign nation birth certificate and passport and proof of legal residency in the United States
- Any other supporting documentation necessary to comply with the petition requirements in this section

Application for a U.S. Birth Certificate

Citation: Rev. Stat. § 432.245(7)

The State registrar shall prepare and register a record of foreign live birth for a person born in a foreign country who is not a citizen of the United States and for whom an adoption judgment was issued by a court of competent jurisdiction in this State if the court, the parents adopting the child, or the adopted person if the adopted person is age 18 or older, requests the record. The record must be labeled 'Record of Foreign Live Birth' and shall show the actual country of live birth.

After registering the record of foreign live birth in the new name of the adopted person, the record must be placed under seal and is not subject to inspection, except upon the order of a court of competent jurisdiction in this State or as provided by rule of the State registrar.

Pennsylvania

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Cons. Stat. Ann. Tit. 23, § 2908

When a minor is adopted by a resident of this Commonwealth and a final decree of adoption is made or entered in conformity with the laws of a foreign country, the adopting parent shall file a properly authenticated copy of the foreign decree of adoption, a copy of the child's visa, and either the child's birth certificate or some form of birth identification with the clerk of the court in the county of residence of the parent. If the foreign decree of adoption is not in English, the adopting parent shall also file a certified English translation. If no birth certificate or birth identification can be obtained, the adopting parent shall include an affidavit stating the reason why.

Readoption After an Intercountry Adoption

Citation: Cons. Stat. Ann. Tit. 23, § 2908

The court shall develop a foreign adoption registration form and instructions for its use. The form shall include statements indicating that the foreign adoption may not be a full and final adoption if:

- Both parents, or the sole parent if only one parent is adopting, were not present for the adoption hearing in the foreign country.
- The foreign court did not enter a final adoption decree.
- The child's visa is not the type that would afford the child full U.S. citizenship.

The form shall notify the adopting parent or parents that an adoption decree may be obtained from the Commonwealth if the documents are reviewed by the court and the court determines the foreign adoption was full and final.

At the time of filing, a copy of the foreign decree of adoption and a certified English translation (if necessary), the child's visa, and either the child's birth certificate or some form of birth identification shall be attached to the foreign registration form and submitted to the clerk of the court.

In cases where the court determines the foreign adoption was full and final, the court shall direct the clerk to enter upon the docket an entry showing the foreign court identification of the proceedings in that court and the date of the decree. The clerk shall issue to the parent a certificate of adoption and send documentation to the Department of Health. No hearing shall be required prior to the issuance of the certificate of adoption, and the parent shall not be required to obtain counsel.

The court shall develop a standard petition, a standard court order, and instructions for their use for occasions when a child must be readopted to finalize the adoption. The clerk shall provide the adopting parent with the standardized information.

Application for a U.S. Birth Certificate

Citation: Ann. Stat. Tit. 35, § 450.604

For any child born in a foreign country but adopted in Pennsylvania, whose adopting parents are U.S. citizens and residents of Pennsylvania, the department shall, upon request, complete and register a birth certificate upon receipt of a certified copy of the adoption decree, together with proof of the date and place of the child's birth.

Except as provided below, the birth certificate shall show the new name of the child as specified in the adoption decree, and such further information concerning the adopting parents as may be necessary to complete the birth certificate. The certificate shall show the true country and date of birth of the child and that the certificate is not evidence of U.S. citizenship.

For any foreign-born child who satisfies the requirements of either § 1431 or 1433 of title 8, United States Code, and whose parent presents documents from the U.S. Department of State, U.S. Department of Justice, U.S. Immigration and Naturalization Service, U.S. Citizenship and Immigration Services of the U.S. Department of Homeland Security, or their successor agencies, including either a certificate of citizenship, a U.S. passport, or other document as specified by the department verifying the child's U.S. citizenship, the birth certificate shall show the true country and date of birth but will not contain any notation regarding citizenship of the registrant. For such registration, the department shall require proof of parental U.S. citizenship and of Pennsylvania residence.

Puerto Rico*Current Through April 2018***Effect and Recognition of a Foreign Adoption Decree**

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption**Citation: Ann. Laws Tit. 32, § 2699t**

The interstate or intercountry adoption of a child by a resident of Puerto Rico shall be recognized and validated by adoption decree in Puerto Rico. Once the child is in Puerto Rico, the adopting party shall file a petition for recognition and validation of adoption with the court that corresponds to the place of residence of the adopting party, in which the following shall be recorded:

- The name, age, occupation, place of residence, address, and telephone number of the adopting party
- The original name and place of birth of the child
- The place of adoption and a description of the circumstances that led to the adoption
- The new name of the child and his or her age

The petition shall include the following documents, which shall constitute sufficient proof of the legitimacy of the transaction in the State, territory, or foreign country:

- The decree of adoption issued by the State, territory, or foreign country, and if necessary, a certified translation thereof
- An original or a certified copy of the child's birth registration issued by the State, territory, or foreign country, and if necessary, a certified translation thereof
- In the case of foreign adoption, a certification of the authorization by the Federal government to admit the child into American ground, evidence of which may be the certificate of citizenship, a permanent residence visa, or the U.S. passport of the child
- A report on the expert social study conducted for interstate or foreign adoption by a licensed social worker

The court, after confirming the authenticity of the documents and evaluating them, shall rule for the petition for adoption, in which case, the court shall issue an adoption decree. Registration of the adopted child in the special register of the Vital Statistics Registry shall be executed as prescribed by law on the matter of persons born outside of Puerto Rico and by the Puerto Rico Vital Statistics Registry Act.

Application for a U.S. Birth Certificate**Citation: Ann. Laws Tit. 24, § 1139; Tit. 32, § 2699m**

If the adopted child was born outside of Puerto Rico, but was adopted in Puerto Rico, it shall be the duty of the Chief of the Division of Demographic Registry and Vital Statistics of the Department of Health to transmit a certified copy of the decision issued by the court in the adoption case to the proper officer of the adopted child's birthplace.

The Vital Statistics Registry shall keep a special registry for the registration of adoptions of persons born outside of Puerto Rico and adopted in Puerto Rico.

When the adopted person was born outside of Puerto Rico, the clerk of the court must notify the Registry of Vital Statistics of Puerto Rico through two certified copies of the judicial adoption decree. The judicial decree must contain instructions for a copy to be forwarded immediately to the Registry of Vital Statistics of the place of registry of the adopted person.

Rhode Island*Current Through April 2018***Effect and Recognition of a Foreign Adoption Decree**

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Gen. Laws §§ 23-3-15(e); 23-3-15.1

The State registrar will, upon request, prepare and register a certificate of foreign birth for a foreign-born child who is not a U.S. citizen and who was adopted in State court when it receives:

- A report of adoption from the court decreeing the adoption
- Proof of the date and place of the child's birth
- A request from the court, the adopting parents, or the adopted person who is age 18 or older that a certificate be prepared

The certificate shall be labeled 'certificate of foreign birth' and shall show the actual country of birth.

After registration of the certificate in the new name of the adopted person, the State registrar will seal and file the report of adoption. The report will not be subject to inspection except upon court order or as provided by regulation.

A child who has automatically acquired U.S. citizenship following a foreign adoption and possesses a certificate of citizenship in accordance with the Child Citizenship Act (P.L. 106-395) is exempt from provisions that require judicial procedures and reports to obtain a new birth certificate. The State registrar must, upon written request, prepare a certificate of foreign birth for a child who was born in a foreign country, adopted by a U.S. citizen, and has acquired citizenship when it receives the following documents:

- Certificate of citizenship
- Foreign birth certificate
- Original documents certified by the U.S. embassy abroad
- Permanent U.S. identification card
- Social Security card

South Carolina

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Code §§ 63-9-920; 63-9-760(A)

When the relationship of parent and child has been created by a decree of adoption of a court of any other State or nation, the rights and obligations of the parties as to matters within the jurisdiction of this State must be determined by § 63-9-760.

After the final decree of adoption is entered, the relationship of parent and child and all the rights, duties, and other legal consequences of the natural relationship of parent and child exist between the adopted child, the adoptive parent, and the kindred of the adoptive parent.

Readoption After an Intercountry Adoption

Citation: Ann. Code § 63-9-910

Notwithstanding the provisions of § 63-9-790(A)-(B), in the case of a child born in a foreign country who was not a U.S. citizen at birth and whose adoption was finalized in a foreign country, the court shall review the documentation. If it finds the documentation to be satisfactory, the court shall issue an order stating that the required documentation has been submitted and is satisfactory and that the foreign adoption must be recognized and domesticated in South Carolina. The court shall transmit the order and the certificate of adoption to the State Registrar of Vital Statistics without the necessity of a hearing unless the court finds the documentation submitted is unsatisfactory and such finding is stated in the order resulting from the hearing.

Documentation required to be submitted to the court includes, but is not limited to:

- A verified petition seeking domestication of the foreign adoption
- A home study completed after the foreign adoption by a certified person that evaluates the adjustment and progress of the child and family since adoption
- Naturalization papers, if available
- Other documentation as the court may request

The court administration in consultation with the Department of Health and Environmental Control shall develop petition forms, including the documentation required to be filed with the petition, and guidelines for obtaining the domestication of a foreign adoption. These forms and guidelines must be available to the public upon request at all county clerks of court offices and at Department of Health and Environmental Control offices.

Application for a U.S. Birth Certificate**Citation: Ann. Code § 44-63-140**

When adoption of a person born in a foreign country who was not a U.S. citizen at birth is decreed by a family court in this State and evidence of the date and place of birth submitted to the court and the court order setting forth the date and place of birth are attached to the Certificate of Adoption, the State registrar shall prepare a 'Certificate of Foreign Birth.' The certificate must be labeled 'Certificate of Foreign Birth' and must show the actual country of birth. A statement also must be included on the certificate that it is not evidence of U.S. citizenship for the person for whom it is issued.

South Dakota*Current Through April 2018***Effect and Recognition of a Foreign Adoption Decree****Citation: Ann. Stat. § 25-6-25**

Any order of adoption entered in compliance with the laws of another jurisdiction or nation shall have the same effect as an order for adoption entered in this State.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate**Citation: Ann. Laws § 34-25-16.1**

If the birth occurred in a foreign nation, and the adoption decree is entered in a court of this State, the Department of Health shall issue a new certificate of birth in the new name of the child and with the name of the adopting person. The birth certificate shall be prepared in accord with the facts as found and entered by the court. If the birth occurred in a foreign nation and the adoption was finalized in a foreign nation, any circuit court of this State may issue an order, ex parte and without hearing, directing that a new certificate of birth be issued upon filing the following documentation:

- The adoption order from the foreign nation
- A certified translation of the adoption order, if necessary
- Proof of the date and place of the child's birth
- Proof of IR-3 immigration status
- Proof that each adopting person is a resident of this State

The Department of Health shall issue a new certificate of birth in the new name of the child and the name of each adopting person upon receipt from the clerk of courts such information necessary to establish a new certificate of birth on a form prepared by the department.

Tennessee*Current Through April 2018***Effect and Recognition of a Foreign Adoption Decree**

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption**Citation: Ann. Code § 36-1-106(c)**

With respect to a child sought to be readopted under the laws of this State who has been previously adopted pursuant to the laws of a foreign country, the court may enter new orders of adoption as required by any requirements of the U.S. Government for children who were adopted in foreign countries.

If an adoption was conducted in accordance with the laws of the foreign jurisdiction, no further termination of parental rights of the child's parents, home study, court report are required, and no time period for which an adoption petition must be on file before a final adoption order is entered shall be required. Further, no consultation of the putative father registry is required, and the affidavits otherwise required by § 36-1-120(b)(1)-(2) need not be filed if the attorney, social worker, or child-placing agency that provided professional services in the foreign adoption does not maintain an office in the United States.

When a Tennessee resident adopts a child in a foreign country in accordance with the laws of the foreign country, and such adoption is recognized as full and final by the U.S. Government, such resident may file, with a petition, a copy of the adoption decree that evidences finalization of the adoption in the foreign country, together with a certified translation of the decree if it is not in English, and proof of full and final adoption from the U.S. Government with the clerk of court of any county in this State having jurisdiction over persons filing such documents.

The court shall assign a docket number and file and enter the required documents with an order recognizing such foreign adoption without the necessity of a hearing. Such order, along with the final decree, order, or certificate from the foreign country, shall have the same force and effect as if a final order of readoption were granted in accordance with the provisions of this part.

Application for a U.S. Birth Certificate

Citation: Ann. Code §§ 36-1-120(f); 68-3-310(5)

All final orders of adoption must be reported by the clerk to the Division of Vital Records of the Department of Health by sending a certified copy of the order or certificate of adoption and by reporting the information required by the division for a new certificate of birth or a report of foreign birth for the child. The court clerk shall supply the division the following information for the preparation of a report of foreign birth if the child who has been adopted was born in a foreign country:

- The full adoptive name of the child
- The adopted child's date of birth and sex
- The city, province, and country of the adopted child's birth
- The full name of the adoptive father
- The full maiden name of the adoptive mother
- The legal residence of the adoptive parents

The State registrar shall prepare a report of foreign birth for a child not born in any State, territory, or possession of the United States whose adoptive parents are residents of Tennessee when the required adoption papers have been received from a court of competent jurisdiction in Tennessee.

Texas

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Family Code § 162.023(a)

An adoption order rendered to a resident of this State that is made by a foreign country shall be accorded full faith and credit by the courts of this State and enforced as if the order were rendered by a court in this State, unless the adoption law or process of the foreign country violates the fundamental principles of human rights or the laws or public policy of this State.

Readoption After an Intercountry Adoption

Citation: Family Code § 162.023(b)

Adoptive parents may petition the court for registration of a foreign adoption decree that was issued abroad and may combine the petition for registration with a petition for a name change.

Application for a U.S. Birth Certificate

Citation: Family Code § 162.023(b)

If the court finds that the foreign adoption order meets the requirements of this statute, the court shall order the State registrar to:

- Register the order under chapter 192, Health and Safety Code
- File a certificate of birth for the child under § 192.006, Health and Safety Code

Utah

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Code § 78B-6-142

Except as otherwise provided by Federal law, an adoption order rendered to a resident of this State that is made by a foreign country shall be recognized by the courts of this State and enforced as if the order were rendered by a court in this State.

Readoption After an Intercountry Adoption

Citation: Ann. Code § 78B-6-142

A person who adopts a child in a foreign country may register the order in this State. A petition for registration of a foreign adoption order may be combined with a petition for a name change. If the court finds that the foreign adoption order meets requirements, the court shall order the State registrar to:

- File the order pursuant to § 78B-6-137
- File a certificate of birth for the child pursuant to § 26-2-28

If a clerk of the court is unable to establish the fact, time, and place of birth from the documentation provided, a person holding a direct, tangible, and legitimate interest, as described in § 26-2-22(2)(a) or (b), may petition for a court order establishing the fact, time, and place of a birth, pursuant to § 26-2-15(1).

Application for a U.S. Birth Certificate

Citation: Ann. Code § 26-2-28

Upon presentation of a court order of adoption and an order establishing the fact, time, and place of birth under § 26-2-15, the Department of Health shall prepare a birth certificate for any person who:

- Was adopted under the laws of this State
- Was at the time of adoption considered an alien child for whom the court received documentary evidence of legal residence under § 78B-6-108

Vermont

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Stat. Tit. 15A § 1-108

A decree or order of adoption entered by a court or administrative entity in another country acting pursuant to that country's law or to any convention or treaty on intercountry adoption that the United States has ratified has the same effect as a decree or order of adoption issued by a court of this State. The rights and obligations of the parties as to matters within the jurisdiction of this State shall be determined as though the decree or order were issued by a court of this State.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Ann. Stat. Tit. 15A, § 3-802; Tit. 18, § 5078a

Effective July 1, 2018: Upon receipt of a report of adoption prepared in accordance with the law of another State or country or a certified copy of a decree of adoption together with information necessary to identify the adoptee's original birth certificate and to issue a new certificate, the State registrar shall create and register a 'certificate of live birth for a foreign-born child' upon request and furnish a certified copy of the certificate to the adoptive parent and to an adoptee who is age 14 or older.

The certificate of birth for a foreign-born child shall:

- Be signed by the State registrar
- Include the date, time, and place of birth of the adoptee
- Substitute the name of the adoptive parent for the name of the person listed as the adoptee's parent on the original birth certificate
- Contain any other information prescribed by the State registrar

The State registrar shall establish a certificate birth for a foreign-born child when he or she receives a written request and a record of adoption issued under 15A V.S.A. § 3-801(a) from the adoptee if he or she is age 14 or older or from the adoptive parent of an adoptee younger than age 14. The certificate shall include the following:

- The true or probable foreign country of birth and true or probable date of birth
- The adoptive parents as though they were natural parents
- A notation that it was issued by authority of this chapter
- A statement that the certificate is not evidence of U.S. citizenship
- Any other information the State registrar may prescribe

Virgin Islands

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

This issue is not addressed in the statutes reviewed.

Virginia

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Code § 63.2-1200.1(A)

Any adoption of a child who was born in a foreign country and who was not a citizen of the United States at the time of birth shall be recognized by the Commonwealth and the rights and obligations of the parties shall be determined as though the order of adoption was entered by a court of the Commonwealth if the adoption was finalized pursuant to the laws of the country from which the child was adopted, and the child was admitted to the United States with an IR-3 or IH-3 visa issued by the U.S. Citizenship and Immigration Services. In such cases, the adoptive parents shall not be required to readopt the child in Virginia.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Ann. Code §§ 63.2-1200.1(B); 32.1-261(E)

In cases in which an adoption of a child was finalized pursuant to the laws of a foreign country and the child was admitted to the United States with an IR-3 or IH-3 visa, the adoptive parents, if they are State residents at the time the adoption was finalized, may submit a report of adoption to the State registrar that shall:

- Include evidence as to the date, place of birth, and parentage of the adoptee
- Provide information necessary to establish a new certificate of birth for the adoptee
- Include a certified copy of the final order of adoption entered by the foreign court, together with a certified translation of the final order of adoption in cases in which the original order is not in English
- Include an affidavit from the adoptive parents indicating that they have received or are receiving supervision from a licensed child-placing agency in the United States and have satisfied all postadoption requirements as required by the foreign country from which the child was adopted

Upon request, the State registrar shall establish a Virginia certificate of birth for a person born in a foreign country upon receipt of a report of adoption for an adoption finalized pursuant to the laws of the foreign country or a report or final order of adoption entered in a court of the Commonwealth. The birth certificate shall (i) show the true or probable foreign country of birth and (ii) state that the certificate is not evidence of U.S. citizenship for the child for whom it is issued or for the adoptive parents. However, for any adopted person who has attained U.S. citizenship, the State registrar, upon request and receipt of evidence demonstrating such citizenship, shall establish a new certificate of birth that does not contain the statement required by clause (ii).

Washington

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Rev. Code § 70.58.210(2)

The Department of Registration of Births will, upon request, issue a birth certificate for a child born outside the United States who was adopted in this State when it receives:

- A certified copy of the decree of adoption
- Evidence as to the child's birth date and birthplace provided by the original birth certificate, or by a certified copy, extract, or translation or by a certified copy of some other document that is essentially equivalent, such as the records of the U.S. Immigration or Naturalization Service* or of the U.S. Department of State

The certificate will include:

- The new name of the child as shown in the adoption decree
- The names of the adoptive parents of the child
- The age, sex, and date of birth of the child

Unless the court orders otherwise, the certificate of birth shall have the same overall appearance as the certificate that would have been issued if the adopted child had been born in the State of Washington.

**As of March 1, 2003, the responsibility for providing immigration-related services was transferred from the U.S. Immigration and Naturalization Service to the U.S. Citizenship and Immigration Services, a bureau of the U.S. Department of Homeland Security. The statutes do not yet reflect this change.*

West Virginia

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Code § 48-22-901

When an adoption occurs in a foreign country and the adopted child has immigrated to the United States with the permission of the United States, this State shall recognize the adoption. The rights and obligations of the parties as to matters within the jurisdiction of this State shall be determined as though the adoption decree was issued by a court of this State.

Readoption After an Intercountry Adoption

Citation: Ann. Code §§ 48-22-902; 48-22-903

Any time after the child has immigrated to the United States, the adoptive parents may petition the court to recognize the foreign adoption decree that was issued abroad. The petition will set forth:

- The name and address of the petitioner(s)
- The name of the child adopted abroad
- The name by which the child will now be known
- The child's country of origin and date of birth, if known
- That the child has a visa or other document authorizing entry into the United States and the date of entry
- That a home study of the petitioner(s) was prepared
- The date on which the adoption was decreed in the foreign country

A copy of the visa or other documentation, the home study, and the foreign adoption decree or other document(s) that evidence finalization of the adoption in the foreign country, along with an English translation, will be attached to the petition.

The petition may include requests for specific relief or findings to meet the best interests of the child that may be granted at the court's discretion, such as a revised birth date if a physician has recommended a revision of the child's birth date.

The court shall review the petition and accompanying documentation and, if the court finds the petition and documentation to be satisfactory, it shall enter an order of adoption stating that the documentation required has been submitted and is satisfactory and that the adoption must be recognized in West Virginia and shall have the same force and effect as if the decree of adoption was granted in accordance with the provisions of the West Virginia adoption act. The order must set forth the name by which the child shall be known and other pertinent findings of the court. The court shall enter the order without the necessity of a hearing unless deemed necessary or a hearing is requested. The provisions of § 48-22-702(a),(d),(e) shall apply to all orders issued hereunder and a new birth certificate shall be issued.

Application for a U.S. Birth Certificate

Citation: Ann. Code §§ 16-5-16(a); 16-5-18(h)

When a court has entered an adoption order, it shall require the preparation of a certificate of adoption. The certificate of adoption shall be certified by the clerk of the court and shall provide:

- In the case of a person who was born in a foreign country, evidence of the date and place of birth from sources determined to be reliable by the court
- Information necessary to establish a new certificate of birth of the adopted person
- Information sufficient to identify the order of adoption

Upon receipt of the required documentation, the State registrar shall prepare and register a certificate in this State for a person born in a foreign country who is not a citizen of the United States and who was adopted through a court of competent jurisdiction in this State. The State registrar shall establish the certificate upon receipt of:

- A certificate of adoption from the court ordering the adoption
- Proof of the date and place of the child's birth
- A request from the court, the adopting parents, or the adopted person who is at least age 18 that the certificate be prepared

The certificate shall be labeled 'Certificate of Foreign Birth' and shall show the actual country of birth. The certificate shall include a statement that it is not evidence of U.S. citizenship for the person for whom it is issued.

Wisconsin

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

Citation: Ann. Stat. § 48.97(2)

If the adoption of a child who was born in a foreign jurisdiction and who was not a citizen of the United States at the time of birth was finalized under the laws of the jurisdiction from which the child was adopted and if the child was admitted to the United States with an IR-3 or IH-3 visa issued by the U.S. Citizenship and Immigration Services, both of the following apply:

- The adoption shall be recognized by this State as though the order of adoption was entered by a court of this State.
- The adoptive parent shall not be required to readopt the child in this State.

Readoption After an Intercountry Adoption

Citation: Ann. Stat. § 48.97(2)

Within 365 days of a child being admitted to the United States, the adoptive parent shall submit a letter to the court requesting registration of the foreign adoption order. The parent shall include in the request all of the following:

- Evidence as to the date, place of birth, and parentage of the child
- A certified or notarized copy of the final order of adoption entered by a court of the foreign jurisdiction and, if that final order is not in English, a certified translation of that final order
- A sworn statement by the adoptive parent that includes all of the following:
 - » That a home study was completed as required or recognized by this State and the home study recommends the parent as an adoptive parent
 - » That the required preadoption training was completed
 - » That the adoptive parent is receiving and will receive supervision from a licensed child welfare agency in the United States until the court enters an order registering the foreign adoption order and has satisfied all preadoption training requirements
- The name and address of the adoptive parents and the child
- Any other information necessary for the State registrar to prepare a certification of birth data for the child

Upon receipt of the letter, the court shall enter an order registering the foreign adoption order and may change the name of the child to that requested by the adoptive parents. The court shall then transmit the order registering the foreign adoption order to the State registrar.

An order registering the foreign adoption order shall have the same effect as an adoption order granted under § 48.91.

Application for a U.S. Birth Certificate

Citation: Ann. Stat. § 69.15(2)(b)

If the State registrar receives an order that provides for an adoption of any person born outside of the United States by any person who is a resident of this State at the time of adoption, and if the adoptive parents present proof of the facts of birth to the State registrar, the State registrar shall prepare a certification of birth data for the subject of the adoption. The certification shall indicate:

- The date and place of birth
- The child's adoptive name
- The adoptive parents' names
- The sources of information of each of these facts

If the child has automatically acquired U.S. citizenship under 8 USC 1431 upon a court order granting an adoption after a foreign guardianship order, as required under § 48.97(3), the certification also shall indicate that the child is recognized as a U.S. citizen by this State and that the certification shall have the full force and effect of a birth certificate issued by the State registrar. If neither of the birth parents of the subject of the adoption are U.S. citizens, the new certification may include proof of the naturalization of the subject of the adoption.

Wyoming

Current Through April 2018

Effect and Recognition of a Foreign Adoption Decree

This issue is not addressed in the statutes reviewed.

Readoption After an Intercountry Adoption

This issue is not addressed in the statutes reviewed.

Application for a U.S. Birth Certificate

Citation: Ann. Stat. § 35-1-417(e)

The State Registrar of Vital Records shall establish a new certificate of birth, on a form he or she prescribes, for a person born in a foreign country upon receipt of a certified copy of the decree of adoption entered pursuant to § 1-22-111(a)(iii) and a request for a new certificate by the court decreeing the adoption, the adoptive parents, or the adopted person.



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

