



STATE STATUTES
CURRENT THROUGH MAY 2019

Completing Intercountry Adoptions Not Finalized Abroad

To find statute information for a particular State, go to <https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>.

Intercountry adoption refers to the adoption of children in one country by parents who are in a different country and the child, in connection with the adoption, will immigrate to the adoptive parents' country¹. Intercountry adoptions may be finalized abroad or domestically in accordance with the laws of the child's country of origin or may involve the issuance of a guardianship order by a court in the child's country, followed by a final adoption order in the United States. The adopting individual or couple must comply with the laws of the child's country of origin, U.S. Federal immigration law, and the laws of the adoptive parents' State of residence.

¹ See 22 C.F.R. 96.2

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While many intercountry adoptions are finalized in the child's country of origin before the child immigrates to the United States, there are instances when the adoption is not finalized in the child's country of origin. For example, in some countries of origin, the law does not allow for adoption. When the adoption cannot be completed in the country of origin, a guardianship order is issued for the purpose of an adoption in the United States. In such cases, the child will be issued an IR-4 or an IH-4 visa, be admitted to the United States as a lawful permanent resident (LPR,) and issued a "green card" as evidence of LPR status. The child will not be able to acquire U.S. citizenship until the adoptive parents complete the child's adoption in accordance with the State laws in the parents' legal State of residence. For further information, including discussion of other reasons an adopted child may be issued an IR-4 or IH-4 visa, please see USCIS's publication, *Your New Child's Immigrant Visa*.

This publication specifically addresses situations involving children who enter the United States under a guardianship order for the purpose of an adoption in the United States. Information regarding children whose intercountry adoptions were finalized in a foreign court and who entered the United States on IR-3, IH-3, IR-4 or IH-4 visas is available in the Child Welfare Information Gateway publication *State Recognition of Intercountry Adoptions Finalized Abroad*.

This publication outlines the legal requirements for completing the adoption of a child who enters the United States on an IR-4 or IH-4 visa issued because the adoption

was not finalized abroad, the documentation necessary for completing such an adoption, information on obtaining a birth certificate after the adoption is completed, and more. It includes a summary of State laws for all 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

REQUIREMENTS FOR COMPLETING THE ADOPTION

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 and immigration processes, including age, citizenship, and other eligibility requirements, before commencing an intercountry adoption. Intercountry adoptions to the United States are subject to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. The Convention established provisions for conducting intercountry adoptions that are designed to promote the best interests of children, birth families, and adoptive families and to prevent the abduction, sale, and trafficking of children.² The Intercountry Adoption Act of 2000 (IAA) implemented the Convention in the United States (effective April 1, 2008). An important requirement under the IAA is that U.S. citizens applying to adopt a child from a country that is also party to the Convention must work with a U.S. accredited or approved adoption service provider (an adoption agency). In July 2014, the Universal Accreditation Act of 2012 extended this requirement to intercountry

² For more information about the provisions of the Hague convention, see the Child Welfare Information Gateway publication *Intercountry Adoption From Hague Convention and Non-Hague Convention Countries* at <https://www.childwelfare.gov/pubs/factsheets/hague/>.

adoption from countries not party to the Hague Adoption Convention. Consequently, all intercountry adoptions to the United States must involve an accredited adoption service provider.

Information about the intercountry adoption process is available on the Department of State website, <https://travel.state.gov/content/travel/en/Intercountry-Adoption.html> and on the USCIS website, www.uscis.gov/adoption.

ACQUISITION OF U.S. CITIZENSHIP

A child who immigrates to the United States as the adopted child of a U.S. citizen will automatically become a U.S. citizen, pursuant to the Child Citizenship Act of 2000, if the adoption is full and final before the child's 18th birthday, if the child is admitted to the United States as an LPR before his or her 18th birthday, and if he or she is residing in the United States in the U.S. citizen parent's legal and physical custody.³

However, when a child enters the United States under a foreign guardianship order and without a full and final adoption, he or she is admitted to the country as an LPR with an IR-4 immigrant visa (if the country of origin is not party to the Convention) or an IH-4 visa (if the country of origin is party to the Convention). Before the child can acquire U.S. citizenship, the child's adoptive parents must complete the adoption in an appropriate State court in their State of residence and meet

other requirements. The person(s) who wish to adopt the child must file a petition with the court having appropriate jurisdiction in their State of residence; State statutes specify the information that must be included in the petition. A hearing will be held to review the petition and examine any witnesses. If the court is satisfied that the adopting parent(s) can provide a suitable home for the child and that the adoption is in the child's best interests, it will grant a final decree of adoption.

After the adoption is completed, the child acquires U.S. citizenship by operation of law under the provisions of the Child Citizenship Act of 2000.⁴ A child born outside of the United States automatically becomes a U.S. citizen when all the following conditions have been fulfilled:

- At least one of the child's parents is a U.S. citizen by birth or naturalization.
- The child is younger than age 18.
- The child is residing in or has resided in the United States in the legal and physical custody of the U.S. citizen parent pursuant to a lawful admission for permanent residence.

The adoptive parent may apply for documentation of their child's U.S. citizenship by applying to USCIS for a Certificate of Citizenship or by obtaining a U.S. passport for the child.

³ For more information, see <https://www.uscis.gov/adoption/bringing-your-internationally-adopted-child-united-states/after-your-child-enters-united-states>

⁴ For more information about the Child Citizenship Act, see the webpage of the U.S. Department of State at https://travel.state.gov/content/travel/en/Intercountry-Adoption/adopt_ref/adoption-FAQs/child-citizenship-act-of-2000.html or the USCIS webpage at <https://www.uscis.gov/policy-manual/volume-12-part-h-chapter-4>.

REQUIRED EVIDENCE/ DOCUMENTATION FOR COMPLETION OF ADOPTION

The specific documents that must be attached to an adoption petition vary from State to State, but some of the documents that may be required include the following:

- A copy of the adoptee's birth certificate, verification of birth, hospital birth registration, or other satisfactory proof of date and place of the child's birth
- Certified copies of all necessary consents to the adoption or court orders terminating the parents' parental rights
- If applicable, a copy of the final decree or order of guardianship from the country of the child's former residence
- Certified English translations of any documents not written in English
- Copies of any available preplacement assessments and postplacement reports
- A copy of any report regarding the health and social background of the child to be adopted

Before it can grant a decree of adoption, the court must be satisfied that the child is legally free for adoption. Under Federal law, a child will not be admitted to the United States with an IR-4 or IH-4 visa unless that determination has been made to the

satisfaction of the foreign court and based on the laws of the child's country of origin.⁵ The laws in approximately 28 States,⁶ the District of Columbia, Guam, and the Northern Mariana Island allow courts to accept any of the following as consent to the child's adoption:

- A legally executed relinquishment of parental rights
- Judicial decrees terminating parental rights
- A decree or order of guardianship issued by a court in the child's country of birth
- The decisions and orders of foreign courts and government agencies regarding the legal status of the child

BACKGROUND STUDIES

Federal law requires that a home study of the prospective adoptive parents be completed before a child may be placed with the prospective adoptive parents for adoption, guardianship, or custody. USCIS uses the home study to determine whether the prospective parents are suitable and eligible to adopt a child abroad and bring the child to the United States. Home studies conducted for intercountry adoption cases must comply with U.S. Federal regulations (8 CFR 204.311), which set out specific requirements to assist USCIS in determining the suitability of prospective adoptive parents to provide proper care to an adopted child.⁷

⁵ Note: Not all countries of origin terminate parental rights when a parent has given consent to immigration and adoption, and the order by the U.S. State may serve as the termination of parental rights.

⁶ The word "approximately" is used to stress the fact that States frequently amend their laws. This information is current only through May 2019. The States that accept the decrees of foreign courts as consent include Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Vermont, Washington, and Wisconsin.

⁷ For more information on Federal requirements for home studies, see <https://travel.state.gov/content/travel/en/Intercountry-Adoption/Adoption-Process/how-to-adopt/home-study-requirements.html> or <https://www.uscis.gov/adoption/home-study-information>.

All States also require the completion of a home study before a child may be placed in an adoptive home. An accredited adoption services provider can assist the parents in completing a home study that will meet both Federal and State requirements.

Adoption home studies are used to assess whether the prospective adoptive parents can provide a stable and nurturing home to an adopted child. The study will include a review of the parents' finances, an inspection of the home, and medical examinations to ensure that the parents are sufficiently healthy to provide appropriate care. The person conducting the study will interview the applicants and all family members, including any children, to assess the applicants' parenting abilities, their attitudes toward adoption, and other social and personal characteristics. Personal references are contacted for further information.⁸

All home studies also include background checks of the adopting parents and adult members of their household. Background checks include fingerprint-based checks of national crime information databases and checks of child abuse and neglect central registries.⁹

PLACEMENT SUPERVISION AND REPORTING

Many countries require adoptive parents or adoption service providers to report on the child's progress and welfare after a placement has been made and/or an adoption has been finalized. Reports required between placement of a child and a final adoption are generally referred to as postplacement reports, and those required after the full and final adoption are called postadoption reports (PARs). Both generally cover the child's development and progress adjusting to his or her new family and life in a new country. The requirements and frequency of these reports vary from country to country.¹⁰

Federal regulations (22 CFR 96.50) require the accredited adoption service provider (agency) monitor and supervise the child's placement and conducts home visits as required by State law or the country of origin, whichever is greater. In most States, the placement of a child with an adoptive family will be supervised by a caseworker from the child-placing agency until the adoption is completed and finalized by the court.¹¹ During this period of supervision, the adoption professional will make regular visits to the home and interview all family members in an effort to determine the level of integration and adjustment of the adoptive child to his or her new family. Based on his or her observations, the caseworker also may

⁸ For more information on State requirements for adoption home studies, see Child Welfare Information Gateway's *Home Study Requirements for Prospective Parents in Domestic Adoption* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/homestudyreqs-adoption/>.

⁹ For more information on the process of obtaining background checks, see Information Gateway's *Background Checks for Prospective Foster, Adoptive, and Kinship Caregivers* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/background/>.

¹⁰ For more information, see the U.S. Department of State webpages "Post-Adoption Reporting Overview," at <https://travel.state.gov/content/travel/en/Intercountry-Adoption/post-adoption/post-adoption-reporting.html>, or "What to Expect After Adoption," at <https://travel.state.gov/content/travel/en/Intercountry-Adoption/post-adoption/what-to-expect-after-adoption.html>.

¹¹ No specific provision for postplacement supervision was found in Arizona, Arkansas, Connecticut, Kentucky, Massachusetts, Puerto Rico, or the Virgin Islands.

recommend services to assist the family in meeting the specific needs of the adopted child. A report of the family's progress must be made to the court before the adoption can be finalized. The report may include any updates to the family's situation since the completion of the preplacement assessment and provide a recommendation on whether the adoption should be finalized.

The court's oversight of the family usually will end within 6 months to 1 year, at which time the adoption is finalized. Georgia, however, requires the adoption petitioner to provide documentation that all conditions of the foreign guardianship order have been met before the adoption decree can be granted.

Typically, the same report can be used to satisfy both foreign and State requirements for postplacement supervision.

EFFECT OF ADOPTION DECREE ON PARENTAL RIGHTS

Under Federal law, upon finalization of the adoption the parents may apply for either a Certificate of Citizenship or a U.S. passport to obtain evidence of the child's U.S. citizenship. Under the laws of all States, a final decree of adoption creates a legal parent-child relationship between the adopting parents and the child who has been adopted, with all rights and obligations as if they were natural parents. The decree also permanently severs the legal parent-child relationship between

the child and his or her former parents if a prior action by a foreign court had not already terminated parental rights.

OBTAINING A U.S. BIRTH CERTIFICATE

When an adoption is finalized, the clerk of the court shall issue an adoption decree and submit a report of the adoption to the appropriate State registrar of vital statistics. The report shall include a certified copy of the final adoption decree and the child's original certificate of birth or, if the original certificate is unobtainable, the State court's findings of fact as to the date and place of the child's birth.¹² In all States, American Samoa, Guam, and the Northern Mariana Islands, the court, the adoptive parents, or the adopted person who is age 18 or older may request that the State registrar create a new birth certificate for the adopted person.¹³

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. The certificate will show the country and date of the child's birth, as determined by the court that granted the adoption decree. In 17 States, the District of Columbia, and Guam, it will include a notation that it is a certificate of foreign birth.¹⁴ In 21 States and Guam, a notation is made on the certificate that it is not evidence of U.S.

¹² "Findings of fact" are court determinations about questions vital to a legal proceeding, such as facts about an adopted child that are necessary for completing an adoption in the State court of a child who was born outside the United States. In some cases, the child's 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.

¹³ Puerto Rico and the Virgin Islands make no provision for issuing birth certificates for adopted children born outside the United States.

¹⁴ Alabama, Alaska, Arkansas, California, Colorado, Florida, Georgia, Maryland, Montana, New Jersey, Oklahoma, Oregon, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia

citizenship for the child.¹⁵ In five States, that notation will be removed when proof of the child's U.S. citizenship is submitted to the registrar.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:

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¹⁵ Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Hawaii, Idaho, Iowa, Louisiana, Maine, Maryland, Minnesota, Montana, New Mexico, North Dakota, Pennsylvania, South Carolina, Vermont, Virginia, and West Virginia

¹⁶ Alaska, Louisiana, New Jersey, Pennsylvania, and Virginia

ALABAMA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ala. Code §§ 26-10A-35; 38-7-15; 26-10A-16; 26-10A-25

Children may be brought into Alabama for purposes of adoption as provided in § 38-7-15, except that investigations shall be made as provided in § 26-10A-19(c).

No person or agency shall bring or send any child into Alabama for the purpose of adoption without first obtaining the consent of the Department of Human Resources. The department shall have the power to impose and enforce reasonable conditions for granting consent, including, but not limited to, the following:

- The department may designate an agency in the State from which the child is being brought to interview the parent or parents to obtain social information, background information, and medical information about the child.
- The department is authorized to receive the birth certificate of the child from the other State.
- If the child, after being brought into Alabama, becomes dependent, neglected, or delinquent prior to his or her adoption, the child shall be subject to the laws of the State as if he or she were a resident child of this State.
- The child will be placed in conformity with the rules and regulations of the department.
- The person with whom the child is placed shall be responsible for his proper care and training.

A petition for adoption shall be filed within 30 days after the minor is placed with the prospective adoptive parent or parents. The petition shall be signed, verified by each petitioner, and include the following:

- The full name, age, and place of residence of each petitioner and, if married, the place and date of marriage
- The date and place of birth of the adoptee, except in the case of abandonment
- The birth name of the adoptee, any other names by which the adoptee has been known, and the adoptee's proposed new name
- Where the adoptee is residing at the time of the filing of the petition, and if the minor is not in the custody of a petitioner, when he, she, or they intend to acquire custody
- That each petitioner desires to establish a parent-and-child relationship with the adoptee and that he or she is a fit and proper person able to care for and provide for the adoptee's welfare
- The relationship, if any, of each petitioner to the adoptee
- The name and address of the placing agency, if any
- The names and addresses of all persons known to the petitioner at the time of filing from whom consents or relinquishment to the adoption are required

When the preplacement investigation has been completed and approved or the investigation has been waived for good cause shown, the petition for adoption shall be set for a dispositional hearing as soon as possible or no later than 90 days after the filing of the petition. At the dispositional hearing, the court shall grant a final decree of adoption if it finds on clear and convincing evidence of all of the following:

- The adoptee has been in the actual physical custody of the petitioners for a period of 60 days, unless for good cause shown, this requirement is waived by the court.
- All necessary consents, relinquishments, terminations, or waivers have been obtained and, if appropriate, have been filed with the court.
- Each petitioner is a suitable adopting parent and desires to establish a parent-and-child relationship between himself or herself and the adoptee.
- The best interests of the adoptee are served by the adoption.
- All other requirements of this chapter have been met.

The court shall enter its finding in a written decree that also shall include the new name of the adoptee and shall not include any other name by which the adoptee has been known or the names of the natural or presumed parents.

Required Evidence/Documentation

Citation: Ala. Code § 26-10A-16

The adoption petition shall be accompanied by a copy of the child's birth certificate or affidavit stating that application for a birth certificate has been made, except in cases where the child has been abandoned.

Background Studies

Citation: Ala. Code § 26-10A-19

A preplacement investigation shall be made to determine the suitability of each petitioner and the home in which the adoptee will be placed. The investigation shall include a criminal background investigation and any other circumstances that might be relevant to the placement of an adoptee with the petitioners. A copy of the preplacement investigation shall be filed with the court when the petition for adoption is filed.

Unless a preplacement investigation has been performed within 24 months of the petition or an investigation is dispensed with by court order for good cause shown on the record, no decree for the adoption of any adoptee shall be entered until a full postplacement investigation ordered by the court has been made concerning the following:

- The suitability of each petitioner and his, her, or their home for the adoptee
- Why the natural parents, if living, desire to be relieved of the care, support, and guardianship of the child
- Whether the natural parents have abandoned the child or are otherwise unsuited to have custody of the child
- Any orders, judgments, or decrees affecting the adoptee or any children of the petitioner
- Any property owned by the adoptee
- The medical histories, both physical and mental, of the adoptee and the birth parents
- Criminal background investigations
- The costs and expenses connected with the adoption
- Any other circumstances that may be relevant to the placement of the adoptee with the petitioners

Placement Supervision and Reporting

Citation: Ala. Code §§ 26-10A-19; 38-7-15

In every adoption proceeding, after a child has been placed in the home, in the postplacement investigation an investigator must observe the adoptee and interview the petitioner in their home as soon as possible after notice of the placement but, in any event, within 45 days after the placement.

The investigator shall complete and file his or her written report with the court within 60 days from receipt of notice of the proceeding and shall deliver a copy of the report to the petitioner's attorney or to each petitioner if he or she is appearing pro se. The investigation shall include a verification of all allegations of the petition. The report shall include sufficient facts for the court to determine whether there has been compliance with consent or relinquishment provisions of this chapter.

The person or agency receiving the child in Alabama shall report to the department at such reasonable times as the department may direct, as to the location and well-being of the child, as long as the child remains within the State and until he or she reaches age 18 or is legally adopted.

Effect of Adoption Decree on Parental Rights

Citation: Ala. Code § 26-10A-29

The adoptee shall take the name designated by the petitioner. After adoption, the adoptee shall be treated as the natural child of the adopting parent or parents and shall have all rights and be subject to all duties arising from that relationship, including the right of inheritance.

Upon the final decree of adoption, the natural parents of the adoptee, except for a natural parent who is the spouse of the adopting parent, are relieved of all parental responsibility for the adoptee and will have no parental rights over the adoptee.

Obtaining 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 all of the following:

- 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 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. 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 which shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by statute.

Notwithstanding the foregoing, any person age 19 or older who has had a certificate of foreign birth prepared in the State of Alabama may, upon written request, receive a copy of any information about the adoption held in files under the jurisdiction of the State registrar.

ALASKA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Alaska Stat. §§ 25.23.080; 25.23.180; Court Rules, Adoption Rule 14

A petition for adoption shall be signed and verified by the petitioner, filed with the clerk of the court, and state the following information:

- The date and place of birth of the person to be adopted, if known
- The name to be used for the person to be adopted
- The date of placement of the minor and the name of the person placing the minor
- 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
- A statement that the petitioner has facilities and resources suitable to provide for the nurture and care of the minor to be adopted and that it is the desire of the petitioner to establish the relationship of parent and child with the person to be adopted

- A description and estimate of value of any property of the person to be adopted
- The name of any person whose consent to the adoption is required, but who has not consented, and facts or circumstances that excuse the lack of the consent normally required to the adoption

For an adoption proceeding under this chapter, a decree issued by a court of competent jurisdiction in this or another State terminating all rights of a parent with reference to a child or the relationship of parent and child dispenses with the required consent by that parent to an adoption of that child and notice of a proceeding to that parent, unless otherwise required by this section.

In court rules: At the conclusion of the adoption hearing, the court shall enter findings of fact concerning the following:

- Whether the required consents were filed or excused
- Whether a report of petitioner's expenditures was required and, if so, whether the report was accepted by the court
- Whether all appropriate notices were timely given
- If the adoption was of a minor, whether the required residence of the minor with petitioner exists
- Whether a home study was required and, if so, whether the home study was accepted by the court
- Whether the adoption is in the best interests of the minor
- Whether visitation rights are being allowed under § 25.23.130(c)

The court's findings also must include a description and an estimate of value of any property of the person to be adopted.

Required Evidence/Documentation

Citation: Alaska Stat. §§ 25.23.080; 25.23.175; 25.23.185; 18.50.510(a)

A certified copy of the birth certificate or verification of the birth record of the person to be adopted, if available; the information specified in § 25.23.185(a), if available; and the required consents, relinquishments, and termination orders shall be filed with the clerk.

In the case of the adoption of a person born outside of the United States, if requested by the adoptive parents, the court shall 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 person. The findings shall be certified by the court and included with the report of adoption filed with the State Registrar of Vital Statistics under § 18.50.210.

At the time a petition for adoption is filed with the court, the agency or individual placing the person for adoption or the petitioner shall file with the court, for release to the State Registrar of Vital Statistics, the following information:

- The address of each parent named on the original birth certificate
- The background information required under § 18.50.510(a)

At the request of an adoptive parent or of an adopted person age 18 or older, the State registrar shall release the following information regarding a birth parent named on the original birth certificate of the adopted person, if the information is available from the registrar's adoption records:

- The age of the birth parent on the day the adopted person was born
- The heritage of the birth parent, including national origin, ethnic background, and Tribal membership
- The medical history of the birth parent and of blood relatives of the birth parent
- The number of years of school completed by the birth parent by the day the adopted person was born

- A physical description of the birth parent on the day the adopted person was born, including height; weight; and color of hair, eyes, and skin
- The existence of other children of the birth parent
- Whether the birth parent was alive at the time of adoption
- The religion of the birth parent
- Other information provided by the birth parent for disclosure to the child, which may include such items as photographs, letters, and a statement explaining the reasons for the adoption

Background Studies

Citation: Alaska Stat. § 25.23.100

An investigation shall be made by the Department of Health and Social Services or any other qualified agency or person designated by the court to inquire into the conditions and antecedents of a minor sought to be adopted and of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interests of the minor.

A written report of the investigation shall be filed with the court by the investigator before the petition is heard, as long as the report is filed within 30 days of the designation by the court of the department, agency, or person to make the investigation. The report of the investigation shall contain an evaluation of the placement with a recommendation as to the granting of the petition for adoption and any other information the court requires regarding the petitioner or the minor.

Placement Supervision and Reporting

Citation: Alaska Stat. § 25.23.110

A final decree of adoption may not be issued until the minor to be adopted, other than a stepchild of the petitioner, has lived in the adoptive home and the department or any other qualified agency or person designated by the court has had an opportunity to observe or investigate the adoptive home.

Effect of Adoption Decree on Parental Rights

Citation: Alaska Stat. § 25.23.130

A final decree of adoption, whether issued by a court of this State or of any other State, has the following effect as to matters within the jurisdiction or before a court of this State:

- To relieve the natural parents of the adopted person of all parental rights and responsibilities and to terminate all legal relationships between the adopted person and the natural parents and other relatives of the adopted person, so that the adopted person thereafter is a stranger to the former relatives for all purposes including inheritance, unless the decree of adoption specifically provides for continuation of inheritance rights
- To create the relationship of parent and child between petitioner and the adopted person, as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes including inheritance

Obtaining a U.S. Birth Certificate

Citation: Alaska Stat. §§ 25.23.170; 18.50.210; 18.50.211

Within 30 days after an adoption decree becomes final, the clerk of the court shall, if requested by the adoptive parents, prepare an application for a birth certificate in the name of the adopted person. Upon issuing a decree terminating parental rights, the court may order the preparation of an application for a birth certificate in the name of the child without reference to the parent whose parental rights have been terminated. The clerk of the court shall forward the application to either of the following:

- For a person born in the United States, to the appropriate vital statistics office of the place, if known, where the adopted person was born and a copy of the decree to the department for statistical purposes
- For a person born outside the United States, to the State Registrar of Vital Statistics

For each adoption decreed by a court in the State, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the Bureau of Vital Statistics. The report must include the facts necessary to locate and identify the original certificate of birth, if any, of the person adopted. If the person being adopted was born outside the United States, the report must provide findings, if requested by the adoptive parents, or other information necessary to establish a certificate of birth. The report must identify the order of adoption and be certified by the court or the clerk.

The petitioner or the attorney for the petitioner shall furnish with the petition for adoption information in the possession of the petitioner necessary to prepare the adoption report. The social welfare agency or other person concerned shall supply the court with additional information necessary to complete the report if the information is in the possession of the agency or the person. The furnishing of the information is a prerequisite to the issuance of a final decree in the matter.

Upon request by the adopted person or the adopted person's adoptive parent or guardian, the State registrar shall issue a certificate of birth for a person born outside the United States whose adoptive parents are residents of the State at the time of the adoption. The request must be accompanied by the adoption report prepared under § 18.50.210, together with information necessary to identify the original certificate of birth. If there is no original certificate of birth, the findings of the court under § 25.23.175 must be submitted, unless the adoption proceeding is commenced before August 31, 1982, in which case an affidavit of an adoptive parent setting out the true or probable date and place of birth and parentage of the adopted person must accompany the adoption report.

A certificate of birth issued under this section shall be in a form prescribed by the State registrar and shall state that it is not evidence of U.S. citizenship. Upon proof of naturalization, an amended certificate of birth shall be issued under this section that deletes the statement that the certificate is not evidence of U.S. citizenship.

AMERICAN SAMOA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Commonwealth Code §§ 45.0420; 45.0422

The petition for adoption shall be filed no later than 30 days after the date on which the child is first placed in the home of the adoptive applicants. The court then fixes a date for the hearing.

Every petition for adoption shall contain the following information:

- The name, date and place of birth, race, and place of residence of each petitioner, including the unmarried name of the adopting mother, and the date of marriage, if any, of the petitioners
- The name, date and place of birth, and place of residence, if known by the petitioner, of the child to be adopted
- The relationship, if any, of the child to the petitioner
- The full name by which the child will be known after adoption
- A full description of the property, if any, of the child
- The names of the parents of the child and the address of each living parent, if known to the petitioner

- The names and addresses of the guardian of the person and the guardian of the estate of the child, if any have been appointed
- The name of the agency or person to whom the custody of the child has been given by proper order of court
- The length of time the child has been in the care and custody of the petitioner
- The names of other children, both natural and adopted and both living and dead, of the adopting parents
- The residence and occupation of each petitioner at or about the time of the birth of the child

A hearing on the petition for adoption will be held on the date set by the court. No later than 6 months following the date of the hearing, unless that time is extended by the court for good cause shown, the court may enter a decree setting forth its findings and grant to the petitioner a final decree of adoption if it is satisfied as to the following:

- The availability of the child for adoption
- The good moral character, the ability to support and educate the child, and the suitability of the home of the person adopting the child
- The mental and physical condition of the child as a proper subject for adoption in the home
- The fact that the best interests of the child will be served by the adoption

Required Evidence/Documentation

Citation: District Court Rules, Rule 27

The petition for an uncontested adoption must be filed with the following:

- A certified copy of the child's birth certificate
- Some identification of the proposed adoptive parents, although this may be shown at the hearing on the petition
- All orders of relinquishments for both natural parents
- All necessary consents from guardians

The petition for adoption must conform to the statutory requirements with regard to content.

Background Studies

Citation: Commonwealth Code § 45.04114

In placements by the Department of Health or child-placing agencies there shall be filed, in addition to the written consent, a written report showing the following:

- The physical and mental health, emotional stability, and moral integrity of the petitioner and the ability of the petitioner to promote the welfare of the child
- The physical and mental condition of the child
- The child's family background, including the names of parents and other identifying data regarding the parents, if obtainable
- Reasons for the termination of parental rights in the child
- The suitability of the adoption of this child by this petitioner and the child's own disposition 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

Any party to the adoption proceeding may be entitled to see the report, except that the names of parents and adoptive parents and any means of identifying either are not made available except upon order of the court.

Placement Supervision and Reporting

Citation: Commonwealth Code § 45.0421

Except for stepparent adoptions and those cases in which placement for adoption has been made by the court or by an individual in whom guardianship of the person of the child has been placed by the court or in accordance with the law of another State or territory, when a petition for the adoption of a child is not accompanied by the written consent and report of the Department of Health or a child-placing agency, the court shall order the department, a child-placing agency, or the Probation Department of the court to make an investigation and file a written report substantially in the form outlined in § 45.0414, including a recommendation as to whether the adoption should be decreed.

Effect of Adoption Decree on Parental Rights

Citation: Commonwealth Code § 45.0423

After the entry of a final decree of adoption, the petitioner and the adopted person sustain toward each other the legal relation of parent and child, including the rights of inheritance from each other, and have all the rights and be subject to all the duties of a child born in lawful wedlock to the petitioner.

The natural parents are divested of all legal rights and obligations with respect to the child, and the adopted child is free from all legal obligations of obedience and maintenance with respect to the natural parents.

Obtaining a U.S. Birth Certificate

Citation: Commonwealth Code § 45.0424

If the court enters an order of adoption, certified copies are given to the adopting parents, the person or agency consenting to the adoption, the clerk of the high court, and the Registrar of Vital Statistics.

The court or the adopting parents or their legal representative may send to the registrar an application for a birth certificate, signed by the adoptive parents. The registrar will issue a birth certificate for the child showing the adoptive parents as the natural parents of the child and that the child is legitimate. The registrar then cross-references the new records with any old records and causes any old records of birth and parenthood to be placed in a sealed file and held in the records under security. It is unlawful for the contents of the sealed file to be released without court order.

The new birth certificate is then placed in the permanent records of the Registrar of Vital Statistics and becomes the official record of birth upon which all future certified copies or other statistics are issued. The date and place of birth may not be altered and the cross-reference of the registrar to the old records are not revealed or incorporated into the issuance of any certified copies of the birth certificate based upon the new original.

If the child was born outside of American Samoa, a copy of the order of adoption and application for birth certificate is sent to the registrar (or equivalent office) of the State, territory, or nation of birth.

ARIZONA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Rev. Stat. §§ 8-102; 8-103; 8-106; 8-109; 8-115; 8-116

A foreign-born person who is age 21 or younger and who is not an illegal alien, who is present within this State at the time the petition for adoption is filed, may be adopted.

Any adult resident of this State, whether married, unmarried, or legally separated, is eligible to qualify to adopt children. A husband and wife may jointly adopt children.

The court shall not grant an adoption of a child unless consent to adopt has been obtained and filed with the court from the child's birth parents. It is not necessary to obtain consent to adopt from a parent whose parental rights have been terminated by court order.

A child who is age 12 or older must give consent in open court.

The potential adoptive parent or parents, an agency, or the Department of Child Safety may file a petition to adopt. The petition shall specify the following:

- The full name, age, and place of residence of the prospective adoptive parent and, if married, the date and place of marriage and the relationship, if any, to the child
- That a certificate of acceptability to adopt has been issued in favor of the prospective adoptive parent and the date of its issuance or the reason preadoption certification is not required
- The date when the prospective adoptive parent acquired custody of the child and from what person or agency, or, if not in custody, the present custodial circumstances
- The date and place of birth of the child
- The name of the child or the fictitious name to be used in the proceedings and, if a change of name is desired, the name
- That it is the desire of the prospective adoptive parent to adopt the child
- A full description and statement of the value of all property owned or possessed by the child
- Full disclosure of any fees or anything of value given or paid to any person or organization in connection with the adoption of the child

Any written consent required by this article may be attached to the petition or may be filed after the filing of the petition at or before the hearing.

The court shall hold a hearing on a petition in as informal a manner as the requirements of due process and fairness permit. The prospective adoptive parent, the spouse of a prospective adoptive parent, and the child to be adopted shall attend, unless the court orders otherwise.

The court shall make its findings based on a preponderance of the evidence. The court may consider any and all reports required by this article or ordered by the court.

If, after the hearing and consideration of all the evidence, the court is satisfied that the requirements of this article have been met and that the adoption is in the best interests of the child, the court shall order the adoption. The order may change the name of the child to the name requested by the adoptive parent or parents in the petition. If the child being adopted is age 12 or older, the court shall consider the wishes of the child with respect to the name change. The written order of the court shall include the findings of fact on which it based

its order, including the court's jurisdiction and the date and place of birth of the child being adopted based on the best-available evidence.

If the exact place of birth is unknown, the order shall include the information that is known and designate a place of birth according to the best information known as to the country of origin. If the exact date of birth is unknown, the order shall establish a date of birth based on the medical evidence as to the probable age of the child and other evidence the court considers appropriate.

Required Evidence/Documentation

Citation: Juv. Court Proc., Rule 83

Within 10 days prior to the finalization of an adoption, the petitioner shall provide to the court the following documents, if applicable:

- A certified copy of the birth certificate of the child to be adopted
- An affidavit of compliance from an attorney or agency, as provided by law
- A verified accounting, unless the prospective adoptive parent is the child's stepparent
- The original agreement entered into by the birth parent and prospective adoptive parent regarding future communications among the parties, as provided by law
- The social study, as required by law or ordered by the court

The following documents may be provided to the court prior to or at the time of the hearing:

- The certificate of adoption
- The order of adoption
- All original consents, as provided by law

Background Studies

Citation: Rev. Stat. § 8-112

The department, an agency, or an officer of the court shall conduct and submit a social study to the court 10 days before the hearing on the petition to adopt. The social study shall include the following:

- The social history, heritage, and mental and physical condition of the child and the child's birth parents
- The child's current placement in the prospective adoptive parent's home and the child's adjustment to that home
- The prospective adoptive parent's suitability to adopt
- The existing and proposed arrangements regarding the child's custody
- Any financial arrangement concerning the proposed adoption made by the birth parents, the department, an agency, an attorney, or the prospective adoptive parents
- A State and Federal criminal records check of the prospective adoptive parent and each adult who is living permanently with the prospective adoptive parent
- A central registry records check, including any history of child welfare referrals with the department, of the prospective adoptive parent and each adult who is living permanently with the prospective adoptive parent
- Any other information that is pertinent to the adoption proceedings

The social study is part of the case file and shall contain a definite recommendation for or against the proposed adoption and the reasons for that recommendation.

Placement Supervision and Reporting

This issue is not addressed in the statutes and regulations reviewed.

Effect of Adoption Decree on Parental Rights

Citation: Rev. Stat. § 8-117

On entry of the decree of adoption, the relationship of parent and child and all the legal rights, privileges, duties, obligations, and other legal consequences of the natural relationship of child and parent thereafter exist between the adopted child and the adoptive parent as though the child were born to the adoptive parent in lawful wedlock. The adopted child is entitled to inherit real and personal property from and through the adoptive parent, and the adoptive parent is entitled to inherit real and personal property from and through the adopted child the same as though the child were born to the adoptive parent.

On entry of the decree of adoption, the relationship of parent and child between the adopted child and the persons who were the child's parents before entry of the decree of adoption is completely severed and all the legal rights, privileges, duties, obligations, and other legal consequences of the relationship cease to exist, including the right of inheritance.

Obtaining a U.S. Birth Certificate

Citation: Rev. Stat. § 36-338(D), (F)

If the adopted person does not have an IR-3 stamped passport, before the State registrar can create and register a certificate of foreign birth pursuant to this section an adoptive parent or an adult adopted person must submit either of the following:

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

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 May 2019

Requirements for Completing the Adoption

Citation: Ann. Code § 9-9-210

A petition for adoption, signed and verified by the petitioner, shall be filed with the clerk of the court and provide the following information:

- The date and place of birth of the individual to be adopted, if known
- The name to be used for the individual to be adopted
- The date the petitioner acquired custody of the minor and of placement of the minor and the name of the person placing the minor
- A statement as to how the petitioner acquired custody of the minor
- 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
- A statement that the petitioner has facilities and resources suitable to provide for the nurture and care of the minor to be adopted and that it is the desire of the petitioner to establish the relationship of parent and child with the individual to be adopted

- A description and estimate of value of any property of the individual to be adopted
- The name of any person whose consent to the adoption is required but who has not consented and facts or circumstances that excuse the lack of his or her normally required consent to the adoption

Required Evidence/Documentation

Citation: Ann. Code §§ 9-9-210; 9-9-212

A certified copy of the birth certificate or verification of birth record of the individual to be adopted, if available, and the required consents and relinquishments shall be filed with the clerk.

A written report of the home study shall be filed with the court before the petition is heard. The home study shall contain an evaluation of the prospective adoption with a recommendation as to the granting of the petition for adoption and any other information the court requires regarding the petitioner or minor.

Background Studies

Citation: Ann. Code § 9-9-212

Before placement of the child in the home of the petitioner, a home study shall be conducted by any licensed child welfare agency or any licensed certified social worker. The home study shall address whether the adoptive home is a suitable home and shall include a recommendation as to the approval of the petitioner as an adoptive parent.

The home study shall include a State-of-residence criminal background check, if available, and national fingerprint-based criminal background check on the adoptive parents and all household members age 18 1/2 and older, excluding children in foster care, performed by the Federal Bureau of Investigation in compliance with Federal law and regulation. A child maltreatment central registry check shall be required for all household members age 14 and older, excluding children in foster care, as a part of the home study, if such a registry is available in their State of residence.

Additional national fingerprint-based criminal background checks performed by the Federal Bureau of Investigation are not required for international adoptions as they are already a part of the requirements for adoption of the U.S. Department of Homeland Security, Citizenship and Immigration Services.

Placement Supervision and Reporting

This issue is not addressed in the statutes and regulations reviewed.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code § 9-9-215

A final decree of adoption and an interlocutory decree of adoption that has become final, whether issued by a court of this State or of any other place, have the following effect as to matters within the jurisdiction or before a court of this State:

- To relieve the birth parents of the adopted individual of all parental rights and responsibilities and to terminate all legal relationships between the adopted individual and his or her birth relatives, including his or her birth parents, so that the adopted individual thereafter is a stranger to his or her former relatives for all purposes
- To create the relationship of parent and child between petitioner and the adopted individual, as if the adopted individual were a legitimate blood descendant of the petitioner, for all purposes, including inheritance

An interlocutory decree of adoption, while it is in force, has the same legal effect as a final decree of adoption.

Obtaining a U.S. Birth Certificate

Citation: Ann. Code §§ 9-9-219; 20-18-406

Upon entry of a final decree of adoption or an interlocutory decree of adoption that does not require a subsequent hearing, the clerk of the court shall prepare an application for a birth record in the new name of the adopted individual and forward the application to the appropriate vital statistics office of the place, if known, where the adopted individual was born and forward a copy of the decree to the Division of Vital Records of the Department of Health for statistical purposes. The division may issue a birth certificate for any child born in a place whose law does not provide for the issuance of a substituted certificate.

Upon request, the State registrar shall prepare and register an Arkansas certificate of birth for a person born in a foreign country, who is not a citizen of the United States, and for whom a final order of adoption has been entered in a court of competent jurisdiction in Arkansas when he or she receives the following:

- A certificate of adoption as provided in § 9-9-219
- 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 if he or she is age 18 or older

After preparation of the birth certificate in the new name of the adopted person, the State registrar shall seal and file the certificate of adoption. This certificate shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by regulation or as otherwise provided by State law.

The birth certificate shall show the actual 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.

CALIFORNIA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Fam. Code §§ 8527; 8903; 8911; 8912; 8612; 8614

An 'intercountry adoption' is the adoption of a foreign-born child for whom Federal law makes a special immigration visa available. Intercountry adoption includes completion of the adoption in the child's native country or completion of the adoption in this State.

For each intercountry adoption finalized in this State, the licensed adoption agency shall assume all responsibilities for the child, including care, custody, and control, as if the child had been relinquished for adoption in this State from the time the child left the child's native country.

If the child's native country requires and has given full guardianship to the prospective adoptive parents, the prospective adoptive parents shall assume all responsibilities for the child, including care, custody, control, and financial support.

As a condition of placement, the prospective adoptive parents shall file a petition to adopt the child under § 8912 within 30 days of placement.

An international adoption request may be filed by a resident of this State in a county authorized by § 8609.5. The court clerk shall immediately notify the State Department of Social Services at Sacramento in writing of the pendency of the proceeding and of any subsequent action taken.

The caption of the adoption petition shall contain the names of the petitioners but not the child's name. The petition shall state the child's sex and date of birth. The name the child had before adoption shall appear in the joinder signed by the licensed adoption agency.

If the child is the subject of a guardianship petition, the adoption petition shall so state and shall include the caption and docket number or have attached a copy of the letters of the guardianship or temporary guardianship. The petitioners shall notify the court of any petition for guardianship or temporary guardianship filed after the adoption petition. The guardianship proceeding shall be consolidated with the adoption proceeding.

The order of adoption shall contain the child's adopted name but not the name the child had before adoption.

The court shall examine all persons appearing before it pursuant to this part. The examination of each person shall be conducted separately but within the physical presence of every other person, unless the court, in its discretion, orders otherwise.

The prospective adoptive parent or parents shall execute and acknowledge an agreement in writing that the child will be treated in all respects as their lawful child.

If satisfied that the interests of the child will be promoted by the adoption, the court may make and enter an order of adoption of the child by the prospective adoptive parent or parents.

Upon the request of the adoptive parents or the adopted child, a clerk of the superior court may issue a certificate of adoption that states the date and place of adoption, the birth date of the child, the names of the adoptive parents, and the name the child has taken. Unless the child has been adopted by a stepparent or by a relative, as defined in § 8616.5(c), the certificate shall not state the name of the birth parents of the child.

Required Evidence/Documentation

Citation: Fam. Code §§ 8912; 8914; Rules of Court, Rule 5.492

If the petitioner has entered into a postadoption contact agreement with the birth parent, as set forth in § 8616.5, the agreement, signed by the participating parties, shall be attached to and filed with the petition for adoption.

If the licensed adoption agency is a party to or joins in the adoption petition, it shall submit a full report of the facts of the case to the court. The department also may submit a report.

In court rules: A U.S. resident who plans to adopt in California a child resident in a foreign country that is party to the Hague Adoption Convention must provide to the California court the required proof, in the form of a Hague Custody Declaration, that all required Hague Adoption Convention findings have been made by the child's country of residence.

Background Studies

Citation: Fam. Code §§ 8908; 8909

A licensed adoption agency shall require each person filing an application for adoption to be fingerprinted and shall secure from an appropriate law enforcement agency any criminal record of that person to determine if the person has ever been convicted of a crime other than a minor traffic violation. The criminal record, if any, shall be taken into consideration when evaluating the prospective adoptive parent, and an assessment of the effects of any criminal history on the ability of the prospective adoptive parent to provide adequate and proper care and guidance to the child shall be included in the report to the court.

A licensed adoption agency shall not give final approval for an adoptive placement in any home in which the prospective adoptive parent, or any adult living in the prospective adoptive home, has a felony conviction for either of the following:

- Any felony conviction for child abuse or neglect; spousal abuse; crimes against a child, including child pornography; or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery
- A felony conviction that occurred within the last 5 years for physical assault, battery, or a drug- or alcohol-related offense

An agency may not place a child for adoption unless a written report on the child's medical background and, if available, the medical background of the child's birth parents so far as ascertainable, has been submitted to the prospective adoptive parents and they have acknowledged in writing the receipt of the report.

The report on the child's background shall contain all known diagnostic information, including current medical reports on the child, psychological evaluations, and scholastic information, as well as all known information regarding the child's developmental history and family life.

Placement Supervision and Reporting

Citation: Fam. Code § 8902

For intercountry adoptions that will be finalized in this State, the licensed adoption agency shall provide all of the following services:

- Assessment of the suitability of the applicant's home
- Placement of the foreign-born child in an approved home
- Postplacement supervision
- Submission to the court of a report on the intercountry adoptive placement with a recommendation regarding the granting of the petition
- Services to applicants seeking to adopt related children living in foreign countries

Effect of Adoption Decree on Parental Rights

Citation: Fam. Code §§ 8616; 8617

After adoption, the adopted child and the adoptive parents shall sustain toward each other the legal relationship of parent and child and have all the rights and are subject to all the duties of that relationship.

The existing parent or parents of an adopted child are, from the time of the adoption, relieved of all parental duties toward, and all responsibility for, the adopted child and have no right over the child.

Obtaining a U.S. Birth Certificate

Citation: Hlth. & Safety Code §§ 102695; 102645

A court report of adoption received from any court of record in this State, wherein the birth occurred outside the United States, the territories of the United States, or Canada shall constitute a court-ordered delayed registration of birth, provided that the court report contains a statement of the date and place of birth.

The new birth certificate shall bear the name of the child as shown in the report of adoption, the names and ages of his or her adopting parents, and the date and place of birth of the child, and no reference shall be made in the new birth certificate to the adoption of the child. The new certificate shall be identical with a birth certificate registered for the birth of a child of natural parents, except, when requested by the adopting parents, the new birth certificate shall not include the specific name and address of the hospital or other facility where the birth occurred, the color and race of the parents, or both.

COLORADO

Current Through May 2019

Requirements for Completing the Adoption

Citation: Rev. Stat. §§ 19-5-203; 19-5-206; 19-5-208; 19-5-210

A child may be available for adoption only upon verification by the Department of Human Services or its designated agent that any custody obtained outside the State of Colorado was acquired by proceedings sanctioned by the Federal Immigration and Naturalization Service* or any successor agency, in cooperation with the department whenever such cooperation is authorized or advised by Federal law.

A placement of any child legally available for adoption pursuant to § 19-5-203 must not be made for the purposes of adoption, except by the court, the county Department of Human or Social Services, or a licensed child-placing agency.

The petition for adoption shall be filed no later than 35 days after the date on which the child is first placed in the home of the adoptive applicants for the purpose of adoption. The court shall then fix a date for the hearing.

Every petition shall contain the following:

- The name, date and place of birth, race, and place of residence of each petitioner, including the maiden name of the adopting mother, and the date of marriage, if any, of the petitioners
- The name, date and place of birth, and place of residence, if known by the petitioner, of the child to be adopted
- The relationship, if any, of the child to the petitioner
- The full name by which the child shall be known after adoption
- The full description of the property, if any, of the child
- The names of the parents of the child, and the address of each living parent, if known to the petitioner
- The name of the agency or person to whom the custody of the child has been given by the court
- The length of time the child has been in the care and custody of the petitioner
- The names of other children, both natural and adopted and both living and dead, of the adopting parents
- The residence and occupation of each petitioner at or about the time of the birth of the child

A hearing on the adoption petition shall be held on the date set. Except in stepparent, second parent, custodial, or kinship adoptions, the court shall issue a certificate of approval of placement, placing the child's custodial care with prospective adoptive parents pending final hearing on the petition for adoption, if it appears to the court that the placement for adoption is in the best interests of the child.

The court shall hold a hearing on the petition no sooner than 182 days after the date the child begins to live in the prospective adoptive parent's home, unless for good cause shown that time is extended or shortened by the court. At the hearing held on the petition, the court shall enter a decree setting forth its findings and grant to the petitioner a final decree of adoption if it is satisfied as to the following:

- The availability of the child for adoption
- The adopting parents' good moral character and ability to support and educate the child
- The suitability of the adopting parents' home of the person adopting such child
- The criminal history record check of the prospective adoptive parent does not reveal a criminal history
- The mental and physical condition of the child as a proper subject for adoption in said home
- That the best interests of the child will be served by the adoption

The former name of the child shall not be stated in the final decree 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.*

Required Evidence/Documentation

Citation: Rev. Stat. §§ 19-5-207; 19-5-208; 19-5-205.5

When a child is placed for adoption by the county department, a licensed child-placing agency, or an individual, the department, agency, or individual shall file with the petition to adopt its written and verified consent to such adoption in addition to any notices received or sent pursuant to the terms of the Interstate Compact on Placement of Children.

The petition shall be accompanied by a standardized affidavit form prescribed by the Judicial Department disclosing any and all fees, costs, or expenses charged or to be charged by any person or agency in connection with the adoption.

Pursuant to § 19-5-208(4), all fees and costs charged for services associated with the review and approval of interstate and foreign adoptions shall be separately specified in the expenses listed for the court's review as required.

Background Studies

Citation: Rev. Stat. § 19-5-207

In all petitions for adoption, whether by the court, the county, or child-placing agencies, in addition to written consent, the court shall require a written home-study report from the county department, the designated qualified individual, or the child-placing agency that describes the following:

- The physical and mental health, emotional stability, and moral integrity of the petitioner and the ability of the petitioner to promote the welfare of the child
- Confirmation that the petitioner has participated in adoption counseling, if the court deems appropriate
- The physical and mental condition of the child
- The child's family background, including the names of 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 disposition 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

In addition to the written home-study report, the court shall require that fingerprint-based criminal history records checks be conducted for any prospective adoptive parent and any adult residing in the home.

A prospective adoptive parent shall be responsible for presenting the results of his or her fingerprint-based criminal history records check and the results of the criminal history records check of any adult residing in the home to the court for review by the court. The county department or the child-placing agency, as may be appropriate, shall report to the court any case in which fingerprint-based criminal history records checks reveal that the prospective adoptive parent or any adult residing in the home was convicted at any time of a felony or misdemeanor in one of the following areas:

- Child abuse or neglect; spousal abuse; any crime against a child, including, but not limited to, child pornography; any act of domestic violence; violation of a protection order; or any crime involving violence, rape, sexual assault, or homicide
- Any felony physical assault or battery conviction or felony drug-related conviction within, at a minimum, the past 5 years

In addition, the county department, the individual, or the child-placing agency conducting the investigation shall contact the State Department of Human Services and the appropriate entity in each State in which the

prospective adoptive parent or parents or any adult residing in the home has resided in the preceding 5 years to determine whether the prospective adoptive parent or parents or any adult residing in the home has been found to be responsible in a confirmed report of child abuse or neglect and shall report such information to the court.

Placement Supervision and Reporting

Citation: Rev. Stat. § 19-5-205.5

The department shall ensure that the licensed child-placing agency handling the adoption does the following:

- Reviews all background information concerning the birth parents and individual case material on the adopting family's assessment
- Reviews all legal documents related to the relinquishment or termination of the birth parents' rights
- Reviews all birth and medical information
- Reviews correspondence with the U.S. Immigration and Naturalization Service or any successor agency in foreign adoptions
- Reviews the child's social history, legal documents, medical information, and birth certificate in foreign adoption cases in which the child is to be placed in Colorado
- Provides relinquishment counseling
- Promotes permanent plans for the adopted child
- Complies with Federal and Colorado laws, including, but not limited to, the Interstate Compact on Placement of Children
- Provides timely services
- Ensures the overall protection of the child being adopted

Effect of Adoption Decree on Parental Rights

Citation: Rev. Stat. § 19-5-211

After the entry of a final decree of adoption, the person adopted is, for all intents and purposes, the child of the petitioner. He or she is entitled to all the rights and privileges and is subject to all the obligations of a child born to the petitioner.

The parents shall be divested of all legal rights and obligations with respect to the child, and the adopted child shall be free from all legal obligations of obedience and maintenance with respect to the parents.

Obtaining a U.S. Birth Certificate

Citation: Rev. Stat. § 25-2-113

A new certificate of birth shall be prepared by the State registrar as to any adopted person born in a foreign country and a resident of this State whenever the State registrar receives with respect to such person a certified copy of the final decree of adoption, as required by §§ 19-5-212 and 25-2-107, and findings of fact as required by this section. In proceedings for the adoption of a person who was born in a foreign country, the juvenile court having jurisdiction of adoptions, upon evidence from reliable sources, shall make findings of fact as to the date and place of birth and parentage of such person.

The State registrar shall prepare a new birth certificate in the new name of the adopted person and shall seal the certified copy of the findings of the court and the certified copy of the final decree of adoption, which shall be kept confidential. The birth certificate shall be labeled as a certificate of foreign birth and shall show specifically the true or probable country of birth and that the certificate is not evidence of U.S. citizenship.

Any copy of a certificate of foreign birth issued shall indicate this policy, show the actual place of birth, and indicate the fact that the certificate is not proof of U.S. citizenship for the adopted child. A new certificate of birth in the new name of the adopted person prepared by the State registrar pursuant to this section is hereby legalized and made valid.

CONNECTICUT

Current Through May 2019

Requirements for Completing the Adoption

Citation: Gen. Stat. §§ 45a-727; 45a-725; Agency Regs. § 17a-150-119

Each adoption matter shall be instituted by filing an application in a probate court, together with the written agreement of adoption, in duplicate. One of the duplicates shall be sent immediately to the Commissioner of Children and Families.

An application for the adoption of a minor child not related to the adoptive parents shall not be accepted by the probate court unless the child sought to be adopted has been placed for adoption by the Commissioner of Children and Families or a child-placing agency, and the placement for adoption has been approved by the commissioner or a child-placing agency. The commissioner or a child-placing agency may place a child in adoption who has been identified or located by a prospective parent, provided any such placement shall be made in accordance with regulations promulgated by the commissioner. If any such placement is not made in accordance with such regulations, the adoption application shall not be approved by the probate court.

The probate court shall request the commissioner or a child-placing agency to make an investigation and written report to it, in duplicate, within 60 days from the receipt of such request. A duplicate of the report shall be sent immediately to the Commissioner of Children and Families. Upon the expiration of the 60-day period or upon the receipt of such report, whichever is first, the probate court shall set a day for a hearing upon the agreement and shall give reasonable notice of the hearing to the parties to the agreement; the child-placing agency, if such agency is involved in the adoption; the Commissioner of Children and Families; and the child, if he or she is age 12 or older.

At the hearing, the court may deny the application, enter a final decree approving the adoption if it is satisfied that the adoption is in the best interests of the child, or order a further investigation and written report to be filed, in duplicate, within whatever period of time it directs. A duplicate of such report shall be sent to the commissioner.

The probate court shall ascertain as far as possible the date and the place of birth of the child and shall incorporate such facts in the final decree, a copy of which shall be sent to the Commissioner of Children and Families.

A minor child shall be considered free for adoption if, in the case of any child from outside the United States, its territories, or the Commonwealth of Puerto Rico, the child was placed for adoption by the Commissioner of Children and Families or by any child-placing agency, and the petitioner has filed an affidavit that the child has no living parents or that the child is free for adoption and that the rights of all parties in connection with the child have been properly terminated under the laws of the jurisdiction in which the child was domiciled before being removed to the State of Connecticut.

In regulation: Children being placed into Connecticut from other States or countries with Connecticut families for the purpose of adoption shall comply with the Interstate Compact on the Placement of Children.

Required Evidence/Documentation

Citation: Gen. Stat. § 46b-129b

The Department of Children and Families shall prepare and submit with the petition for adoption an adoption social study regarding the proposed adoption, which shall include, but not be limited to, information required in reports filed with the probate court pursuant to § 45a-727. All studies and reports filed with or subsequent to the filing of the petition for adoption shall be available to the adoptive parents. The studies and reports shall be admissible in evidence subject to the right of any interested party to require that the person making it appear as a witness, if available, and such person shall be subject to examination. The court shall, to the extent possible, protect the confidentiality of the birth relatives, unless such information has been previously disclosed.

Background Studies

Citation: Gen. Stat. § 45a-727; Agency Regs. §§ 17a-150-90; 17a-150-122

The probate court shall request the commissioner or a child-placing agency to make an investigation and written report to it within 60 days from the receipt of such request. A duplicate of the report shall be sent immediately to the commissioner.

The report shall indicate the physical and mental status of the child and also shall contain such facts as may be relevant to determine whether the proposed adoption will be in the best interests of the child, including the physical, mental, genetic, and educational history of the child and the physical, mental, social, and financial condition of the parties to the agreement and the birth parents of the child, if known. The report shall include a history of physical, sexual, or emotional abuse suffered by the child, if any.

The physical, mental, and genetic history of the child shall include information about the following:

- The child's health status at the time of placement
- The child's birth, neonatal, and other medical, psychological, psychiatric, and dental history information
- A record of immunizations for the child
- The available results of medical, psychological, psychiatric, and dental examinations of the child

The report shall include information, to the extent known, about existing relationships between the child and the child's siblings, birth parents, extended family, and other persons who have had physical possession of or legal access to the child. The educational history of the child shall include, to the extent known, information about the enrollment and performance of the child in educational institutions, results of educational testing and standardized tests for the child, and special educational needs, if any, of the child.

In regulation: Each child-placing agency shall conduct an assessment of any applicant for a prospective adoptive family approval. The assessment shall include the applicant as well as all members of the applicant's household. The assessment shall include, but not necessarily be limited to, the physical condition of the home; the health of the applicant and other members of the household; and the ability of the applicant to provide an environment that will advance the physical, mental, emotional, educational, and societal development of each adoptive child who may be placed in such home.

Out-of-country child-placing agencies seeking to place children into Connecticut for the purpose of adoption shall provide the following:

- A copy of their current license from the approving authority in their country or a reference statement from the approving authority stating they are authorized to place children for adoption
- A description of the services available to Connecticut families
- A statement agreeing to continue responsibility for placement planning and placement in another home if the placement fails

- Other information as the department may require
- Notification to the department of any significant child-placing agency changes after approval

Out-of-country child-placing agencies shall not place a child from Connecticut into Connecticut.

Placement Supervision and Reporting

This issue is not addressed in the statutes and regulations reviewed.

Effect of Adoption Decree on Parental Rights

Citation: Gen. Stat. § 45a-731

A final decree of adoption, whether issued by a court of this State or a court of any other jurisdiction, shall have the following effect in this State:

- All rights, duties, and other legal consequences of the biological relation of a child and parent shall thereafter exist between the adopted person and the adoptive parent and the relatives of such adoptive parent. The adoptive parent and the adopted person shall have rights of inheritance from and through each other and the biological and adopted relatives of the adoptive parent. The right of inheritance of an adopted person extends to the heirs of such adopted person, and such heirs shall be the same as if such adopted person were the biological child of the adoptive parent.
- The adopted person and the biological children and other adopted children of the adoptive parent shall be treated, unless otherwise provided by statute, as siblings, having rights of inheritance from and through each other.
- Except in the case of a stepparent adoption, the legal relationship between the adopted person and the adopted person's birth parent or parents and the relatives of such birth parent or parents is terminated for all purposes, including the applicability of statutes that do not expressly include such an adopted person in their operation and effect. The birth parent or parents of the adopted person are relieved of all parental rights and responsibilities.

Obtaining a U.S. Birth Certificate

Citation: Gen. Stat. § 7-54

The Department of Public Health shall prepare a certification of birth registration or a certificate of foreign birth for any person born outside of the country and adopted by a resident of this State, provided (1) an authenticated and exemplified copy of the order of adoption of the court of the district in which the adoption proceedings were had, or such other evidence as is considered satisfactory by the probate court for the district in which such person resides, is filed with such probate court, and (2) such probate court notifies the department that such copy or satisfactory evidence has been so filed. Such certification of birth registration shall contain only the adopted name, sex, date of birth, place of birth, and date of preparation of such certification of birth registration by the department. Such certificate of foreign birth shall contain the adopted name, sex, date of birth, place of birth, legal name of adoptive parent or parents, and date of preparation of such certificate of foreign birth. No certification of birth registration or certificate of foreign birth shall be prepared by the department unless upon specific written request of the person to whom the certification of birth registration relates, if age 16 or older, or of the adopting parent or parents or the probate court for the district in which the adoption proceedings were had. When the department has prepared such certificate of birth registration or certificate of foreign birth, copies thereof shall be issued by the department in accordance with the provisions of § 7-52(a).

The adoptive parent or parents of an adopted person born outside of the country and adopted by a resident of this State, or such adopted person if age 18 or older, may apply to the probate court for the district in which the adopted person resides for a determination of the biological age and date of birth of the adopted person. The

probate court shall hold a hearing on the application and receive medical and other evidence relevant to the issue of biological age and date of birth of the adopted person. After such hearing, the probate 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 is different from the biological age and date of birth in the certification of birth registration or a certificate of foreign birth, the probate court shall provide a certified copy of the decree to the department. Any certification of birth registration or certificate of foreign birth issued by the department after the date the department receives such decree shall reflect the date of birth in such decree.

DELAWARE

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Code Tit. 13; §§ 926; 927; 906; 913; 915

No child shall be brought or received into the State for the purpose of adoption without the approval of the Department of Services for Children, Youth and Their Families, pursuant to § 381 of title 31 (Interstate Compact on the Placement of Children). No petition for adoption of a child brought or received into this State in violation of this section shall be presented or granted.

No adoption proceeding or order therein that occurs in a foreign country shall be valid or recognized by any court in this State as respects persons who are residents of this State when a child is brought into this State prior to the finalization of the adoption, unless the adoption proceedings shall be in substantial compliance with the adoption laws of this State.

The adoption petition shall state the following:

- The name, address, and marital status of the petitioners
- The sex and date of birth of the child whose adoption is sought
- The relationship of the petitioner to the child
- The name of the person, persons, or organization legally qualified to consent to the adoption and the basis for the existence in such person, persons, or organization of the right to so consent
- The date of the child's placement in the adoptive home, or, in the case of a child to be adopted by a stepparent, the date of the marriage of the stepparent and the child's natural parent
- The name to be assumed by the child upon adoption
- In the case of a child being brought into this State from another State or country for adoption in this State, proof of compliance with all requirements of the Interstate Compact on the Placement of Children relating to such placement

In the case of a child to be adopted by a guardian, the petition for adoption shall be filed only after the child has resided in the home of the petitioner for at least 1 year, except that, on recommendation of the department or licensed agency, a petition may be filed after 6 months of continuous residence of the child in the petitioner's home. In the case of adoption by a guardian, it is not necessary that the child be legally free prior to the filing of the petition.

Within 60 days from the date of the receipt by the court of the report, the court shall render a decision upon the petition. If the court finds that the petitioners are properly qualified to maintain, care for, and educate the child; that the child is suitable for adoption; and that the best interests of the child will be promoted by the adoption, a decree of adoption shall be entered.

The decree of adoption shall state the following:

- The name by which the child is henceforth to be known
- The sex and age of the child
- The name of the child at the time the petition was filed

Upon the entry of a decree of adoption, the clerk of court shall issue to the adopting parents a certificate of adoption stating the date of the decree, the age and sex of the child, the name by which the child is henceforth to be known, and the names of the adopting parents. Neither the original name of the child nor the names of the birth parents shall be included in the certificate of adoption.

Required Evidence/Documentation

Citation: Ann. Code Tit. 13, § 906

The following documents shall be attached to the adoption petition:

- The birth certificate of the child
- The legal name of the child whose adoption is being sought
- All required consents or facts justifying the absence of consent or a certified copy of the court order terminating or transferring parental rights

All petitions for adoption shall have attached thereto affidavits of the petitioners stating the amount of the service fee charged by all agencies and any other expenses paid by the adopting family in the adoption process and attesting that no intermediary assisted in locating the child.

Background Studies

Citation: Ann. Code Tit. 13, § 912

Upon the filing of a petition for adoption, the judge of the family court in which the petition has been filed, after determining that the petition has been properly filed and that the petitioners are eligible to adopt under this chapter, shall order a social-study report by the department or licensed agency or authorized agency, unless the report was filed with the petition. The report shall include the following:

- Information regarding the child, the child's background, and his or her eligibility for adoption
- Information regarding the adoptive parents and the proposed adoptive home
- Information regarding the physical and mental condition of the child
- Information regarding the suitability of the placement
- A statement as to whether all requirements of this chapter have been complied with
- A recommendation

If the placement is made by the department or licensed agency, the report shall be rendered within 60 days from the receipt of the order for the report, unless the report is filed with the petition for adoption.

If the court orders any further social investigation or any supplement of the social report, the department or the licensed or authorized agency party to the proceedings shall conduct the investigation and prepare a supplement to the report.

Placement Supervision and Reporting

Citation: Ann. Code Tit. 13, § 904

No petition for adoption shall be presented unless prior to the filing of the petition the child sought to be adopted has been placed for adoption by the department, a licensed agency, or an authorized agency, and the placement has been supervised by the department or a licensed agency. No such placement or supervision

shall be necessary in the case of a child sought to be adopted by a guardian or permanent guardian as long as guardianship has been granted for at least 6 months prior to filing the adoption petition.

No placement for an identified adoption in which an intermediary has been involved shall be approved or permitted by the department or a licensed agency. No child shall be placed for adoption in this State pursuant to § 926 of this title unless the placement is approved and supervised by the department or a licensed agency.

An adoptive placement shall not be made until a preplacement evaluation that complies with the Delaware Requirements for Child Placing Agencies has been completed by the department or licensed agency.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code Tit. 13, § 919

Upon the issuance of the decree of adoption, the adopted child shall be considered the child of the adopting parent or parents, entitled to the same rights and privileges and subject to the same duties and obligations as if he or she had been born to the adopting parent or parents.

Upon the issuance of a decree of adoption, the adopted child shall no longer be considered the child of his or her birth parent or parents and shall no longer be entitled to any of the rights or privileges or subject to any of the duties or obligations of a child with respect to the birth parent or parents.

Obtaining a U.S. Birth Certificate

Citation: Ann. Code Tit. 13, §§ 921; 922; Tit. 16, § 3126

Upon the entry of a decree of adoption, the clerk of the family court shall forward to the Department of Health and Social Services, Office of Vital Statistics, a report on the form provided for this purpose, which shall include the following information:

- The prior legal name of the child and his or her sex
- The date and place of birth of the child
- The name of the father as stated on the original birth certificate, if stated
- If applicable, that father's primary address and Social Security number
- The maiden name of the birth mother
- The birth mother's primary address and Social Security number
- The child's name after adoption
- The name of the adoptive father, place and date of his birth, and his occupation
- The maiden name of the adoptive mother, place and date of her birth, and her occupation
- The address of the adoptive parents

If the adopted child was born outside this State, and a certificate of birth cannot be secured from the place of birth, the State registrar may file and issue a special birth certificate as herein provided, upon receipt from the agency responsible for the adoption of evidence of the birth, considered satisfactory by the registrar.

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 immediately shall file in the office of the State registrar, on forms provided by the State registrar for this purpose, a report setting forth the information required by § 921 of title 13, 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.

In the event of a child born outside of the United States and 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 May 2019

Requirements for Completing the Adoption

Citation: D.C. Code §§ 16-305; 16-309

A petition filed for the adoption of a person shall be made under oath or affirmation of the petitioner. The petition or the exhibits annexed thereto shall contain the following information:

- The name, sex, date, and place of birth of the prospective adoptee
- The names, addresses, and residences of the birth parents, if known to the petitioner
- The name, address, age, business or employment of the petitioner, and the name of the employer, if any, of the petitioner
- The relationship, if any, of the prospective adoptee to the petitioner
- The race and religion of the prospective adoptee or his or her birth parent or parents
- The race and religion of the petitioner
- The date that the prospective adoptee commenced residing with petitioner
- Any change of name that may be desired

When any of the above facts are unknown to the petitioner, the petitioner shall state this fact. When any of the above facts are known to the mayor or a licensed child-placing agency that as a matter of social policy declines to disclose them to the petitioner, the facts may be disclosed to the court in an exhibit filed by the mayor or the agency with the court.

Within a period of 90 days, or such time as extended by the court, after a copy of the petition and the order providing for the report is served upon the agency directed to make the investigation, the agency shall make the report and recommendation required by § 16-307 to the court, and thereupon the court shall proceed to act upon the petition.

After considering the petition, the consents, and such evidence as the parties and any other properly interested person may present, the court may enter a final or interlocutory decree of adoption when it is satisfied as to the following:

- The prospective adoptee is physically, mentally, and otherwise suitable for adoption by the petitioner.
- The petitioner is fit and able to give the prospective adoptee a proper home and education.
- The adoption will be in the best interests of the prospective adoptee.
- The adoption form has been completed by the petitioner pursuant to § 7-231.19.

A final decree of adoption may not be entered unless the prospective adoptee has been living with the petitioner for at least 6 months.

Required Evidence/Documentation

Citation: D.C. Code § 4-1406; D.C. Court Rules, Adoption Proc., Rule 3

Whenever a licensed child-placing agency has been given the permanent care and guardianship of any child and the rights of the parent or parents of that child have been terminated by order of the court of competent

jurisdiction or by a legally executed relinquishment of parental rights, the agency is vested with parental rights and may consent to the adoption of the child pursuant to the statutes regulating adoption procedure. Minority of a natural parent shall not be a bar to such parent's relinquishment to a licensed agency.

For purposes of this section, a 'licensed child-placing agency' includes any child-placing agency licensed pursuant to this chapter or any child-placing agency licensed or authorized for the care and placement of minors by any State, territory, or possession of the United States; by the Commonwealth of Puerto Rico; or by any foreign country or any State, province, or other governmental division of any foreign country.

In court rules: A petitioner must file the following documents with the adoption petition:

- One additional copy of the petition
- A completed adoption information form
- A completed District of Columbia vital records form
- An executed copy of the mother's affidavit concerning paternity, if available
- A list of the names and addresses of the following:
 - Counsel for the petitioner (or the name and address of the petitioner, if self-represented)
 - The agency that the petitioner requests prepare a final report required by the court
 - Any custodian of the prospective adoptee other than the petitioner

Background Studies

Citation: D.C. Code § 16-307

Upon the filing of a petition, the court shall refer the petition for investigation, report, and recommendation to either of the following:

- The licensed child-placing agency by which the case is supervised
- The mayor, if the case is not supervised by a licensed child-placing agency

The investigation, report, and recommendation shall include the following:

- An investigation of the following:
 - The truth of the allegations of the petition
 - The environment, antecedents, and assets, if any, of the prospective adoptee to determine whether he or she is a proper subject for adoption
 - The home of the petitioner to determine whether the home is a suitable one for the prospective adoptee
 - Any other circumstances and conditions that may have a bearing on the proposed adoption and of which the court should have knowledge
- A written report to the court of the findings of the investigation
- A recommendation to the court whether a final decree declaring the adoption should be immediately granted or whether the court should grant an interlocutory decree granting temporary custody of the prospective adoptee to the petitioner

The written report submitted to the court shall be filed with and become part of the records in the case.

Placement Supervision and Reporting

Citation: D.C. Code § 16-309

If it appears to be in the best interests of the prospective adoptee, the court may enter an interlocutory decree of adoption, which shall by its terms automatically become a final decree of adoption on a day therein named, of not less than 6 months nor more than 1 year, from the date of entry of the interlocutory decree, unless in the interim the decree shall have been set aside for cause shown. The supervising agency shall be permitted to visit the adoptee during the period of the interlocutory decree.

Effect of Adoption Decree on Parental Rights

Citation: D.C. Code § 16-312

A final decree of adoption establishes the relationship of natural parent and natural child between adopter and adoptee for all purposes, including mutual rights of inheritance and succession as if adoptee were born to adopter.

All rights and duties, including those of inheritance and succession, between the adoptee, his or her natural parents, their issue, collateral relatives, and so forth, are cut off, except that when one of the natural parents is the spouse of the adopter, the rights and relations as between adoptee, that natural parent, and his or her parents and collateral relatives, including mutual rights of inheritance and succession, are not altered.

While it is in force, an interlocutory decree of adoption has the same legal effect as a final decree of adoption.

Obtaining a U.S. Birth Certificate

Citation: D.C. Code §§ 7-231.19; 7-231.21

The court shall prepare an adoption form for each adoption decreed by the court. The form shall comply with the following:

- State the facts necessary to locate and identify the original record of live birth of the adoptee
- Provide the information necessary to establish a new record of live birth for the adoptee
- Identify the adoption order
- Be issued under seal by the court

The petitioner for adoption or his or her attorney shall supply the information necessary to prepare the adoption form. The social services agency, or any individual with knowledge of the facts, shall supply the court with any additional information necessary to complete the adoption form. The court shall require such individuals to provide the information prior to issuing a final decree in the matter.

If an adoptee was born in a foreign country and was not a citizen of the United States at the time of birth, the registrar shall prepare a 'record of foreign live birth.' The registrar also shall send a copy of the adoption form to the appropriate registration authority.

The registrar shall establish a new record of live birth for an adoptee born outside of the United States upon receipt of a request of the adoptive parent or the adoptee, if the adoptee is age 18 or older. The request must include either of the following:

- An adoption form prepared in accordance with § 7-231.19
- A copy of the foreign adoption decree that includes a certified translation of the decree

The registrar shall return all adoption documents issued by the foreign jurisdiction to the adoptive parent or adoptee, whichever is applicable.

If the individual's name has been changed subsequent to adoption, the order shall include the name that currently appears on the live birth record and the new name to be designated on the replacement record of live birth. The new name of the individual shall be shown on the replacement live birth record.

The actual place and date of live birth shall be displayed on the new record of live birth. The new record shall be substituted for the original record of live birth in the files of the Vital Records Division.

A replacement record of live birth shall be substituted for the original record of live birth. The original record of live birth and the evidence of adoption shall be placed under seal and not be subject to inspection, except upon an order of the court or in accordance with agency rules.

FLORIDA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Stat. §§ 63.192; 63.112; 63.122; 63.142

A judgment terminating the relationship of parent and child or establishing the relationship by adoption, or a decree granting legal guardianship for purposes of adoption, issued pursuant to due process of law by a court or authorized body of any other jurisdiction within or without the United States, shall be recognized in this State, and the rights and obligations of the parties shall be determined as though the judgment or decree were issued by a court of this State.

A judgment or decree of a court or authorized body terminating the relationship of a parent and child, whether independent, incorporated in an adoption decree, or incorporated in a legal guardianship order issued pursuant to due process of law of any other jurisdiction within or without the United States, shall be deemed to effectively terminate parental rights for purposes of a proceeding on a petition for adoption in this State. If a minor child has been made available for adoption in a foreign state or foreign country and the parental rights of the minor child's parent have been terminated or the child has been declared to be abandoned or orphaned, no additional proceeding to terminate parental rights need occur, and the adoption may be finalized according to the procedures set forth in this chapter.

The petition for adoption shall be signed and verified by the petitioner and filed with the clerk of the court and shall state the following:

- The date and place of birth of the person to be adopted, if known
- The name to be given to the person to be adopted
- The date petitioner acquired custody of the minor and the name of the adoption entity placing the minor, if any
- The full name, age, and place and duration of residence of the petitioner
- The marital status of the petitioner, including the date and place of marriage, if married, and divorces, if applicable to the adoption by a stepparent
- A statement that the petitioner is able to provide for the material needs of the child
- A description and estimate of the value of any property of the person to be adopted
- The case style and date of entry of the judgment terminating parental rights
- The reasons why the petitioner desires to adopt the person

The hearing on the petition to adopt a minor may not be held sooner than 30 days after the date the judgment terminating parental rights was entered or sooner than 90 days after the date the minor was placed in the physical custody of the petitioner, unless good cause is shown for a shortening of these time periods. The minor must remain under the supervision of the adoption entity until the adoption becomes final.

At the conclusion of the hearing, after the court determines the adoption is in the best interests of the person to be adopted, a judgment of adoption shall be entered.

Required Evidence/Documentation

Citation: Ann. Stat. § 63.112

The following documents are required to be filed with the clerk of the court at the time the petition is filed:

- A certified copy of the court judgment terminating parental rights or, if the adoptee is an adult or a minor relative or stepchild of the petitioner, the required consent, unless such consent is excused by the court

- The favorable preliminary home study of the Department of Children and Families, licensed child-placing agency, or licensed professional as to the suitability of the home in which the minor has been placed, unless the petitioner is a stepparent or a relative
- A copy of any declaratory statement previously entered by the court pursuant to § 63.102
- Documentation that an interview was held with the minor, if older than age 12, unless the court, in the best interests of the minor, dispenses with the minor's consent

Background Studies

Citation: Ann. Stat. § 63.092

The adoption entity must report any intended placement of a minor for adoption with any person who is not a relative or a stepparent if the adoption entity participates in the intended placement. The report must be made to the court before the minor is placed in the home or within 2 business days thereafter.

Before placing the minor in the intended adoptive home, a preliminary home study must be performed by a licensed child-placing agency, a registered child-caring agency, a licensed professional, or an agency described in § 61.20(2). The preliminary home study must be made to determine the suitability of the intended adoptive parents and may be completed prior to identification of a prospective adoptive minor. A favorable preliminary home study is valid for 1 year after the date of its completion. Upon its completion, a signed copy of the home study must be provided to the intended adoptive parents who were the subject of the home study. The preliminary home study must include, at a minimum, the following:

- An interview with the intended adoptive parents
- Records checks of the department's central abuse registry and criminal records correspondence checks under § 39.0138 through the Department of Law Enforcement on the intended adoptive parents
- An assessment of the physical environment of the home
- A determination of the financial security of the intended adoptive parents
- Documentation of counseling and education of the intended adoptive parents on adoptive parenting
- Documentation that information on adoption and the adoption process has been provided to the intended adoptive parents
- Documentation that information on support services available in the community has been provided to the intended adoptive parents
- A copy of each signed acknowledgment of receipt of disclosure required by § 63.085

If the preliminary home study is favorable, a minor may be placed in the home pending entry of the judgment of adoption. A determination as to suitability under this subsection does not act as a presumption of suitability at the final hearing. In determining the suitability of the intended adoptive home, the court must consider the totality of the circumstances in the home.

A minor may not be placed in a home in which there resides any person determined by the court to be a sexual predator, as defined in § 775.21, or to have been convicted of an offense listed in § 63.089(4)(b)2.

Placement Supervision and Reporting

Citation: Ann. Stat. § 63.125

The final home investigation must be conducted before the adoption becomes final. The investigation may be conducted by a licensed child-placing agency or a professional in the same manner as provided in § 63.092 to ascertain whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interests of the minor.

The department, the licensed child-placing agency, or the professional that performs the investigation must file a written report of the investigation with the court and the petitioner within 90 days after placement. The report of the investigation must contain an evaluation of the placement with a recommendation on the granting of the petition for adoption and any other information the court requires regarding the petitioner or the minor.

The final home investigation must include the following:

- The information from the preliminary home study
- After the minor is placed in the intended adoptive home, two scheduled visits with the minor and the minor's adoptive parent or parents, one of which visits must be in the home, to determine the suitability of the placement
- The family social and medical history, as provided in § 63.082
- Any other information relevant to the suitability of the intended adoptive home
- Any other relevant information, as provided in rules that the department may adopt

Effect of Adoption Decree on Parental Rights

Citation: Ann. Stat. § 63.172

A judgment of adoption, whether entered by a court of this State, another State, or of any other place, has the following effect:

- It relieves the birth parents of the adopted person, except a birth parent who is a petitioner or who is married to a petitioner, of all parental rights and responsibilities.
- It terminates all legal relationships between the adopted person and the adopted person's relatives, including the birth parents, except a birth parent who is a petitioner or who is married to a petitioner, so that the adopted person thereafter is a stranger to his or her former relatives for all purposes, except that rights of inheritance shall be as provided in the Florida Probate Code.
- Except for rights of inheritance, it creates the relationship between the adopted person and the petitioner and all relatives of the petitioner that would have existed if the adopted person were a blood descendant of the petitioner born within wedlock. This relationship shall be created for all purposes, including applicability of statutes, documents, and instruments, whether executed before or after entry of the adoption judgment, that do not expressly exclude an adopted person from their operation or effect.

Obtaining a U.S. Birth Certificate

Citation: Ann. Stat. §§ 63.152; 382.017

Within 30 days after entry of a judgment of adoption, the clerk of the court or the adoption entity shall transmit a certified statement of the entry to the State Registrar of Vital Statistics on a form provided by the registrar. A new birth record containing the necessary information supplied by the certificate shall be issued by the registrar on application of the adopting parents or the adopted person.

Upon request, the Department of Health shall prepare and register a certificate of foreign birth for an adoptee born in a foreign country who is not a citizen of the United States and whose judgment of adoption was entered by a court of competent jurisdiction of this State. The certificate shall be established upon receipt of the report or certified copy of the adoption decree; proof of the date and place of the adoptee's birth; and a request that the certificate be prepared from the court, the adopting parents, or the adoptee if of legal age. The certificate shall be labeled 'certificate of foreign birth' and shall show the true country and date of birth of the adoptee. It must include a statement that the certificate is not evidence of U.S. citizenship. After registering the certificate of foreign birth in the new name of the adoptee, the department shall place the adoption report or decree under seal, not to be broken except pursuant to court order.

GEORGIA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Code §§ 19-8-8(b); 19-8-13; 19-8-18

A child, who was born in a country other than the United States and for whom a decree or order of guardianship has been entered pursuant to due process of law by a court of competent jurisdiction or an administrative proceeding in the country of the child's birth or the country in which the child habitually resided immediately prior to coming to the United States terminating the parental rights of both of his or her parents and establishing a guardian-ward relationship between each petitioner named in the foreign decree or order of guardianship and the child according to the law of such foreign country, shall be eligible to be adopted pursuant to this subsection if a consular officer of the U.S. Department of State has issued and affixed in the child's passport an immediate-relative immigrant visa or Hague Convention immigrant visa.

Evidence of the issuance of an immediate-relative immigrant visa or Hague Convention immigrant visa by the U.S. Department of State in the child's passport shall be prima facie evidence that all parental rights have been terminated, that the child is legally available for adoption by each petitioner named in the foreign decree or order of guardianship, and that the guardian-ward relationship between each petitioner named in the foreign decree or order of guardianship and the child was granted in full compliance with the laws of the foreign country. The court need not make any inquiry into those proceedings but shall be authorized to finalize the child's adoption.

The petition for adoption shall set forth the following:

- The name, age, date and place of birth, marital status, and place of residence of each petitioner
- The name by which the child is to be known after the adoption
- The sex, date and place of birth, and citizenship or immigration status of the child, and if the child is neither a U.S. citizen nor a lawful permanent resident, how the child will be able to obtain lawful permanent resident status
- The date and circumstances of the placement of the child with each petitioner
- A full and complete description of any property possessed by the child
- Whether the child has one or both parents or his or her birth father who is not a legal father living
- Whether the child has a guardian and, if so, the name of the guardian and the name of the court that appointed the guardian
- Whether the child has a legal custodian and, if so, the name of the legal custodian and the name of the court that appointed the custodian

If the petition for adoption was filed pursuant to § 19-8-8(b), the court shall enter a decree of adoption terminating the guardianship; granting the permanent custody of the child to each petitioner; changing the date of birth of the child, if so requested, provided that evidence was presented justifying such change; and declaring the child to be the adopted child of each petitioner if the court is satisfied that the petitioner has fully complied with the requirements of § 19-8-13 and that the following is true:

- Each petitioner in his or her capacity as guardian of the child has surrendered all of his or her rights to the child in the manner provided by law.
- Each petitioner is able to assume responsibility for the care, supervision, training, and education of the child.
- The child is suitable for adoption in a private family home.
- The adoption requested is in the best interests of the child.

Required Evidence/Documentation

Citation: Ann. Code § 19-8-13

When the adoption is pursuant to § 19-8-8(b), the following shall be provided or attached to the petition for adoption when the petition for adoption is filed:

- A copy, along with an English translation, of the final decree or order of guardianship from the foreign country
- Copies of all postplacement reports, if required by the foreign country that entered the guardianship decree or order
- Authorization to proceed with adoption, if specifically required by the decree or order entered by the court or administrative agency in the foreign country
- A copy of the child's passport page showing an immediate-relative immigrant visa or Hague Convention immigrant visa obtained to grant the child entry into the United States in order to finalize his or her adoption
- A copy, along with an English translation, of the child's birth certificate or registration

Background Studies

Citation: Ann. Code § 19-8-16

If the petition for adoption has been filed pursuant to § 19-8-8, the appointment of an agent to make an investigation and render a report shall not be required.

Placement Supervision and Reporting

Citation: Ann. Code § 19-8-8(b)

When the foreign decree or order of guardianship requires specific postplacement supervision, the court shall not be authorized to finalize the child's adoption until the petitioner provides documentation of formal evidence that the conditions of the foreign decree or order of guardianship have been satisfied.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code § 19-8-19

A decree of adoption, whether issued by a court of this State or by a court of any other jurisdiction, shall have the following effect as to matters within the jurisdiction of or before a court in this State:

- Except with respect to a spouse of the petitioner and relatives of the spouse, a decree of adoption shall terminate all legal relationships between the adopted individual and his or her relatives, including his or her parent, so that the adopted individual thereafter shall be a stranger to his or her former relatives for all purposes, including inheritance.
- A decree of adoption shall create the relationship of parent and child between each petitioner and the adopted individual, as if the adopted individual were a child that was born to that petitioner, including the right of inheritance.

Obtaining a U.S. Birth Certificate

Citation: Ann. Code §§ 19-8-8(b), (c); 31-10-13(f)(2)

Once a child's adoption is granted pursuant to this subsection, he or she shall be entitled to have a certificate of foreign birth issued to him or her by the State Office of Vital Records of the Georgia Department of Public Health pursuant to § 31-10-13(f)(2).

The court shall have authority to change a child's date of birth from that shown on the child's original birth certificate and as reflected in the child's passport upon presentation by a preponderance of evidence of a more accurate date of birth.

If a person was born in a foreign country and was not a citizen of the United States at the time of birth but meets the requirements of the Federal Child Citizenship Act of 2000 (P.L. 106-395) and was adopted through a court in this State, the State registrar shall prepare and register a 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, which shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by statute.

GUAM

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Code Tit. 19, §§ 4221; 4213

In the case of a child whose admission to the United States (territory of Guam) as an eligible orphan with nonquota immigrant status pursuant to the Federal Immigration and Nationality Act is sought for the purposes of adoption in the territory of Guam, the following preadoption requirements shall be observed:

- The foster parents must present to the court a verified written application containing the required information, in such form as the court may prescribe for an order of preadoption investigation.
- The foster parents must appear for examination before the court.
- The verified written application shall contain the following information:
 - The names and place of residence of the foster parents
 - Whether they are of full age
 - Whether they are married or unmarried and, if married, whether they are living together
 - The name, date, and place of birth of the foster child, as nearly as can be ascertained
 - The religious faith of the foster parents
 - The religious faith of the foster child and his or her parents, as nearly as can be ascertained
 - The occupation and approximate income of the foster parents and the name by which the foster child is to be known
 - The facts that establish that the child is an eligible orphan who would be entitled to enter the United States with nonquota immigrant status for the purpose of adoption in the territory of Guam
 - The circumstances whereby and the names and addresses of the intermediaries, if any, through whom the foster parents learned of the existence and eligibility of the child
 - The names and addresses of the person, public authority, or agency in the child's country of residence executing the written release of the child for emigration and adoption
 - The consent to such adoption, and the circumstances under which the release and consent were obtained, to the extent known

On the return of the preadoption investigation, the judge shall examine the facts shown by the investigation. If the court is satisfied that the adoption is in the best interests of the child, that there has been compliance with all requirements hereof, and is satisfied that the moral and temporal interests of the child will be promoted by the adoption, it shall issue an original certificate under seal and two certified copies thereof. The certificate shall set forth the fact that a preadoption investigation has been conducted, that in the opinion of the court it is in compliance with all applicable laws, and that it appears from such investigation that the moral and temporal interests of the child will be promoted by the proposed adoption. The original certificate shall be filed with the clerk of the court, one certified copy shall be filed with the Social Services Administrator, and the second certified copy will be given to the foster parents.

If, after the hearing and consideration of the report required by § 4210, the court is satisfied that the requirements of this article have been met and that the adoption is in the best interests of the child, the court shall make an order granting the adoption. The order may change the name of the child to that of the petitioner. The order of the court shall be in writing and shall recite the findings upon which such order is based. Such order shall be conclusive and binding on all persons from the date of entry. The clerk of the court shall mail a copy of every adoption decree to the territory's Office of Vital Statistics.

Required Evidence/Documentation

Citation: Ann. Code Tit. 19, § 4221

The application must be accompanied by the following duly authenticated documentary evidence:

- That the child is an alien who is eligible for immigration to the United States under Federal laws and regulations, as a nonquota immigrant for purposes of adoption in the territory of Guam
- That he or she is an orphan because of the death or disappearance of both parents; because of abandonment or desertion by, or separation or loss from, both parents; or has only one parent due to the death or disappearance of, abandonment, or desertion by, or separation or loss from the other parent, and the remaining parent is incapable of providing care for such orphan and has in writing irrevocably released him or her for immigration and adoption and has consented to the proposed adoption
- That the foster parents agree to adopt and treat the foster child as their own lawful child
- Such additional releases and consents as the court may in its sound discretion require

In all cases in which the orphan has no remaining parent under the circumstances set forth above, documentary evidence must be presented that the person, public authority, or duly constituted agency having lawful custody of the orphan at the time of making of the application, hereunder, had in writing irrevocably released him or her for immigration and adoption and has consented to the proposed adoption.

Background Studies

Citation: Ann. Code Tit. 19, § 4221

Upon receiving the verified written application, required documentary evidence, agreement, and consents, the court, upon finding that the applicable provisions of this section have been complied with and that it appears that the proposed adoption may be in the best interests of the child, shall issue an order of preadoption investigation. The order of preadoption investigation shall require that the report of such investigation be made by the Division of Social Services. The caseworker shall make a written report of his or her investigation into the truth and accuracy of the statements in the application and where applicable, into the validity of the documentary evidence, submitted with the application. The caseworker shall ascertain as fully as possible and incorporate in his or her report the various factors that may bear upon the determination of the application for adoption including, but not limited to, the following information:

- The marital and family status and history of the foster parents
- The physical and mental health of the foster parents
- The property owned by and the income of the foster parents
- The compensation paid or agreed upon with respect to the placement of the child for adoption
- Whether either foster parent has ever been respondent in any proceeding concerning allegedly neglected, abandoned, or delinquent children
- The desirability of bringing the child into the territory of Guam for adoption
- Any other facts relating the familial, social, religious, emotional, and financial circumstances of the foster parents that may be relevant to a determination of suitability of the adoption

The written report of the preadoption investigation shall be submitted to the court within 30 days after the same is directed to be made, unless for good cause shown the court shall grant a reasonable extension of such period. The report shall be filed before the court shall issue its preadoption certificate that it appears that the adoption is in the best interests of the child.

Placement Supervision and Reporting

Citation: Ann. Code Tit. 19, § 4210

Upon the filing of a petition, the court shall direct that a social study be made by the division and that a report in writing of such study be submitted to the court prior to the hearing. The court may order additional social studies if it deems necessary. The social study shall include the social history, the present condition of the child, the child's placement in the home of the petitioners and his or her adjustment therein, the suitability of the home, and such other information as may be pertinent to the adoption proceeding. The report shall include a recommendation and the reasons therefore as to whether the petition for adoption should be granted and shall be accompanied by a verified transcript of the child's birth certificate. The purpose of the social study is to aid the court in making disposition of the petition and shall be considered by the court prior thereto.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code Tit. 19, § 4214

Upon entry of the decree of adoption, the relationship of parent and child and all the legal rights, privileges, duties, obligations, and other legal consequences of the natural relationship of child and parent shall thereafter exist between the adopted child and the adoptive parents the same as though the child were born to the adoptive parents in lawful wedlock.

Upon entry of the decree of adoption, the relationship of parent and child between the adopted child and the persons who were his or her parents just prior to the decree of adoption shall be completely severed, and all the legal rights, privileges, duties, obligations, and other legal consequences of the relationship shall cease to exist, including the right of inheritance.

Obtaining a U.S. Birth Certificate

Citation: Ann. Code Tit 10, § 3215.1

The Guam Registrar of Vital Statistics shall, upon request, establish a new certificate of birth for a person born in a foreign country when in receipt of a report of adoption decreed by a court of competent jurisdiction, proof of the date and place of the person's birth, and a request that such a certificate be prepared is made by the court, the adopting parent or parents, or the adopted person if he or she is age 18 or older. 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 in the new name of the adopted person, the Guam Registrar shall seal the report of adoption, which shall not be subject to inspection except upon order of a court of competent jurisdiction.

HAWAII

Current Through May 2019

Requirements for Completing the Adoption

Citation: Rev. Stat. §§ 578-1; 578-8

Any proper adult person who is not married, or any person married to the legal father or mother of a minor child, or a husband and wife jointly may petition the family court for leave to adopt an individual toward whom the person or persons do not sustain the legal relationship of parent and child and for a change of the name of the individual.

No decree of adoption shall be entered unless a hearing has been held at which the petitioner or petitioners, any legal parent married to a petitioner, and any subject of the adoption whose consent is required have personally appeared before the court, unless expressly excused by the court. After considering the petition and such evidence as the petitioners and any other properly interested person may wish to present, the court may enter a decree of adoption if it is satisfied as to the following:

- The individual is adoptable under §§ 578-1 and 578-2.
- The individual is physically, mentally, and otherwise suitable for adoption by the petitioners.
- The petitioners are fit and proper persons and financially able to give the individual a proper home and education, if the individual is a child.
- The adoption will be in the best interests of the individual.

The decree shall take effect upon such date as may be fixed by the court. The date shall be not earlier than the date of the filing of the petition and not later than 6 months after the date of the entry of the decree.

Required Evidence/Documentation

Citation: Fam. CRT. Rules, Rule 118

In every adoption in which the child sought to be adopted is born out of wedlock and the natural father has not given his written consent, in order for the court to determine whether the consent of the natural father is not required, the natural mother shall, before the hearing, sign an affidavit or declaration containing sufficient information regarding her relationship with the natural father for the court to make that determination.

In an adoption for which placement is made of a child through a foreign adoption agency, and the mother's affidavit or declaration is not obtainable, the foreign adoption agency that placed the child may submit an affidavit or declaration containing the following:

- Information the agency possesses relating to the relationship between the natural mother and the natural father
- How the agency possesses this information
- Whether or not the natural father ever attempted to contact the child while the child was in the custody of the agency
- The attempts made by the agency to contact the natural mother to secure the required affidavit or declaration

The local adoption agency that placed the child with the adoptive parents, in conjunction with the foreign adoption agency, shall submit the affidavit or declaration to the judge for review, together with its report and documents relating to the child to be adopted.

Background Studies

Citation: Rev. Stat. §§ 578-8; 346-19.7

Before entering the adoption decree, the court shall notify the director of the Department of Human Services of the pendency of such petition for adoption and allow a reasonable time for the director to make such investigation as the director may deem proper as to the fitness of the petitioners to adopt the individual and as to whether the best interests of the individual will be served by the adoption.

Except as otherwise specified, any person who seeks to become an adoptive parent, including all adults residing in the prospective adoptive home, shall do the following:

- Meet all standards and requirements established by the department
- Be subject to criminal history records checks, in accordance with § 846-2.7, and child abuse and neglect registry checks, in accordance with departmental procedures
- Provide consent to the department to obtain criminal history records and child abuse and neglect registry information

Any information collected shall be used by the department for the purpose of determining whether or not a person is suitable to be an adoptive parent. All decisions shall be subject to Federal laws and regulations.

Placement Supervision and Reporting

Citation: Rev. Stat. § 578-9

During the period, if any, between the entry of the adoption decree and the effective date of adoption, the decree may provide for the supervision and visitation of the minor child by the director of human services or the director's agent during that period and for any reports in connection with that supervision as the court may require.

Effect of Adoption Decree on Parental Rights

Citation: Rev. Stat. § 578-16

An adopted individual and the individual's adopting parent or parents shall sustain toward each other the legal relationship of parents and child and shall have all the rights and be subject to all the duties of that relationship, including the rights of inheritance from and through each other and the legal kindred of the adoptive parent or parents, the same as if the individual were the natural child of the adopting parent or parents.

All legal duties and rights between the individual and the individual's former legal parent or parents shall cease from the time of the adoption, except that if the individual is adopted by a person married to a legal parent of the individual, the full reciprocal rights and duties that existed between the legal parent and the individual, and the rights of inheritance as between the individual and the legal parent and the legal relatives of the parent, shall continue.

An individual legally adopted under the laws of any State or territory of the United States or under the laws of any nation shall be accorded the same rights and benefits in all respects as an individual adopted under this chapter.

Obtaining 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 human services
- A report on a form to be approved by the Department of Health setting forth the following:
 - The date of assumption of custody
 - The sex, color or race, and approximate age of the child
 - The name and address of the person or persons adopting the child
 - The name given to the child by the adoptive parent or parents
 - 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 certificate of birth in the new name of the adopted person, the department shall seal and file the certified copy of the adoptive decree; the 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 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 May 2019

Requirements for Completing the Adoption

Citation: Ann. Code § 16-1514

Proceedings to adopt a foreign-born child who has been allowed to enter the United States for the purpose of adoption shall be commenced by the filing of a petition under this section. A petition under this section shall be initiated by the person or persons proposing to adopt the child and shall be filed with the district court of the judicial district in which said person or persons reside. The petitioner shall have resided and maintained a dwelling within the State of Idaho for at least 6 consecutive months prior to the filing of a petition. The petition shall set forth the following:

- The name and address of the petitioner or petitioners
- The name of the child proposed to be adopted and the name by which he or she shall be known when adopted
- The degree of relationship of the child, if any, to the petitioner or petitioners
- The child's country of origin and date of birth, if known
- That the child has been issued a visa or other document authorizing entry into the United States as an immigrant or for the purpose of adoption or for humanitarian reasons relating to adoption in the United States and the date of the person's entry into the United States
- That a home study of the petitioner or petitioners was prepared and the name of the person or agency performing the home study
- That, to the information and belief of the petitioners, the birth parents of the child to be adopted are residents of another country
- That the adoption of the child is in the child's best interests

At the time fixed for the hearing on a petition for adoption under this section, the person or persons adopting the child and the child to be adopted must appear before the court where the petition was filed. The judge shall examine the petitioner or petitioners at the hearing and, if satisfied that the proposed adoption is in the best interests of the child to be adopted, shall enter a decree of adoption. The petitioner or petitioners shall at such time execute an agreement to the effect that the child shall be adopted and treated in all respects as the petitioner's own lawful child.

This section governs the adoption of all foreign-born children who have entered the United States to be adopted. No consent shall be required from the birth parents of the child to be adopted if the child has been granted permission by the U.S. Department of State or the U.S. Department of Homeland Security to enter the United States for adoption or for humanitarian reasons relating to adoption by U.S. citizens. A visa or other document from the U.S. Department of State or the U.S. Department of Homeland Security authorizing entry into the United States for adoption or for humanitarian reasons relating to adoption by U.S. citizens shall be deemed conclusive evidence of the termination of the parental rights of the birth parents and compliance with the laws of the country of the child's birth.

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.

Required Evidence/Documentation

Citation: Ann. Code § 16-1514

A copy of the home study shall be attached to the petition.

Background Studies

Citation: Ann. Code § 16-1506; Admin. Code § 16.06.01.762

Prior to the placement for adoption of any child in the home of prospective adoptive parents, a thorough social investigation of the prospective adoptive family and all household members must be completed.

In regulation: Adoption home studies must include an assessment of the following:

- Names, including maiden or other names used by the applicants
- Verification that the person adopting is at least 15 years older than the child or age 25 or older
- Verification that the family has resided and maintained a dwelling within the State of Idaho for at least 6 consecutive months prior to the filing of the petition
- Adequacy of the family's house, property, and neighborhood for providing adoptive care as determined by on-site observations
- Educational background of the applicants
- Employment, family income, and financial resources, including access to health and life insurance and the family's management of these resources
- Current and past mental illness, drug or alcohol abuse, and medical conditions and how they may impact the adoptive parents' ability to care for an adopted child
- Previous criminal convictions and history of child abuse and neglect
- Family history, including childhood experiences and the applicants' methods of discipline and problem-solving
- Verification of marriages and divorces
- Decision-making, communication, and roles within the marital relationship, if applicable

- The names, ages, and addresses of all birth and adopted children currently residing inside or outside the home
- Information regarding the current adjustment and special needs of the applicants' children
- The religious and cultural practices of the family, including their ability to nurture and validate a child's cultural, racial, religious, and ethnic background
- Individual and family functioning, including interrelationships with each member of the household and the family's ability to help a child integrate into the family
- Activities, interests, and hobbies
- Reasons for applying for adoption
- The family's prior and current experiences with adoption, understanding of adoption, and ability to form relationships and bond with a specific child or general description of children
- The attitudes toward adoption by immediate and extended members of the family and other persons who reside in the home
- Emotional stability and maturity in dealing with the needs, challenges, and related issues associated with the placement of a child into the applicants' home
- The family's attitude about an adopted child's birth family, including their ability to accept a child's background and help the child cope with his or her past
- Training needs of the applicants
- A recommendation regarding the family's ability to provide adoptive care to a specific child (if known) or general description of children

Placement Supervision and Reporting

Citation: Admin. Code §§ 16.06.01.860; 16.06.01.861

Following the adoptive placement, a period of support and supervision by the Department of Health and Welfare lasting at least 6 months must be completed prior to the finalization of the adoption. The family services worker will make scheduled visits to the home at least monthly during this period to assist the child and the family in their adjustment to each other and will update the child's permanent record by means of monthly progress reports.

Progress reports must be made at intervals not to exceed 30 days. These reports will include the family services worker's or certified adoption professional's observation of each child and the prospective adopting parents, with emphasis on the following:

- Special needs, special circumstances, or both, of each child at time of placement
- Services provided to each child and the family during the report period
- General appearance and adjustment of each child during the report period, including, but not limited to, eating, sleep patterns, responsiveness, and bonding
- Adjustment of each child to all of the following that apply: school, daycare, and day treatment program
- Health and developmental progress and medical practitioner information for each child
- Whether the child has been accepted for coverage on the family's medical insurance, when coverage begins, and whether there will be any limitations, exclusions, or both
- The family's adjustment to the adoptive placement
- Changes in the family's situation or circumstances
- Areas of concern during the report period as addressed by each child and the adoptive parent(s)

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code § 16-1508

A child or adult, when adopted, may take the name of the person adopting, and the two shall thenceforth sustain toward each other the legal relation of parent and child and shall have all the rights and shall be subject to all the duties of that relation, including all the rights of a child of the whole blood to inherit from any person.

Obtaining a U.S. Birth Certificate

Citation: Ann. Code § 39-259

When it appears from a final decree of adoption issued by an Idaho court that a person born in a foreign country has been adopted in Idaho by someone other than the person's natural parents, the court shall require the preparation of a report (denominated as a certificate in accordance with Idaho court rules) of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics. The report shall contain evidence from sources determined to be reliable by the court as to the true or probable date and place of birth and parentage of such person; shall provide information necessary to establish a new certificate of birth for the person adopted; and shall identify the order of adoption and be certified by the clerk of the court. Upon receipt by the State registrar of the report of adoption, the State registrar shall make and file a new birth certificate for the child when requested to do so by the court decreeing the adoption, the adoptive parents, or the adopted person.

The new birth certificate shall show the true or probable foreign country (and city, town, village, or other local designation, if known) of birth and the true or probable date of birth as established by the court and shown on the court report of adoption, the child's new name and parentage as stated in the report of adoption, and any other necessary facts as required by the State registrar. This birth certificate shall not be evidence of U.S. citizenship. The form and content of the certificate of foreign birth shall be established by the director.

ILLINOIS

Current Through May 2019

Requirements for Completing the Adoption

Citation: Comp. Stat. Ch. 750, §§ 50/4.1; 50/5; 50/13; 50/14

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, the adoption of the child shall comply with the Intercountry Adoption Act of 2000 (42 USCS § 14901, et seq.), as amended, and the Immigration and Nationality Act (8 U.S.C. § 1101, et seq.), as amended. 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, if the prospective adoptive parents of the child have been appointed guardians of the child by a court of competent jurisdiction in a country other than the United States or a territory thereof, such parents shall file a petition to adopt the child within 30 days after entry of the child into the United States.

A petition to adopt a child other than a related child shall state the following:

- The full names of the petitioners and, if minors, their respective ages
- The place of residence of the petitioners and the length of residence of each in the State of Illinois immediately preceding the filing of the petition

- When the petitioners acquired custody of the child and the name and address of the persons or agency from whom the child was received
- The name, the place and date of birth if known, and the sex of the child sought to be adopted
- The relationship, if any, of the child to each petitioner
- The names, if known, and the place of residence, if known, of the parents
- If it is alleged that the child has no living parent, then the name of the guardian, if any, of the child and the court that appointed the guardian
- The name to be given the child
- That the person or agency that has authority to consent has consented to the adoption of the child by the petitioners
- Whatever orders, judgments, or decrees have previously been entered by any court affecting (1) adoption or custody of the child or (2) the adoptive, custodial, or parental rights of either petitioner

As soon as practicable after the filing of a petition for adoption the court shall hold a hearing. In the case of a child born outside the United States or a territory thereof, if the petitioners have previously been appointed guardians of the child by a court of competent jurisdiction in a country other than the United States or a territory thereof, the court may order that the petitioners continue as guardians of such child.

Upon the expiration of 6 months after the date of any interim order affirming the guardianship of the petitioners, the petitioners may apply to the court for a judgment of adoption. After the hearing on the application, at which the petitioners and the child shall appear in person, unless their presence is waived by the court for good cause shown, the court may enter a judgment for adoption, provided the court is satisfied from the report of the investigating agency or the person making the investigation and from the evidence, if any, that the adoption is for the welfare of the child and that there is a valid consent or that no consent is required.

Required Evidence/Documentation

Citation: Comp. Stat. Ch. 750, §§ 50/5; 50/14

Upon the filing of the petition, the petitioners shall furnish the clerk of the court in which the petition is pending such information not contained in the petition as shall be necessary to enable the clerk to complete a certificate of adoption.

Prior to the entry of the judgment for order of adoption, each petitioner and each person, agency, association, corporation, institution, society, or organization involved in the adoption of the child, except a child welfare agency, shall execute an affidavit setting forth the hospital and medical costs, legal fees, counseling fees, and any other fees or expenditures paid.

Background Studies

Citation: Comp. Stat. Ch. 750, § 50/6

Within 10 days after the filing of a petition for the adoption of a child other than a related child, the court shall appoint a child welfare agency approved by the Department of Children and Family Services or a person deemed competent by the court to investigate accurately, fully, and promptly the allegations contained in the petition. The investigation shall examine the character, reputation, health, and general standing in the community of the petitioners; the religious faith of the petitioners and, if ascertainable, of the child sought to be adopted; and whether the petitioners are proper persons to adopt the child and whether the child is a proper subject of adoption. The investigation shall include a fingerprint-based criminal background check by the Illinois State Police and Federal Bureau of Investigation. The criminal background check shall not be more than 2 years old.

The information acquired from the investigation shall be presented to the court in a written report. The results of the criminal background check shall be provided to the court for its review. The court may, in its discretion, weigh the significance of the results of the criminal background check against the entirety of the background of the petitioners. The court, in its discretion, may accept the report of the investigation previously made by a licensed child welfare agency if the investigation was made within 1 year prior to the entry of the judgment.

Placement Supervision and Reporting

Citation: Comp. Stat. Ch. 750, § 50/6; Admin. Code Tit. 89, § 309.160

In the case of a child born outside the United States or a territory thereof, in addition to the investigation required under § 50/6(A), 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.).

In regulation: Postplacement services are provided to the child and adoptive family from the date of placement of the child in the adoptive home to the date of finalization of the adoption for the following purposes:

- Continuing the preparation of the child for adoption
- Ensuring the health and safety of the child
- Ensuring successful integration of the child in the adoptive home
- Providing continuing support and placement stabilization in order to minimize the risk of placement disruption
- Facilitating adoption finalization

During the postplacement period, the following support will be provided:

- The department or adoption agency will help the family recognize successes, understand the stages of adjustment, and assume a decision-making role on behalf of the child.
- The department or adoption agency will continue to assess the child and family after placement has occurred to ensure that all existing and potential needs have been identified and appropriate support services are in place prior to finalization.
- The services provided by the department or adoption agency will be related to the needs of the adoptive family and the special needs of the adopted child, particularly if the child is older; has medical conditions, or physical, mental, or emotional disabilities; or is of a different ethnic, racial, or cultural background than the adoptive family. The assessment will explore the level of attachment occurring within the adoptive family and will utilize specific activities designed to promote and enhance attachment.
- The department or adoption agency will encourage discussion of the child's background to include specific behaviors exhibited by the child to ensure their understanding and acceptance.
- The department or adoption agency will provide information relating to potential behaviors that may be exhibited by the child and assist the family in dealing with specific behaviors and problems that may arise.
- The department or adoption agency will make reasonable efforts to ensure that services are accessible and that referrals have been made where appropriate.
- Information relating to the finalization of the adoption is provided to the family and efforts are directed toward completing all necessary reports required prior to finalization.

The department or adoption agency will schedule regular in-person contacts with the family and child following placement until the adoption is finalized.

Effect of Adoption Decree on Parental Rights

Citation: *Comp. Stat. Ch. 750, § 50/17*

After either the entry of an order terminating parental rights or the entry of a judgment of adoption, the natural parents of a child sought to be adopted shall be relieved of all parental responsibility for the child and shall be deprived of all legal rights as respects the child, and the child shall be free from all obligations of maintenance and obedience as respects the natural parents.

Obtaining a U.S. Birth Certificate

Citation: *Comp. Stat. Ch. 750, § 50/19; Ch. 410, § 535/16.1*

Upon the entry of a judgment of adoption, the clerk of the court that entered the judgment shall prepare a certificate of adoption and send the certificate to the Department of Public Health, pursuant to the Vital Records Act.

When it appears from a certificate of adoption transmitted to the State Registrar of Vital Records that the child was born outside of the United States or its territories, then, upon submission to the State registrar of evidence as to the child's birth date and birthplace provided by the original birth certificate, or by a certified copy, extract, or translation thereof or by other document essentially equivalent thereto (the records of the U.S. Citizenship and Immigration Services or of the U.S. Department of State to be considered essentially equivalent thereto), the State registrar shall make and file a record of foreign birth. The record of foreign birth shall include the actual place and date of birth, the child's name and parentage as ordered in the judgment of adoption and any other necessary facts.

INDIANA

Current Through May 2019

Requirements for Completing the Adoption

Citation: *Ann. Code §§ 31-19-28-2; 31-19-18-3; 31-19-2-6; 31-19-8-9; 31-19-11-1*

Every decree of a court terminating parental rights issued by a court of any other jurisdiction within or outside the United States shall be recognized in Indiana so that the rights and obligations of the parties concerning matters within the jurisdiction of Indiana shall be determined as though the decree were issued by an Indiana court.

Every consent to adoption taken in a jurisdiction outside Indiana that is valid under the law in force in the State, territory, or country where the consent to adoption was taken or would be valid if the consent to adoption had been taken in Indiana is a valid consent to an adoption.

A petition for adoption must specify the following:

- To the extent known, the name, sex, race, age, and place of birth of the child sought to be adopted
- The new name to be given the child, if a change of name is desired
- If the child possesses real or personal property, the value and full description of the property
- The name, age, and place of residence of a petitioner for adoption and, if married, place and date of their marriage
- To the extent known, the name and place of residence of the parent or parents of the child
- If the child is an orphan, the guardian or the nearest kin of the child, if the child does not have a guardian
- The time, if any, during which the child lived in the home of the petitioner for adoption

- Whether the petitioner for adoption has been convicted of a felony or a misdemeanor relating to the health and safety of children and, if so, the date and description of the conviction
- Additional information consistent with the purpose and provisions of this article that is considered relevant to the proceedings

As soon as possible after the provisions of § 31-19-7-1 and this chapter have been satisfied, the court shall proceed to hear and determine the petition for adoption.

The court shall grant the petition for adoption and enter an adoption decree whenever the court has heard the evidence and finds the following:

- The adoption is in the best interests of the child.
- The petitioners for adoption are sufficiently able to rear the child and furnish suitable support and education.
- The report of the investigation and recommendation under § 31-19-8-5 has been filed.
- Proper consent, if consent is necessary, to the adoption has been given.
- The petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history.

Required Evidence/Documentation

Citation: Ann. Code §§ 31-19-2-7; 31-19-2-7.5

Effective July 1, 2019: Except as provided in subsection (e), a medical report of the health status and medical history of the child sought to be adopted and the child's birth parents must accompany a petition for adoption or be filed no later than 60 days after the filing of a petition for adoption.

The medical report must include neonatal, psychological, physiological, and medical care history and be on forms prescribed by the State registrar. A copy of the medical report shall be sent to the State registrar and the prospective adoptive parents.

Every petitioner for adoption shall submit the necessary information, forms, or consents for a licensed child-placing agency or the local office that conducts the inspection and investigation required for adoption of a child under § 31-19-8-5 to conduct a criminal history check of the petitioner as part of its investigation.

Background Studies

Citation: Ann. Code §§ 31-19-7-1; 31-9-2-22.5

Before giving prior written approval for placement in a proposed adoptive home of a child, a licensed child-placing agency or the Department of Child Services shall conduct a criminal history check (as defined in § 31-9-2-22.5) concerning the proposed adoptive parent and any other person who is currently residing in the proposed adoptive home.

'Conduct a criminal history check' means to request the State police department to conduct the following:

- A fingerprint-based criminal history background check of both national and State records databases concerning a person who is at least age 18
- A national name-based criminal history records check of a person who is at least age 18
- Collect each substantiated report of child abuse or neglect reported in a jurisdiction where a probation officer, a caseworker, or the department has reason to believe that a person who is age 14 or older resided within the previous 5 years
- Conduct a check of the National Sex Offender Registry maintained by the U.S. Department of Justice for all persons who are at least age 14
- Conduct a check of local criminal records in every jurisdiction where a person who is at least age 18 has resided within the previous 5 years, unless the department or a court grants an exception to conducting this check

Placement Supervision and Reporting

Citation: Ann. Code §§ 31-19-8-1; 31-19-8-2; 31-19-8-5 through 31-19-8-8

An adoption may be granted in Indiana only after the court has heard the evidence and, except as provided in § 31-19-8-2(c), a period of supervision, as described in § 31-19-8-2, by a licensed child-placing agency.

The period of supervision may be before or after the filing of a petition for adoption, or both. The length of the period of supervision is within the sole discretion of the court hearing the petition for adoption.

Not more than 60 days from the date of reference of a petition for adoption to each appropriate agency, the child-placing agency shall submit to the court a written report of the investigation and recommendation as to the advisability of the adoption. The report and recommendation shall be filed with the adoption proceedings and become a part of the proceedings.

The report must, to the extent possible, include the following:

- The former environment and antecedents of the child
- The fitness of the child for adoption
- The suitability of the proposed home for the child

The criminal history information required under § 31-19-2-7.5 must accompany the report.

The court shall consider the report submitted under § 31-19-8-5. If the court finds that further investigation or further supervision is necessary, the court shall continue the case to a later date that the court considers advisable for final determination. At that time the court shall determine the case.

The report and recommendation of the licensed child-placing agency are not binding on the court but are advisory only.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code § 31-19-15-1

If the birth parents of an adopted person are alive, the birth parents are relieved of all legal duties and obligations to the adopted child and divested of all rights with respect to the child. The parent-child relationship is terminated after the adoption, unless the parent-child relationship was terminated by an earlier court action, operation of law, or otherwise.

Obtaining a U.S. Birth Certificate

Citation: Ann. Code §§ 31-19-12-1; 31-19-2-2

For each adoption decreed by an Indiana court, the clerk of the court shall prepare a record on a form prescribed and furnished by the State Department of Health. The record must include the following:

- All facts necessary to locate and identify the certificate of birth of the individual adopted and establish a new certificate of birth for the individual adopted
- Official notice from the court of the fact of adoption, including identification of the court action and proceedings

The official decree of each adoption that is provided to the clerk of the circuit court for the official order book record must set forth all pertinent information that is necessary to make possible the establishment of the birth records prescribed above. The completion of the record is a prerequisite to the issuance of a certificate of final adoption by the court.

IOWA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Stat. §§ 600.3; 600.15; 600.5; 600.10; 600.12; 600.13

A consent to adopt recognized by the courts of another jurisdiction in the United States and obtained from a resident of that jurisdiction shall be accepted in this State in lieu of a termination of parental rights proceeding.

For an adoption within the United States that is based on a decree issued by a foreign jurisdiction, an investigator shall conduct a postplacement investigation and issue a postplacement report, as provided in § 600.8.

An adoption petition shall be filed with the court and shall state the following:

- The name, as it appears on the birth certificate or in a verified birth record, and the residence or domicile of the person to be adopted
- The date and place of birth of the person to be adopted
- Any new name requested to be given the person to be adopted
- The name, residence, and domicile of any guardian or custodian of the person to be adopted
- The name, residence, and domicile of the petitioner, if this is not the same as the guardian or custodian, and the date or expected date on which the person to be adopted, if a minor, began or will begin living with the petitioner
- The name, residence, and domicile of any parent of the person to be adopted
- Any name by which the petitioner is known or has been known
- The existence of any criminal conviction or deferred judgment for an offense other than a simple misdemeanor under a law of any State against the petitioner and the existence of any founded child abuse report in which the petitioner is named
- A description and estimate of the value of any property owned by or held for the person to be adopted

The adoption of a minor person shall not be decreed until that person has lived with the adoption petitioner for a minimum of 180 days. However, the court may shorten this period upon good cause shown when the court is satisfied that the adoption petitioner and the person to be adopted are suited to each other.

An adoption hearing shall be conducted informally as a hearing in equity. The adoption petitioner and the person to be adopted shall be present at the hearing, unless the presence of either is excused by the juvenile court or court.

At the conclusion of the adoption hearing, the court shall issue a final adoption decree or an interlocutory adoption decree. An interlocutory adoption decree automatically becomes a final adoption decree at a date specified by the court in the interlocutory adoption decree, which date shall be no less than 180 days nor more than 360 days from the date the interlocutory decree is issued.

Required Evidence/Documentation

Citation: Ann. Stat. § 600.6

An adoption petition shall have attached to it the following:

- A certified copy of the birth certificate showing parentage of the person to be adopted or, if such certificate is not available, a verified birth record
- A copy of any order terminating parental rights with respect to the person to be adopted

- Any written consent and verified statement required under § 600.7
- Any preplacement investigation report that has been prepared at the time of filing pursuant to § 600.8

Background Studies

Citation: Ann. Stat. § 600.8

A preplacement investigation shall answer the following:

- Whether the home of the prospective adoption petitioner is a suitable one for the placement of a minor person to be adopted
- How the prospective adoption petitioner's emotional maturity, finances, health, relationships, and any other relevant factors may affect the petitioner's ability to accept, care, and provide a minor person to be adopted with an adequate environment as that person matures
- Whether the prospective adoption petitioner has been convicted of a crime under a law of any State or has a record of founded child abuse, as revealed by an examination of all of the following:
 - Criminal, child abuse, and sex offender registries maintained by the State
 - Child abuse registries maintained by any other State in which the prospective adoption petitioner has resided during the previous 5 years
 - National biometric identification-based criminal records

For the purposes of international adoption preplacement investigations, the national biometric identification-based criminal records check results obtained pursuant to the standards of the U.S. Department of Homeland Security shall satisfy the requirement of this section.

A background information investigation of the medical and social history of the birth parents of the minor person to be adopted and a report of the investigation shall be made by the adoption service provider, the department, or a certified adoption investigator prior to the placement of the minor person to be adopted with any prospective adoption petitioner.

A preplacement investigation and report of the investigation shall be completed and the prospective adoption petitioner approved for a placement by the person making the investigation prior to any adoption service provider or department placement of a minor person in the petitioner's home in anticipation of an ensuing adoption.

The person making the investigation shall not approve a prospective adoption petitioner if the petitioner has been convicted of any of the following felony offenses:

- A drug-related offense within the 5-year period preceding the petition date
- Child endangerment or neglect or abandonment of a dependent person
- Domestic abuse
- A crime against a child, including, but not limited to, sexual exploitation of a minor
- A forcible felony

Placement Supervision and Reporting

Citation: Ann. Stat. §§ 600.15; 600.13; 600.8

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 under this section shall include documentation that any unique needs of the minor person are being appropriately met through the placement.

In the interlocutory adoption decree, the court may provide for further observation, investigation, and report of the conditions of and the relationships between the adoption petitioner and the person petitioned to be adopted.

A postplacement investigation and a report of this investigation shall include the following:

- No fewer than three face-to-face visits with the minor person to be adopted and the adoption petitioner to be conducted within 30 days, 90 days, and 180 days following the placement and during completion of the minimum residence period specified in § 600.10
- Verification of the allegations of the adoption petition and its attachments and of the report of expenditures required under § 600.9
- An evaluation of the progress of the placement of the minor person to be adopted
- A determination of whether adoption by the adoption petitioner may be in the best interests of the minor person to be adopted
- Documentation verifying that any unique needs of the minor person to be adopted are being appropriately met in the placement before the investigator recommends finalization of the adoption

Effect of Adoption Decree on Parental Rights

Citation: Ann. Stat. § 600.13

A final adoption decree terminates any parental rights, except those of a spouse of the adoption petitioner, existing at the time of its issuance and establishes the parent-child relationship between the adoption petitioner and the person petitioned to be adopted. Unless otherwise specified by law, such parent-child relationship shall be deemed to have been created at the birth of the child.

Obtaining a U.S. Birth Certificate

Citation: Ann. Stat. §§ 600.13; 144.19; 144.25A; Admin. Code § 641-96.11

An interlocutory or a final adoption decree shall be entered with the clerk of court. The decree shall set forth any facts of the adoption petition that have been proven to the satisfaction of the juvenile court or court and any other facts considered to be relevant by the juvenile court or court and shall grant the adoption petition. If so designated in the adoption decree, the name of the adopted person shall be changed by issuance of that decree.

For each adoption decreed by any court in this State, the court shall require the preparation of a certificate of adoption on a form prescribed and furnished by the State registrar. The certificate shall include a report of the facts necessary to locate and identify the certificate of birth of the person adopted, provide information necessary to establish a new certificate of birth of the person adopted, identify the order of adoption, and be certified by the clerk of the court.

The Department of Health shall adopt rules 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 parent or parents and the State registrar's receipt of all the following documents:

- A certified copy of an adoption decree from an Iowa court of competent jurisdiction
- 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 that establishes the parent or parents were residents of Iowa at the time the adoption was finalized (not required if the parents' Iowa address is shown in the adoption documents)

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

KANSAS

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Stat. §§ 59-2117(a); 59-2128; 59-2134

A consent or relinquishment, or document that is the functional equivalent of a Kansas consent or relinquishment, is valid if executed and acknowledged outside of this State or in a foreign country, either in accordance with the law of this State or in accordance with the law of the place where executed.

A petition for adoption shall be filed by the person desiring to adopt the child and shall state the following information, if reasonably ascertainable, under oath:

- The name, residence, and address of the petitioner
- The suitability of the petitioner to assume the relationship
- The name of the child; the date, time, and place of the child's birth; and the present address or whereabouts of the child
- The places where the child has lived during the last 5 years
- The names and present addresses of the persons with whom the child has lived during that period
- Whether the petitioner has participated, as a party, witness, or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, identify the court, the case number, and the date of the child-custody determination, if any
- Whether the petitioner knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding
- Whether the petitioner knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons
- Whether one or both parents are living and the name, date of birth, residence, and address of those living, so far as known to the petitioner
- The facts relied upon as eliminating the necessity for the consent or relinquishment, if the consent or relinquishment of either or both parents is not obtained

Upon the hearing of the petition, the court shall consider the assessment and all evidence, including evidence relating to determination of whether or not the court should exercise its jurisdiction, offered by any party in interest. If the adoption is granted, the court shall enter a final decree of adoption, which terminates parental rights if not previously terminated.

Required Evidence/Documentation

Citation: Ann. Stat. §§ 59-2128; 59-2130;

The written consents to adoption or any relinquishment, the background information required by § 59-2130, the accounting of expenses required by § 59-2121, and any affidavit required by § 59-2126 shall be filed with the petition for adoption.

The following information shall be filed with the petition in an independent or agency adoption:

- A complete written genetic, medical, and social history of the child and the parents
- The names, dates of birth, addresses, telephone numbers, and Social Security numbers of each of the child's parents, if known
- A properly executed authorization for release of any hospital records pertaining to the child
- The child's birth verification, which shall include the date, time, and place of birth and the name of the attending physician

The genetic, medical, and social history required by this section shall be in conformity with the rules and regulations adopted by the secretary for Children and Families and on forms provided by the secretary.

If any information required by this section is not available, an affidavit explaining the reasons why it is not available shall be filed with the petition for adoption.

Background Studies

Citation: Ann. Stat. § 59-2132

In independent and agency adoptions, the court shall require the petitioner to obtain an assessment of the advisability of the adoption by a court-approved licensed professional who has a minimum of 2 years of experience in adoption services.

In making the assessment, the investigator or the Kansas Department for Children and Families is authorized to observe the child in the petitioner's home. The investigator also shall do the following:

- Verify financial information of the petitioner
- Clear the name of the petitioner with the child abuse and neglect registry through the department and, when appropriate, with a similar registry in another State or nation
- Determine whether the petitioner has been convicted of a felony for any of the following:
 - A crime against a person, including homicide and assault
 - A sex offense, including sexual exploitation of a child
 - Child abuse or endangerment
 - A crime involving a controlled substance within the last 5 years
- Clarify any genetic and medical history filed with the petition, if necessary

This information shall be made a part of the report to the court. The report to the court shall include the results of the investigation of the petitioner, the petitioner's home, and the ability of the petitioner to care for the child.

Placement Supervision and Reporting

Citation: Admin. Regs. § 28-4-176

The agency worker shall establish a time schedule for visits to the adoptive family after the placement of a child in order to be able to make clear recommendations for the finalization of the adoption.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Stat. § 59-2118

When adopted, a person shall be entitled to the same personal and property rights as a birth child of the adoptive parent. The adoptive parent shall be entitled to exercise all the rights of a birth parent and be subject to all the liabilities of that relationship. Upon adoption, all the rights of birth parents to the adopted person, including their right to inherit from or through the person, shall cease, except the rights of a birth parent who is the spouse of the adopting parent. An adoption shall not terminate the right of the child to inherit from or through the birth parent.

Obtaining a U.S. Birth Certificate

Citation: Ann. Stat. §§ 59-2119; 65-2423(b)

The district court shall report the adoption to the State Registrar of Vital Statistics.

For any child born in a foreign country but adopted in Kansas, the State registrar, upon request, shall complete and register a birth certificate upon receipt of a certified copy of the decree of adoption, 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, and such further information concerning the adopting parents, as may be necessary to complete the birth certificate. The certificate shall show the true country of birth and the date of birth of the child.

KENTUCKY

Current Through May 2019

Requirements for Completing the Adoption

Citation: Rev. Stat. §§ 199.585(3); 199.470; 199.490; 199.515; 199.520

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.

Any person who is age 18 and who is a resident of this State or who has resided in this State for the prior 12 months may file a petition to adopt a child in the circuit court of the county in which the petitioner resides. If the petitioner is married, the husband or wife shall join in a petition for leave to adopt a child, unless the petitioner is married to a birth parent of the child to be adopted.

If a child is placed for adoption by the Cabinet for Health and Family Services, by an agency licensed by the cabinet, or with written approval by the secretary of the cabinet, the petition may be filed at the time of placement. In all other adoptions, the petition shall not be filed until the child has resided continuously in the home of the petitioner for at least 90 days immediately prior to the filing of the adoption petition.

No petition for adoption shall be filed unless prior to the filing of the petition the child sought to be adopted has been placed for adoption by a child-placing institution or agency or the cabinet or the child has been placed with written approval of the secretary.

The petition shall include the following:

- The name, date, place of birth, place of residence, and mailing address of each petitioner, and, if married, the date and place of their marriage

- The name, date, place of birth, place of residence, and mailing address, if known, of the child sought to be adopted
- The relationship, if any, of the child to each petitioner
- The full name by which the child shall be known after adoption
- A full description of the property, if any, of the child to the extent known by the petitioner
- The names of the parents of the child and the address of each living parent, if known
- The name and address of the child's guardian, if any, or of the cabinet, institution, or agency having legal custody of the child
- Any further facts necessary to locate the person or persons whose consent to the adoption is required or who needs to be notified of the proceeding

After the report of the guardian ad litem, if any, for the child and the report required by § 199.510 have been filed, the court at any time on motion of its own or that of any interested party may set a time for a hearing on the petition to be conducted.

After hearing the case, the court shall enter a judgment of adoption, if it finds that the facts stated in the petition were established; that all legal requirements, including jurisdiction, relating to the adoption have been complied with; that the petitioners are of good moral character, of reputable standing in the community, and of ability to properly maintain and educate the child; and that the best interests of the child will be promoted by the adoption and that the child is suitable for adoption. In the judgment, the name of the child shall be changed to conform with the request of the petition.

Required Evidence/Documentation

Citation: Rev. Stat. § 199.490

There shall be filed with the petition certified copies of any orders terminating parental rights. Any consent to adoption shall be filed prior to the entry of the adoption judgment.

A copy of the written approval of the secretary of the cabinet or the secretary's designee shall be filed with the petition.

Background Studies

Citation: Rev. Stat. § 199.510

Upon filing a petition for the adoption of a minor child, the clerk of the court shall forward two copies of the petition to the cabinet. The cabinet, or any person, agency, or institution designated by the cabinet or the court shall, to the extent of available facilities, investigate and report in writing to the court regarding the following:

- Whether the contents of the petition required by § 199.490 are true
- Whether the proposed adoptive parents are financially able and morally fit to have the care, custody, and training of the child
- Whether the adoption is in the best interests of the child and the child is suitable for adoption

The report of the investigation shall be filed with the court as soon as practicable but no later than 90 days from the placement of the child or 90 days after the filing date of the petition, whichever is longer.

Placement Supervision and Reporting

This issue is not addressed in the statutes and regulations reviewed.

Effect of Adoption Decree on Parental Rights

Citation: Rev. Stat. § 199.520

Upon entry of the judgment of adoption, from and after the date of the filing of the petition, the child shall be deemed the child of petitioners and shall be considered for purposes of inheritance and succession and for all other legal considerations the natural child of the parents adopting the child the same as if born of their bodies. Upon granting an adoption, all legal relationship between the adopted child and the birth parents shall be terminated, except the relationship of a birth parent who is the spouse of an adoptive parent.

Obtaining a U.S. Birth Certificate

Citation: Rev. Stat. § 213.056

The State registrar may issue a record of foreign birth for a person born outside the United States registration area who is subsequently adopted by a Kentucky resident and whose record of birth cannot be obtained from the country of birth. The cabinet may refuse to accept any application for a record of foreign birth on which the applicant fails to provide such information as the cabinet may require.

Each birth certificate filed under this section shall include all Social Security numbers that have been issued to the parents of the child.

LOUISIANA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ch. Code Art. 1281.7; 1281.9; 1283.1; 1283.6; 1283.8; 1283.9; 1283.13; 1283.14

The parental rights of the parents of any child who has qualified as a foreign orphan or a convention adoptee are deemed to be terminated, and no further consent to adoption or relinquishment of parental rights shall be required.

A U.S. citizen and his or her spouse who is a U.S. citizen or has lawful immigration status may petition jointly, or an unmarried U.S. citizen who is at least age 25 may petition for intercountry adoption. At least one petitioner shall be a domiciliary of Louisiana.

The petition for adoption of a foreign orphan shall provide the following information:

- The full name, address, age, occupation, and marital status of each petitioner
- The name by which the child is known to petitioners as well as the name under which the birth of the child is recorded
- 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 entered the home of the petitioner
- Any relationship existing between the petitioner and the child

The court shall set the time and place for the hearing of the petition for adoption of the foreign orphan no less than 30 days nor more than 60 days after the filing of the adoption petition. At this hearing, the court shall consider the following:

- Any motion to intervene that has been filed
- Any other issues in dispute
- The confidential report of the Department of Children and Family Services

- The report of any criminal records or validated complaints of child abuse or neglect concerning the petitioner
- The testimony of the parties

If the child to be adopted is age 12 or older, the court shall solicit and consider his or her wishes in the matter.

Upon due consideration of the factors enumerated in article 1283.6(B), the court may grant or refuse to grant an interlocutory decree during or after the hearing. The basic consideration for this decree shall be the best interests of the child.

Upon due consideration of the factors enumerated in article 1283.6(B), the court may render a final decree of adoption at the first hearing, without the necessity of first entering an interlocutory decree, if the child was placed in the petitioner's home by a licensed agency and the child has lived in that home for at least 6 months prior to the hearing for adoption.

The child shall have lived with the petitioner for at least 1 year and at least 6 months shall have elapsed after the granting of an interlocutory decree before the petitioner may file a petition for final decree of adoption. The court shall set a time and place for the hearing of the petition for final decree. The court, after hearing and after taking into consideration information from all sources concerning the adoption, may enter a final decree of adoption, or it may deny the adoption. The basic consideration shall be the best interests of the child.

Note: Requirements for convention adoptees are provided in articles 1285.1–1285.17.

Required Evidence/Documentation

Citation: Ch. Code Art. 1281.8; 1283.1

Prior to the initiation of any adoption under the provisions of this title, the attorney for the petitioners shall obtain a certified copy of the child's birth certificate and, if the certificate is not in English, a certified translation of the certificate. The certificate and translation shall be attached to the petition for adoption.

If a certified copy of the birth certificate and certified translation are not available, the court may make findings on the date, place of birth, and parentage of the adopted person in accordance with the provisions of Rev. Stat. § 40:79(C)(2).

The adoption petition shall be accompanied by the following documentation:

- A certification for adoption
- A certified copy of the U.S. Citizenship and Immigration Services documentation of orphan status
- A copy of the child's immigrant visa or permanent resident card
- The original or a certified copy of a valid foreign custody decree, together with a notarized translation
- The original or certified copy of a valid birth certificate, together with a notarized translation
- An affidavit of fees and expenses

Background Studies

Citation: Ch. Code Art. 1281.5; 1283.5

No child who is the subject of an intercountry adoption shall be placed in the home of the prospective adoptive parents prior to their obtaining a certification for adoption that meets the requirements of articles 1171 through 1173 (regarding preplacement approval of adoptive homes in private adoptions) and prior to approval from the U.S. Citizenship and Immigration Services.

The department shall investigate the proposed adoption of the foreign orphan and submit a confidential report of its findings to the court. The findings shall include the following:

- The conditions with respect to the availability of the child for adoption
- The physical and mental condition of the child
- Other factors regarding the suitability of the child for adoption in petitioner's home
- The moral and financial fitness of the petitioner
- The conditions of the proposed adoptive home with respect to health, adjustment, and other advantages or disadvantages to the child

The department may delegate the performance of this investigation to a licensed private adoption agency, but the department remains responsible for ensuring the accuracy and thoroughness of the resulting report and for the safety and welfare of the child.

Placement Supervision and Reporting

Citation: Ch. Code Art. 1283.1

After an interlocutory decree has been entered, the department shall maintain contact with the proposed adoptive home directly or through another agency. The number of visits to the home and the time for them shall be within the discretion of the department. However, no less than two visits shall be made to the home, one of which shall occur within 30 days before the final decree of adoption.

The department may delegate the performance of this investigation to a licensed private adoption agency, but the department remains responsible for ensuring the accuracy and thoroughness of the resulting report and for the safety and welfare of the child.

A second confidential report must be presented to the court preceding the hearing on the final decree of adoption. The findings of this report shall be based upon the same findings as prescribed in article 1283.5 and shall disclose any changed conditions and all new pertinent information.

Effect of Adoption Decree on Parental Rights

Citation: Ch. Code Art. 1283.15; 1240

The final decree of adoption shall have the same force and effect as any final decree of adoption rendered by a court of this State and automatically entitles the child to U.S. citizenship under the Intercountry Adoption Act.

Except as otherwise provided in this title, upon a final decree of private adoption, the parents of the child whose rights have not been previously terminated by a surrender or a judgment of termination and all other blood relatives of the child are relieved of all their legal duties and divested of all their legal rights with regard to the adopted child, including the right of inheritance from the adopted child and his or her lawful descendants. The adopted child is relieved of all his or her legal duties and divested of all his or her legal rights with regard to the parents, except that the right of the child to inherit from his or her parents and other blood relatives is unaffected by the adoption.

Obtaining a U.S. Birth Certificate

Citation: Ch. Code Art. 1283.16; Rev. Stat. § 40:79(c)

The full name of the adopted child may be changed in the final decree of foreign orphan adoption, and, if changed, the surname shall be the same as that of the adoptive parent. In accordance with Rev. Stat. § 40:79, the clerk of court shall forward, on a form supplied by the department, the certificate of the decree to the State registrar. The State registrar shall make a new certificate of live birth of the person adopted in the new name, if the name has been changed in the decree.

A person born in a foreign country who is adopted in the State of Louisiana, but who is not a U.S. citizen, or who is a naturalized U.S. citizen, and a person born in a foreign country and adopted outside the United States by adoptive parents who are residents of the State of Louisiana at the time of the adoption, may obtain a new birth certificate according to the following conditions, limitations, and procedures:

- When a certified copy of the original foreign birth certificate of the adopted person, and if the certificate is not in English a certified verbatim translation of the certificate are available, the State registrar, upon receipt of the certificate translation and a certified copy of the order or decree of adoption, shall prepare a birth certificate in the new name of the adopted person and shall seal and file the foreign certificate and order or decree of adoption.
- When the certified copy of the original birth certificate of the adopted person and certified translation are not available, the court having jurisdiction of adoptions in the parish, upon evidence presented by the department from information secured at the port of entry or upon evidence from other reliable sources, may make findings on the date, place of birth, and parentage of the adopted person. Upon receipt of a certified copy of such findings of the court, together with a certified copy of the order or decree of adoption, the State registrar shall prepare a birth certificate in the new name of the adopted person and shall seal and file the certified copy of the findings of the court and the certified copy of the order or decree of adoption.
- A birth certificate issued pursuant to the provisions of this section shall show specifically the true or probable country, island, or continent of birth. Except as provided in the following paragraph, the birth certificate shall be annotated with the provision 'not proof of U.S. citizenship.'
- When a certified copy of a certificate of naturalization is received by the State registrar together with the documents required by this section, the date and number of the certificate of naturalization shall be included in the birth certificate, and the birth certificate shall be accepted by all State agencies as evidence of U.S. citizenship.

MAINE

Current Through May 2019

Requirements for Completing the Adoption

Citation: Rev. Stat. Tit. 18-C, §§ 9-302(2); 9-303; 9-304; 9-308

Effective July 1, 2019: Consent to adoption is not required of a putative parent if the putative parent holds no parental rights regarding the adoptee under the laws of the foreign country in which the adoptee was born.

A petition for adoption must be sworn to by the petitioner and must include the following:

- The full name, age, and place of residence of the petitioner and, if married, the place and date of the marriage
- The date and place of birth of the adoptee, if known
- The birth name of the adoptee, any other names by which the adoptee has been known, and the adoptee's proposed new name, if any
- The residence of the adoptee at the time of the filing of the petition
- A statement of the petitioner's intention to establish a parent-child relationship between the petitioner and the adoptee and a statement that the petitioner is a fit and proper person able to care and provide for the adoptee's welfare
- The names and addresses of all persons or agencies known to the petitioner that affect the custody of, visitation with, or access to the adoptee
- The relationship, if any, of the petitioner to the adoptee
- The names and addresses of the department and the licensed child-placing agency, if any
- The names and addresses of all persons known to the petitioner at the time of filing from whom consent to the adoption is required
- If the petition is for the adoption of a minor child, a statement that the petitioner acknowledges that after the adoption is finalized, the transfer of the long-term care and custody of the adoptee without a court order is prohibited under title 17-A, § 553(1)(C)-(D)

If the court is satisfied with the identity and relations of the parties to a petition for adoption; with the ability of the petitioner to bring up and educate the child properly, considering the condition of the child's parents; and with the fitness and propriety of the adoption, the court shall make a decree setting forth the facts and declaring that from that date the child is the child of the petitioner and that the child's name is changed, without requiring public notice of that change.

The court shall grant a final decree of adoption if the petitioner who filed the petition has been heard or has waived hearing and the court is satisfied from the hearing or record that all of the following have been met:

- All necessary consents, relinquishments, or terminations of parental rights have been duly executed and filed with the court.
- An adoption study, when required by § 9-304, has been filed with the court.
- A list of all disbursements, as required by § 9-306, has been filed with the court.
- The petitioner is a suitable adopting parent and desires to establish a parent-child relationship with the adoptee.
- The best interests of the adoptee are served by the adoption.
- All requirements of this article have been met.

Required Evidence/Documentation

Citation: Rev. Stat. Tit. 18-C, § 9-304

Effective July 1, 2019: A certified copy of the birth certificate of the child proposed for adoption must be presented with the petition for adoption if the certified copy can be obtained or made available by filing a delayed birth registration.

Background Studies

Citation: Rev. Stat, Tit. 18-C, § 9-304

Effective July 1, 2019: Upon the filing of a petition for adoption of a minor child, the court shall request a background check and shall direct the Maine Department of Health and Human Services or a licensed child-placing agency to conduct a study and make a report to the court.

The study must include an investigation of the conditions and antecedents of the child to determine whether the child is a proper subject for adoption and whether the proposed home is suitable for the child. The department or licensed child-placing agency shall submit the report to the court within 60 days.

The court shall request a background check for each prospective adoptive parent who is not a parent of the child. The background check must include a screening for child abuse cases in the records of the department and criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation.

The department, the licensed child-placing agency, or any other person who acts to place or assist in placing a child for adoption shall make reasonable efforts to obtain medical and genetic information about the child and the child's parents. Specifically, the department, the licensed child-placing agency, or any other person who acts to place or assist in placing the child for adoption shall attempt to obtain from the child's parents any information concerning the following:

- A current medical, psychological, and developmental history of the child
- An account of the child's prenatal care and medical condition at birth, results of newborn screening, and any drug or medication taken during pregnancy by the mother
- Any subsequent medical, psychological, or psychiatric examination and diagnosis
- Any physical, sexual, or emotional abuse suffered by the child
- A record of any immunizations and health care received since birth

Prior to the child being placed for adoption, the department, the licensed child-placing agency, or any other person who acts to place or assist in placing the child for adoption shall provide the child's medical history information to the prospective adoptive parents.

There is a rebuttable presumption that the petitioner would create a situation of jeopardy for the child if the adoption were granted and that the adoption is not in the best interests of the child if the investigation reveals that the petitioner has a record of any of the following:

- A conviction for a child-related sexual offense in which the victim was a minor at the time of the offense and the petitioner was at least 5 years older than the minor at the time of the offense, except that, if the offense was gross sexual assault and the minor victim submitted as a result of compulsion, the presumption applies regardless of the ages of the petitioner and the minor victim at the time of the offense
- An adjudication for sexually abusing a person who was a minor at the time of the abuse

The petitioner may present evidence to rebut the presumption.

Placement Supervision and Reporting

Citation: Rev. Stat, Tit. 18-C, § 9-304

Effective July 1, 2019: The court may require that a minor child subject to a petition for adoption under this section live for 1 year in the home of the petitioner before the petition is granted and that the child, during all or part of this probationary period, be under the supervision of the department or a licensed adoption agency.

The court may appoint a guardian ad litem for a minor child subject to a petition for adoption under this section at any time during the proceedings.

Effect of Adoption Decree on Parental Rights

Citation: Rev. Stat, Tit. 18-C, §§ 9-308; 9-105

Effective July 1, 2019: The court shall enter its findings in a written final decree that includes the new name of the adoptee. The final decree must further order that from the date of the decree the adoptee is the child of the petitioner and must be accorded the status set forth in § 9-105.

An order granting the adoption of the child by the petitioner divests the parent and child of all legal rights, powers, privileges, immunities, duties, and obligations to each other as parent and child, except an adoptee inherits from the adoptee's former parents, if provided in the adoption decree.

Except as otherwise provided by law, an adopted person has all the same rights, including inheritance rights, that a child born to the adoptive parents would have. An adoptee also retains the right to inherit from the adoptee's former parents, if the adoption decree so provides.

Obtaining a U.S. Birth Certificate

Citation: Rev. Stat, Tit. 18-C, § 9-304; Tit. 22, § 2765

Effective July 1, 2019: After the adoption has been decreed, the register shall file a certificate of adoption with the State Registrar of Vital Statistics on a form prescribed and furnished by the State registrar.

The State registrar shall establish a Maine certificate of birth for a person born in a foreign country and for whom a decree of adoption has been entered in a court of competent jurisdiction in Maine when the registrar receives the following:

- A certificate of adoption, as provided in title 18-C, § 9-304
- A request that a new certificate be established

Any birth certificate issued under this section shall show the true or probable foreign country of birth and shall indicate that the certificate is not evidence of U.S. citizenship for the child for whom it is issued or for the adoptive parents.

MARYLAND

Current Through May 2019

Requirements for Completing the Adoption

Citation: Fam. Code §§ 5-3B-04; 5-337; Court Rules, Tit. 9, Ch. 100, Rule 9-103

As to a jurisdiction other than a State within the United States, the following applies:

- An order for adoption or guardianship entered in compliance with the jurisdiction's laws shall have the same legal effect as an order for adoption or guardianship entered in this State.
- Termination of parental rights in compliance with the jurisdiction's laws shall have the same legal effect as termination of parental rights in this State.

In ruling on a petition for a child's adoption, a juvenile court shall consider the following:

- All factors necessary to determine the child's best interests
- A report by a child-placing agency as to the following:
 - The suitability of the petitioner to be the child's parent
 - The child's successful placement with the petitioner under the supervision of the local Department of Social Services or its agent for at least 180 days

In court rules: A petition for adoption shall be signed and verified by each petitioner and shall contain the following information:

- The name, address, age, business or employment, and employer of each petitioner
- The name, sex, and date and place of birth of the person to be adopted
- The name, address, and age of each parent of the person to be adopted
- Any relationship of the person to be adopted to each petitioner
- The name, address, and age of each child of each petitioner
- A statement of how the person to be adopted was located, including names and addresses of all intermediaries or surrogates
- If the person to be adopted is a minor, the names and addresses of all persons who have had legal or physical care, custody, or control of the minor since the minor's birth and the period of time during which each of those persons has had care, custody, or control
- If there is a guardian with the right to consent to adoption for the person to be adopted, the name and address of the guardian and a reference to the proceeding in which the guardian was appointed
- If a petitioner desires to change the name of the person to be adopted, the name that is desired
- As to each petitioner, a statement whether the petitioner has ever been convicted of a crime other than a minor traffic violation and, if so, the offense and the date and place of the conviction
- That the petitioner is not aware that any required consent has been revoked

Required Evidence/Documentation

Citation: Court Rules, Tit. 9, Ch. 100, Rule 9-103

The following documents shall accompany the petition as exhibits:

- A certified copy of the birth certificate or 'proof of live birth' of the person to be adopted
- A certified copy of the marriage certificate of each married petitioner

- A certified copy of all judgments of divorce of each petitioner
- A certified copy of any death certificate of a person whose consent would be required if that person were living
- A certified copy of all orders concerning temporary custody or guardianship of the person to be adopted
- A copy of any existing adoption home study by a licensed child-placing agency concerning a petitioner, including criminal background reports and child abuse clearances
- A document verifying the annual income of each petitioner
- The original of all consents to the adoption and any required affidavits of translators or attorneys
- If applicable, proof of guardianship or relinquishment of parental rights granted by an administrative, executive, or judicial body of a State or other jurisdiction; a certification that the guardianship or relinquishment was granted in compliance with the jurisdiction's laws; and any appropriate translation of documents required to allow the child to enter the United States
- If a parent of the person to be adopted cannot be identified or located, an affidavit of each petitioner and the other parent describing the attempts to identify and locate the unknown or missing parent
- A brief statement of the health of each petitioner signed by a physician or other health-care provider, if applicable

The following documents shall be filed before a judgment of adoption is entered:

- Any postplacement report relating to the adoption, if applicable
- A brief statement of the health of the child by a physician or other health-care provider
- If required by law, an accounting of all payments and disbursements of any money or item of value made by or on behalf of each petitioner in connection with the adoption
- An affidavit of counsel for a parent, if required by statute
- An affidavit of counsel for a child, if the child is represented
- A proposed judgment of adoption
- A Maryland Department of Health Certificate of Adoption

Background Studies

Citation: Code of Regs. § 07.02.25.06; Court Rules, Tit. 9, Ch. 100, Rule 9-113

For the home study, the resource home worker shall do the following:

- Conduct at least three visits at the home of the prospective resource parent, including a tour of the house
- Obtain three personal references
- Obtain verification of income
- Obtain verification of marital status, if applicable
- Request a health and sanitary inspection by the local health department for each home being considered for approval
- Review local department records to determine whether a member of the prospective resource family has an indicated finding of abuse or neglect
- Review the results of the State and Federal criminal background checks
- Make certain that fire safety approval is obtained

In court rules: Except in an adoption by a stepparent or relative, the person authorized to place a minor child for adoption shall affirm to the court that the person has made reasonable efforts to compile and make available to a prospective adoptive parent (1) all of the prospective adoptee's medical and mental health records that the person has or (2) a comprehensive medical and mental health history of the prospective adoptee and the prospective adoptee's parents, except that the records of the parents shall contain no identifying information unless identifying information was previously exchanged by agreement.

Placement Supervision and Reporting

Citation: Fam. Code § 5-3A-31; Code of Reg. § 07.02.12.03

Before a court enters an order for adoption of a child, a child-placing agency shall file a written report on the following:

- The suitability of the petitioner to adopt the child
- The relationship between the petitioner and child

In regulation: The local department shall offer postplacement services to support the following goals:

- Sustain permanence for children placed with adoptive families prior to finalization of the adoption
- Help resolve any adjustment problems that may occur during postplacement
- Promote the integration of the family and child as a single-family unit

The child must live with the adoptive family for at least 6 months or for a shorter period allowed by the juvenile court. During that time, the agency caseworker shall do the following:

- Visit the adoptive family as often as needed but at least monthly
- Use observations during the visits in determining the frequency of visits and the family's readiness for finalization of the adoption
- Include the child in these visits, according to the child's age and capability

The caseworker shall assess the readiness of the family to finalize the adoption based on the following indications:

- The family indicates that they are ready to adopt.
- The worker recommends that the adoption is in the child's best interests and that the family is ready to adopt.
- The child has indicated readiness in the following ways:
 - A child over age 10 consents.
 - A child under age 10 does not object.

Once the family and the caseworker have determined that it is time to finalize the adoption, the caseworker shall do the following:

- Prepare the necessary documents to support the family's finalization of the adoption
- Acquire the local department director's consent to the adoption

Effect of Adoption Decree on Parental Rights

Citation: Fam. Code § 5-3B-25

After a court enters an order for adoption, the adoptee becomes the offspring of the adoptive parent for all intents and purposes and is entitled to all the rights and privileges of and is subject to all of the obligations of offspring born to the adoptive parent.

Each of the adoptee's living parents is relieved of all parental duties and obligations to the adoptee and is divested of all parental rights as to the adoptee.

Obtaining a U.S. Birth Certificate

Citation: Health-Gen. § 4-211(k)

The Secretary of Health shall, on request, prepare and register a certificate in this State for an individual born in a foreign country and who was adopted through a court of competent jurisdiction in this State and by an

adopting parent who is a resident of this State. The certificate shall be established on receipt of the following:

- A certificate 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, if he or she is age 18 or older, that the certificate be prepared

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.

MASSACHUSETTS

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Laws Ch. 210, §§ 2; 2A; 5A; 6

Any surrender given outside of the Commonwealth shall be valid for the purpose of this section if it was taken in accordance with laws of the State or the country where it was executed.

No decree of adoption shall be entered for the adoption of a child younger than age 14 until one of the following conditions has been met:

- The child sought to be adopted has been placed with the petitioners for adoption by the Department of Children and Families or by an agency authorized by the department for such purpose.
- The petitioner is a blood relative of the child sought to be adopted.
- The petitioner is a stepparent of the child sought to be adopted.
- The petitioner was nominated in the will of a deceased natural parent of the child as a guardian or an adoptive parent.
- The petition for adoption has been approved in writing by the department or by an agency authorized by the department.

No decree shall be made upon such a petition until the report prepared by the department has been received, nor until the child shall have resided for not less than 6 months in the home of the petitioner. For good cause shown, the court, in its discretion, may waive the requirement of residence.

If the court is satisfied of the identity and relations of the persons, and that the petitioner is sufficiently able to bring up the child and provide suitable support and education for him or her, and that the child should be adopted, it shall make a decree of adoption. Every decree of adoption entered by the court shall include the words 'this adoption is final and irrevocable.'

Required Evidence/Documentation

Citation: Ann. Laws Ch. 210, § 6

No decree shall be made under this section until there has been filed in the court a statement, signed and sworn to by the petitioners, setting forth the following:

- The date of birth and place of residence of each adopting parent and such other facts relating to each parent as would be required by chapter 46, § 13, for the correction of the record of the birth of the person sought to be adopted
- A copy of the birth record of such person

Filing of a copy of the birth record may be dispensed with if the judge is satisfied that it cannot be obtained.

Background Studies

Citation: Ann. Laws Ch. 210, § 5A

Upon the filing of a petition for adoption of a child under age 14, notice shall be given to the department. The department shall make appropriate inquiry to determine the condition and antecedents of the child to determine whether he or she is a proper subject for adoption and to determine whether the petitioners and their home are suitable for the proper rearing of the child. The department shall submit to the court not later than 30 days after receipt of such notice a written report that will give the court full knowledge as to the desirability of the proposed adoption.

In any petition for adoption, the department shall submit to the court verification that the adoptee is not registered with the Federal register for missing children and the central register. The court may require such further investigation and report by the department as may be necessary. All reports submitted hereunder shall be filed separately and apart from the other papers in the case and shall not at any time be open to inspection, except by the parties and their attorneys, unless the court, for good cause shown, shall otherwise order.

Placement Supervision and Reporting

This issue is not addressed in the statutes and regulations reviewed.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Laws Ch. 210, § 6

With the decree of adoption, all rights, duties, and other legal consequences of the natural relation of child and parent shall thereafter exist between the child and the petitioner and his or her kindred, and such rights, duties, and legal consequences shall terminate between the adopted child and his or her natural parents and kindred or any previous adopting parent. The court also may decree such change of name as the petitioner may request.

Obtaining a U.S. Birth Certificate

Citation: Ann. Laws Ch. 210, § 6A; Ch. 46, § 13

Following the making of a decree of adoption, the court shall issue to the petitioner or petitioners a certificate of adoption setting forth all the facts relating to the adopting parent, or parents, as appearing in the statement required to be filed by § 6, including the following:

- The name of and all other facts relating to the person adopted, as appearing in any copy of birth record or decree of adoption
- The name of the court making such decree and the date thereof
- If the decree authorizes a change in the name of the person adopted, his or her new name

If a person has been adopted by judicial decree, the clerk of the town where such person was born or the State registrar shall receive the certificate of the adoption issued or a certified copy of the decree for the adoption, whether issued by a probate court for the Commonwealth or by the appropriate court of any other State or country. After receiving the certificate of adoption or a certified copy, the State registrar shall correct the record of birth of the person so adopted. If the certificate or certified copy does not contain the facts relative to the adopting parents needed for correcting the record, the State registrar shall not correct the record until he or she has received an affidavit, signed and sworn to by the adopting parents or by the person adopted, furnishing such facts.

MICHIGAN

Current Through May 2019

Requirements for Completing the Adoption

Citation: Comp. Laws §§ 710.24; 710.56; 710.58; 710.59

The petition for adoption shall be verified by each petitioner and shall contain the following information:

- The name, date and place of birth, and place of residence of each petitioner, including the maiden name of the adopting mother
- The name, date and place of birth, and place of residence, if known, of the adoptee
- The relationship, if any, of the adoptee to the petitioner
- The full name by which the adoptee shall be known after adoption
- The full description of the property, if any, of the adoptee
- Unless the rights of the parents have been terminated by a court of competent jurisdiction, the names of the parents of the adoptee and the place of residence of each living parent, if known
- The name and place of residence of the guardian of the person or estate of the adoptee, if any has been appointed

Six months after formal placement of the child, the court may enter an order of adoption. When the court enters an order of adoption, certified copies shall be given to the adopting parent or parents. If the consent to the adoption was given by a duly authorized representative of the Michigan Department of Health and Human Services, of a child-placing agency, or of a public or licensed private agency of another State or country, a certified copy of the order of adoption shall be furnished by the court to the department or agency.

When the parents or surviving parent has given consent to an adoption and the petitioner desires to change the name of the adopted child, the order of adoption and exemplification of record shall not contain the name of the child's natural parents or the name bestowed upon the child before the adoption.

Required Evidence/Documentation

Citation: Comp. Laws §§ 710.24; 710.26

In a direct placement, the petitioner shall attach to the petition a verified statement certifying that the petitioner has been informed of the availability of counseling services and whether the petitioner has received counseling.

In a direct placement, the petitioner shall attach a copy of a preplacement assessment of the petitioner completed or updated within 1 year before the petition is filed with a finding that the petitioner is suitable to be a parent of an adoptee; copies of all other preplacement assessments of the petitioner, if any others have been completed; and a verified statement stating that no preplacement assessments of the petitioner have been completed other than those attached to the petition and explaining any preplacement assessments of the petitioner that have been initiated but not completed.

Subsequent to or concurrent with the filing of the adoption petition, but before the hearing on the petition by the court, the petitioner, the department, an employee or agent of the court, or a child-placing agency, as appropriate, shall file all of the following documentation:

- Except in instances of parental consent to adoption, a copy of each release or order terminating parental rights over the child having a bearing upon the authority of a person to execute the consent to adoption
- A copy of the order of commitment, if a commitment was made to a child-placing agency or to the department

- Proof of a guardian's appointment and authorization to execute the release or consent to the child's adoption
- A copy of the consent to adoption, as required in this chapter
- A copy of the adoptee's birth certificate, verification of birth, hospital birth registration, or other satisfactory proof of date and place of birth, if obtainable, unless this filing is waived by written order of the judge
- The report of the investigation prepared pursuant to § 710.46
- If the petition alleges nonsupport and noncommunication by a parent, an affidavit verifying that fact
- Any additional facts considered necessary by the court

Background Studies

Citation: Comp. Laws §§ 710.23f; 710.46

In a direct placement, an individual seeking to adopt may request, at any time, that a preplacement assessment be prepared by a child-placing agency. A preplacement assessment is based upon personal interviews and visits to the residence of the individual being assessed, interviews of others who know the individual, and reports received under this subsection. The assessment shall contain all of the following information about the individual being assessed:

- Age, nationality, race or ethnicity, and any religious preference
- Marital and family status and history, including the presence of other children or adults in the household
- Physical and mental health, including any history of substance use
- Educational and employment history and any special skills and interests
- Property and income, including outstanding financial obligations, as indicated in a current financial report
- Reason for wanting to adopt
- Any previous request for an assessment or involvement in an adoptive placement and the outcome
- Whether the individual has ever been the respondent in a proceeding involving domestic violence or the abuse or neglect of a child
- Whether the individual has ever been convicted of a crime
- Any fact or circumstance that raises a specific concern about the suitability of the individual as an adoptive parent, including the quality of the environment in the home; the functioning of other children in the household; and any aspect of the individual's familial, social, psychological, or financial circumstances that may be relevant

A child-placing agency shall request an individual seeking a preplacement assessment to provide a document from the Michigan State police and the Federal Bureau of Investigation describing all of the individual's criminal convictions or stating that the agency's records indicate that the individual has not been convicted of a crime. The individual also must undergo a physical examination conducted by a licensed physician, a physician's assistant, or a nurse practitioner to determine that the individual is free from any known condition that would affect his or her ability to care for an adoptee.

Upon the filing of an adoption petition, the court shall direct a full investigation by an employee or agent of the court, a child-placing agency, or the department. The court may use the preplacement assessment described in § 710.23f and may order an additional investigation by an employee or agent of the court or a child-placing agency. The following shall be considered in the investigation:

- The best interests of the adoptee
- The adoptee's family background, including names and identifying data regarding the parent or parents, if obtainable
- The reasons for the adoptee's placement away from his or her parents

A written report of the investigation shall be filed within 3 months after the order for investigation.

Placement Supervision and Reporting

Citation: Comp. Laws § 710.52

During the period before entry of the order of adoption, the child shall be supervised at the direction of the court by an employee or agent of the court, a child-placing agency, or the department, who shall make reports regarding the adjustment of the child in the home as the court orders. The investigations shall be made under reasonable circumstances and at reasonable intervals.

In a direct placement, the child shall be supervised during the period before entry of the order of adoption by the child-placing agency that investigated the placement or, in the court's discretion, by another child-placing agency.

Effect of Adoption Decree on Parental Rights

Citation: Comp. Laws § 710.60

After the entry of an order of adoption, if the adoptee's name is changed, the adoptee shall be known and called by the new name. The person or persons adopting the adoptee then become the parent or parents of the adoptee under the law as though the adopted person had been born to the adopting parents and are liable for all the duties and entitled to all the rights of parents.

After entry of the order of adoption, there is no distinction between the rights and duties of natural progeny and adopted persons, and the adopted person becomes an heir at law of the adopting parent or parents and an heir at law of the lineal and collateral kindred of the adopting parent or parents. After entry of the order of adoption, an adopted child is no longer an heir at law of a parent whose rights have been terminated or the lineal or collateral kindred of that parent. An adopted adult is not an heir at law of a person who was his or her parent at the time the order of adoption was entered or the lineal or collateral kindred of that person, except that a right, title, or interest that has vested before entry of the final order of adoption is not divested by that order.

Obtaining a U.S. Birth Certificate

Citation: Comp. Laws §§ 710.67; 333.2830

A person in charge of adoption records shall not disclose the names of the biological or adoptive parents of an adopted person, unless ordered to do so by a court of record, except to meet requirements of the director of Public Health for the purpose of creating a new certificate of birth in the adoptive name and sealing the original certificate of birth.

The director shall furnish to the adopting parent or parents a certified copy of the new birth certificate that shall not disclose the adoption of the person. A birth certificate issued to an adopted person shall not refer to adoption and shall conform as nearly as possible to the appearance of birth certificates issued in other cases.

If a child whose birth occurred outside the United States, a territory of the United States, 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 adopted 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. After the filing of a delayed registration of birth that includes a change of name, the new name shall be the legal name of the adopted child.

MINNESOTA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Stat. §§ 257.05; 259.22; 259.23; 259.53; 259.57

No person shall bring into the State any child for the purpose of procuring the child's adoption without first obtaining the consent of the Commissioner of Human Services.

Subject to State and Federal laws and rules, licensed adoption agencies and county social services agencies are authorized to certify that the prospective adoptive home of a child brought into the State from another country for the purpose of adoption is a suitable home.

Any person who has resided in the State for 1 year or more may petition to adopt a child or an adult. The petition shall be signed by the petitioner and, if married, by the spouse. The petition shall provide the following information:

- The full name, age, and place of residence of petitioner and, if married, the date and place of marriage
- The date petitioner acquired physical custody of the child and from what person or agency
- The date of birth of the person to be adopted, if known, and the State and county where born
- The name of the child's parents, if known, and the guardian if there is one
- The actual name of the person to be adopted, if known, and any known aliases
- The name to be given the person to be adopted if a change of name is desired
- A description and value of any real or personal property owned by the person to be adopted
- That the petitioner desires that the relationship of parent and child be established between petitioner and the person to be adopted and that the adoption is in the best interests of the person to be adopted

No petition shall be granted until the child has lived 3 months in the proposed home, subject to a right of visitation by the commissioner or an agency or their authorized representatives.

Upon the hearing, if the court finds that it is in the best interests of the person to be adopted that the petition be granted, a decree of adoption shall be made and recorded in the Office of the Court Administrator, ordering that henceforth the person to be adopted shall be the child of the petitioner. In the decree, the court may change the name of the adopted person, if desired.

After the decree is granted for an adopted person who is adopted after a direct adoptive placement ordered by the district court under § 259.47, the court administrator shall immediately mail a copy of the recorded decree to the commissioner.

Required Evidence/Documentation

Citation: Admin. Code § 9560.0150

No child may be brought into Minnesota for adoptive placement into a nonrelative's home unless the commissioner has issued a written consent to importation of the child, pursuant to applicable State law.

The commissioner, upon receipt of all required documentation, shall issue consent or approval for importation when the foreign country allows the child to be exported for the purpose of adoption in the United States.

The following documents are required for the commissioner's consent and approval:

- An authorized child-placing agency's written confirmation that the family is approved for adoptive placement
- A document that identifies the child, the child's birth date, birthplace, and parentage
- Legal documents that demonstrate that the child has been properly released for adoption

Background Studies

Citation: Ann. Stat. § 245C.33

The adoption study must include at least one in-home visit with the prospective adoptive parent. At a minimum, the study must document the following information about the prospective adoptive parent:

- A background study, as required by § 245C.33, including the following:
 - An assessment of the results of State and Federal criminal background checks to determine if the prospective adoptive parent and any other person older than age 13 living in the home has a felony conviction
 - An assessment of the effect of any conviction or finding of substantiated maltreatment on the capacity of the prospective adoptive parent to safely care for and parent a child
- A medical and social history and assessment of current health
- An assessment of potential parenting skills
- An assessment of ability to provide adequate financial support for a child
- An assessment of the level of knowledge and awareness of adoption issues, including, where appropriate, matters relating to interracial, cross-cultural, and special-needs adoptions

The adoption study is the basis for completion of a written report. The report must be in a format specified by the commissioner and must contain recommendations regarding the suitability of the subject of the study to be an adoptive parent.

Placement Supervision and Reporting

Citation: Ann. Stat. § 259.53

Upon the filing of a petition for adoption of a child, the court administrator shall immediately transmit a copy of the petition to the Commissioner of Human Services. If the child to be adopted has been placed in the petitioner's home by a direct adoptive placement, the court shall refer the petition to the agency supervising the placement under § 259.47, subd.3(a)(6).

The agency to which the petition has been referred shall conduct a postplacement assessment and file a report with the court within 90 days of receipt of a copy of the adoption petition. The agency shall send a copy of the report to the commissioner at the time it files the report with the court. The assessment and report must evaluate the environment and antecedents of the child to be adopted, the home of the petitioners, and whether placement with the petitioners meets the needs of the child. The report must include a recommendation to the court as to whether the petition should or should not be granted.

In making evaluations and recommendations, the postplacement assessment and report must, at a minimum, address the following:

- The level of adaptation by the prospective adoptive parents to parenting the child
- The health and well-being of the child in the prospective adoptive parents' home
- The level of incorporation by the child into the prospective adoptive parents' home, extended family, and community

- The level of inclusion of the child's previous history into the prospective adoptive home, such as cultural or ethnic practices

A postplacement adoption report is valid for 12 months following its date of completion.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Stat. § 259.59

Upon adoption, the adopted person shall become the legal child of the adopting persons and they shall become the legal parents of the child with all the rights and duties between them of birth parents and legitimate child. By virtue of the adoption, the adopted person shall inherit from the adoptive parents or their relatives the same as though the adopted person were the natural child of the parents, and in case of the adopted person's death intestate the adoptive parents and their relatives shall inherit the adopted person's estate as if the adopted person had been the child's birth parents and relatives.

After a decree of adoption is entered, the birth parents of an adopted person shall be relieved of all parental responsibilities for the adopted person, and they shall not exercise or have any rights over the adopted person or the adopted person's property. The adopted person shall not owe the birth parents or their relatives any legal duty nor shall the adopted person inherit from the birth parents or kindred.

Obtaining a U.S. Birth Certificate

Citation: Ann. Stat. § 144.218

In proceedings for the adoption of a person who was born in a foreign country, the court, upon hearing 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 or a certificate of adoption, 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 or certificate of adoption 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 May 2019

Requirements for Completing the Adoption

Citation: Ann. Code §§ 93-17-307; 93-15-107; 93-17-3; 93-17-11; 93-17-13

A foreign adoption may not be a full and final adoption eligible for registration if the child has an IH-4 or IR-4 U.S. visa. In that case, it will be necessary to proceed under Mississippi general adoption law because the adoption of the foreign-born child was not finalized in the country of the child's birth.

The court may waive service of process (for consent) if an adoptive child was born in a foreign country, put up for adoption in the birth country, and has been legally admitted into this country.

Any person may be adopted in accordance with the provisions of this chapter by an unmarried adult or by a married person whose spouse joins in the petition. The adoption shall be by sworn petition filed in the chancery court of the county in which the adopting petitioner or petitioners reside. The court shall have the power to change the name of the child as a part of the adoption proceedings.

At any time after the filing of the petition for adoption and before the entering of a final decree, the court may require an investigation and report to the court to be made by any person as the court may designate and shall require in adoptions that a home study be performed of the petitioners by a licensed adoption agency or by the Department of Human Services. The investigation and report shall give the material facts upon which the court may determine whether the child is a proper subject for adoption, whether the petitioners are suitable parents for the child, whether the adoption is in the child's best interests, and any other facts or circumstances that may be material to the proposed adoption.

If, upon the filing of the investigation and report and the presentation of such other evidence as may be desired by the court, the court determines that it is in the best interests of the child, the court may enter an interlocutory decree upon such terms and conditions as may be determined by the court, but including therein that the complete care, custody, and control of the child shall be vested in the petitioners until further orders of the court. During such time, the child shall be and remain a ward of the court.

A final decree of adoption shall not be entered before the expiration of 6 months from the entry of the interlocutory decree except (1) when the child has resided in the home of any petitioner prior to the granting of the interlocutory decree, in which case the court may, in its discretion, shorten the waiting period by the length of time the child has thus resided, or (2) when an adoption in a foreign country is registered under Article 9 of this chapter, the Mississippi Registration of Foreign Adoptions Act.

A final decree of adoption shall not be entered until a court-ordered home study is satisfactorily completed, if required in § 93-17-11.

Required Evidence/Documentation

Citation: Ann. Code §§ 93-17-3; 93-17-11

The adoption petition shall be accompanied by a doctor's or nurse practitioner's certificate showing the physical and mental condition of the child to be adopted and a sworn statement of all property, if any, owned by the child. In addition, the petition shall be accompanied by affidavits of the petitioners stating the amount of the service fees charged by any adoption agencies or adoption facilitators used by the petitioners and any other expenses paid by the petitioners in the adoption process as of the time of filing the petition. If the doctor's or nurse practitioner's certificate indicates any abnormal mental or physical condition or defect, the condition or defect shall not, in the discretion of the chancellor, bar the adoption of the child if the adopting parents file an affidavit stating full and complete knowledge of the condition or defect and stating a desire to adopt the child, notwithstanding the condition or defect.

The home study shall be considered by the court in determining whether the petitioners are suitable parents for the child. The court, when an investigation and report are required by the court or by this section, shall stay the proceedings in the cause for such reasonable time as may be necessary or required in the opinion of the court for the completion of the investigation and report by the person designated and authorized to make the same.

Background Studies

Citation: Ann. Code §§ 93-17-3; 93-17-14

No person may be placed in the home of or adopted by the prospective adopting parties before a court-ordered or voluntary home study is satisfactorily completed by a licensed adoption agency, a licensed social worker approved by the chancery court, or by the Department of Human Services on the prospective adoptive parties, if required by § 93-17-11.

In the case of international adoptions, a home study of the prospective adopting parents shall be valid for a period of 24 months from the date of completion.

Placement Supervision and Reporting

Citation: Ann. Code § 93-17-11

After the entry of the interlocutory decree and before entry of the final decree, the court may require such further and additional investigation and reports as it may deem proper. The rights of the parties filing the consent or served with process shall be subject to the decree but shall not be divested until entry of the final decree.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code § 93-17-13

The final decree shall adjudicate, in addition to such other provisions as may be found by the court to be proper for the protection of the interests of the child; and its effect, unless otherwise specifically provided, shall be as follows:

- That the child shall inherit from and through the adopting parents and shall likewise inherit from the other children of the adopting parents to the same extent and under the same conditions as provided for the inheritance between brothers and sisters of the full blood by the laws of descent and distribution of the State of Mississippi
- That the adopting parents and their other children shall inherit from the child, just as if such child had been born to the adopting parents in lawful wedlock
- That the child and the adopting parents and adoptive kindred are vested with all of the rights, powers, duties, and obligations, respectively, as if such child had been born to the adopting parents in lawful wedlock
- That the name of the child shall be changed if desired
- That the natural parents and natural kindred of the child shall not inherit by or through the child, except as to a natural parent who is the spouse of the adopting parent
- That all parental rights of the natural parent or parents shall be terminated, except as to a natural parent who is the spouse of the adopting parent

Nothing in this chapter shall restrict the right of any person to dispose of property under a last will and testament.

Obtaining a U.S. Birth Certificate

Citation: Ann. Code § 93-17-21

Either an original or a revised birth certificate may be issued, as hereinafter provided, 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 Director of the Bureau of Vital Statistics shall be authorized and directed to receive said certified copy of the decree of adoption and prepare therefrom, and record, a birth certificate that shall disclose the following information:

- The adoptive name of the child
- The race, sex, date of birth, and actual (town, district, and county) place of birth
- The names, races, ages, places of birth, and occupations of the adoptive parents, including the maiden name of the adoptive mother

The fact that a revised birth certificate is issued shall be indicated only by code numbers or some letter inconspicuously placed on the face of the certificate. The word 'revised' shall not appear thereon. The Director of the Bureau of Vital Statistics 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.

MISSOURI

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Stat. §§ 453.020; 453.080; Code of Regs. § 35-73.080

The petition for adoption shall state the following:

- The name, sex, and place of birth of the adoptee
- The name of his or her parents, if known to the petitioner
- The fact that petitioner is able to properly care for, maintain, and educate the minor adoptee
- If it is desired to change the name of the adoptee, the new name

The court shall conduct a hearing to determine whether the adoption shall be finalized. During the hearing, the court shall ascertain whether the following is true:

- The person sought to be adopted, if a child, has been in the lawful and actual custody of the petitioner for at least 6 months prior to entry of the adoption decree. Lawful and actual custody shall include a transfer of custody pursuant to the laws of this State, another State, a territory of the United States, or another country.
- The court has received and reviewed a postplacement assessment on the monthly contacts with the adoptive family pursuant to § 453.077.
- The court has received and reviewed an updated financial affidavit.
- The court has received and reviewed the recommendations of the guardian ad litem, the person placing the child, the person making the assessment, and the person making the postplacement assessment.
- It is fit and proper that such adoption should be made.

In regulation: Families being considered for the placement of a child from a foreign country shall meet all criteria for families adopting a child born in Missouri.

In countries where foreign government authorization or licensure of orphanages, lawyers, or others working in the field of adoption is required, agencies shall enter into agreements and working relationships regarding an adoption with those who meet the requirements of the foreign government. In countries where an agency based in Missouri is required to obtain a license or other authorization from that country, a copy of that license or authorization shall be filed with the Children's Division of the Department of Social Services.

For international placement situations in which the prospective adoptive parents must travel to the foreign country, assistance from the placing agency should include assisting or preparing the family for such travel, assistance with passport and visa, any immunizations or health concerns, and preparation for travel within the foreign culture.

For an international placement, a child-placing agency evaluating the prospective adoptive parents shall include the following in their discussion with and evaluation of the adoptive family:

- Discussion of the family's intent and ability to help the child maintain cultural/ethnic identity and familiarity with the country of origin
- Discussion of factors particular to child's country of origin (such as, medical, developmental concerns)
- Community resources available to assist the prospective adoptive parents with the adjustment following the placement of the child
- Coping with any language, cultural, or other barriers that may affect the placement

A child-placing agency must evaluate the prospective adoptive parents for the placement of a child from a foreign country, including discussion about the child's acceptance within the immediate and extended family and the community at large. The child-placing agency shall obtain and document all available information about the birth parents.

Required Evidence/Documentation

Citation: Ann. Stat. § 453.070

No decree for the adoption of a child under age 18 shall be entered for the petitioner until a full investigation has been made that includes the following:

- An assessment of the adoptive parents
- An appropriate postplacement assessment
- A summary of written reports as provided for in § 453.026
- Any other pertinent information relevant to whether the child is suitable for adoption by the petitioner and whether the petitioner is suitable as a parent for the child

The assessment of petitioner or petitioners shall be submitted to the petitioner and to the court prior to the scheduled hearing of the adoptive petition.

Background Studies

Citation: Ann. Stat. § 453.026; Code of Regs. § 35-73.080

As early as is practical before a prospective adoptive parent accepts physical custody of a child, the person placing the child for adoption shall furnish to the court, the guardian ad litem, and the prospective adoptive parent a written report regarding the child.

In regulation: Prior to adoptive placement, a comprehensive and documented assessment of each child's medical, psychological, and social development shall be completed on an age-appropriate basis by or at the direction of a child-placing agency or adoption intermediary. The assessment shall include, but not be limited to, the following information:

- Medical, social, and cultural/ethnic background information about the child's birth family
- Information on previous alternative care or adoptive placements, if applicable
- Developmental history of the prospective adoptive child, including developmental milestones and current development
- A written synopsis of any professional evaluation and treatment recommendations for the child, including medical, educational, dental, psychological, psychiatric, etc.
- The child's experiences, including the following:
 - Maternal attitudes during pregnancy and early infancy, including prenatal care and substance use
 - Continuity of parental care and affection
 - Foster care placements
 - Separation and attachment issues
 - Any history of abuse or neglect
- Language skills or education

A child-placing agency or adoption intermediary shall complete an adoptive family assessment of each eligible adoptive family prior to the placement of a child in the home. The family assessment process shall consist of the following:

- Confidential interviews with the applicants and all members of the applicants' household, as age appropriate
- A visit to the residence of the applicants that includes a complete inspection of the home

The written family assessment shall include the following:

- Identifying information on each member of the household, including the following:
 - Names, addresses, dates and places of birth, and Social Security numbers
 - Race and ethnic background

- Religion, if applicable
- Education and place of employment
- Any children, including those not in the home
- Physical description
- A social history on each applicant, including the following:
 - A description of the applicant's family of origin, including values, child rearing, relationships past and present, and discipline methods
 - Marital history and current relationships
 - Interests and hobbies
 - Physical and mental health history, including psychiatric treatment, if any, and extent of alcohol and drug use

Supplemental documentation shall include the following:

- Child abuse and neglect background screening check of the central registry
- Criminal arrest and conviction records, including a fingerprint search, from a State law enforcement agency
- Written medical reports, no more than 12 months old, on all adult members of the household
- Verifications of marriage(s) and divorce(s), if applicable
- Written documentation of income and financial resources

Placement Supervision and Reporting

Citation: Ann. Stat. § 453.077; Code of Regs. § 35-73.080

When a child has been placed with the petitioner for the required 6-month placement period, the person conducting the preplacement assessment of the adoption or other persons authorized to conduct assessments shall provide the court with a postplacement assessment. The specific content of which shall be determined by rule by the division. The postplacement assessment shall include an update of the preplacement assessment that was submitted to the court pursuant to § 453.070 and a report on the emotional, physical, and psychological status of the child.

In regulation: A child-placing agency shall provide education, training, and support to the family to facilitate positive adjustment to the placement. A child-placing agency shall maintain contact with the family during the supervision period.

For children 36 months of age and under, the agency shall do the following:

- Conduct, at a minimum, quarterly home visits until the adoption is final
- Conduct monthly telephone contacts between home visits
- Receive regular written reports from the child's pediatrician

For children older than age 3 or children with special needs, the agency shall do the following:

- Conduct one home visit within the first 10 days of placement, then, at a minimum, quarterly until the adoption is finalized
- Conduct monthly telephone contacts between home visits
- Receive regular written reports from the child's pediatrician
- If the child is in school, receive one report from school personnel regarding the child's progress every school quarter
- Interview the child privately to discuss the child's feelings about the adoption during each supervisory visit

The agency shall document in the child's record that all members of the adoptive family's household, including the adoptive child, were interviewed during supervision and that the following issues were discussed:

- How the addition of this child into the family has changed marital and sibling relationships and how extended family and friends have reacted to the adoption
- What role each family member has assumed in child care
- How parents have coped with additional responsibilities; discipline; and physical, psychological, emotional, and financial stresses
- How the family is imparting knowledge of the child's history, as age appropriate
- The child's adjustment, including health, school, and family

For an international adoption, postplacement services shall include the following:

- Attention shall be given to the child's acceptance within the extended family and the community at large.
- Discussion shall focus on any differences in appearance of the child from the family and how those differences are being addressed and resolved.
- Health concerns relative to the child's country of origin shall be noted and followed by a physician, as needed, and shall be discussed by the worker and the family.
- Postplacement reports shall be completed and forwarded to the country of origin, as required by that country.
- The agency shall offer information to the family regarding recognition of foreign decrees, transfer of custody, and adoption, as needed.
- Certified copies of the final decree of the adoption shall be kept in the case record and forwarded to the country of origin, as needed. A translation of the decree shall be retained, if applicable.
- Families shall be encouraged to complete naturalization proceedings on their adopted child.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Stat. §§ 453.080; 453.090

If the court determines the adoption should be finalized, a decree shall be issued setting forth the facts and ordering that from the date of the decree the adoptee shall be for all legal intents and purposes the child of the petitioner or petitioners. The court may decree that the name of the person sought to be adopted be changed, if requested in the petition.

When a child is adopted in accordance with the provisions of this chapter, all legal relationships and all rights and duties between the child and his or her natural parents shall cease. The child shall thereafter be deemed and held to be for every purpose the child of his or her parents by adoption, as fully as though born to them in lawful wedlock.

Obtaining a U.S. Birth Certificate

Citation: Ann. Stat. §§ 453.100; 193.125

After the entry of the decree of adoption, the clerk of the court shall immediately send to the Department of Health and Senior Services a certificate of the decree of adoption. The certificate shall set forth the following:

- The original name, the new name, sex, and date and place of birth of the person adopted
- The name of his or her natural parents, if known
- The names of the adopting parents
- Any other pertinent facts set forth in the decree of adoption on forms prescribed and furnished by the State registrar pursuant to § 193.125

In a case of adoption in this State of a person not born in any State, territory, or possession of the United States or country not covered by interchange agreements, the State registrar, upon receipt of the certificate of decree of adoption, shall prepare a birth certificate in the name of the adopted person, as decreed by the court. The State registrar shall file the certificate of the decree of adoption, and such documents may be opened by the State registrar only by an order of court. The birth certificate prepared under this section shall have the same legal weight as evidence of personal identity as a delayed or altered birth certificate, as provided in § 193.235.

MONTANA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Code §§ 42-2-104; 42-4-206; 42-5-101; 42-5-102; 42-5-105; 42-5-106

An adoption in this State of a child brought into the State from another country by a prospective adoptive parent or by a person who places the child for adoption in this State is governed by this title and is subject to any convention or treaty governing adoption that the United States has ratified and to any relevant Federal law.

After the child has been placed by the Department of Public Health and Human Services or agency with the prospective adoptive parent, the parent shall file a petition for adoption. The petition must specify the following:

- The full names, ages, and places and duration of residence of the petitioners
- The current marital status of petitioners and, if married, the place and date of the marriage
- The circumstances under which the petitioners obtained physical custody of the child and the name of the individual or agency that placed the child
- The date and place of birth of the child, if known
- The name used for the child in the proceeding and, if a change in name is desired, the full name by which the child is to be known
- That it is the desire of the petitioners that the relationship of parent and child be established between the petitioners and the child
- A full description and statement of value of all property owned or possessed by the child
- The facts, if any, that excuse consent on the part of a person whose consent is required for the adoption
- That any applicable law governing interstate or intercountry placement was complied with
- Whether a previous petition has been filed by the petitioners to adopt the child at issue or any other child in any court and the disposition of the petitions
- The name and address, if known, of any person who is entitled to receive notice of the petition for adoption

No less than 6 months from the date the child has been placed with the prospective adoptive parent, the prospective adoptive parent may apply to the court for a decree of adoption.

The petitioners and the child shall appear at the hearing, unless the presence of the child is waived by the court. The court shall examine the petition, the documents accompanying the petition, and the petitioners and shall receive evidence in support of the petition.

The court shall issue a decree of adoption awarding custody of the child to the petitioners based on the evidence received, if it determines the following:

- The child has been in the physical custody of the petitioners for at least 6 months.
- Notice of the hearing on the petition for adoption was properly served or dispensed with.

- Every necessary consent, relinquishment, waiver, disclaimer, or judicial order terminating parental rights has been obtained and filed with the court.
- Any evaluation required by this title has been filed with and considered by the court.
- The adoption is in the best interests of the child.

Required Evidence/Documentation

Citation: Ann. Code §§ 42-5-101; 42-3-213

The following documentation must be attached to or accompany the adoption petition:

- Any written consent required by § 42-2-301
- A certified copy of any court order terminating the rights of the child's parents
- A certified copy of any existing court order in any pending proceeding concerning custody of or visitation with the child
- The postplacement evaluation prepared pursuant to § 42-4-113 or 42-4-209
- A disclosure of any disbursements made in connection with the adoption proceeding

In a direct parental placement adoption, the preplacement evaluation report must be filed with the court in support of the petition to terminate parental rights for purposes of adoption.

In an adoption arranged by the department or a licensed child-placing agency, the preplacement evaluation report must be permanently maintained in the files of the department or the licensed child-placing agency.

Background Studies

Citation: Ann. Code §§ 42-3-201; 42-3-203; 42-3-204

A child may not be placed for purposes of adoption unless the person with whom a child is proposed to be placed has had a preplacement evaluation completed to determine fitness and readiness as an adoptive parent. A preplacement evaluation must include a review of the following information about the prospective adoptive parent:

- A check of criminal conviction data, data on substantiated abuse or neglect of a child, and data pertaining to any involvement in incidents of domestic violence
- Medical and social history and current health
- An assessment of potential parenting skills
- An assessment of ability to provide adequate financial support for a child
- An assessment of the level of knowledge and awareness of adoption issues, including, when appropriate, matters relating to open, interracial, cross-cultural, and special-needs adoptions

The preplacement evaluation must include at least one in-home visit with the prospective adoptive parent and at least one interview with each family member.

The preplacement evaluation report must contain the following information, if available:

- Age and date of birth, nationality, racial or ethnic background, and any religious affiliation
- Marital status and family history, including the age and location of any child of the individual and the identity of and relationship to anyone else living in the individual's household
- Physical and mental health and any history of abuse of alcohol or drugs
- Educational and employment history and any special skills
- Property and income, including outstanding financial obligations as indicated in a current credit report or financial statement furnished by the individual
- Any previous request for an evaluation or involvement in an adoptive placement and the outcome of the evaluation or placement

- Whether the individual has been charged with or convicted of domestic violence or has been involved in a substantiated charge of child abuse or neglect or elder abuse or neglect and the disposition of the charges
- Whether the individual is subject to a court order restricting the individual's right to custody or visitation with a child
- Whether the individual has been convicted of a crime other than a minor traffic violation
- Whether the individual has located a parent interested in placing a child with the individual for adoption and, if so, a brief description of the parent and the child
- Any other fact or circumstance that may be relevant in determining whether the individual is suited to be an adoptive parent, including the quality of the environment in the individual's home and the functioning of other children in the individual's household

The report must contain recommendations regarding the suitability of the subject of the study to be an adoptive parent.

Placement Supervision and Reporting

Citation: Ann. Code §§ 42-4-205; 42-4-209

Once the department or agency has received custody of the child and placed the child for adoption, the department or agency shall supervise and evaluate the placement during a 6-month postplacement evaluation period.

The department or agency shall complete a written postplacement evaluation. The postplacement evaluation must be conducted according to the department's or agency's standards for placement of a child and at a minimum must include a personal interview with the prospective adoptive parent in that person's home and observation of the relationship between the child and the prospective adoptive parent.

Upon the filing of a petition for adoption by the prospective adoptive parent, the department or agency shall file the postplacement evaluation. The evaluation must include the following information:

- Whether the child is legally free for adoption
- Whether the proposed home is suitable for the child
- A statement that the medical and social histories of the birth parents and child have been provided to the prospective adoptive parent
- An assessment of adaptation by the prospective adoptive parent to parenting the child
- A statement that the 6-month postplacement evaluation period has been complied with or should be waived
- Any other circumstances and conditions that may have a bearing on the adoption and of which the court should have knowledge
- A statement that any applicable provision of law governing an interstate or intercountry placement of the child has been complied with

The evaluation must contain a definite recommendation stating the reasons for or against the proposed adoption.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code §§ 42-5-109; 42-5-202

A decree of adoption must state the following:

- The original name of the child
- The name of the petitioner for adoption
- Whether the petitioner is married or unmarried

- Whether the petitioner is a stepparent of the child
- The name by which the child is to be known
- The child's date and place of birth, if known
- The effect of the decree of adoption, as stated in § 42-5-202
- That the adoption is in the best interests of the child
- If known, whether either birth parent objects to the release of the original birth certificate information upon the adoptee reaching age 18

After it has been entered, the decree of adoption has the following effect:

- The relationship of parent and child and all the rights, duties, and other legal consequences of the relation of parent and child exist between the adoptee and the adoptive parent and the kindred of the adoptive parent.
- The former parents and the kindred of the former parents of the adoptee, unless they are the adoptive parents or the spouse of an adoptive parent, are relieved of all parental responsibilities for the adoptee and have no rights over the adoptee, except for a former parent's duty to pay arrearages for child support.

A decree of adoption must include notice to the Vital Statistics Bureau if it is known that either birth parent objects to release of the information on the original birth certificate upon the adoptee reaching age 18.

Obtaining a U.S. Birth Certificate

Citation: Ann. Code §§ 42-5-201; 50-15-223; 50-15-311

Within 30 days after a decree of adoption becomes final, the clerk of court shall send a report of the adoption to the department. If the petitioners have requested it, the court shall order the Vital Statistics Bureau to issue a new birth certificate to the child.

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 the person 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.

For each adoption decreed by a district court, the decree must require the clerk of the court to prepare a certificate of adoption on a form prescribed and furnished by the department. The certificate of adoption must include facts that are necessary to locate and identify the date and place of birth of the adopted person or, in the case of a person who was born in a foreign country, evidence from sources determined to be reliable by the district court as to the date and place of birth of the person. The certificate of adoption also must contain information necessary to establish a new certificate of birth for the person adopted and must identify the order of adoption. The clerk of the court shall certify the certificate of adoption.

Information necessary for the clerk of the court to prepare the certificate of adoption must be furnished, by each petitioner for adoption on a form prescribed by the department, at the time that the petition for adoption is filed. A person or agency having knowledge of facts may be required by the court to supply the court with information necessary to complete the certificate of adoption. The district court may make the provision of the information for the preparation of a certificate of adoption a prerequisite to the issuance of a final decree.

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 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 to the appropriate registration authority in Canada.

NEBRASKA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Rev. Stat. §§ 43-102; 43-103; 43-109

Any person or persons desiring to adopt a minor child or an adult child shall file a petition for adoption signed and sworn to by the person or persons desiring to adopt.

Upon the filing of the petition for adoption, the court shall fix a time for a hearing. The hearing shall be held not less than 4 weeks nor more than 8 weeks after the filing of such petition unless any party for good cause shown requests a continuance of the hearing or all parties agree to a continuance. The court may require notice of the hearing to be given to the child, if over age 14; to the natural parent or parents of the child; and to such other interested persons as the judge may, in the exercise of discretion, deem advisable.

If, upon the hearing, the court finds that such adoption is in the best interests of the child, a decree of adoption shall be entered. No decree of adoption shall be entered unless the court determines the following:

- It appears that the child has resided with the petitioners for at least 6 months.
- The medical histories required by § 43-107(2) have been made a part of the court record.
- The court record includes an affidavit or affidavits signed by the relinquishing birth parent or parents, if both are available.

The court may decree such change of name for the adopted child as the petitioner or petitioners may request.

Required Evidence/Documentation

Citation: Rev. Stat. § 43-104.07

The petition for adoption of a child born in a foreign country shall be accompanied by the following:

- A document or documents from a court, official department, or government agency of the country of origin stating that the parent has consented to the adoption, stating that the parental rights of the parents of the child have been terminated, or stating that the child to be adopted has been abandoned or relinquished by the natural parents and that the child is to immigrate to the United States for the purpose of adoption
- Written consent to the adoption of the child from a child-placing agency licensed by the Department of Health and Human Services or the agency's duly authorized representative that placed the child with the adopting person or persons

The consent shall be signed and acknowledged before an officer authorized to acknowledge deeds in the State where the consent is signed and shall not require a witness.

Any document in a foreign language shall be translated into English by the Department of State or by a translator who shall certify the accuracy of the translation.

A guardian shall not be required to be appointed to give consent to the adoption of any child born in a foreign country when the consent requirements of this section have been met.

Background Studies

Citation: Rev. Stat. § 43-107

For adoption placements occurring on or after January 1, 1994, a preplacement adoptive home study shall be filed with the court prior to the hearing. The study is completed by the Department of Health and Human Services or a licensed child-placing agency within 1 year before the date on which the adoptee is placed with the petitioners and indicates that the placement of a child for adoption would be safe and appropriate.

The judge shall order the petitioner or his or her attorney to request the Nebraska State Patrol to file a national criminal history records information check by submitting two sets of fingerprint cards or an equivalent electronic submission for a Federal Bureau of Investigation background check and to request the department to conduct and file a check of the central registry for any history of the petitioner of behavior injurious to or which may endanger the health or morals of a child. An adoption decree shall not be issued until such records are on file with the court.

The preplacement or postplacement adoptive home study shall be performed as prescribed in rules and regulations of the department and shall include at a minimum an examination into the facts relating to the petitioner or petitioners as may be relevant to the propriety of such adoption.

Upon the filing of a petition for adoption, the judge shall require that a complete medical history be provided on the child, except that in the adoption of a child by a stepparent, biological grandparent, or step-grandparent who is married to the biological grandparent at the time of the adoption if both are adopting the child, the provision of a medical history shall be discretionary. On and after August 27, 2011, the complete medical history or histories required under this subsection shall include the race, ethnicity, nationality, or other cultural history of both birth parents, if available. A medical history shall be provided, if available, on the birth mother and father and their families, including, but not limited to, siblings, parents, grandparents, aunts, and uncles, unless the child is foreign born or was abandoned.

Placement Supervision and Reporting

Citation: Admin. Code Tit. 390, § 6-002.08

Postplacement services are provided before the finalization of adoption. Those services include supervision through regular family contact, home visits with both parents, visits alone with the child, and contact with other persons living in the home. A minimum of 6 months of postplacement supervision is provided. For a child with special needs, 1 year is recommended.

The department also will provide family-centered support services to do the following:

- Assist the family with the integration of the child into the family and the creation of a new family unit
- Provide assessment of progress and the need for other services
- Help the family plan for services the family will desire after finalization

Effect of Adoption Decree on Parental Rights

Citation: Rev. Stat. §§ 43-110; 43-111

After a decree of adoption is entered, the usual relation of parent and child and all the rights, duties, and other legal consequences of the natural relation of child and parent shall thereafter exist between the adopted child and the person or persons adopting the child and his, her, or their kindred.

After a decree of adoption has been entered, the natural parents of the adopted child shall be relieved of all parental duties toward and all responsibilities for the child and have no rights over the adopted child or to his or her property by descent and distribution.

Obtaining a U.S. Birth Certificate

Citation: Rev. Stat. §§ 71-626; 71-627.02

For each adoption of a Nebraska-born or foreign-born person decreed by any court of this State, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the department. The report shall be prepared as follows:

- Include the original name, date, and place of birth and the name of the parent or parents of the person
- Provide information necessary to establish a new certificate of birth of the person adopted
- Provide the name and address of the child-placing agency, if any, that placed the child for adoption
- Identify the decree of adoption and be certified by the clerk of the court

Information in the possession of the petitioner that is necessary to prepare the report of adoption shall be furnished with the petition for adoption by each petitioner or his or her attorney. The social or welfare agency or other person concerned shall supply the court with such additional information in his or her possession as may be necessary to complete the report. The supplying of such information shall be a prerequisite to the issuance of a decree.

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 shall prepare a birth certificate in the new name of the adopted person. The birth certificate specifically shall show the following:

- The new name of the adopted person
- The date of birth and sex of the adopted person
- 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 May 2019

Requirements for Completing the Adoption

Citation: Rev. Stat. §§ 127.053; 127.090; 127.110; 127.150

No consent to a specific adoption executed in this State, or executed outside this State for use in this State, is valid unless it does the following:

- Identifies the child to be adopted by name, if any; sex; and date of birth
- Is in writing and signed by the person consenting to the adoption
- Contains, at the time of execution, the name of the person or persons to whom consent to adopt the child is given
- Is attested by at least two competent, disinterested witnesses who subscribe their names to the consent in the presence of the person consenting

If neither the petitioner nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one of the witnesses must be a social worker employed by one of the following:

- A child welfare agency
- An agency licensed in this State to place children for adoption
- A comparable State or county agency of another State
- An agency authorized under the laws of another State to place children for adoption, if the birth parent resides in that State

Consent of a parent to an adoption shall not be necessary where parental rights have been terminated by an order of a court of competent jurisdiction.

A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days. The petition for adoption must state, in substance, the following:

- The full name and age of the petitioners
- The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition
- That it is the desire of the petitioners that the relationship of parent and child be established between them and the child
- Their desire that the name of the child be changed, together with the new name desired
- That the petitioners are fit and proper persons to have the care and custody of the child
- That they are financially able to provide for the child
- That there has been a full compliance with the law in regard to consent to adoption

If the court finds that the best interests of the child warrant the granting of the petition, an order or decree of adoption must be made and filed, ordering that henceforth the child is the child of the petitioners. A copy of the order or decree must be sent to the nearest office of the child welfare agency by the petitioners within 7 days after the order or decree is issued. In the decree, the court may change the name of the child, if desired.

An order or decree of adoption may not be made until after the child has lived for 6 months in the home of the petitioners.

Required Evidence/Documentation

Citation: Rev. Stat. §§ 127.057; 127.152

Any person to whom a consent to adoption executed in this State or executed outside this State for use in this State is delivered shall, within 48 hours after receipt of the executed consent to adoption, furnish a true copy of the consent, together with a report of the permanent address of the person in whose favor the consent was executed to the child welfare agency.

The child welfare agency or a licensed child-placing agency shall provide the adopting parents of a child with a report that includes the following:

- A copy of any medical records of the child that are in the possession of the agency
- Any information obtained by the agency during interviews of the birth parent regarding the following:
 - The medical and sociological history of the child and the birth parents of the child
 - Any behavioral, emotional, or psychological problems that the child may have

The child welfare agency or child-placing agency shall obtain from the adopting parents written confirmation that the adopting parents have received the report.

Background Studies

Citation: Rev. Stat. §§ 127.280; 127.2805; 127.281

A child may not be placed in the home of prospective adoptive parents for the 30-day residence that is required before the filing of a petition for adoption, unless the following has occurred:

- The child welfare agency or a child-placing agency first receives written notice of the proposed placement from one of the following:
 - The prospective adoptive parents of the child
 - The person recommending the placement
 - A birth parent
- The investigation required by the provisions of § 127.2805 has been completed
- In the case of a specific adoption, the birth parent placing the child for adoption has had an opportunity to review the report on the investigation of the home, if possible

The investigation must include an examination of the medical, mental, financial, and moral backgrounds of the prospective adoptive parents to determine the suitability of the home for placement of the child for adoption.

A prospective adoptive parent who is subject to an investigation by the child welfare agency or a child-placing agency must submit as part of the investigation a complete set of his or her fingerprints and written permission authorizing the agency to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation.

Placement Supervision and Reporting

Citation: Rev. Stat. § 127.120

A petition for adoption of a child must be filed in duplicate with the county clerk. The county clerk shall send one copy of the petition to the child welfare agency. The agency shall make an investigation and report as provided in this section.

The child welfare agency or a licensed child-placing agency shall do the following:

- Verify the allegations of the petition
- Investigate the condition of the child
- Make a proper inquiry to determine whether the proposed adopting parents are suitable for the child

The agency shall, before the date on which the child has lived for a period of 6 months in the home of the petitioners or within 30 days after receiving the copy of the petition for adoption, whichever is later, submit to the court a full written report of its findings, which must contain, without limitation, a specific recommendation for or against approval of the petition and shall furnish to the court any other information regarding the child or proposed home that the court requires.

Effect of Adoption Decree on Parental Rights

Citation: Rev. Stat. § 127.160

Upon the entry of an order of adoption, the child shall become the legal child of the persons adopting the child, and they shall become the child's legal parents with all the rights and duties between them of natural parents and legitimate child. By virtue of such adoption, the child shall inherit from his or her adoptive parents or their relatives the same as though the child were the legitimate child of such parents.

After a decree of adoption is entered, the natural parents of an adopted child shall be relieved of all parental responsibilities for the child, and they shall not exercise or have any rights over the adopted child or the property of the adopted child. The child shall not owe his or her natural parents or their relatives any legal duty, nor shall the child inherit from his or her natural parents or kindred.

Obtaining a U.S. Birth Certificate

Citation: Rev. Stat. §§ 127.157; 440.310

After an order or decree of adoption has been entered, the court shall direct the petitioner or his or her attorney to prepare a report of adoption on a form prescribed and furnished by the State Registrar of Vital Statistics. The report must do the following:

- Identify the original certificate of birth of the person adopted
- Provide sufficient information to prepare a new certificate of birth for the person adopted
- Identify the order or decree of adoption
- Be certified by the clerk of the court

The child welfare agency shall provide the petitioner or his or her attorney with any factual information that will assist in the preparation of the report.

Whenever the State registrar receives a certified report of adoption filed in accordance with the provisions of § 127.157 or the laws of another State or foreign country, the State registrar shall prepare and file a supplementary certificate of birth in the new name of the adopted person that shows the adoptive parents as the parents and seal and file the report or decree and the original certificate of birth.

Whenever the State registrar receives a certified report 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 the State registrar 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 May 2019

Requirements for Completing the Adoption

Citation: Rev. Stat. §§ 170-B:7; 170-B:16; 170-B:19; 170-B:22; 170-B:28

Surrender of parental rights is not required of parents whose parental rights have been determined to be voluntarily or involuntarily terminated by the proper authorities in another country, as evidenced by documentation issued by the U.S. Department of State and deemed acceptable by probate court rule.

A proceeding to adopt a minor child shall be commenced by the filing of a petition within 30 days after the child has been placed in an adoptive home. The following information shall accompany every petition for adoption:

- The date and place of birth of the adoptee, if known
- The name to be used for the adoptee
- The date the petitioner acquired custody of the minor and the name of the person or agency placing the minor
- The full name, age, place, and duration of residence of the petitioner
- The marital status of the petitioner, including the date of marriage, if married
- That the petitioner has facilities and resources suitable to provide for the nurture and care of the minor adoptee and that it is the desire of the petitioner to establish the relationship of parent and child with the adoptee

If at the conclusion of the hearing the court determines that the required surrenders have been obtained and that the adoption is in the best interests of the adoptee, it shall issue an interlocutory decree of adoption

that shall not become final until the minor adoptee has lived in the adoptive home for at least 6 months after placement by an agency or the Department of Health and Human Services or for at least 6 months after the department or the court has been informed of the custody of the minor by the petitioner, and the department or a licensed child-placing agency has had an opportunity to observe or investigate the adoptive home.

Within 7 days after the final decree is filed, the clerk shall send a hard copy of the report of the adoption to the commissioner and to the Department of State, Division of Vital Records Administration.

Any person or any public or private agency, before bringing into this State from any other State or country for adoption or receiving such child in this State for such purpose, shall make an application to the commissioner of the department. Such application shall be in the form prescribed by the commissioner and shall contain such information as the commissioner may require. No placement of the child shall occur until permission has been obtained from the commissioner. No petition for adoption of a child from another State or country shall be granted in the absence of compliance with this section.

Required Evidence/Documentation

Citation: Rev. Stat. § 170-B:16; Circuit Court Rules, Rule 91

As part of the adoption petition, a certified copy of the birth certificate or verification of birth record of the adoptee shall be sent to the court.

If the surrender was executed in another State or country, or medical information was not provided as required under § 170-B:9, the petitioner shall file with the court information on the age and medical and personal backgrounds of the birth parents and minor child. Such personal information may include, but not be limited to, ethnic and religious background, as is reasonably known.

If a minor child is to be adopted from another State or country, the petition shall include documentation indicating compliance with § 170-B:28.

In court rules: Unless the court orders otherwise, any one of the following documents, which indicate that the child is a foreign adoptee (IR-3 status) or the subject of a foreign guardianship awarded for the purpose of the child's adoption in the United States (IR-4 status), will be accepted by the court as evidence that the parental rights of the parents of the proposed adoptee have been voluntarily or involuntarily terminated by the proper authorities in a foreign country:

- An attested or certified copy of the adoptee's Certificate of Citizenship issued by the U.S. Citizenship and Immigration Services
- An attested or certified copy of the proposed adoptee's alien registration card indicating either IR-3 or IR-4 status
- An attested or certified copy of the proposed adoptee's passport issued in his/her country of birth, with the U.S. visa stamp affixed indicating either IR-3 or IR-4 status

Background Studies

Citation: Admin. Rules § He-C 6448.13

The child-placing agency shall conduct an assessment of the adoptive family, as follows:

- Includes at least one visit made to the home
- Consists of individual and joint meetings, when applicable, with the couple
- Involves all adults and children of sufficient understanding in the household
- Shall be completed within 6 months of the date that the application was received, unless the applicants agree in writing that the agency may extend the time allowed to complete the family assessment

- Provides written results to the applicant of the adoptive family assessment within 30 days after completing the family assessment
- Includes consideration of the following factors to assess the adoptive parent applicant's compatibility with a child and any problems the adoptive parent applicants might encounter following the adoption:
 - The adoptive parent applicants' motivation to adopt
 - If applicable, how the adoptive parent applicants have dealt with issues of their infertility
 - The adoptive parent applicants' expectations of the child and preferred child characteristics
 - The adoptive parent applicants' feelings about adoption and how adoption will be explained to the child, including the following:
 - Searches
 - Reunification
 - Open adoption (i.e., agreements for postadoption contact with birth relatives)
 - Attitude toward parents who place their child for adoption
 - The background of the child

The adoptive parent applicant shall not have been convicted of child abuse or neglect or any other serious crime that would affect the ability to care for children. The adoptive parent applicants and all household members shall be screened by the Division for Children, Youth and Families (DCYF) for any founded reports of child abuse or neglect. If a founded report is on file for any member of the adoptive parent applicant's household, DCYF staff in cooperation with staff from the child-placing agency shall conduct a complete review of the circumstances surrounding the report. If, after review, DCYF determines that the household member poses no further threat to any child, the child-placing agency shall proceed with the application process.

Other qualifications include the following:

- Adoptive parent applicants, whether married or single, have established a stable and consistent home life in that the applicant is self-sufficient and has adequate support systems, such as extended family and friends in the community who are able to assist the family.
- The applicants demonstrate good physical and emotional health, with a reasonable expectation that the good health will continue throughout the minority of the child.
- The adoptive home has sufficient physical space and accommodations for the adoptive child.
- The applicants have sufficient income to support the family and the child they wish to adopt.

Placement Supervision and Reporting

Citation: Admin. Rules § He-C 6448.15

Following placement of the child, the child-placing agency caseworker shall do the following:

- Contact the adoptive family, by phone or in person, within 3 weeks of placement
- Meet in person with the adoptive family and the child(ren) at least once every 2 months until the adoption is finalized
- Conduct at least two of the required home visits in the home of the adoptive family

Effect of Adoption Decree on Parental Rights

Citation: Rev. Stat. § 170-B:25

Upon the issuance of the final decree of adoption, the adoptee shall be considered the child of the adopting parent or parents, entitled to the same rights and privileges and subject to the same duties and obligations as if such adoptee had been born of the adopting parent or parents.

Until the issuance of the final decree of adoption, the adoptee shall be considered the child of such adoptee's birth parent or parents only with respect to inheritance rights or privileges.

Obtaining 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 and a fee of \$25 from the adoptive parents or adopted person older than age 18 for such a certificate and a report of the adoption, as provided in § 170-B:22.

A completed application for certificate of foreign birth shall include the following information:

- The county of the probate court involved
- 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
- The child's alien registration card number
- Information from both adoptive parents, if a couple is adopting, or one parent in the case where one parent is adopting, including the following:
 - Each parent's full name, including 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 or the signature of the child's legal guardian or legal representative if a minor
 - 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 for a certificate of foreign birth:

- 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 May 2019

Requirements for Completing the Adoption

Citation: Ann. Stat. §§ 9:3-43.1(b); 9:3-47

If an adopting parent files a petition in this State for adoption of a child born in a country other than the United States, 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.

When the child to be adopted has been received from an approved agency, the prospective parent shall file with the court a petition for adoption after the child has been in the home of the prospective parent for at least 6 months. Upon the filing of the petition, the court shall set a date for the adoption hearing not less than 10 nor more than 30 days from the date the petition was filed, unless a longer period is required to obtain service of notice upon one or more of the people entitled to receive notice.

If, based upon the approved agency's report and the evidence presented at the hearing, the court is satisfied that the best interests of the child would be promoted by the adoption, the court shall enter a judgment of adoption.

Required Evidence/Documentation

Citation: Ann. Stat. § 9:3-41.1

An approved agency making an investigation of the facts and circumstances surrounding the surrender of a child shall provide a prospective parent with all available information, other than information that would identify or permit the identification of the birth parent of the child, relevant to the child's development, including his or her developmental and medical history, personality, and temperament; the parent's complete medical histories, including conditions or diseases that are believed to be hereditary; any drugs or medications taken during pregnancy; and any other conditions of the parent's health that may be a factor influencing the child's present or future health.

Background Studies

Citation: Ann. Stat. § 9:3-54.2

A home study completed by an approved agency shall include a recommendation regarding the suitability of the home for the placement of a child based upon the results of State and Federal criminal history records checks for each prospective adoptive parent and each adult residing in the home. For the purposes of this section, the Federal criminal history records check conducted by the U.S. Citizenship and Immigration Services in the Department of Homeland Security on a prospective adoptive parent shall be valid for the prospective adoptive parent in fulfilling the home study requirement for the State.

A home study completed by an approved agency shall include a recommendation regarding the suitability of the home for the placement of the child based upon a check for any records that might reveal a history of child abuse or neglect by the proposed adoptive parent or member of the parent's household who is age 18 or older.

Placement Supervision and Reporting

Citation: Ann. Stat. § 9:3-47

After the petition has been filed, the court shall order the approved agency to file at least 5 days prior to the hearing a written report that shall describe the circumstances surrounding the surrender of the child and shall set forth the results of the agency's evaluation of the child, the petitioner, and any other person residing in the proposed adoptive home, including the agency's assessment of the care being received by the child and the adjustment of the child and the petitioner as members of a family.

No more than 30 days prior to the hearing, the court shall conduct a search of the records of the central registry to determine whether a prospective adoptive parent or any member of the parent's household has had a domestic violence restraining order entered against them or been charged with a violation of a court order involving domestic violence.

If the agency's report or the results of the court's search of the central registry contain any material findings or recommendations adverse to the petitioner, the agency shall serve a copy of that part of the agency's report or the results of the court's search upon the petitioner at least 5 days prior to the hearing, and the court shall appoint a guardian ad litem for the child in the adoption proceeding if the court determines that a guardian is necessary to represent the best interests of the child.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Stat. § 9:3-50

The entry of a judgment of adoption shall establish the same relationships, rights, and responsibilities between the child and the adopting parent as if the child were born to the adopting parent in lawful wedlock.

The entry of a judgment of adoption shall do the following:

- Terminate all parental rights and responsibilities of the parent toward the adoptive child, except for a parent who is the spouse of the petitioner and except those rights that have vested prior to entry of the judgment of adoption
- Terminate all rights of inheritance under intestacy from or through the parent, unless that parent is the spouse of the petitioner or that parent or other relative had died prior to the judgment of adoption
- Terminate all rights of inheritance under intestacy from or through the child that existed prior to the adoption

Obtaining a U.S. Birth Certificate

Citation: Ann. Stat. §§ 9:3-52(b); 26:8-40.1

Upon entry of a judgment of adoption, the clerk of the court shall certify to the State registrar, any successor agency, or any similar agency in the State or country of the child's birth, the date of entry of the judgment, the names of the adopting parent or parents, the name of the child, the date and place of birth of the child, and the new name of the child, if changed by the judgment of adoption.

When any person is adopted pursuant to provisions of the laws of any State or country, and the adoption has been certified to the State registrar as required by § 9:3-52(b), or a certification or a certified copy of the decree or judgment of the court in the adoption proceedings is submitted, the State registrar shall establish, in lieu of the original birth record, a certificate of birth showing the following:

- The name of the adopted person as changed by the decree of adoption, if changed
- The date and place of birth
- The names of the adopting parents or parent, including the maiden name of the female adopting parent if that name is given in the certification or certified copy of the decree or judgment of the court
- The date of filing

The certificate of birth shall be of the same general type as is used in making a birth certificate for a person who has not been adopted.

The State Registrar may file the new 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. The new certificate shall be filed upon receipt of the following:

- A request for the certificate from the court, the adopting parent, or the adopted person if that person is age 18 or older
- Proof that the adopting parent is a resident of this State
- An official copy of the judgment of adoption

- A certified translation of the foreign adoption record
- Proof of the date and place of the child's birth
- Proof of the child's 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,' which also shall be shown upon any copy of the certificate issued. 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 February 2019

Requirements for Completing the Adoption

Citation: Ann. Stat. §§ 32A-5-26; 32A-5-36

A petition for adoption shall include the following:

- The full name, age, and place and duration of residence of the petitioner and, if married, the place and date of marriage
- The date and place of birth of the adoptee, if known
- The places where the adoptee has lived within the past 3 years
- The birth name of the adoptee, any other names by which the adoptee has been known, and the adoptee's proposed new name
- Where the adoptee is residing at the time of the filing of the petition and, if the adoptee is not living with the petitioner, when the adoptee will commence living with the petitioner
- That the petitioner desires to establish a parent-and-child relationship with the adoptee and that the petitioner is a fit and proper person able to care and provide for the adoptee's welfare
- The relationship, if any, of the petitioner to the adoptee
- The name and address of the placing agency, if any
- Whether the adoptee is foreign born and, if so, copies of the child's passport and U.S. visa and of all documents demonstrating that the adoptee is legally free for adoption, including a certificate from the U.S. Secretary of State that certifies that the adoption is a convention adoption
- Whether the adoption is a convention adoption and, if so, the petition shall allege the following:
 - That the country in which the child has been residing is a party to the Hague Convention
 - That the agency or person who is providing the adoption service has been approved as an accrediting entity
 - That the certificate issued by the U.S. Secretary of State that certifies the adoption as a convention adoption has been filed with the court

The court shall conduct hearings on the petition for adoption to determine the rights of the parties in a manner that protects confidentiality. The petitioner and the adoptee shall attend the hearing, unless the court for good cause waives a party's appearance. The petitioner shall present and prove each allegation set forth in the petition for adoption by clear and convincing evidence.

The court shall grant a decree of adoption if it finds that the petitioner has proved the following by clear and convincing evidence:

- The court has jurisdiction to enter a decree of adoption affecting the adoptee.
- The adoptee has been placed with the petitioner for 90 days if the adoptee is under age 1 at the time of placement or for 180 days if the adoptee is age 1 or older.
- The petitioner is a suitable adoptive parent and the best interests of the adoptee are served by the adoption.

The decree of adoption shall include the new name of the adoptee and shall not include any other name by which the adoptee has been known or the names of the former parents. A decree of adoption shall be entered within 6 months of the filing of the petition if the adoptee is under age 1 at the time of placement or 12 months if the adoptee is age 1 or older at the time of placement.

Required Evidence/Documentation

Citation: Ann. Stat. § 32A-5-36

The petitioner shall file all documents required pursuant to the Adoption Act and serve the Children, Youth and Families Department with copies of the documents simultaneously with the request for hearing on the petition for adoption.

The court shall grant a decree of adoption if it finds that the petitioner has proved the following by clear and convincing evidence:

- All necessary consents, relinquishments, terminations, or waivers have been obtained.
- The postplacement report required by § 32A-5-31 has been filed with the court.
- Service of the petition for adoption has been made or dispensed with as to all persons entitled to notice.
- If the adoptee is foreign born, the child is legally free for adoption and a certificate issued by the U.S. Secretary of State that certifies the adoption as a convention adoption has been filed with the court.
- The results of the criminal records check required pursuant to provisions of the Adoption Act have been received and considered.

Background Studies

Citation: Ann. Stat. §§ 32A-5-14; 32A-5-14.1

The preplacement study shall be performed, as prescribed by department regulation, and shall include at a minimum the following:

- An individual interview with each petitioner
- A joint interview with both petitioners
- A home visit, which shall include an interview with the petitioner's children and any other permanent residents of the petitioner's home
- An interview with the adoptee, if age appropriate
- An individual interview with each of the adoptee's parents
- Exploration of the petitioners' philosophy concerning discussion of adoption issues with the adoptee
- Initiation of a criminal records check of each petitioner
- A medical certificate dated not more than 1 year prior to any adoptive placement assessing the petitioner's health as it relates to the petitioner's ability to care for the adoptee
- A minimum of three letters of reference from individuals named by the petitioner
- A statement of the capacity and readiness of the petitioner for parenthood and the petitioner's emotional and physical health and ability to shelter, feed, clothe, and educate the adoptee
- Verification of the petitioner's employment, financial resources, and marital status
- A statement of the results of any prior preplacement study or initiation of a preplacement study, if any, of the petitioners done by any person

The preplacement study shall be filed with the court.

A nationwide criminal history records check shall be conducted on a person who files a petition to adopt a child and on other adults residing in the prospective adoptive household. A person who files a petition to adopt a child shall provide the department with a set of fingerprints. The department is authorized to use the set of fingerprints to conduct a background check of the person providing the fingerprints by submitting the fingerprints to the Department of Public Safety and the Federal Bureau of Investigation.

Placement Supervision and Reporting

Citation: Ann. Stat. § 32A-5-31

The postplacement report shall be completed, as prescribed by department regulations, and shall include the following:

- The expressed desires of the parents as to the kind of adoptive family sought
- The interaction between the adoptee and petitioner
- The adjustment of the adoptee since placement
- The integration and acceptance of the adoptee in the petitioner's family
- The petitioner's ability to meet the physical and emotional needs of the adoptee
- Whether the adoptive home is a suitable home for the proposed adoption
- Whether the adoption is in the best interests of the adoptee
- The type and frequency of postplacement services given to the petitioner
- Orders, judgments, or decrees affecting the adoptee or children of the petitioner
- Property owned by the adoptee
- The costs, expenses, and professional fees connected with the adoption
- Other circumstances that are relevant to the adoption of the adoptee by the petitioner
- When the adoptee is placed by an agency, an itemized agency statement of all payments made to any person or entity in connection with the adoption, including the date paid, the amount paid, the payee, and the purpose of the payment

The postplacement report shall contain an evaluation of the proposed adoption with a recommendation as to the granting of the petition for adoption and other information required by the court.

The investigation for the postplacement report shall be conducted by the department, an agency, or an investigator. The department, agency, or investigator shall observe the adoptee and interview the petitioner in the petitioner's home as soon as possible after the receipt of notice of the action but, in any event, within 30 days after receipt of the notice.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Stat. § 32A-5-37

Once adopted, an adoptee shall take a name designated by the petitioner.

After adoption, the adoptee and the petitioner shall sustain the legal relation of parent and child as if the adoptee were the birth child of the petitioner and the petitioner were the birth parent of the child. The adoptee shall have all rights and be subject to all the duties of that relation, including the right of inheritance from and through the petitioner, and the petitioner shall have all rights and be subject to all duties of that relation, including right of inheritance from and through the adoptee.

Obtaining a U.S. Birth Certificate

Citation: Ann. Stat. §§ 32A-5-38; 24-14-17; 24-14-19

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 adoptee, showing the petitioner as the adoptee's parent, and shall provide the application to the clerk of the court. The petitioner shall forward the application to 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, based on evidence from the petitioner and other reliable State or Federal sources, on the date and place of birth of the adoptee. These findings shall be certified by the court and included with the application for a birth certificate.

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

For each adoption decreed by a court in this State, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the State registrar. The report shall include such facts as are necessary to locate and identify the certificate of birth of the adoptee, shall provide information necessary to establish a new certificate of birth of the adoptee, and shall identify the order of adoption and be certified by the clerk of the court.

The State registrar shall establish a certificate of birth for a person of foreign birth adopted under New Mexico law when the registrar receives the following:

- A certified copy of a judgment of adoption granted by the court
- An order issued by the court to establish a certificate of birth for that adoptee
- Any other evidence as provided in § 24-14-17 necessary to establish a new certificate of birth

The certificate of birth established under this section shall be on a form prescribed by the State registrar and shall show the probable country of birth, pursuant to the findings of the court, and shall state that the certificate is not evidence of U.S. citizenship.

NEW YORK

Current Through May 2019

Requirements for Completing the Adoption

Citation: Dom. Rel. § 115-a

In the case of a child whose admission to the United States as an eligible orphan with nonquota immigrant status pursuant to the Federal Immigration and Nationality Act is sought for the purpose of adoption in the State of New York, the following preadoption requirements shall be observed:

- The adoptive parents or parent must submit a verified written application containing the information set forth below, in such form as is necessary for a judge to order a preadoption investigation to determine whether the adoption may be in the best interests of the child.
- The adoptive parents or parent must appear for examination before the judge of the court where the preadoption proceedings are instituted.
- The application must be accompanied by documentary evidence (1) that the child is an alien under age 16 and (2) that he or she is an orphan because of the death or disappearance of both parents; separation or loss from both parents; or who has only one parent due to the death or disappearance of, abandonment, or desertion by, or separation or loss from the other parent, and the remaining parent is incapable of providing care for such orphan and has in writing irrevocably released the child for emigration and adoption and has consented to the proposed adoption.
- The application must include additional releases and consents as the court may require.

On the return of the preadoption investigation, the judge shall examine the written report of the preadoption investigation and shall determine whether to issue a preadoption certificate.

If the court is satisfied that the adoption may be in the best interests of the child and that there has been compliance with all requirements, and the court is satisfied that the moral and temporal interests of the child will be promoted by the adoption, the judge shall issue a certificate setting forth the fact that a preadoption investigation has been conducted.

The private-placement adoption of children who have been brought into the United States and the State for such purpose and placed with the adoptive parent or parents shall be effected after issuance of the preadoption certificate, except that (a) the petition also shall recite the preadoption proceedings and (b) the court may, in its discretion for good cause shown, waive a subsequent investigation. In such case, the order of adoption shall recite the reason for such action.

In any case where there has been a failure to comply with the requirements of this section, if applicable, no order of adoption shall be made until 1 year after the court shall have received the petition to adopt. The court may shorten such waiting period for good cause shown, and, in such case, the order of adoption shall recite the reason for such action.

Required Documentation

Citation: Dom. Rel. § 115-a

When the orphan has no remaining parent under the circumstances described in statute, documentary evidence must be presented that the person, public authority, or duly constituted agency having lawful custody of the orphan at the time of the making of the application for adoption has in writing irrevocably released the child for immigration and adoption; has consented to the proposed adoption; and that the adoptive parents agree to adopt and treat the adoptive child as their own lawful child.

The verified written application shall contain the following information:

- The names and place of residence of the adoptive parents
- Whether they are of full age
- Whether they are married or unmarried and, if married, whether they are living together as husband and wife
- The name, date, and place of birth of the adoptive child, as nearly as can be ascertained
- The religious faith of the adoptive parents
- The religious faith of the adoptive child and his or her parents, as nearly as can be ascertained
- The medical history of the adoptive child, as nearly as can be ascertained
- The occupation and approximate income of the adoptive parents
- The name by which the adoptive child is to be known
- That no previous application has been made to any court or judge for adoption or if so made, the disposition of it
- A statement as to whether the adoptive child has been previously adopted, if such fact is known to the adoptive parents
- The facts that establish that the child is an eligible orphan who would be entitled to enter the United States with nonquota immigrant status for the purpose of adoption in New York State
- The circumstances whereby, and names and addresses of the intermediaries, if any, through whom the adoptive parents learned of the existence and eligibility of the child
- The names and addresses of the person or persons, public authority, or duly constituted agency in the land of the child's residence executing the written release of the child for emigration and adoption, and the consent to the adoption
- The circumstances under which the release and consent were obtained, insofar as they are known to the adoptive parents

The verified written application also shall contain the following information about the adoptive child's birth parents, to the extent that it can be determined:

- The parents' nationality, ethnic background, and race
- The number of years of school completed by the parents at the time of the birth of the child

- General physical appearance of the parents at the time of the birth of the child, including height; weight; and color of hair, eyes, and skin
- Occupation of the parents at the time of the birth of the child
- Health and medical history of the parents at the time of the birth of the child, including all available information about conditions or diseases believed to be hereditary
- Any drugs or medication taken during pregnancy by the child's mother
- Any other information that may be a factor influencing the child's present or future health
- Talents, hobbies, and special interests of the parents

Background Studies

Citation: Dom. Rel. § 115-a

Upon receiving the verified written application, required documentary evidence, agreement, and consents, the judge, upon finding that the applicable provisions of § 115-a have been complied with and that it appears that the proposed adoption may be in the best interests of the child, shall issue an order of preadoption investigation. The order of preadoption investigation shall require that the report of such investigation be made by a disinterested person, who in the opinion of the judge is qualified by training and experience, or by an authorized agency specifically designated by the judge to examine into the statements set forth in the application. The investigator shall make a written report of his or her investigation into the truth and accuracy of the statements in the application and, where applicable, into the validity of the documentary evidence submitted with the application. The investigator shall ascertain as fully as possible and incorporate in his or her report the various factors that may bear upon the determination of the application for adoption, including, but not limited to, the following information:

- The marital and family status and history of the adoptive parents
- The physical and mental health of the adoptive parents
- The property owned by and the income of the adoptive parents
- The compensation paid or agreed upon with respect to the placement of the child for adoption
- Whether either adoptive parent has ever been a respondent in any proceeding concerning allegedly neglected, abandoned, or delinquent children
- The desirability of bringing the child into New York State for private-placement adoption
- Any other facts relating the familial, social, religious, emotional, and financial circumstances of the adoptive parents that may be relevant to a determination of suitability of the adoption

The written report of preadoption investigation shall be submitted to the judge within 30 days after the court has ordered it to be made, unless for good cause shown the judge shall grant a reasonable extension of such period. The report shall be filed with the judge, in any event, before the court shall issue its preadoption certificate that it appears that the adoption is in the best interests of the child.

Placement Supervision and Reporting

Citation: Dom. Rel. § 116

When the adoptive child is younger than age 18, no order of adoption shall be made until 3 months after the court has received the petition to adopt.

At the time of receiving the petition, agreement, and consents, the judge, upon finding that the applicable provisions of this title have been complied with and that it appears that the adoption may be in the best interests of the child, shall issue an order of investigation. The order shall direct that the investigation shall not unnecessarily duplicate any previous investigations that have been made of the petitioner.

A postplacement investigation conducted pursuant to the provisions of this section shall be made by a disinterested person who, in the opinion of the judge or surrogate, is qualified by training and experience to perform postplacement investigations. The investigator shall make a written report of his or her investigation into the truth and accuracy of the allegations of the petition, and, where applicable, into the statements contained in the affidavit required by § 115 of this title, and he or she shall ascertain as fully as possible and incorporate in the report the various factors that may bear upon the determination of the application for adoption, including, but not limited to, the following information:

- The marital and family status and history of the adoptive parents and adoptive child
- The physical and mental health of the adoptive parents and adoptive child
- The property owned by and the income of the adoptive parents
- The compensation paid or agreed upon with respect to the placement of the child for adoption
- Whether either adoptive parent has ever been respondent in any proceeding concerning allegedly abused, neglected, abandoned, or delinquent children
- Any other facts relating to the familial, social, religious, emotional, and financial circumstances of the adoptive parents that may be relevant to a determination of adoption

The written report of investigation shall be submitted to the judge within 30 days after the same is directed to be made, unless for good cause shown the judge shall grant a reasonable extension of such period. The report shall be filed with the judge, in any event, before the final order of adoption is granted.

If the judge has found that there has been compliance with all requirements and is satisfied that the best interests of the child will be promoted by granting an order of adoption, the provisions of § 114 shall apply.

Effect of Adoption Decree on Parental Rights

Citation: Dom. Rel. § 117

After the making of an order of adoption, the birth parents of the adoptive child shall be relieved of all parental duties toward and of all responsibilities for and shall have no rights over such adoptive child or to his or her property by descent or succession. The rights of an adoptive child to inheritance and succession from and through his birth parents shall terminate upon the making of the order of adoption.

The adoptive parents and the adoptive child shall sustain toward each other the legal relation of parent and child and shall have all the rights and be subject to all the duties of that relation, including the rights of inheritance from and through each other and the birth and adopted kindred of the adoptive parents or parent.

Obtaining a U.S. Birth Certificate

Citation: Pub. Hlth. Law § 4138-b

Whenever the adoption or finalization of a foreign adoption has been reported to the Commissioner of Health, the commissioner shall file a birth certificate for the child, provided there is no other birth certificate or other birth record on file other than in the country where the child was born and that a certificate of birth data does not exist for that person. Such birth certificate shall be filed upon receipt of the following:

- 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 in which the child was adopted
- 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 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. A birth certificate for a foreign-country adoption that has been filed by a local registrar and all supporting documentation shall be submitted by the local registrar to the commissioner who shall file a new birth certificate pursuant to this section.

NORTH CAROLINA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Gen. Stat. §§ 48-1-108.1; 48-2-304; 48-2-601; 48-2-603

If the adoption of the adoptee is subject to the Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention), the provisions of the Hague Adoption Convention shall control the individual's adoption. Documentation establishing whether the Hague Adoption Convention applies to an adoptee may be filed, and copies thereof may be certified by the court before or after the decree of adoption has been granted.

The petition for adoption shall state the following:

- Each petitioner's full name, current address, and whether each petitioner has resided in this State for the 6 months immediately preceding the filing of the petition
- The marital status and gender of each petitioner
- The sex and, if known, the date and State or country of birth of the adoptee
- The full name by which the adoptee is to be known if the petition is granted
- That the petitioner desires and agrees to adopt and treat the adoptee as the petitioner's lawful child
- A description and estimate of the value of any property of the adoptee
- The length of time the adoptee has been in the physical custody of the petitioner
- That the petitioner has the resources to provide for the care and support of the adoptee
- That any required assessment has been completed or updated within the 18 months before the placement
- That all necessary consents, relinquishments, or terminations of parental rights have been obtained and will be filed as additional documents with the petition
- A description of the source of placement and the date of placement of the adoptee with the petitioner

If it appears to the court that a petition to adopt a minor is not contested, the court may dispose of the petition without a formal hearing.

No later than 90 days after a petition for adoption has been filed, the court shall set a date and time for hearing or disposing of the petition. The hearing or disposition must take place no later than 6 months after the petition is filed.

At the hearing on a petition to adopt a minor, the court shall grant the petition upon finding by a preponderance of the evidence that the adoption will serve the best interests of the adoptee and upon finding the following:

- At least 90 days have elapsed since the filing of the petition for adoption.
- The adoptee has been in the physical custody of the petitioner for at least 90 days.
- Each necessary consent, relinquishment, waiver, or judicial order terminating parental rights has been obtained and filed with the court and the time for revocation has expired.
- Any assessment required by this chapter has been filed with and considered by the court.

- Each petitioner is a suitable adoptive parent.
- Any accounting and affidavit required under § 48-2-602 has been reviewed by the court.
- The petitioner has received information about the adoptee and the adoptee's birth family, if required by § 48-3-205.
- There has been substantial compliance with the provisions of this chapter.

Required Evidence/Documentation

Citation: Gen. Stat. §§ 48-2-305; 48-3-206

The petitioner shall file the following documents:

- Any required affidavit of parentage executed under § 48-3-206
- Any required consent or relinquishment that has been executed
- A certified copy of any court order terminating the rights and duties of a parent or a guardian of the adoptee
- A copy of any required preplacement assessment certified by the agency that prepared the assessment
- A copy of any document containing the information required under § 48-3-205 concerning the health, social, educational, and genetic history of the adoptee and the adoptee's original family, which the petitioner received before the placement or at any later time
- A writing that states the name of any individual whose consent is or may be required, but who has not executed a consent or a relinquishment or whose parental rights have not been legally terminated, and any fact or circumstance that may excuse the lack of consent or relinquishment

Any document required under this section that is available to the petitioner when the petition is filed shall be filed with the petition. Any document required under this section that is not available when the petition is filed shall be filed as the document becomes available. The petitioner may also file any other document necessary or helpful to the court's determination.

To assist the court in determining that a direct placement was valid and all necessary consents have been obtained, the parent or guardian who placed the minor shall execute an affidavit setting out names, last known addresses, and marital status of the minor's parents or possible parents. If the placing parent or guardian is unavailable to execute the affidavit, the affidavit may be prepared by a knowledgeable individual who shall sign the affidavit and indicate the source of the individual's knowledge.

In an agency placement, the agency shall obtain from at least one individual who relinquishes a minor to the agency an affidavit setting out the required information. This affidavit is not necessary when the agency acquires legal and physical custody of a minor for purposes of adoptive placement by a court order terminating the parental rights of a parent or guardian.

Background Studies

Citation: Gen. Stat. §§ 48-3-301; 48-3-303

Placement of a minor may occur only if a written preplacement assessment has been completed or updated within the 18 months immediately preceding the placement, and the assessment contains a finding that the individual who is the subject of the assessment is suitable to be an adoptive parent.

A preplacement assessment shall be completed within 90 days after a request has been made. The assessment must include at least one personal interview with each individual being assessed in the individual's residence.

The assessment shall, after a reasonable investigation, report on the following about the individual being assessed:

- Age and date of birth, nationality, race or ethnicity, and any religious preference
- Marital and family status and history, including the presence of any children born to or adopted by the individual and any other children in the household

- Physical and mental health, including any addiction to alcohol or drugs
- Educational and employment history and any special skills
- Property, income, and current financial information
- Reason for wanting to adopt
- Any previous request for an assessment or involvement in an adoptive placement and the outcome of the assessment or placement
- Whether the individual has ever been a respondent in a domestic violence proceeding or a proceeding concerning a minor who was allegedly abused, dependent, neglected, abandoned, or delinquent and the outcome of the proceeding
- Whether the individual has ever been convicted of a crime other than a minor traffic violation
- Whether the individual has located a parent interested in placing a child with the individual for adoption and a brief, nonidentifying description of the parent and the child
- Any other fact or circumstance that may be relevant to a determination of the individual's suitability to be an adoptive parent, including the quality of the environment in the home and the functioning of any children in the household

Placement Supervision and Reporting

Citation: Gen. Stat. §§ 48-2-501; 48-2-502; 48-2-503

Whenever a petition for adoption of a minor is filed, the court shall order a report to the court made to assist the court in determining if the proposed adoption of the minor by the petitioner is in the minor's best interests.

In preparing a report to the court, the agency shall conduct a personal interview with each petitioner in the petitioner's residence and at least one additional interview with each petitioner and the adoptee. In addition, the agency shall observe the relationship between the adoptee and the petitioners.

The report must be in writing and contain the following:

- An account of the petitioner's marital or family status; physical and mental health; home environment; and property, income, and financial obligations, including any changes that have occurred since the filing of the preplacement assessment
- All reasonably available nonidentifying information concerning the physical, mental, and emotional condition of the adoptee required by § 48-3-205 that is not already included in the document prepared under that section
- Copies of any court order, judgment, decree, or pending legal proceeding affecting the adoptee, the petitioner, or any child of the petitioner relevant to the welfare of the adoptee
- A list of the expenses, fees, or other charges incurred, paid, or to be paid in connection with the adoption that can reasonably be ascertained by the agency
- Any fact or circumstance known to the agency that raises a specific concern about whether the proposed adoption is contrary to the best interests of the adoptee because it poses a significant risk of harm to the well-being of the adoptee
- A finding by the agency concerning the suitability of the petitioner and the petitioner's home for the adoptee
- A recommendation concerning the granting of the petition

In an agency adoption, the report shall be written in such a way as to exclude all information that could reasonably be expected to lead directly to the identity of the adoptee at birth or any former parent or family member of the adoptee, and any copies of documents included in the report shall be redacted to exclude this information.

The agency shall complete a written report and file it with the court within 60 days after the mailing or delivery of the order under § 48-2-501, unless the court extends the time for filing.

If the agency identifies a specific concern about the suitability of the petitioner or the petitioner's home for the adoptee, the agency must file an interim report immediately, which must contain an account of the specific concern. The agency shall indicate in the final report whether its concerns have been satisfied and in what manner.

Effect of Adoption Decree on Parental Rights

Citation: Gen. Stat. § 48-1-106

A decree of adoption effects a complete substitution of families for all legal purposes after the entry of the decree.

A decree of adoption establishes the relationship of parent and child between each petitioner and the individual being adopted. From the date of the signing of the decree, the adoptee is entitled to inherit real and personal property by, through, and from the adoptive parents in accordance with the statutes on intestate succession and has the same legal status, including all legal rights and obligations of any kind whatsoever, as a child born the legitimate child of the adoptive parents.

A decree of adoption severs the relationship of parent and child between the individual adopted and that individual's biological or previous adoptive parents. After the entry of a decree of adoption, the former parents are relieved of all legal duties and obligations due from them to the adoptee, and the former parents are divested of all rights with respect to the adoptee.

Obtaining a U.S. Birth Certificate

Citation: Gen. Stat. §§ 48-2-606; 48-9-107(a); 130A-108

A decree of adoption must state at least the following:

- The name and gender of each petitioner for adoption
- Whether the petitioner is married, a stepparent, or single
- The name by which the adoptee is to be known
- Information to be incorporated in a new standard certificate of birth to be issued by the State registrar
- The adoptee's date and place of birth, if known or as determined in the section below in the case of an adoptee born outside the United States
- The effect of the decree of adoption, as set forth in § 48-1-106
- That the adoption is in the best interests of the adoptee

In stating the date and place of birth of an adoptee born outside the United States, the court shall do the following:

- Enter the date and place of birth as stated in the certificate of birth from the country of origin, the U.S. Department of State's report of birth abroad, or the documents of the U.S. Immigration and Naturalization Service*
- If the exact place of birth is unknown, enter the information that is known, including the country of origin
- If the exact date of birth is unknown, determine and enter a date of birth based upon medical evidence by affidavit or testimony as to the probable chronological age of the adoptee and other evidence the court finds appropriate to consider

A decree of adoption must not contain the name of a former parent of the adoptee.

Upon receipt of a report of the adoption of a minor from the Division of Social Services of North Carolina Department of Health and Human Services or a report of an adoption from another State, the State registrar shall prepare a new birth certificate for the adoptee that shall contain the following:

- The adoptee's full adoptive name, sex, State of birth, 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

The new certificate shall contain no reference to the adoption of the adoptee and shall not refer to the adoptive parents in any way other than as the adoptee's parents.

In the case of an adopted individual born in a foreign country and residing in this State at the time of application, the State registrar shall, 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 signed by the clerk of court or other appropriate official, prepare a certificate of identification for the individual. The certificate shall contain the same information required by § 48-9-107(a) for individuals adopted in this State, except that the country of birth shall be specified in lieu of the State of birth.

**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.*

NORTH DAKOTA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Cent. Code §§ 14-15-17; 14-15-09; 14-15-12; 14-14-13

A decree of court terminating the relationship of parent and child or establishing the relationship 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.

Effective January 1, 2020: A petition for adoption must be signed and verified by the petitioner, filed with the clerk of the court, and state the following:

- The date and place of birth of the individual to be adopted, if known
- The name to be used for the individual to be adopted
- The date the petitioner acquired custody or the date of placement of the minor and the name of the individual placing the minor
- 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
- That the petitioner has facilities and resources suitable to provide for the nurture and care of the minor to be adopted and that it is the desire of the petitioner to establish the relationship of parent and child with the individual to be adopted
- A description and estimate of value of any property of the individual to be adopted
- The name of any individual whose consent to the adoption is required but who has not consented and facts or circumstances that excuse the lack of the individual's consent normally required to the adoption

A final decree of adoption may not be issued and an interlocutory decree of adoption does not become final until the minor to be adopted has lived in the adoptive home for at least 6 months.

The petitioner and the individual to be adopted shall appear at the hearing on the petition, unless the presence of either is excused by the court for good cause shown.

If, at the conclusion of the hearing, the court determines that the required consents have been obtained and that the adoption is in the best interests of the individual to be adopted, the court may do either of the following:

- Issue a final decree of adoption
- Issue an interlocutory decree of adoption that by its own terms automatically becomes a final decree of adoption on a day specified in the decree, a date that may not be less than 6 months nor more than 1 year after the minor was placed in the adoptive home

Required Evidence/Documentation

Citation: Cent. Code §§ 14-15-09; 14-15.1-02; 14-15.1-04

Effective January 1, 2020: A certified copy of the birth certificate or verification of birth record of the individual to be adopted, if available, and the required consents and relinquishments must be filed with the clerk.

A birth parent or identified adoptive parent may file with the court a petition to relinquish parental rights with respect to a minor child to the identified adoptive parent. The written consent of any birth parent to the adoption must accompany the petition. The written consent of the identified adoptive parent to assume custody must be filed with the petition.

A written report of the investigation must be filed with the court by the investigator before the petition is heard.

Background Studies

Citation: Cent. Code §§ 15-15-11; 14-15.1-04

Effective January 1, 2020: An investigation must be made by a licensed child-placing agency to inquire into the conditions and antecedents of a minor sought to be adopted and of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interests of the minor.

The report of the investigation must contain the following:

- A review of the child's history
- A preplacement adoption assessment of the petitioner, including a criminal history record investigation of the petitioner
- A postplacement evaluation of the placement with a recommendation as to the granting of the petition for adoption
- Any other information the court requires regarding the petitioner or the minor

Before a hearing under this chapter, the report of a child-placing agency must be filed with the court. The child-placing agency shall serve a copy of the report upon the birth parent, the identified adoptive parent, the guardian ad litem, and the department of human services at least 7 days before the hearing. The report must include the following:

- A recommendation as to whether the home of the identified adoptive parent is a suitable home for the placement of the child
- A preplacement adoption assessment indicating how the identified adoptive parent's emotional maturity, finances, health, relationships, criminal history record, and any other relevant factors may affect the identified adoptive parent's ability to accept, care for, and provide the child with an adequate environment in which to mature
- The medical and social history of the birth parent, including an assessment regarding the birth parent's understanding and acceptance of the action
- If the child has been born before the filing of the report, a medical and developmental history of the child

Placement Supervision and Reporting

Citation: Cent. Code § 14-15-13

Effective January 1, 2020: In an interlocutory decree of adoption, the court shall provide for observation, investigation, and further report on the adoptive home during the interlocutory period.

Effect of Adoption Decree on Parental Rights

Citation: Cent. Code § 14-15-14

A final decree of adoption and an interlocutory decree of adoption that has become final, whether issued by a court of this State or of any other place, have the following effect as to matters within the jurisdiction or before a court of this State:

- To relieve the birth parents of the adopted individual of all parental rights and responsibilities and to terminate all legal relationships between the adopted individual and the individual's relatives, including the individual's birth parents, so that the adopted individual thereafter is a stranger to the individual's former relatives for all purposes, including inheritance
- To create the relationship of parent and child between petitioner and the adopted individual, as if the adopted individual were a legitimate blood descendant of the petitioner, for all purposes, including inheritance

An interlocutory decree of adoption, while it is in force, has the same legal effect as a final decree of adoption.

Obtaining a U.S. Birth Certificate

Citation: Cent. Code §§ 14-15-18; 23-02.1-17

Within 30 days after an adoption decree becomes final, the clerk of the court shall prepare an application for a birth record in the new name of the adopted individual. In the case of the adoption of an individual 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 individual. These findings must be certified by the court and included with the report of adoption filed with the State Registrar of Vital Statistics pursuant to § 23-02.1-17.

For each adoption decreed by any court in this State, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the State registrar. The report must do the following:

- Provide such facts as are necessary to locate and identify the birth record for the person adopted
- Provide information necessary to establish a new birth record for the person adoptee
- Identify the order of adoption and be certified by the clerk of court

Information in the possession of the petitioner necessary to prepare the adoption report must be furnished with the petition for adoption by each petitioner for adoption or petitioner's attorney. The Department of Human Services or other persons concerned shall supply the court with such additional information as may be necessary to complete the report. The provision of such information is a prerequisite to the issuance of a final decree.

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 and whose adoption was finalized in North Dakota, the State registrar shall prepare a new birth record upon presentation of a report of adoption, as required by § 23-02.1-17.

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.

When a new birth record is established, the actual place and date of birth must be shown. The new birth record must be substituted for the original birth record.

NORTHERN MARIANA ISLANDS

Current Through May 2019

Requirements for Completing the Adoption

Citation: Commonwealth Code Tit. 8, §§ 1415, 1408, 1411

A decree of court terminating the relationship of parent and child or establishing the relationship 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 within the jurisdiction of the Commonwealth shall be determined as though the decree were issued by a court of the Commonwealth.

A petition for adoption shall be signed and verified by the petitioner, filed with the clerk of the court, and state or include the following:

- The date and place of birth, if known, and the period of residency in the Commonwealth, of the individual to be adopted
- The name to be used for the individual to be adopted
- The date the petitioner acquired custody and placement of the minor and the name of the person placing the minor
- The full name; age; place; duration of residence; and, in the case of an alien, immigration status of the petitioner
- The marital status of the petitioner, including the date and place of marriage, if married
- Facts showing that the petitioner has facilities and resources suitable to provide for the nurture and care of the minor to be adopted and that it is the desire of the petitioner to establish the relationship of parent and child with the individual to be adopted
- A description and estimate of value of any property of the individual to be adopted
- The name of any person whose consent to the adoption is required but who has not consented and facts or circumstances that excuse the lack of his or her consent normally required to the adoption

The petitioner and the individual to be adopted shall appear at the hearing on the petition, unless the presence of either is excused by the court for good cause shown. If, at the conclusion of the hearing, the court determines that the required consents have been obtained or excused and that the adoption is in the best interests of the individual to be adopted, it may do either of the following:

- Issue a final decree of adoption
- Issue an interlocutory decree of adoption that, by its own terms, may become a final decree of adoption on a day therein specified, which day shall not be less than 6 months nor more than 1 year from the date of issuance of the decree, unless sooner vacated by the court for good cause shown

Required Evidence/Documentation

Citation: Commonwealth Code Tit. 8, § 1408

A certified copy of the birth certificate or verification of birth record of the individual to be adopted, if available, and the required consents and relinquishments shall be filed with the clerk of the court. All foreign documents shall be authenticated according to procedure set forth by the orders or rules of the superior court.

Background Studies

Citation: Commonwealth Code Tit. 8, § 1410

If the court so orders, an investigation ('home study') shall be made by the Division of Youth Services or its designee or any other qualified person or agency designated by the court to inquire into the conditions and the antecedents of a minor sought to be adopted and of the petitioner to determine whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interests of the minor.

A written report of the investigation shall be filed with the court by the investigator before the petition is heard. The report shall contain an evaluation of the placement with a recommendation as to the granting of the petition for adoption and any other information the court requires regarding the petitioner or the minor.

Placement Supervision and Reporting

Citation: Commonwealth Code Tit. 8, § 1411

In an interlocutory decree of adoption, the court may provide for observation, investigation, and further report on the adoptive home during the interlocutory period.

Effect of Adoption Decree on Parental Rights

Citation: Commonwealth Code Tit. 8, § 1412

A final decree of adoption and an interlocutory decree of adoption that has become final, whether issued by a court of the Commonwealth or of any other place, have the following effect as to matters within the jurisdiction or before a court of the Commonwealth:

- Except with respect to a spouse of the petitioner and relatives of the spouse in the case of a stepparent adoption, to relieve the natural parents of the adopted individual of all parental rights and responsibilities and to terminate all legal relationships between the adopted individual and his or her relatives, including his or her natural parents, so that the adopted individual thereafter is a stranger to his or her former relatives for all purposes, including inheritance
- To create the relationship of parent and child between the petitioner and the adopted individual, as if the adopted individual were a legitimate blood descendant of the petitioner, for all purposes including inheritance

Obtaining a U.S. Birth Certificate

Citation: Commonwealth Code Tit. 8, § 1417

After the decree has become effective, a certified copy of the decree of adoption shall be sent to the Commonwealth Recorder's office. The Commonwealth Recorder's office shall cause to be made 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 May 2019

Requirements for Completing the Adoption

Citation: Ann. Code §§ 3107.18; 3107.05; 3107.11; 3107.14

Except when giving effect to such a decree would violate the public policy of this State, a court decree terminating the relationship of parent and child or establishing the relationship 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 petition for adoption shall include the following information:

- The date and place of birth of the person to be adopted, if known
- The name of the person to be adopted, if known
- The name to be used for the person to be adopted
- The date of placement of a minor and the name of the person placing the minor
- 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
- The relationship to the petitioner of the person to be adopted
- That the petitioner has facilities and resources suitable to provide for the nurture and care of the person to be adopted
- That it is the desire of the petitioner to establish the relationship of parent and child with the person to be adopted
- A description and estimate of value of all property of the person to be adopted
- The name and address, if known, of any person whose consent to the adoption is required but who has not consented and facts that explain the lack of the consent normally required to the adoption

After the filing of a petition to adopt an adult or a minor, the court shall fix a time and place for hearing the petition. The hearing may take place at any time more than 30 days after the date on which the minor is placed in the home of the petitioner.

The petitioner and the person sought to be adopted shall appear at the hearing on the petition, unless the presence of either is excused by the court for good cause shown. If, at the conclusion of the hearing, the court finds that the required consents have been obtained or excused and that the adoption is in the best interests of the person sought to be adopted as supported by the evidence, it may issue either of the following:

- A final decree of adoption
- An interlocutory order of adoption that by its own terms automatically becomes a final decree of adoption on a date specified in the order, which, date shall not be less than 6 months or more than 1 year from the date the person to be adopted is placed in the petitioner's home

Required Evidence/Documentation

Citation: Ann. Code §§ 3107.05; 3107.09

A certified copy of the birth certificate of the person to be adopted, if available, and ordinary copies of the required consents, and relinquishments of consents, if any, shall be filed with the clerk.

The Department of Job and Family Services shall prescribe and supply forms for the taking of social and medical histories of the birth parents of a minor available for adoption. The social history shall include the following information about the parents:

- Age, ethnic, racial, religious, marital, and physical characteristics
- Educational, cultural, talent and hobby, and work experience background
- A medical history that identifies major diseases, malformations, allergies, ear or eye defects, major conditions, and major health problems that are or may be congenital or familial
- Social and medical information relative to the minor's other ancestors

An assessor shall file the social and medical histories of the birth parents with the court with which a petition to adopt the child is filed. The court promptly shall provide a copy of the social and medical histories to the petitioner. In a case involving the adoption of a minor by any person other than the minor's stepparent or grandparent, a court may refuse to issue an interlocutory order or final decree of adoption if the histories of the parents have not been filed, unless the assessor certifies to the court that information needed to prepare the histories is unavailable for reasons beyond the assessor's control.

Background Studies

Citation: Ann. Code § 3107.031; Admin. Code § 5101:2-48-12

An assessor shall conduct a home study for the purpose of ascertaining whether a person seeking to adopt a minor is suitable to adopt. A written report of the home study shall be filed with the court at least 10 days before the petition for adoption is heard.

The report shall contain the opinion of the assessor as to whether the person who is the subject of the report is suitable to adopt a minor and other information and documents specified in rules adopted by the department. The assessor shall not consider the person's age when determining whether the person is suitable to adopt if the person is old enough to adopt.

In regulation: The following is required for the home study:

- Face-to-face interviews with all members of the household over age 4
- Documentation of current marital status, including a marriage certificate, divorce decree, or other verification of marital status, if applicable
- The Bureau of Criminal Investigation and Federal Bureau of Investigation reports for all persons subject to a criminal records check
- A search of the Statewide Automated Child Welfare Information System for any abuse and neglect report history for each adoptive applicant and each adult who resides with the applicant
- A check of the child abuse and neglect registry of any other State an applicant or other adult household member has resided in the prior 5 years
- Written documentation of a physical examination for the applicant and all members of the household
- Verification that the applicant has an income sufficient to meet the basic needs of the household
- A review of personal references

Placement Supervision and Reporting

Citation: Ann. Code §§ 3107.14; 3107.101; 3107.12

In an interlocutory order of adoption, the court shall provide for observation, investigation, and a further report on the adoptive home during the interlocutory period.

No later than 7 days after a minor to be adopted is placed in a prospective adoptive home, the assessor providing placement or postplacement services in the prospective adoptive home shall begin monthly home visits in that home, until the court issues a final decree of adoption. During the home visits, the assessor

shall evaluate the progression of the placement in the prospective adoptive home. During the home visit, the assessor shall make face-to-face contact with the prospective adoptive parent and the minor to be adopted.

An assessor shall conduct a prefinalization assessment of a minor and petitioner before a court issues a final decree of adoption or finalizes an interlocutory order of adoption for the minor. On completion of the assessment, the assessor shall prepare a written report of the assessment and provide a copy of the report to the court before which the adoption petition is pending.

The report of a prefinalization assessment shall include all of the following:

- The adjustment of the minor and the petitioner to the adoptive placement
- The present and anticipated needs of the minor and the petitioner, as determined by a review of the minor's medical and social history, for adoption-related services
- The physical, mental, and developmental condition of the minor
- If known, the minor's birth family background, including identifying information about the birth or other legal parents
- The reasons for the minor's placement with the petitioner, the petitioner's attitude toward the proposed adoption, and the circumstances under which the minor was placed in the home of the petitioner
- The attitude of the minor toward the proposed adoption, if the minor's age makes this feasible
- If known, the minor's psychological background, including prior abuse of the child and behavioral problems of the child

The assessor shall file the prefinalization report with the court no later than 20 days prior to the date scheduled for the final hearing on the adoption, unless the court determines there is good cause for filing the report at a later date. The assessor shall provide a copy of the written report of the assessment to the petitioner with the identifying information about the birth or other legal parents redacted.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code § 3107.15

A final decree of adoption and an interlocutory order of adoption that has become final as issued by a court of this State, or a decree issued by a jurisdiction outside this State as recognized pursuant to § 3107.18, shall have the following effects as to all matters within the jurisdiction or before a court of this State:

- To relieve the birth or other legal parents of the adopted person of all parental rights and responsibilities and to terminate all legal relationships between the adopted person and the adopted person's relatives, including the adopted person's birth or other legal parents, so that the adopted person thereafter is a stranger to the adopted person's former relatives for all purposes, including inheritance
- To create the relationship of parent and child between petitioner and the adopted person, as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes, including inheritance

An interlocutory order of adoption, while it is in force, has the same legal effect as a final decree of adoption.

Obtaining a U.S. Birth Certificate

Citation: Ann. Code §§ 3107.19; 3705.12; 3705.122

If the adopted person was born in this State or outside the United States, the court shall forward all of the following to the Department of Health within 30 days after an adoption decree becomes final:

- A copy of the adopted person's certificate of adoption
- The form prescribed under § 3017.083(A)(1) regarding release of records from the confidential adoption file
- A statement of whether the adopted person was adopted before or after September 18, 1996

Upon receipt of the items sent by a probate court pursuant to § 3107.19 concerning the adoption of a child born in this State whose adoption was decreed on or after January 1, 1964, the department shall issue, unless otherwise requested by the adoptive parents, a new birth record using the child's adopted name and the names of and data concerning the adoptive parents. The new birth record shall have the same overall appearance as the record that would have been issued under § 3705.09 if the adopted child had been born to the adoptive parents.

The department shall issue a foreign birth record, as follows:

- On receipt of the items sent by a probate court pursuant to § 3107.19 concerning the adoption of a person born in a foreign country, unless the adoptive parents or adopted person over age 18 requests that such record not be issued
- On receipt of an order issued under § 3107.18

A foreign birth record shall be the same in all respects as a birth record issued under § 3705.12, except that it shall show the actual country of birth. After registration of the birth record in the new name of the adopted person, the department shall place the items sent by the probate court in an adoption file and seal the file. The contents of the adoption file are not a public record and shall be made available only in accordance with § 3705.126.

OKLAHOMA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Stat. Tit. 10, § 7502-1.4

A minor born outside of the United States without a decree, judgment, or final adoption order issued by a court or other governmental authority with appropriate jurisdiction in a foreign country may be adopted in Oklahoma if one or both of the petitioners for adoption are citizens of Oklahoma and the minor is residing in Oklahoma at the time the petition for adoption 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 birth parent and without requiring the consent of the birth 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 or a document or documents from such a governmental body stating one of the following:
 - The birth parent has consented to the adoption.
 - The parental rights of the birth parent of the minor have been terminated.
 - The minor to be adopted has been relinquished by the birth parent.
 - The minor has been abandoned.
- If a minor born outside of the United States is in the legal custody of a child-placing agency at the time that the petition for adoption is filed, notice of the proceedings shall be given to the child-placing agency prior to the hearing on the petition, and the consent of the child-placing agency to the adoption shall be obtained prior to the granting of the decree of adoption.
- The court may waive the issuance of an interlocutory decree of adoption and the waiting period of 6 months provided in §§ 7505-6.1 and 7505-6.3 and grant a final decree of adoption, if both of the following apply:
 - 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.

Any document in a foreign language shall be translated into English by the Department of State or by a translator who shall certify the accuracy of the translation. A copy of the translation and certification shall be filed with the court along with a copy of the original documents.

Required Evidence/Documentation

Citation: Ann. Stat. Tit. 10, §§ 7505-6.2; 7504-1.2(D)

Before the final hearing on the petition for adoption, the following must be filed in the proceeding, when available:

- A certified copy of the birth certificate or other record of the date and place of birth of the minor
- Any consent, extra judicial consent, or permanent relinquishment with respect to the minor that has been executed
- A certified copy of any court order terminating the parental rights of the minor's parents or guardian
- A certified copy of any existing court order or the petition in any pending proceeding concerning custody of or visitation with the minor
- A copy of any home study performed on the petitioners
- The name and address, if known, of any person who is entitled to receive notice of the proceeding for adoption
- The affidavit of expenditures
- A copy of the medical and social history report
- Affidavits of nondisclosure, if any, signed by a birth parent
- Copies of the results of State and national criminal background checks and searches of the sex offender registry and child abuse and neglect files
- Any such other document or information required by the court

If an item required by this section is not available, the person responsible for furnishing the item shall file an affidavit explaining its absence.

A petition for adoption may not be granted until a copy of the medical and social history report is filed with the court. If the court finds that information or records required by § 7505-1.1 cannot be obtained by the reasonable efforts of the Department of Human Services or child-placing agency placing the minor, or by the attorney for the adoptive parent in a direct-placement adoption, or by the person who placed the minor for adoption in a direct-placement adoption in which the adopted parent is unrepresented, the court may accept the report and proceed with the adoption.

Background Studies

Citation: Ann. Stat. Tit. 10, § 7505-5.3

A home study must include, at a minimum, the following:

- An appropriate inquiry to determine whether the proposed home is a suitable one for the minor and any other circumstances and conditions that may have a bearing on the adoption and of which the court should have knowledge
- Documentation of at least one individual interview with each parent, each school-aged child, and any other household member; one joint interview; a home visit; and three written references
- Verification that the home is a healthy, safe environment in which to raise a minor, as well as verification of marital status, employment, income, access to medical care, physical health and history
- A review of a criminal background check and a child abuse and neglect information system check

A preplacement home study or update that is being used solely for the purposes of international adoption shall not require a national fingerprint-based criminal background search in addition to the one required by the U.S. Immigration and Naturalization Service.*

An international home study shall contain a review of a State criminal background check, a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act, and a search of the child abuse and neglect information system maintained for review by authorized entities by the Department of Human Services.

An international home study or home study update must include a statement that the home study recommendation is for international adoption purposes only and may not be used as the basis for a domestic adoption without the addition of a review of the results of a national fingerprint-based criminal background search if such would be required by this section.

The report of the home study or home study update shall become a part of the files in the case and shall contain a definite recommendation for or against the proposed adoption and the reasons therefor.

**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.*

Placement Supervision and Reporting

Citation: Ann. Stat. Tit. 10, § 7505-5.3(F)

Following issuance of an interlocutory decree of adoption, or if the interlocutory decree is waived, prior to issuance of a final decree, the investigator conducting the home study or another qualified investigator shall observe the minor in the proposed adoptive home and report in writing to the court on any circumstances or conditions that may have a bearing on the granting of a final adoption decree. If the interlocutory decree was not waived, the investigator must certify that the final examination described in this subsection has been made since the granting of the interlocutory order. This supplemental report shall include a determination as to the legal availability or status of the minor for adoption and shall be filed prior to the final decree of adoption.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Stat. Tit. 10, § 7505-6.5

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

After a final decree of adoption is entered, the birth parents of the adopted child, unless they are the adoptive parents or the spouse of an adoptive parent, shall be relieved of all parental responsibilities for the child and shall have no rights over the adopted child or to the property of the child by descent and distribution.

Obtaining a U.S. Birth Certificate

Citation: Ann. Stat. Tit. 10, § 7505-6.6

For each adoption, the attorney or child-placing agency handling the adoption shall prepare and the clerk of the court shall certify, within 30 days after the decree becomes final, a certificate of such decree on a form furnished by the State Registrar of Vital Statistics.

The State registrar, upon receipt of a certificate of a decree of adoption, shall prepare a supplementary birth certificate in the new name of the adopted person with the names of the adoptive parents listed as the parents.

The city and county of the place of birth, the hospital, and the name of the physician shall not be changed from the information provided on the original certificate of birth. If the adopted person was born in a foreign country, the State registrar shall prepare a certificate of foreign birth.

The State registrar shall seal and file the original certificate of birth, if any, with the certificate of decree of adoption and the affidavit of nondisclosure, if any, attached. Upon receipt of a certificate of a court order of annulment of adoption, the State registrar shall restore the original certificate to its original place in the files.

OREGON

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Stat. §§ 109.315; 109.327

A petition for adoption of a minor child must contain the following:

- The full name of the petitioner
- The State and length of residency in the State of the petitioner and information sufficient to establish that the residency requirement has been met
- The current marital or domestic partnership status of the petitioner
- An explanatory statement as to why the petitioner is of sufficient ability to bring up the child and furnish suitable nurture and education
- The full name, gender, and date and place of birth of the child
- The name and relationship to the child of any person who has executed a written release or surrender of parental rights or has given written consent
- A statement of the facts and circumstances under which the petitioner obtained physical custody of the child, including date of placement with the petitioner for adoption and the name and relationship to the child of the individual or entity placing the child with the petitioner
- The length of time that the child has been in the physical custody of the petitioner and, if the child is not in the physical custody of the petitioner, the reason why and the date and manner in which the petitioner will obtain physical custody of the child
- Unless waived, a statement that a current home study was completed
- A declaration made under penalty of perjury that the petition, and the information and statements contained in the petition, are true to the best of the petitioner's knowledge and belief

An agency or other organization, public or private, located entirely outside of this State, acting in loco parentis, may consent to the adoption of a child under the custody, control, or guardianship of such agency or organization or officer or executive thereof, if the agency or organization is licensed or otherwise has authority in the jurisdiction in which the agency or other organization is located to consent to adoptions in loco parentis. When consent is given under this section, no other consent is required.

When consent is given under this section, the following documents shall be filed in the adoption proceeding:

- A certified copy of the court order; the written authorization from the parent, parents, or other person; or both a court order and such written authorization, as the case may be, that enables consent to be given in loco parentis under the law of such other jurisdiction
- Written formal consent by the agency or other organization, or the officer or executive thereof, to the proposed adoption, showing that sufficient and satisfactory investigation of the adopting parties has been made and recommending that the adoption be granted

Required Evidence/Documentation

Citation: Ann. Stat. §§ 109.315; 109.342

A petition filed under § 109.309 must, if applicable, have the following attached as exhibits:

- Any written release or surrender of the minor child for adoption, or a written disclaimer of parental rights
- Any written consent to the adoption
- Any certificate of irrevocability and waiver
- Any continuing contact agreement under § 109.305
- The written disclosure statement required under § 109.311
- Any other supporting documentation necessary to comply with the petition requirements in this section and § 109.309

Before any judgment of adoption of a minor is entered, the court shall be provided a medical history of the child and of the birth parents as complete as possible under the circumstances. When possible, the medical history shall include, but need not be limited to, the following:

- A medical history of the adoptee from birth up to the time of adoption, including disease, disability, congenital or birth defects, and records of medical examinations of the child, if any
- Physical characteristics of the birth parents, including age at the time of the adoptee's birth; height; weight; and color of eyes, hair, and skin
- A gynecologic and obstetric history of the birth mother
- A record of potentially inheritable genetic or physical traits or tendencies of the birth parents or their families
- Any other useful or unusual information that the birth parents are willing to provide

The names of the birth parents shall not be included in the medical history.

Background Studies

Citation: Ann. Stat. § 109.309(7); Admin. Rules § 413-120-0220

In a proceeding for the adoption of a child, a current home study must be approved by either the Department of Human Services or an Oregon licensed adoption agency for the purpose of demonstrating that the petitioner meets the minimum standards for adoptive homes as set forth in the department's administrative rules.

In regulation: The department accepts applications for an adoption home study from Oregon residents applying to adopt a child in the custody of a public child welfare agency in another country following a request from the agency in the other country. An application submitted to the department must include all of the following:

- An adoption application form
- A signed, valid release of information from each applicant who is a subject of the adoption home study allowing the adoption home study to be released to appropriate individuals
- An adoptive family information and placement preference form, unless the department determines this is not required due to the existing relationship between the child and the applicant
- Financial information, current within 12 months of application, demonstrating the ability of the applicant to meet the needs of the family and the child to be adopted
- Medical information current within 24 months of application
- When applicable, mental health information
- When applicable, copy of marriage certificate, divorce verification, or death certificate of a spouse
- Consent to a criminal offender information records check for each applicant and all household members age 18 and older

- Consent to a child abuse and neglect background check for each adoptive applicant and all household members age 18 and older
- Names and contact information of four references, two of whom may be relatives of the adoptive applicant, who can attest to the character and ability of the adoptive applicant to provide safe and protective care for a child

Placement Supervision and Reporting

Citation: Ann. Stat. § 109.309(8); Admin. Rules § 413-120-0860

Within 90 days after service upon the Director of Human Services, the department shall investigate and file for the consideration of the judge before whom the petition for adoption is pending a placement report containing information regarding the status of the child and evidence concerning the suitability of the proposed adoption. The court shall file and retain the placement report filed under this section in the same location in the records, papers, and files in the court's record of the adoption case as the petition and exhibits are located.

In regulation: Postplacement supervision must include all of the following:

- Monthly face-to-face contact with the child
- Assessment of the child's safety and well-being
- Services and supports to assist the adoptive parent in meeting the requirements described in regulation
- Documentation from the supervising worker that includes the supervision reports and a recommendation regarding finalization of the adoption

Effect of Adoption Decree on Parental Rights

Citation: Ann. Stat. § 109.381

After the expiration of 1 year from the entry of a judgment of adoption in this State, the validity of the adoption shall be binding on all persons, and it shall be conclusively presumed that the child's natural parents and all other persons who might claim to have any right to or over the child have abandoned the child and consented to the entry of such judgment of adoption and that the child became the lawful child of the adoptive parents or parent at the time when the judgment of adoption was rendered.

Obtaining a U.S. Birth Certificate

Citation: Ann. Stat. §§ 432.223; 432.245(7)

For each judgment of adoption entered by a court of competent jurisdiction in this State, the court shall require the preparation of a report of adoption on a form prescribed and furnished by the State Registrar of the Center for Health Statistics. The report of adoption must comply with the following:

- Include facts that the State registrar deems necessary to locate and identify the report of live birth of the person adopted
- If the person was born in a foreign country, provide evidence from sources determined to be reliable by the court of the date and place of live birth
- Include information necessary to establish a replacement report of live birth of the adopted person
- Identify the final order of the judgment of adoption
- Be certified or authenticated by the clerk of the court as provided by the State registrar by rule

Information necessary to prepare a report of adoption must be furnished by the petitioner for adoption or by the petitioner's legal representative. The Department of Human Services or any other person having knowledge of the facts shall supply the court with additional information that is necessary to complete the report of adoption. A court must receive the information required by this section before issuing a judgment of adoption.

If a live birth occurred in a foreign country and the child is not a citizen of the United States at the time of live birth, the State registrar shall prepare a record of foreign live birth, as provided in § 432.245. If the live birth occurred in a neighboring country, the State registrar also shall send a copy of the report of adoption to the appropriate authority.

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 a judgment of adoption was issued by a court of competent jurisdiction in this State if the court, the parents adopting the child, or the adopted person who 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 or as provided by rule of the State registrar.

PENNSYLVANIA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Cons. Stat. 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 also shall 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 therefor.

The court shall develop a foreign adoption registration form and instructions for its use. The adopting parent or parents shall sign the foreign adoption registration form indicating that they have read and understand the information provided. The form shall include statements indicating that the foreign adoption may not be a full and final adoption if the following are true:

- Both parents, or just 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 or its equivalent.
- 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 filed in accordance with the subsection above 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 court.

In cases in which 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, as defined in § 2907 (relating to certificate of adoption). The clerk also shall 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.

Required Evidence/Documentation

Citation: Cons. Stat. Tit. 23, §§ 2702; 2711; 2533; 2534

The adoption petition shall have attached to it the following exhibits:

- The consent or consents required by § 2711 (relating to consents necessary to adoption)
- If not already filed with a report of an intermediary, the exhibits enumerated in § 2534 (relating to exhibits)

Any consent given outside this Commonwealth shall be valid for purposes of this section if it was given in accordance with the laws of the jurisdiction where it was executed.

Within 6 months after filing the report of intention to adopt, the intermediary that arranged the adoption placement of any child under age 18 shall make a written report to the court in which the petition for adoption will be filed. The report shall set forth the following:

- The name and address of the intermediary
- The name, sex, racial background, age, date and place of birth, and religious affiliation of the child
- The date of the placement of the child with the adopting parent or parents
- The name; racial background; age; marital status, as of the time of birth of the child and during 1 year prior thereto; and religious affiliation of the parents of the child
- Identification of proceedings in which any decree of termination of parental rights, or parental rights and duties, with respect to the child was entered
- The residence of the parents or parent of the child, if there has been no such decree of termination
- A statement that all consents required by § 2711 are attached as exhibits or the basis upon which the consents are not required
- An itemized accounting of monies and consideration paid or to be paid to or received by the intermediary or to or by any other person or persons to the knowledge of the intermediary by reason of the adoption placement
- A full description and statement of the value of all property owned or possessed by the child
- A statement that no provision of any statute regulating the interstate placement of children has been violated with respect to the placement of the child
- If no birth certificate or certification of registration of birth can be obtained, a statement of the reason therefor
- A statement that medical history information was obtained and if not obtained, a statement of the reason therefor

The report of the intermediary shall have attached to it the following exhibits:

- A birth certificate or certification of registration of birth of the child, if it can be obtained
- All consents to adoption required by § 2711
- A certified copy of any decree of termination of parental rights or parental rights and duties made by a court other than the court in which the petition for adoption will be filed

Background Studies

Citation: Cons. Stat. Tit. 23, § 2530

No intermediary shall place a child in the physical care or custody of a prospective adoptive parent or parents unless a home study containing a favorable recommendation for placement of a child with the prospective parent or parents has been completed within 3 years prior thereto and that has been supplemented within one

1 prior thereto. The home study shall be conducted by a local public child care agency, an adoption agency, or a licensed social worker designated by the court to perform such study.

A preplacement report shall be prepared by the agency or person conducting the home study. The preplacement report shall set forth all pertinent information relating to the fitness of the adopting parents as parents. The preplacement report shall be based upon a study that shall include an investigation of the following:

- The home environment
- Family life and parenting skills
- The ages of the parents and their physical and mental health
- Social, cultural, and religious background
- The facilities and resources of the adoptive parents
- Their ability to manage their resources

The preplacement report shall include a determination regarding the fitness of the adopting parents as parents.

Placement Supervision and Reporting

Citation: Cons. Stat. Tit. 23, §§ 2724; 2531; 2535

The court may request that an investigation be made by a person or agency to verify the statements of the petition and such other facts that will give the court full knowledge of the desirability of the proposed adoption. In any case, the age; sex; health; social and economic status; or racial, ethnic, or religious background of the child or adopting parents shall not preclude an adoption, but the court shall decide its desirability on the basis of the physical, mental, and emotional needs and welfare of the child.

Every person who has received custody or physical care of any child younger than age 18 for the purpose or with the intention of adopting the child shall report to the court in which the petition for adoption will be filed. The report shall set forth the following:

- The circumstances surrounding the persons receiving or retaining custody or physical care of the child, including the date upon which a preplacement investigation was concluded
- The name, sex, racial background, age, date and place of birth, and religious affiliation of the child
- The name and address of the intermediary
- An itemized accounting of monies and consideration paid or to be paid to the intermediary
- Whether the parent or parents whose parental rights are to be terminated have received counseling with respect to the termination
- The name, address, and signature of the person or persons making the report
- A copy of the preplacement report

When a report required by § 2531 (relating to report of intention to adopt) has been filed, the court shall cause an investigation to be made and a report filed by a local public child care agency, a voluntary child care agency with its consent, or an appropriate person designated by the court. The investigation shall cover all pertinent information regarding the following:

- The child's eligibility for adoption and the suitability of the placement, including the physical, mental, and emotional needs and welfare of the child
- The child's and the adopting parents' age, sex, health, and racial, ethnic, and religious background

Effect of Adoption Decree on Parental Rights

Citation: Cons. Stat. Tit. 23, § 2902

If satisfied that the statements made in the petition are true, that the needs and welfare of the person proposed to be adopted will be promoted by the adoption, and that all requirements of this part have been met, the court shall enter a decree so finding and directing that the person proposed to be adopted shall have all the rights of a child and heir of the adopting parent or parents and shall be subject to the duties of a child to them.

Obtaining 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 of Health shall, upon request, complete and register a birth certificate upon receipt of a certified copy of the decree of adoption, together with proof of the date and place of the child's birth.

The birth certificate shall show the new name of the child, as specified in the decree of adoption, 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 8 U.S.C. § 1431 or 1433 and whose parent presents documents from the U.S. Department of State, the U.S. Department of Justice, the Immigration and Naturalization Service, and the 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 May 2019

Requirements for Completing the Adoption

This issue is not addressed in the statutes reviewed.

Required Evidence/Documentation

This issue is not addressed in the statutes reviewed.

Background Studies

This issue is not addressed in the statutes reviewed.

Placement Supervision and Reporting

This issue is not addressed in the statutes reviewed.

Effect of Adoption Decree on Parental Rights

This issue is not addressed in the statutes reviewed.

Obtaining a U.S. Birth Certificate

Citation: Ann. Laws Tit. 24, § 1139

In a case in which the adoptee 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 transfer to the corresponding officer of the adoptee's birth place a certified copy of the judgment issued by the court in the adoption case.

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.

RHODE ISLAND

Current Through May 2019

Requirements for Completing the Adoption

Citation: Gen. Laws §§ 15-7-3; 15-7-4; 15-7-5

Whenever any person brings a child not related to him or her into this State for the purpose of adoption, he or she or they shall make a report to the Department of Children, Youth and Families (DCYF) within 15 days of the entry of the child into this State.

Any person residing in Rhode Island may petition the family court for leave to adopt as his or her child any person younger than him or herself and younger than age 18 and, if desired, for a change of the child's name.

The parents of the child, or their survivor, shall, except as provided in this section, consent in writing to the adoption or the petition shall be dismissed. If neither parent is living, the guardian of the person of the child, or, if there is no guardian, the next of kin, may give consent; or, if there is no next of kin, the court may appoint some suitable person to act in the proceedings as next friend of the child and to give or withhold the consent.

Required Evidence/Documentation

Citation: Gen. Laws § 15-7-2.1

In those cases where a child is placed for adoption by DCYF or a licensed child-placing agency, the agency shall provide a preadoption report in writing to the prospective adoptive parents as early as practicable after the filing of a termination of parental rights or direct-consent adoption petition and before a prospective adoptive parent agrees to accept the child for purposes of adoption. The preadoptive report shall include the following information that is reasonably available within the records of DCYF or the child-placing agency that is placing a child for adoption:

- A current medical, dental, developmental, and psychological history of the child, including the following:
 - An account of the child's prenatal care, medical condition at birth, and developmental milestones
 - Any medical, psychological, or psychiatric examination and diagnosis related to the child
 - Any physical, sexual, or emotional abuse or neglect suffered by the child
 - Any developmental assessment and a record of any immunizations and health care received while the child was in foster or other care
 - The child's enrollment and performance in school and any special educational needs
 - Any adjudications of waywardness and/or delinquency
- If the child has undergone any genetic testing, and the agency is aware of the results, the results of those tests

- If the child has been tested for HIV, and the agency is aware of the results, the results of that test
- The age, race, religion, ethnicity, and general physical appearance of the birth parents
- The educational levels of the birth parents, including any known diagnosed learning disabilities
- The relationship between the birth parents; the age and sex of any other children born to the parents; and, if a parent is deceased, the cause of and the age at death
- Nonidentifying medical, substance abuse, and mental health histories of the birth parents and siblings and any known allergies or hereditary, genetic, or metabolic diseases
- Any drugs and medications taken by the child's birth mother during pregnancy
- The circumstances of any judicial order terminating the parental rights of a parent for abuse, neglect, abandonment, or other mistreatment of the child
- The length of time the child has been in the care of the agency and the child's placement history

Background Studies

Citation: Gen. Laws § 15-7-11

Upon the filing of a petition for the adoption of a minor child, the court shall notify DCYF. It shall then be the duty of DCYF to verify the allegations of the petition and to make an appropriate investigation to determine whether the proposed adoptive home is a suitable home for the child. DCYF shall, within 60 days, submit to the court a full report, in writing, with a recommendation as to the granting of the petition and any other information regarding the child or the proposed home that the court shall require.

When the petition for adoption concerns a child who has been placed for adoption by a licensed child-placing agency, the court may accept the home-study report of the child-placing agency in lieu of the investigation and recommendation of DCYF, provided the child-placing agency includes in its home-study report any criminal record of the prospective adoptive parent.

The following information shall be included in all home studies submitted to the court:

- Identifying information on all household members, including minor children, and the current needs of each child
- Information regarding the prospective adoptive parent's motivation and reasons for the adoption
- Current background information on the prospective adoptive parents, including written self-assessment
- Child care experience and parenting philosophy of the prospective adoptive parents
- Information regarding past and present marriage and/or partnership relationships
- Current medical and psychological conditions, including addiction to drugs or alcohol of any prospective adoptive parents, that may be seriously detrimental to the health and welfare of children
- Description of the home and local community, including any health and safety concerns regarding the home
- Information regarding the finances and employment of the prospective adoptive parents
- Reference letters from at least three individuals, at least two of whom are nonrelatives
- Results of background checks with DCYF and clearance checks regarding State and Federal criminal records conducted on the prospective adoptive parents and any household member age 18 and older
- Information related to the prospective adoptive parent's willingness and ability to accept and cooperate with adoption support services, including their level of understanding regarding openness with the birth family
- Information related to the match between prospective adoptive parents and the child, including attitudes and capabilities of prospective adoptive parents and the child's characteristics and background

Placement Supervision and Reporting

Citation: Gen. Laws § 15-7-12

No petition shall be granted until the child has lived for 6 months in the proposed home, provided that the period of residence may be waived and the petition granted by the court upon good cause shown when it is satisfied that the proposed home and the child are suited to each other.

Effect of Adoption Decree on Parental Rights

Citation: Gen. Laws § 15-7-14

If, after the investigation and upon a hearing, the court is satisfied as to the identity and relations of the persons, and that the petitioner or petitioners are of sufficient ability to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of the child's parents, and that it is fit and proper that the adoption should take effect, a decree shall be made setting forth the facts and ordering that from the date of the decree the child shall be, to all legal intents and purposes, the child of the petitioner or petitioners.

Obtaining a U.S. Birth Certificate

Citation: Gen. Laws § 23-3-15(e)

The State Registrar of Vital Records 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 of competent jurisdiction 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 the child's birth; and 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 birth certificate in the new name of the adopted person, the State registrar shall seal and file the report of adoption. The report shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by regulation.

SOUTH CAROLINA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Code §§ 63-9-310; 63-9-710; 63-9-730; 63-9-750

Consent or relinquishment for adoption is required of the legal guardian, child-placing agency, or legal custodian of the child if authority to execute a consent or relinquishment has been vested legally in the agency or person and both the parents of the child are deceased or the parental rights of both the parents have been judicially terminated.

A petition for adoption shall specify the following:

- The full name, age, address, and place of residence of each petitioner and, if married, the place and date of the marriage
- When the petitioner acquired or intends to acquire custody or placement of the child and from what person or agency
- The date and place of birth of the child, if known
- The name used for the child in the proceeding and, if a change in name is desired, the new name

- That it is the desire of the petitioner to establish the relationship of parent and child between the petitioner and the child and that the petitioner is a fit and proper person and able to care for the child and to provide for the child's welfare
- A full description and statement of value of any property owned or possessed by the child
- The existence and nature of any prior court orders known to the petitioner that affect the custody, support, or visitation of the child
- The relationship, if any, of each petitioner to the child
- The name and address of the child-placing agency or the person facilitating placement of the child for adoption, if any

The petition must be filed within 60 days of the date the adoptee is placed for adoption in the home of the petitioner.

Any person or agency entitled to notice pursuant to this section must be given notice that adoption proceedings have been initiated. Notice must be given in the manner prescribed by law for personal service of summons in civil actions.

The final hearing on the adoption petition must not be held before 90 days and no later than 6 months after the filing of the adoption petition. Following the final hearing on the adoption petition, the court shall issue an order granting the adoption if it finds the following:

- The adoptee has been in the actual custody of the petitioner for 90 days.
- All necessary consents or relinquishments for the adoption have been obtained.
- Notice of the adoption proceeding has been given to all persons entitled to receive notice.
- The disbursements made and accounted for pursuant to § 63-9-740 are reasonable costs for expenses incurred or for fees for services rendered.
- The petitioner is a fit and proper person and able to care for the child and to provide for the child's welfare, and the petitioner desires to establish the relationship of parent and child with the adoptee.
- The best interests of the adoptee are served by the adoption.

The court shall enter its findings in a written decree that also shall include the new name of the adoptee, if appropriate, and may not include any other name by which the adoptee has been known or the names of the former parents of the adoptee.

Required Evidence/Documentation

Citation: Ann. Code § 63-9-710

All of the following must be filed at the time the adoption petition is filed or, after the filing, upon good cause shown:

- Any consent or relinquishment required by § 63-9-310
- The preplacement investigation report
- The background investigation report
- A statement of all payments of money or anything of value made within the past 5 years or agreed to be made in the future by or on behalf of the petitioner to any person, agency, or organization connected with the adoption that is not a disbursement made and reported pursuant to § 63-9-740

Background Studies

Citation: Ann. Code § 63-9-520

Before the placement of any child by any agency or by any person with a prospective adoptive parent, a preplacement investigation, a background investigation, and reports of these investigations must be completed.

Preplacement investigations must answer all of the following:

- Whether the home of the prospective adoptive parent is a suitable one for the placement of a child
- How the emotional maturity, finances, health, relationships, and any other relevant characteristics of the prospective adoptive parent affect the parent's ability to accept, care for, and provide a child with an adequate environment as the child matures
- Whether the prospective adoptive parent has ever been involved in any proceeding concerning allegedly neglected, abandoned, abused, or delinquent children
- Whether the prospective adoptive parent has completed a course or counseling in preparation for adoption
- Whether the prospective adoptive parent is approved for placement of a child for purposes of adoption and, if not approved, a statement of the reasons for not approving the prospective adoptive parent
- Any other information that is disclosed by the investigation that would be of value to or would assist the court in deciding the case

A background information investigation and a report of this investigation may not disclose the identity of the birth parents of the adoptee but shall provide the following:

- A medical history of the birth family of the adoptee, including parents, siblings, and other family members related to the adoptee, including ages; sex; races; and any known genetic, psychological, metabolic, or familial disorders
- A medical and developmental history of the adoptee

Placement Supervision and Reporting

Citation: Ann. Code § 63-9-520

A postplacement investigation and report of this investigation must be completed after the filing of the adoption petition. Copies of this report must be provided to the adoption petitioner and must be filed with the court at the final hearing on the adoption.

A postplacement investigation and report of this investigation must include the following:

- Provide answers for the following:
 - The race, sex, and age of the adoptee and whether the child is a suitable child for adoption by the prospective adoptive parent
 - The reason for the adoptee's placement away from the birth parents
 - Whether the adoptee, if of appropriate age and mental capacity, desires to be adopted
- Review and, where indicated, investigate the allegations of the adoption petition and its attachments and of the accounting of disbursements required under § 63-9-740
- Evaluate the progress of the placement of the adoptee
- Determine whether adoption by the petitioner is in the best interests of the adoptee

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code § 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 adoptee, the adoptive parent, and the kindred of the adoptive parent.

After a final decree of adoption is entered, the biological parents of the adoptee are relieved of all parental responsibilities and have no rights over the adoptee.

Obtaining a U.S. Birth Certificate

Citation: Ann. Code §§ 63-9-790; 44-63-140

For each adoption handled through a child-placing agency, the attorney for the petitioner shall, within 15 days of the filing of the final decree, transmit to the appropriate agency a certified copy of the adoption decree and a certificate of adoption with part II completed and verified by the adoptive parent and part III certified by the clerk of court. The agency shall complete part I of the certificate of adoption and transmit the form to the State Registrar of Vital Statistics within 30 days of the filing of the final decree.

In the case of a person who was born in a foreign country and who was not a United States citizen at birth, the court shall require evidence from sources determined to be reliable by the court as to the date and place of birth of the person and shall set forth in the order of the court the date and place of birth as established by the evidence. The court order and evidence submitted to the court must be attached to the certificate of adoption and transmitted to the State registrar.

The State registrar, upon receipt of a certified certificate of adoption, shall take action, as provided by § 44-63-140, with respect to the issuance and filing of an amended certificate.

Effective July 1, 2019: When adoption is decreed by a family court in this State of a person born in a foreign country who was not a United States citizen at birth 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, when directed by the court order, shall prepare a 'certificate of foreign birth.'

The certificate, and any issued copy of 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, and any issued copy of the certificate, that it is not evidence of U.S. citizenship for the person for whom it is issued.

SOUTH DAKOTA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Laws §§ 25-6-12; 25-6-13

Before the hearing on a petition for adoption, the person adopting a child, the child being adopted, and the other persons whose consent is necessary shall execute their consent in writing, and the person adopting shall execute an agreement to the effect that the child being adopted shall be treated in all respects as his or her own. The consent forms and the agreement of the person adopting shall be filed with the court.

A duly incorporated home or society for the care of dependent or neglected children may, by its authorized officer or agent, consent to the adoption of a child surrendered to such home or society by a court of competent jurisdiction.

The circuit judge must examine all persons appearing separately and, if satisfied from such examination and the report of the investigation that the child is suitable for adoption and the petitioning parent or parents are financially able and morally fit to have the care and training of such child, that all requirements of the law have been met and that the interests of the child will be promoted by the adoption, he or she must make an order declaring that the child thenceforth shall be the adopted child of the person adopting and shall be regarded and treated in all respects as the child of such person.

Required Evidence/Documentation

Citation: Ann. Laws § 25-6-23

When a child is adjudicated to be abused or neglected and a court enters a decree terminating parental rights, the parent shall complete a medical and social history form that shall be supplied by the Department of Social Services. When completed, such form shall be filed with the court of the State in which the adoption proceedings shall take place. A copy of the medical history portion of the completed form shall be made available to the adoptive parent prior to finalization of the adoption and to the adoptee upon reaching age 18, upon written request and proper proof of identification.

Background Studies

Citation: Ann. Laws §§ 25-6-9.1; 26-4-15; Admin. Code § 67:14:32:11.01

No person may place a child in a home for adoption until a home study has been completed by a licensed child-placing agency, the department, or a certified social worker. A home study shall include a fingerprint-based criminal records check completed by the Division of Criminal Investigation and a central registry screening completed by the department. In addition, no child who is in the custody of the department may be placed in a home for adoption until a fingerprint-based criminal records check has been completed by the Federal Bureau of Investigation for each adopting parent.

When placing identified children from a State other than South Dakota through a licensed child-placing agency from another State for adoption with a South Dakota family, an adoptive home-study report shall be filed before placement with the department. The adoption home study and report may be provided by a licensed child-placing agency, the Department of Social Services, or a certified social worker eligible to engage in private independent practice. A home study conducted by a certified social worker in private independent practice shall include a criminal records check completed by the Division of Criminal Investigation and a central registry screening completed by the department.

In regulation: An adoptive study includes an evaluation of the applicant based on references, personal interviews, screenings against the central registry for substantiated reports of abuse or neglect, a criminal records check, information obtained from at least three character references, and home consultations.

Placement Supervision and Reporting

Citation: Admin. Code § 67:14:32:15

The department shall supervise the placement of a child for adoption and maintain contacts with the adoptive parents and child until the completion of legal adoption.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Laws §§ 25-6-16; 25-6-16

A child, when adopted, may take the family name of the person adopting. After adoption, the two shall sustain toward each other the legal relation of parent and child and have all the rights and be subject to all the duties of that relation.

The natural parents of an adopted child are, from the time of the adoption, relieved of all parental duties toward and of all responsibility for the child so adopted and have no right over him or her. Adoption of a child shall be final and unconditional, except as otherwise provided by § 25-6-21. The natural parents of an adopted child shall retain no rights or privileges to have visitation or other postadoption contact with the child, except in cases where a natural parent consents to the adoption of a child by the child's stepfather or stepmother who is the present spouse of the natural parent or in cases of voluntary termination where there is a written preadoption agreement between the natural parent or parents and the adoptive parents.

Obtaining a U.S. Birth Certificate

Citation: Ann. Laws §§ 25-6-13; 34-25-16.1

The order of adoption, among other things, shall contain the following:

- The full adoptive name, date of birth, sex, color or race, and place of birth of the adopted child
- The full name, date of birth, citizenship, residence, color or race, birthplace, and occupation of both adoptive parents

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.

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 May 2019

Requirements for Completing the Adoption

Citation: Ann. Code §§ 36-1-111; 36-1-116; 36-1-120

A citizen of a foreign country may, in accordance with the law of the foreign country, execute a surrender of a child that states that all parental rights of that person are being terminated or relinquished by the execution of a surrender document or that the child is being given to an agency or other person for the purposes of adoption.

Effective July 1, 2019: The petition to adopt must include the following:

- The full name of the petitioners
- The name used for the child in the proceeding
- The birth date, State, and county or country of birth of the child, if known
- The information necessary to show that the court to which the petition is addressed has jurisdiction
- That the petitioners have physical custody of the child or that they meet the requirements of § 36-1-111(d)(6) and from what person or agency such custody was or is to be obtained
- That it is the desire of the petitioners that the relationship of parent and child be established between them and the child
- Whether the petitioners desire that the name of the child be changed, together with the new name desired
- The value of any property owned by the child
- That the petitioners are fit persons to have the care and custody of the child and that it is in the best interests of the child for this adoption to occur
- That the petitioners are financially able to provide for the child
- Whether the child was brought into Tennessee for adoption from a foreign country and, if so, the following evidence must be attached to the petition:
 - The approval of the government or legal authority in the country from which the child was brought
 - That the child's placement with the petitioners was appropriate
 - That the petitioners have legal authority under that country's law to have the custody of the child
 - That the Immigration and Naturalization Service,* the Department of Justice, or the Department of State has issued the proper authorization for the child to enter the United States

- Whether the petitioners have paid, or promised to pay, any money, fees, contributions, or other remuneration or thing of value in connection with the birth, placement, or the adoption of the child and, if so, to or from whom, the specific amount, and the specific purpose for which these were paid or promised

The final order of adoption must state the following:

- The full name of the child used in the proceeding
- The full names of the petitioners and their county of residence
- The date of the filing of the petition
- The date when the petitioners acquired physical custody of the child
- The fact and date of the filing of a guardianship order, if such order has been entered
- That all persons entitled to notice of the proceedings have been served
- That if the child has been brought into Tennessee from a foreign country, there has been compliance with the requirements of the foreign government for the petitioners to have custody of the child and with all requirements of the U.S. government for the immigration of the child to this country

**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.*

Required Evidence/Documentation

Citation: Ann. Code §§ 36-1-111; 36-1-116

A court report based upon the home study or preliminary home study must be available to the court. Before the surrender to prospective adoptive parents is executed, the court report must be reviewed by the court or persons in any surrender proceeding in which the surrender is not made to the Department of Children's Services or a licensed child-placing agency. When parental consent is executed pursuant to § 36-1-117(g), the court report based upon the home study or preliminary home study must be filed with the adoption petition and must be reviewed by the court before the entry of an order of guardianship giving the prospective adoptive parents guardianship of the child.

Effective July 1, 2019: A surrendering party shall complete a social and medical history form, as promulgated by the department, or a substantially similar form and attach the completed and executed form to the surrendering party's presurrender information form.

Unless waived by the court, the court shall order a licensed child-placing agency, licensed clinical social worker, or the department, if the petitioners are indigent under Federal poverty guidelines, to conduct a preliminary home study, and a court report based upon such a study must be submitted within 15 days of the date of the order if, at the time the petition is filed, the petitioners have custody of the child, and the petitioners have not submitted with the petition a court report based upon a timely home study or timely preliminary home study.

Background Studies

Citation: Ann. Code §§ 36-1-111; 36-1-116

Prior to receiving a surrender by a parent of a child or prior to the execution of a parental consent by a parent in a petition for adoption, the prospective adoptive parents shall request a licensed child-placing agency; a licensed clinical social worker; or, if indigent under Federal poverty guidelines, the department, to conduct a home study or preliminary home study for use in the surrender, or parental consent proceeding, or in the adoption.

Effective July 1, 2019: Prior to filing a petition for the adoption of a child, the prospective adoptive parents shall, except as otherwise provided by law, contact a licensed child-placing agency; a licensed clinical social worker; or, if indigent under Federal poverty guidelines, the department and request a home study or a preliminary home study concerning the suitability of their home and themselves as adoptive parents. The court may waive this requirement when the child is to be adopted by related persons.

Placement Supervision and Reporting

Citation: Ann. Code § 31-1-116

Effective July 1, 2019: The court shall order a licensed child-placing agency; licensed clinical social worker; or the department, if the parents are indigent under Federal poverty guidelines or if the child was placed with the prospective adoptive parents by the department, to provide supervision for the child who is in the home of prospective adoptive parents and to make any necessary reports that the court should have concerning the welfare of the child pending entry of the final order in the case. The court may waive this requirement when the child is to be adopted by related persons.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code §§ 36-1-121; 36-1-122

The signing of a final order of adoption terminates any existing guardianship orders and establishes from that date the relationship of parent and child between the adoptive parent or parents and the adopted child as if the adopted child had been born to the adoptive parent or parents. The adopted child shall be deemed the lawful child of such parent or parents, the same as if the child had been born to the parent or parents, for all legal consequences and incidents of the biological relation of parents and children.

When a child is adopted pursuant to this part, the adoptive parents shall not thereafter be deprived of any rights in the child, at the insistence of the child's birth or prior legal parents or guardian of the child or any other person or agency, except in the same manner and for the same causes as are applicable in proceedings to deprive legal parents or guardians of their children or wards as provided by law.

After the final order of adoption is entered, no party to an adoption proceeding, nor anyone claiming under such party, may later question the validity of the adoption proceeding by reason of any defect or irregularity therein, jurisdictional or otherwise, but shall be fully bound by the order, except for such appeal as may be allowed by law.

Obtaining a U.S. Birth Certificate

Citation: Ann. Code §§ 36-1-120; 68-3-310

All final orders of adoption shall 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 a certified certificate of adoption.

The court clerk shall supply the registrar of vital records 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
- The adopted child's 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 required adoption papers have been received from a court of competent jurisdiction in Tennessee.

TEXAS

Current Through May 2019

Requirements for Completing the Adoption

Citation: Fam. Code §§ 162.003; 107.153; 162.009; 162.010; 162.016

In a suit for adoption, an adoption evaluation must be conducted as provided in chapter 107.

The court shall order the performance of an adoption evaluation to evaluate each party who requests termination of the parent-child relationship or an adoption in a suit for an adoption. The adoption evaluation must include an evaluation of the circumstances and the condition of the home and social environment of any person requesting to adopt a child.

The court may not grant an adoption until the child has resided with the petitioner for at least 6 months.

Unless the managing conservator is the petitioner, the written consent of a managing conservator to the adoption must be filed.

If a petition requesting termination of the parent's parental rights has been joined with a petition requesting adoption, the court also shall terminate the parent-child relationship at the same time the adoption order is rendered. The court must make separate findings that the termination is in the best interests of the child and that the adoption is in the best interests of the child.

If the court finds that the requirements for adoption have been met and the adoption is in the best interests of the child, the court shall grant the adoption. The name of the child may be changed in the order, if requested.

Required Evidence/Documentation

Citation: Fam. Code §§ 162.005; 162.0085; 162.602

Before placing a child for adoption, the Department of Family and Protective Services, a licensed child-placing agency, or the child's parent or guardian shall compile a report on the available health, social, educational, and genetic history of the child to be adopted.

In a suit affecting the parent-child relationship in which an adoption is sought, the court shall order each person seeking to adopt the child to obtain that person's own criminal history record information. The court shall accept a person's criminal history record information that is provided by the department or by a licensed child-placing agency that received the information from the department if the information was obtained not more than 1 year before the date the court ordered the history to be obtained.

At the time a petition for adoption is filed, the petitioner also shall file completed documentation that may be used by the clerk of the court, at the time the petition is granted, to comply with § 108.003, Family Code, and § 192.009, Health and Safety Code.

Background Studies

Citation: Fam. Code § 107.159; Admin. Code Tit. 40, § 745.9077

Unless otherwise agreed to by the court, the preplacement part of an adoption evaluation must comply with the minimum requirements for the preplacement part of an adoption evaluation under rules adopted by the commissioner of the department.

Unless a child who is the subject of the suit begins to reside in a prospective adoptive home before the suit is commenced, an adoption evaluator shall file with the court a report containing the evaluator's findings and conclusions made after completion of the preplacement portion of the adoption evaluation. In a suit filed after the date a child who is the subject of the suit begins to reside in a prospective adoptive home, the report required under this section and the postplacement adoption evaluation report required under § 107.160 may be combined in a single report.

The report required under this section must be filed with the court before the court may sign the final order for termination of the parent-child relationship. The report shall be included in the record of the suit.

A copy of the report must be made available to the prospective adoptive parents before the court renders a final order of adoption.

In regulation: The preplacement report must contain the following:

- Documentation of the following:
 - Information that was obtained through the review of documents, reports, and inspections
 - Interviews with the adoptive parents and their family, collateral contacts, and the child
- Documentation of the criminal history and central registry background check results and an assessment of the results, including whether the results should bar placement of the child with the adoptive parents or the subsequent adoption of the child by the adoptive parents
- Assessments of the following:
 - The adoptive parents and their family's interaction with each other
 - The relationship between the child and each adoptive parent, if a relationship currently exists
- An assessment of the child's present and prospective physical, intellectual, social, and psychological functioning
- An assessment of basic care and safety issues, including the safety of the physical environment of the adoptive home
- An assessment of the adoptive parents' individual strengths and weaknesses
- Conclusions and recommendations to the court as to whether the following is true:
 - That the adoptive parents' home environment will meet the child's needs once the child begins living in the adoptive parents' home
 - That the adoptive parents appear to have the ability to accept the child, assume parenting responsibilities, and adopt the child in the next 6 months to a year

Placement Supervision and Reporting

Citation: Fam. Code § 107.160; Admin. Code Tit. 40, §§ 745.9081 through 745.9091

The postplacement part of an adoption evaluation must comply with the minimum requirements for the postplacement part of an adoption evaluation under rules adopted by the commissioner of the department.

An adoption evaluator shall file with the court a report containing the evaluator's findings and conclusions made after a child who is the subject of the suit in which the evaluation is ordered begins to reside in a

prospective adoptive home. The report must be filed with the court before the court renders a final order of adoption. The report shall be included in the record of the suit. A copy of the report must be made available to the prospective adoptive parents before the court renders a final order of adoption.

In regulation: Interviews for the postplacement evaluation must be conducted after the child has resided in the adoptive parents' home for at least 5 months. The interviews must include at least one of the following:

- An individual interview with each adoptive parent
- An individual interview with each child age 4 or older living full or part time in the home, including the child placed for adoption
- An individual interview with any other person living full or part time in the home
- A joint interview with the adoptive parents
- A family group interview with family members living in the home

Each interview must focus on the adjustment of the family and the child living together in the adoptive parents' home.

The evaluator must visit the home at least once. All members of the household, including the child, must be present for at least one home visit. The date of the visit, the persons present, their relationship to the adoptive parents, and observations regarding health and safety issues in the home must be documented.

The report must contain the following:

- Any previously incomplete or supplemental information regarding the adoptive parents and the child that was required to be obtained for the preplacement portion of an adoption evaluation, including any updates relating to the following:
 - The health, social, educational, and genetic history report
 - The child's current physical, mental, and emotional status, including any special needs
 - The child's legal status
 - Any new information obtained regarding the adoptive parents
- Documentation of the following:
 - Information that was obtained through the review of documents, reports, and inspections
 - Interviews with the adoptive parents, their family, and the child
- A summary of the adjustment of the adoptive parents, other family members, other persons living in the adoptive home, and the child during the last 5 to 6 months the child was living with the adoptive parents
- An updated assessment of the child's present and prospective physical, intellectual, social, and psychological functioning, including an assessment of how the adoptive parents responded to any special needs the child has
- An updated assessment of basic care and safety issues, including the physical safety of the environment of the adoptive home and how the child has responded to living in the adoptive home
- An updated assessment of the adoptive parents' individual strengths and weaknesses
- Conclusions and recommendations to the court as to whether the adoptive parents have accepted the child and are able to parent and adopt the child

Effect of Adoption Decree on Parental Rights

Citation: Fam. Code § 162.017

An order of adoption creates the parent-child relationship between the adoptive parent and the child for all purposes. An adopted child is entitled to inherit from and through the child's adoptive parents as though the child were the biological child of the parents.

Obtaining a U.S. Birth Certificate

Citation: Fam. Code § 108.003; Health & Safety § 192.009

The clerk of a court that renders a decree of adoption shall transmit to the central registry of the vital statistics unit a certified report of adoption that includes the following:

- The name of the adopted child after adoption, as shown in the adoption order
- The birth date of the adopted child
- The docket number of the adoption suit
- The identity of the court rendering the adoption
- The date of the adoption order
- The name and address of each parent, guardian, managing conservator, or other person whose consent to adoption was required or waived or whose parental rights were terminated in the adoption suit
- The identity of the licensed child-placing agency, if any, through which the adopted child was placed for adoption
- The identity, address, and telephone number of the registry through which the adopted child may register as an adoptee

A certificate of each adoption decreed in this State shall be filed with the State registrar.

When a petition for adoption is granted, the petitioner shall supply the clerk of the court the information necessary to prepare the certificate. The clerk shall do the following:

- Prepare the certificate on a form furnished by the Department of State Health Services that provides the information prescribed by the department
- Complete the certificate immediately after the decree becomes final

No later than the 10th day of each month, the clerk shall forward to the State registrar the certificates that the clerk completed for decrees that became final in the preceding calendar month.

UTAH

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Code §§ 78B-6-105; 78B-6-127; 78B-6-136; 78B-6-137

A petition for adoption is subject to the following:

- It may be filed before the birth of a child.
- It may be filed before or after the adoptee is placed in the home of the petitioner for the purpose of adoption.
- It shall be filed no later than 30 days after the day on which the adoptee is placed in the home of the petitioners for adoption, unless either of the following apply:
 - The time for filing has been extended by the court.
 - The adoption is arranged by a child-placing agency, in which case the agency may extend the filing time.

Neither notice nor consent to adoption or relinquishment for adoption is required from a parent whose rights with regard to an adoptee have been terminated by a court.

Before the court enters a final decree of adoption, both of the following are required:

- The prospective adoptive parent or parents and the child being adopted shall appear before the appropriate court.
- The prospective adoptive parent or parents shall execute an agreement stating that the child shall be adopted and treated in all respects as the adoptive parent's or parents' own lawful child.

The court shall examine each person appearing before it in accordance with this chapter, separately, and, if satisfied that the interests of the child will be promoted by the adoption, it shall enter a final decree of adoption declaring that the child is adopted by the adoptive parent or parents and shall be regarded and treated in all respects as the child of the adoptive parent or parents.

Required Evidence/Documentation

Citation: Ann. Code § 78B-6-108

As used in this section, 'alien child' means a child younger than age 16 who is not considered a citizen or national of the United States by the U.S. Immigration and Naturalization Service.*

Any person adopting an alien child shall file with the petition for adoption written evidence from the U.S. Immigration and Naturalization Service that the child was inspected and any of the following are true:

- The child was admitted into the United States for permanent residence.
- The child was admitted into the United States temporarily in one of the lawful nonimmigrant categories specified in 8 U.S.C. § 1101(a)(15).
- The child was paroled into the United States pursuant to 8 U.S.C. § 1182(d)(5).

**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.*

Background Studies

Citation: Ann. Code § 78B-6-128

A child may not be placed in an adoptive home until a preplacement adoptive evaluation assessing the prospective adoptive parent and the prospective adoptive home has been conducted. The preplacement adoptive evaluation shall be completed or updated within the 12-month period immediately preceding the placement of a child with the prospective adoptive parent.

The preplacement adoptive evaluation shall include the following:

- A criminal history background check regarding each prospective adoptive parent and any other adult living in the prospective home, prepared no earlier than 18 months immediately preceding placement of the child
- A report containing all information regarding reports and investigations of child abuse, neglect, and dependency, with respect to each prospective adoptive parent and any other adult living in the prospective home, obtained no earlier than 18 months immediately preceding the day on which the child is placed in the prospective home, including reports from any State, district, or territory of the United States in which each prospective adoptive parent and any other adult living in the home resided in the immediately 5 years

The home study shall be a written document that contains the following:

- A recommendation to the court regarding the suitability of the prospective adoptive parent for placement of a child
- A description of in-person interviews with the prospective adoptive parent, the prospective adoptive parent's children, and other individuals living in the home
- A description of character and suitability references from at least two individuals who are not related to the prospective adoptive parent and with at least one individual who is related to the prospective adoptive parent
- A medical history and a doctor's report, based upon a doctor's physical examination of the prospective adoptive parent, made within 2 years before the date of the application
- A description of an inspection of the home to determine whether sufficient space and facilities exist to meet the needs of the child and whether basic health and safety standards are maintained

Placement Supervision and Reporting

Citation: Ann. Code § 78B-6-129

A postplacement evaluation shall be conducted and submitted to the court prior to the final hearing in an adoption proceeding. The postplacement evaluation shall include the following:

- Verification of the allegations of fact contained in the petition for adoption
- An evaluation of the progress of the child's placement in the adoptive home
- A recommendation regarding whether the adoption is in the best interests of the child

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code §§ 78B-6-138; 78B-6-139

A preexisting parent of an adopted child is released from all parental rights and duties toward and all responsibilities for the adopted child, including residual parental rights and duties, and has no further parental rights or duties with regard to that adopted child at the time the preexisting parent's parental rights are terminated.

When a final decree of adoption is entered under § 78B-6-137, a child may take the family name of the adoptive parent or parents. After that decree of adoption is entered, the adoptive parent or parents and the child shall sustain the legal relationship of parent and child and have all the rights and be subject to all the duties of that relationship.

Obtaining a U.S. Birth Certificate

Citation: Ann. Code §§ 26-2-28; 26-2-15

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 and who was, at the time of adoption, considered an alien child for whom the court received documentary evidence of legal residence under § 78B-6-108.

A person holding a direct, tangible, and legitimate interest, as described in § 26-2-22(2), may petition for a court order establishing the fact, time, and place of a birth that is not registered or for which a certified copy of the registered birth is not obtainable.

For purposes of this section, the birth certificate of an adopted alien child is considered to be unobtainable if the child was born in a country that is not recognized by department rule as having an established vital records registration system. If the adopted child was born in a country recognized by department rule, but a person described above is unable to obtain a certified copy of the birth certificate, the State registrar shall authorize the preparation of a birth certificate if he or she receives a written statement signed by the registrar of the child's birth country stating a certified copy of the birth certificate is not available.

VERMONT

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Stat. Tit. 15A, §§ 2-107; 2-402; 3-304; 3-701; 3-703

An adoption in this State of a minor brought into this State from another country by a prospective adoptive parent is governed by this title, subject to any convention or treaty on intercountry adoption that the United States has ratified and any relevant Federal law.

Consent to an adoption of a minor is not required of the following:

- A person who has relinquished parental rights, including the right to consent to adoption, to an agency
- A person whose parental relationship to the minor has been judicially terminated or determined not to exist

A petition for adoption shall contain the following information:

- The full name, date of birth, and place and duration of residence of the petitioner and his or her relationship to the adoptee, if any
- The current marital status of the petitioner, including any pending divorce and the date of any judicial determination that a petitioner's spouse is incompetent
- The occupation and approximate income of each petitioner and that the petitioner has facilities and resources to provide for the care and support of the minor
- That a preplacement evaluation favorable to the petitioner has been completed or updated within the 12 months before the placement
- The full birth or legal name; sex; and the time and date, or approximate time and date; and place of birth of the minor adoptee
- The circumstances under which the petitioner obtained physical custody of the minor, including the date of placement for adoption with the petitioner and the name of the agency or the name and relationship to the minor of the person that placed the minor
- The length of time the minor has been in the physical custody of the petitioner or the reason why the petitioner does not have physical custody and the date and manner in which the petitioner intends to obtain physical custody
- A description and estimate of the value of any known property of the minor
- That any law governing interstate or intercountry placement was complied with
- The name and relationship to the minor of any person who has executed a consent, relinquishment, or a disclaimer of paternal interest; the name and relationship to the minor of any person whose consent or relinquishment may be required whose parental relationship has not been terminated; and any fact or circumstance that may excuse the lack of consent
- The full name by which the adoptee is to be known if the petition is granted

The hearing on the petition shall take place no sooner than 180 days after the minor has been placed in the home of the adopting parent.

The court shall grant a petition for adoption if it determines by a preponderance of the evidence that the adoption will be in the best interests of the minor and that the following are true:

- The adoptee has been in the physical custody of the petitioner for at least 180 days.
- Notice of the proceeding for adoption has been served to any person entitled to receive notice.
- Every necessary consent, relinquishment, waiver, disclaimer of paternal interest, judicial order terminating parental rights, or other document has been obtained and filed with the court.
- Any evaluation required by this title has been filed with and considered by the court.
- The petitioner is a suitable adoptive parent for the minor.
- If applicable, any requirement of this title governing an interstate or intercountry placement for adoption has been met.

Required Evidence/Documentation

Citation: Ann. Stat. Tit. 15A, §§ 3-305; 2-105

Before the hearing on a petition for adoption, the following documents shall be filed:

- A certified copy of the birth certificate or other record of the date and place of birth of the minor adoptee
- The original or a certified copy of any consent, relinquishment, or disclaimer of paternal interest with respect to the minor that has been executed and any written certifications required by § 2-405(d) and (g) from the person before whom a consent or relinquishment was executed

- A certified copy of any court order terminating the rights of the minor's parents or guardian
- A certified copy of each parent's or former parent's marriage certificate, decree of divorce, annulment or dissolution, or legal separation
- A certified copy of any existing court order or petition in any pending proceeding concerning custody of or visitation or communication with the minor
- A copy of the preplacement evaluation and of the evaluation during the pendency of the proceeding for adoption
- A copy of any report containing the information regarding the health and social history of the child and the child's family, as required by § 2-105
- A certified copy of the petitioner's marriage certificate, decree of divorce, annulment or dissolution, or legal separation
- If an agency placed the minor adoptee, a verified document from the agency stating the following:
 - The circumstances under which the agency obtained custody of the minor for purposes of adoption
 - That the agency complied with any provision of law governing an interstate or intercountry placement of the minor
 - The name or relationship to the minor of any person whose consent is required but who has not executed a consent or a relinquishment or whose parental relationship has not been terminated and any fact or circumstance that may excuse the lack of consent or relinquishment
 - Whether the agency has executed its consent to the proposed adoption and whether it waives notice of the proceeding
 - The terms of any collateral agreement between the agency and the petitioner
- The name and address, if known, of any person who is entitled to receive notice of the proceeding for adoption
- A copy of any collateral agreement between the petitioner and a parent or guardian of the adoptee

Before a minor is placed for adoption, a prospective adoptive parent shall be provided all of the following nonidentifying information that is reasonably available:

- A social and health history of the minor, including the following:
 - The date, time, and place of birth
 - Current health history, including prenatal care, medical condition at birth, and any drug or medication taken by the mother during pregnancy
 - Any subsequent medical, psychological, psychiatric, and dental information and diagnosis and a record of any immunizations and health care
 - Any physical, sexual, or emotional abuse known to have been experienced by the minor
 - School performance, the results of educational testing, and any special educational needs
 - An account of the minor's past and existing relationships with any relative, foster parent, or other person with whom the minor has lived or visited on a regular basis
- A social and health history of the minor's parents and extended family, including the following:
 - Health and genetic history, including any history of use of drugs and alcohol
 - The racial, ethnic, and religious background and a general physical description
 - The levels and types of educational, vocational, athletic, artistic, or scientific achievement or interests, including academic performance and diagnosed learning problems

Background Studies

Citation: Ann. Stat. Tit. 15A, §§ 2-201; 2-203; 2-204

Only a person for whom a favorable written preplacement evaluation has been prepared may accept custody of a minor for purposes of adoption. An evaluation is valid if it was completed or updated within the 12 months preceding the placement of the minor with the person for adoption.

A preplacement evaluation shall be based upon a personal interview and visit at the residence of the person being evaluated and personal interviews or correspondence with others who know the person and may have information relevant to the evaluation.

A preplacement evaluation shall contain the following information about the person being evaluated:

- The age and date of birth, nationality, racial or ethnic background, and any religious affiliation
- Marital status and family history, including the age and location of any child of the person and the identity of and relationship to anyone else living in the person's household
- Parenting experience
- Physical and mental health, including any history of abuse of alcohol or drugs
- Educational and employment history and any special skills
- Property and income, including outstanding financial obligations as indicated in a current credit report or financial statement
- Any previous requests for an evaluation or involvement in an adoptive placement and the outcome of the evaluation or placement
- Whether the person has been subject to an abuse prevention order, charged with or convicted of domestic assault, the subject of a substantiated complaint filed with the Department for Children and Families, or subject to a court order restricting the person's right to parental rights and responsibilities or parent-child contact with a child
- Whether the person has been convicted of a crime other than a minor traffic violation
- The reason for and attitude about adoption
- Whether the person is in noncompliance with a child support order
- Any other fact or circumstance that may be relevant in determining whether the person is suited to be an adoptive parent, including the quality of the environment in the home, and the functioning of other children in the person's household.

A person being evaluated shall submit to fingerprinting and sign a release permitting the evaluator to obtain from an appropriate law enforcement agency any record indicating that the person has been convicted of a crime other than a minor traffic violation. The person also, at the request of the evaluator, shall sign any release necessary for the evaluator to obtain information regarding reports of child abuse or neglect.

An evaluator shall assess the information contained in the evaluation to determine whether it raises a concern that placement of any minor, or a particular minor, in the home of the person would pose a risk of harm to the physical or psychological well-being of the minor.

If an evaluator determines that the information assessed does not raise a concern that placement of any minor, or a particular minor, in the home of the person would pose a risk of harm to the physical or psychological well-being of the minor, the evaluator shall find that the person is suited to be an adoptive parent. The evaluator may comment about any factor that in the evaluator's opinion makes the person suited in general or for a particular minor.

Placement Supervision and Reporting

Citation: Ann. Stat. Tit. 15A, §§ 3-601; 3-602; 3-603

No later than 5 business days after a complete petition for adoption of a minor is filed, the court shall order that an evaluation be made by a qualified employee of the agency that placed the minor for adoption or, in a direct-placement adoption, the person who made the preplacement evaluation or another qualified person.

An evaluation shall be based on a personal interview with the petitioner in the petitioner's residence and observation of the relationship between the minor adoptee and the petitioner. An evaluation shall be in writing and contain the following:

- An account of any change in the petitioner's marital status or family history, physical or mental health, home environment, property, income, or financial obligations since the filing of the preplacement evaluation
- All reasonably available information concerning the physical, mental, and emotional condition of the minor adoptee that is not included in any report on the minor's health, genetic, and social history filed in the proceeding for adoption
- Copies of any court order, judgment, decree, or pending legal proceeding affecting the minor adoptee, the petitioner, or any child of the petitioner
- Any behavior or characteristics of the petitioner that raise a concern
- A recommendation concerning the granting of the petition for adoption

The evaluator shall complete a written evaluation and file it with the court within 60 days after receipt of the court's order for an evaluation, unless the court for good cause allows a later filing. If an evaluation produces a concern, the evaluation shall be filed immediately and shall explain why the concern poses a risk of harm to the physical or psychological well-being of the minor.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Stat. Tit. 15A, §§ 1-104; 1-105

When a decree of adoption becomes final, the adoptive parent and the adoptee have the legal relation of parent and child and have all the rights and duties of that relationship including the right of inheritance and succession from or through each other and the kindred of the adoptive parent.

When a decree of adoption becomes final, all parental rights and duties of each former parent of the adoptee terminate, including the right of inheritance and intestate succession from or through the adoptee, but not including the duty to make past-due payments for child support.

Obtaining a U.S. Birth Certificate

Citation: Ann. Stat. Tit. 15A, §§ 3-705; 3-801; 3-802; Ann. Stat. Tit. 18, § 5078a

Effective July 1, 2019: A decree of adoption shall contain information to be incorporated into a new birth certificate to be issued by the State Registrar of Vital Records, including the adoptee's date, time, and place of birth, if known. In determining the date and place of birth of an adoptee born outside the United States, the court shall do the following:

- Enter the date and place of birth as stated in the birth certificate from the country of origin, the U.S. Department of State's report of birth abroad, or the documents of the U.S. Immigration and Naturalization Service
- If the exact place of birth is unknown, enter the information that is known and designate a place of birth according to the best information known with respect to the country of origin
- If the exact date of birth is unknown, determine a date of birth based upon medical evidence as to the probable age of the adoptee and other evidence the court considers appropriate
- If the documents regarding the date and place of birth are not available, determine the date and place of birth based upon evidence the court finds appropriate to consider

For an adoptee adopted in this State who was born outside the United States and was not a citizen of the United States at the time of birth, 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.

Unless otherwise specified by the court, a new birth certificate or certificate of live 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; and contain any other information prescribed by the State registrar.

The State registrar shall establish a 'certificate of live birth for a foreign-born child' when he or she receives the following:

- A written request from either of the following that the certificate be established:
 - The adopted person, if he or she is age 14 or older
 - The adoptive parent or parents, if the adopted person is younger than age 14
- A record of adoption issued under title 15A, § 3-801(a)

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 the birth 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 May 2019

Requirements for Completing the Adoption

Citation: Ann. Code Tit. 16, §§ 141; 142; 145

Any inhabitant of the Virgin Islands may petition the proper court to adopt a child who is not his or her own and who is in the Virgin Islands. If desired, the petition also may ask for a change of the child's name.

The parents of the child, or the survivor of them, shall consent in writing to the adoption. If neither parent is living, the guardian of the child or, if there is no guardian, the next of kin in the Virgin Islands may give consent. If there is no next of kin, the judge of the court may appoint a suitable person to act in the proceedings as guardian ad litem of the child and to give or withhold consent.

The court may grant the petition for adoption upon finding the following:

- It appears that the child has resided with the petitioner for a length of time sufficient to indicate that the proposed adoption is in the best interests of the child.
- The Commissioner of Public Welfare has submitted his or her report and recommendation with respect to the proposed adoption.
- The court is satisfied of the identity and relations of the persons.
- The petitioner is of sufficient ability and in all respects a proper person to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of the parents.
- It is fit and proper that the adoption should take effect.

The decree shall set forth the facts and order that from the date of the decree the child shall, to all legal intents and purposes, be the child of the petitioner.

If a change of the child's name is requested in the petition for adoption, the court, upon adjudging the adoption, may also adjudge such change of name and grant a certificate thereof without further notice, and a copy thereof shall be furnished by the clerk of the court to the proper local Registrar of Vital Statistics.

Required Evidence/Documentation

This issue is not addressed in the statutes and regulations reviewed.

Background Studies

This issue is not addressed in the statutes and regulations reviewed.

Placement Supervision and Reporting

This issue is not addressed in the statutes and regulations reviewed.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code Tit. 16, § 146

A child adopted under the provisions of this chapter is deemed, for the purpose of inheritance and all other legal consequences and incidents of the natural relation of parents and children, the child of the parents by adoption, the same as if he or she had been born to them in lawful wedlock.

The natural parents of the child are deprived by an adoption decree of all legal rights with respect to the child, and the child is freed from all obligations of maintenance and obedience as respects his or her natural parents.

Obtaining a U.S. Birth Certificate

There is no provision in statute for issuing a Virgin Islands certificate of birth for any child not born in the Virgin Islands.

VIRGINIA

Current Through May 2019

Requirements for Completing the Adoption

Citation: Ann. Code §§ 63.2-1104; 63.2-1221; 63.2-1227; 63.2-1228; 63.2-1209; 63.2-1213

Any child-placing agency or court that brings a nonresident child into Virginia for the purpose of an interstate placement shall comply with the regulations adopted by the State Board of Social Services for the administration of the Interstate Compact on the Placement of Children. Intercountry placements made by licensed child-placing agencies, courts, or other entities are subject to regulations prescribed by the board.

A licensed child-placing agency or local board may place for adoption, and is empowered to consent to the adoption of, any child who is properly committed or entrusted to its care when the order of commitment or the entrustment agreement between the birth parent(s) and the agency or board provides for the termination of all parental rights and responsibilities with respect to the child for the purpose of placing and consenting to the adoption of the child. The entrustment agreement shall divest the birth parent(s) of all legal rights and obligations with respect to the child, and the child shall be free from all legal obligations of obedience and maintenance with respect to them.

A petition for the adoption of a child placed in the physical custody of the petitioners by a child-placing agency shall be filed in the name by which the child will be known after adoption. The petition for adoption shall not state the birth name of the child or identify the birth parents, unless it is specifically stated in the agency's consent that the parties have exchanged identifying information.

Upon the filing of the petition, the circuit court shall immediately enter an order referring the case to a child-placing agency to conduct an investigation and prepare a report pursuant to § 63.2-1208. Upon entry of the order of reference, the court shall forward a copy of the petition and all exhibits thereto to the commissioner of social services and to the agency that placed the child. In cases where the child was placed by an agency in another State, or by an agency, court, or other entity in another country, the petition and all exhibits shall be forwarded to the local director or licensed child-placing agency, whichever agency completed the home study or provided supervision.

If, after considering the home study or any required report, the circuit court is satisfied that all of the applicable requirements have been complied with, that the petitioner is financially able to maintain adequately, and is morally suitable and a proper person to care for and train the child, that the child is suitable for adoption by the petitioner, and that the best interests of the child will be promoted by the adoption, it shall enter an interlocutory order of adoption declaring that henceforth, subject to a probationary period, the child will be, to all intents and purposes, the child of the petitioner. If the petition includes a request for a change of the child's name and the circuit court is satisfied that such change is in the best interests of the child, upon entry of final order, the name of the child shall be changed.

After consideration of the report made pursuant to § 63.2-1212, if the circuit court is satisfied that the best interests of the child will be served thereby, the circuit court shall enter the final order of adoption. However, a final order of adoption shall not be entered until information has been furnished by the petitioner in compliance with § 32.1-262, unless the circuit court, for good cause shown, finds the information to be unavailable or unnecessary. An attested copy of every final order of adoption shall be forwarded, by the clerk of the circuit court in which it was entered, to the commissioner and to the child-placing agency that placed the child or to the local director, in cases where the child was not placed by an agency.

Required Evidence/Documentation

Citation: Ann. Code §§ 63.2-1227; 32.1-262

A petition for the adoption must be followed by the registration number of the child's original birth certificate and the State or country in which the registration occurred, unless it is verified by the Registrar of Vital Statistics of the State or country of birth that such information is not available. In the case of a child born in another country, an affidavit by a representative of the child-placing agency that a birth certificate number is not available may be substituted for verification by a Registrar of Vital Statistics for that country.

The report of investigation required by § 63.2-1208 and, when applicable, the report required by § 63.2-1212 shall be identified with the child's name as it appears on the birth certificate, the birth registration number, and the name by which the child is to be known after the final order of adoption is entered.

Information in the possession of the petitioner necessary to prepare the report of adoption shall be furnished with the petition for adoption by each petitioner for adoption or by his or her attorney. In all cases in which a child is placed for adoption by a child-placing agency, the report shall be completed and filed with the court by a representative of the agency. A final order of adoption shall not be entered until the information required by this section has been furnished, unless the court, for good cause shown, finds the information to be unavailable or unnecessary.

Background Studies

Citation: Ann. Code § 63.2-1208

Upon consideration of the petition, the circuit court shall immediately enter an order referring the case to a child-placing agency to conduct an investigation and prepare a report, unless no investigation is required pursuant to this chapter. The court shall enter the order of reference prior to or concurrently with the entering of an order of publication, if such is necessary. Upon entry of the order of reference, the clerk shall forward a copy of the order of reference, the petition, and all exhibits thereto to the commissioner and the child-placing agency retained to provide investigative, reporting, and supervisory services.

The investigation requested by the circuit court shall include, in addition to other inquiries that the circuit court may require the child-placing agency or local director to make, inquiries as to the following:

- Whether the petitioner is financially able, morally suitable, in satisfactory physical and mental health, and a proper person to care for and to train the child
- What the physical and mental condition of the child is
- Why the parents, if living, desire to be relieved of the responsibility for the custody, care, and maintenance of the child and what their attitude is toward the proposed adoption
- Whether the parents have abandoned the child or are morally unfit to have custody over him or her
- The circumstances under which the child came to live, and is living, in the physical custody of the petitioner
- Whether the child is a suitable child for adoption by the petitioner
- What fees have been paid by the petitioners or on their behalf to persons or agencies that have assisted them in obtaining the child

Any report made to the circuit court shall include a recommendation as to the action to be taken by the circuit court on the petition. A copy of any report made to the circuit court shall be furnished to the counsel of record representing the adopting parent or parents.

The report shall include the relevant physical and mental history of the birth parents, if known to the person making the report. The child-placing agency or local director shall document in the report all efforts they made to encourage birth parents to share information related to their physical and mental history. However, nothing in this subsection shall require that an investigation of the physical and mental history of the birth parents be made.

The report shall include a statement by the child-placing agency or local director that all reasonably ascertainable background, medical, and psychological records of the child, including whether the child has been the subject of an investigation as the perpetrator of sexual abuse, have been provided to the prospective adoptive parent(s). The report also shall include a list of such records provided.

Placement Supervision and Reporting

Citation: Ann. Code § 63.2-1212

After the entry of an interlocutory order of adoption, if the child was placed by an agency, court, or other entity in another country, the local director or licensed child-placing agency, whichever agency completed the home study or provided supervision, shall cause or have caused the child to be visited at least three times within a period of 6 months by an agent of the agency. Whenever practicable, such visits shall be made within the 6-month period immediately following the date upon which the child was placed in the physical care of the adoptive parents or of entry of the interlocutory order; however, no less than 90 days shall elapse between the first visit and the last visit.

The agency shall make a written report to the circuit court, in such form as the commissioner may prescribe, of the findings made pursuant to such visitations. A copy of the report to the circuit court shall be furnished to the counsel of record for the parties and the commissioner.

The three supervisory visits shall be conducted in the presence of the child. At least one such visit shall be conducted in the home of the petitioners in the presence of the child and both petitioners, unless the petition was filed by a single parent or one of the petitioners is no longer residing in the home.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code § 63.2-1215

The birth parents, and the parents by previous adoption, if any, shall, by final order of adoption, be divested of all legal rights and obligations in respect to the child, including the right to petition any court for visitation with the child. Any person whose interest in the child derives from or through the birth parent or previous adoptive parent, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives, and family members shall, by final order of adoption, be divested of all legal rights and obligations in respect to the child, including the right to petition any court for visitation with the child. In all cases, the child shall be free from all legal obligations of obedience and maintenance in respect to such persons divested of legal rights.

Any child adopted under the provisions of this chapter shall, from and after the entry of the interlocutory order or from and after the entry of the final order when no such interlocutory order is entered, be, to all intents and purposes, the child of the person or persons so adopting him or her and, unless and until such interlocutory order or final order is subsequently revoked, shall be entitled to all the rights and privileges, and subject to all the obligations, of a child of such person or persons born in lawful wedlock. An adopted person is the child of an adopting parent, and, as such, the adopting parent shall be entitled to testify in all cases civil and criminal, as if the adopted child was born of the adopting parent in lawful wedlock.

Obtaining a U.S. Birth Certificate

Citation: Ann. Code §§ 63.2-1220; 63.2-1220.01; 32.1-261; 32.1-262

For the purpose of securing a new birth certificate for a child adopted pursuant to the laws of the Commonwealth, the procedures set forth in § 32.1-262 shall be followed.

A circuit court may, as part of a proceeding for the adoption of a child born in a foreign country or upon petition to amend a certificate of birth for a person born in a foreign country, correct or establish a date of birth for such person. In cases in which adoptive parents are unable to ascertain the date of birth of the child or in which medical evidence indicates that the stated date of birth of the child is incorrect, the court may establish a corrected date of birth based on medical evidence of the child's actual age, and the State Registrar of Vital Records shall issue a certificate of birth pursuant to § 32.1-261 showing the date of birth established by the court.

The State registrar shall, upon request, establish and register a Virginia certificate of birth for a person born in a foreign country upon receipt of a report or final order of adoption entered in a court of the Commonwealth, as provided in § 32.1-262. If a circuit court corrects or establishes a date of birth for a person born in a foreign country during the adoption proceedings or upon a petition to amend a certificate of foreign birth, the State registrar shall issue a certificate showing the date of birth established by the court. 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 shall, upon request and receipt of evidence demonstrating such citizenship, establish and register a new certificate of birth that does not contain the statement required by clause (ii).

For each adoption decreed by a court in this Commonwealth, the court shall require the preparation of a report of adoption on a form furnished by the State registrar. The report shall do the following:

- Include such facts as are necessary to locate and identify the original certificate of birth of the person adopted or, in the case of a person who was born in a foreign country, evidence from sources determined to be reliable by the court as to the date, place of birth, and parentage of the person
- Provide information necessary to establish a new certificate of birth of the person adopted
- Identify the order of adoption and be certified by the clerk of court

When the State registrar receives a report of adoption from a court for a person born in a foreign country, a birth certificate shall be registered for such person in accordance with the provisions of § 32.1-261, and a copy of the report of adoption shall be transmitted to the appropriate Federal agency.

WASHINGTON

Current Through May 2019

Requirements for Completing the Adoption

Citation: Rev. Code §§ 26.33.050; 26.33.150; 26.33.240; 26.33.280

Any consent, relinquishment, or order of termination that would be valid in the jurisdiction in which it was executed or obtained, and which comports with due process of law, is valid in Washington State, but the burden of proof as to validity and compliance is on the petitioner.

An adoption proceeding is initiated by filing with the court a petition for adoption. The petition shall be filed by the prospective adoptive parent. The petition shall contain the following information:

- The name and address of the petitioner
- The name, if any; gender; and place and date of birth, if known, of the adoptee
- A statement that the child is or is not an Indian child covered by the Indian Child Welfare Act
- The name and address of the Department of Children, Youth, and Families or any agency; legal guardian; or person having custody of the child

After the reports required by §§ 26.33.190 and 26.33.200 have been filed, the court shall schedule a hearing on the petition for adoption upon request of the petitioner for adoption. Notice of the date, time, and place of the hearing shall be given to the petitioner and any person or agency whose consent to adoption is required.

If the court determines, after review of the petition, preplacement and postplacement reports, and other evidence introduced at the hearing, that all necessary consents to adoption are valid and that the adoption is in the best interests of the adoptee, the court shall enter a decree of adoption.

After a decree of adoption is entered, the clerk of the court shall transmit to the State Registrar of Vital Statistics a certified copy of the decree, along with any additional information and fees required by the registrar.

Required Evidence/Documentation

Citation: Rev. Code §§ 26.33.150; 26.33.380; 26.33.350

The written consent to adoption of any person, the department, or agency that has been executed shall be filed with the petition.

If a preplacement report prepared pursuant to § 26.33.190 has not been previously filed with the court, the preplacement report shall be filed with the petition for adoption.

Prior to placing a child for adoption, the person, firm, society, association, corporation, or State agency receiving, securing a home for, or otherwise caring for a child shall transmit to the prospective adopting parent a family background and child and family social history report. The report must include a chronological history of the circumstances surrounding the adoptive placement and any available psychiatric reports, psychological reports, court reports pertaining to dependency or custody, or school reports regarding the child. In addition, the prospective adopting parent shall receive a complete medical report containing all known and available information concerning the mental, physical, and sensory handicaps of the child.

The report shall not reveal the identity of the birth parent of the child, except as authorized under this chapter, but shall include any known or available mental or physical health history of the birth parent that needs to be known by the adoptive parent to facilitate proper health care for the child or that will assist the adoptive parent in maximizing the developmental potential of the child.

Where known or available, the information provided shall include the following:

- A review of the birth family's and the child's previous medical history, including the child's x-rays, examinations, hospitalizations, and immunizations
- A physical exam of the child by a licensed physician with appropriate laboratory tests and x-rays
- A referral to a specialist, if indicated
- A written copy of the evaluation with recommendations to the adoptive family receiving the report

Entities and persons obligated to provide information under this section shall make reasonable efforts to locate records and information concerning the child's mental, physical, and sensory handicaps. The entities or persons providing the information have no duty, beyond providing the information, to explain or interpret the records or information regarding the child's present or future health.

Background Studies

Citation: Rev. Code §§ 26.33.180; 26.33.190

A child shall not be placed with prospective adoptive parents until a preplacement report has been filed with the court.

The preplacement report shall be a written document setting forth all relevant information relating to the fitness of the person requesting the report as an adoptive parent. The report shall be based on a study that shall include an investigation of the home environment, family life, health, facilities, and resources of the person requesting the report. The report shall include a list of the sources of information on which the report is based. The report shall include a recommendation as to the fitness of the person requesting the report to be an adoptive parent. The report shall also verify that the following issues were discussed with the prospective adoptive parents:

- The concept of adoption as a lifelong developmental process and commitment
- The potential for the child to have feelings of identity confusion and loss regarding separation from the birth parents
- If applicable, the relevance of the child's relationship with siblings and the potential benefit to the child of providing for a continuing relationship and contact between the child and known siblings
- Disclosure of the fact of adoption to the child
- The child's possible questions about birth parents and relatives
- The relevance of the child's racial, ethnic, and cultural heritage

All preplacement reports shall include a background check of any conviction records, pending charges, or disciplinary board final decisions of prospective adoptive parents. The background check shall include an examination of State and national criminal identification data provided by the Washington State patrol criminal

identification system, including, but not limited to, a fingerprint-based background check of national crime information databases for any person being investigated. It shall also include a review of any child abuse and neglect history of any adult living in the prospective adoptive parents' home. The background check of the child abuse and neglect history shall include a review of the child abuse and neglect registries of all States in which the prospective adoptive parents or any other adult living in the home have lived during the 5 years preceding the date of the preplacement report.

The person requesting the report shall designate to the agency, the department, the court-approved individual, or the court in writing the county in which the preplacement report is to be filed.

Placement Supervision and Reporting

Citation: Rev. Code § 26.33.200

At the time the petition for adoption is filed, the court shall order a postplacement report made to determine the nature and adequacy of the placement and to determine if the placement is in the best interests of the child. The report shall be prepared by an agency, the department, an individual approved by the court, or a qualified salaried court employee appointed by the court. The report shall be in writing and contain all reasonably available information concerning the physical and mental condition of the child, home environment, family life, health, facilities and resources of the petitioners, and any other facts and circumstances relating to the propriety and advisability of the adoption. The report also shall include, if relevant, information on the child's special cultural heritage, including membership in any Indian Tribe or band. The report shall be filed within 60 days of the date of appointment, unless the time is extended by the court. The preplacement report shall be made available to the person appointed to make the postplacement report.

Effect of Adoption Decree on Parental Rights

Citation: Rev. Code § 26.33.260

The entry of a decree of adoption divests any parent or alleged father who is not married to the adoptive parent or who has not joined in the petition for adoption of all legal rights and obligations in respect to the adoptee, except past-due child support obligations. The adoptee shall be free from all legal obligations of obedience and maintenance in respect to the parent. The adoptee shall be, to all intents and purposes, and for all legal incidents, the child, legal heir, and lawful issue of the adoptive parent, entitled to all rights and privileges, including the right of inheritance and the right to take under testamentary disposition, and subject to all the obligations of a natural child of the adoptive parent.

Obtaining a U.S. Birth Certificate

Citation: Rev. Code §§ 26.33.250; 26.33.290; 70.58.210

A decree of adoption shall provide, as a minimum, the following information:

- The full original name of the adopted person
- The full name of each petitioner for adoption
- Whether the petitioner or petitioners are husband and wife, stepparent, or a single parent
- The full new name of the adopted person, unless the adoptee's name is not to be changed
- Information to be incorporated in any new certificate of birth to be issued by the State registrar
- The adoptee's date of birth and place of birth, as determined in the paragraph below

Except for the names of the adopted person and the petitioner, information set forth in the decree that differs from that shown on the original birth certificate, alternative birth record, or other information used in lieu of such a record shall be included in the decree only upon a clear showing that the information in the original record is erroneous.

In determining the date and place of birth of a person born outside the United States, the court shall do the following:

- If available, enter in the decree the exact date and place of birth as stated in the birth certificate from the country of origin or in the U.S. Department of State's report of birth abroad or in the documents of the U.S. Immigration and Naturalization Service (INS)*
- If the exact place of birth is unknown, enter in the decree such information as may be known and designate a place of birth in the country of origin
- If the exact date of birth is unknown, determine a date of birth based upon medical testimony as to the probable chronological age of the adoptee and other evidence regarding the adoptee's age that the court finds appropriate to consider
- In any other case in which the documents of the INS are not available, determine the date and place of birth based upon such evidence as the court in its discretion determines appropriate

For an adoptee born outside of the United States or its territories, the State registrar shall, upon receipt of a decree of adoption, issue a new certificate of birth that reflects the information contained in the decree.

Whenever a decree of adoption has been entered declaring that a foreign-born child was adopted in any court of competent jurisdiction in the State of Washington, a certified copy of the decree of adoption, together with evidence as to the child's birth date and birthplace provided by the original birth certificate; or by a certified copy, extract, or translation thereof; or by a certified copy of some other document essentially equivalent thereto, shall be recorded with the Department of Registration of Births in the State of Washington. The records of the INS or of the U.S. Department of State are essentially equivalent to the birth certificate.

A certificate of birth shall be issued, upon request, bearing the new name of the child as shown in the decree of adoption; the names of the adoptive parents of the child; and the age, sex, and date of birth of the child, but no reference in any birth certificate shall have reference to the adoption 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 May 2019

Requirements for Completing the Adoption

Citation: Ann. Code §§ 48-22-501; 48-22-502; 48-22-701; Code of State Rules § 78-2-23

The petition for adoption may be filed at any time after the child who is the subject of the adoption is born, the adoptive placement determined, and all consents or relinquishments that can be obtained have been executed. The hearing on the petition may be held no sooner than 45 days after the filing of the petition and only after the child has lived with the adoptive parent or parents for 6 months, proper notice of the petition has been given, and all necessary consents or relinquishments have been executed and submitted or the rights of all nonconsenting birth parents have otherwise been terminated.

The petition shall be verified and set forth the following:

- The name, age, and place of residence of the petitioner or petitioners and of the child and the name by which the child shall be known
- A full description of any property possessed by the child
- Whether the petitioners know the identity of the persons entitled to parental rights or that those persons are unknown to the petitioners
- Whether and on what basis the parental rights of any birth parents should be terminated during the pendency of the adoption petition

No sooner than 6 months after the child has resided continuously in the home of the petitioner or petitioners, the court shall decree the adoption if it determines the following:

- That no person retains parental rights in the child, except the petitioner and the petitioner's spouse, or the joint petitioners
- That all applicable provisions of this article have been complied with
- That the petitioners are fit persons to adopt the child
- That it is in the best interests of the child to order such adoption

In regulation: An agency offering intercountry adoption services shall do the following:

- Establish a written protocol that describes the process for handling intercountry placement and placement disruptions that provides for the well-being of the child, including an alternate placement plan
- Establish a written protocol that complies with the U.S. immigration laws and the laws of the sending country and protects the rights of the child and birth parents
- Seek legal counsel when necessary

Required Evidence/Documentation

Citation: Ann. Code §§ 48-22-401; 48-22-502

Whenever a person delivers a child for adoption, the person first receiving such child and the prospective adopting parent or parents shall be entitled to receive from the person a written recital of all known circumstances surrounding the birth, medical and family medical history of the child, and an itemization of any facts or circumstances unknown concerning the child's parentage or that may require further development in the form of an affidavit from the birth mother consistent with the provisions of § 48-22-502.

The adoption petition shall set forth any facts concerning the circumstances of the birth of the child known to the petitioner or petitioners. An effort shall be made to obtain medical and social information. That information, along with all nonidentifying information about the birth, shall accompany the petition and be made a part of the nonidentifying information to be sealed in the court file.

Either the petition, the various consents or relinquishments attached thereto or filed in the case, the affidavit of the birth mother as set forth herein or in an appendix signed by counsel or other credible persons shall fully disclose all that is known about the parentage of the child.

Background Studies

Citation: Code of State Rules § 78-2-16

An agency shall conduct a comprehensive written home study with the prospective adoptive parents and all household members prior to placing a child in the home, including a minimum of one individual in-person interview for each parent and two joint interviews. The study shall describe and evaluate aspects of the home and family and shall include the following:

- The composition of the household and intrafamily relationships
- The family's attitudes, values, and level of understanding of child development
- The family decision-making process, including descriptive examples
- The manner in which the family handles conflict, stress, and frustration, including descriptive examples
- Individual and family hobbies, recreation, community activities, and social life
- The family's values and attitudes and how they relate in the community and to religious, ethnic, and cultural differences
- Each parent's personal history, attitudes, feelings, and values
- The parent's financial situation
- The parent's motivation to become adoptive parents
- An assessment of the adoptive parent's ability and willingness to make a lifetime commitment to the adopted child and their understanding of the legal rights of the adopted child

Placement Supervision and Reporting

Citation: Ann. Code § 48-22-701

Between the time of the filing of the adoption petition and the adoption hearing, the court shall cause a discreet inquiry to be made to determine whether the child is a proper subject for adoption and whether the home of the petitioners is a suitable home for the child. Any such inquiry shall be made by any suitable and discreet person not related to either the persons previously entitled to parental rights or the adoptive parents or by an agency designated by the court, and the results shall be submitted to the court prior to or upon the hearing on the petition and shall be filed with the records of the proceeding. The report shall include, but not be limited to, the following:

- A description of the family members, including medical and employment histories
- A physical description of the home and surroundings
- A description of the adjustment of the child and family
- Personal references
- Other information deemed necessary by the court, which may include a criminal background investigation

Effect of Adoption Decree on Parental Rights

Citation: Ann. Code § 48-22-703

Upon the entry of an order of adoption, any person previously entitled to parental rights, any parent or parents by any previous legal adoption, and the lineal or collateral kindred of any such person or parent shall be divested of all legal rights, including the right of inheritance from or through the adopted child, and shall be divested of all obligations in respect to the adopted child, and the said adopted child shall be free from all legal obligations, including obedience and maintenance, in respect to any such person, parent, or parents.

From and after the entry of an order of adoption, the adopted child shall be, to all intents and for all purposes, the legitimate issue of the person or persons so adopting him or her and shall be entitled to all the rights and privileges and subject to all the obligations of a natural child of such adopting parent or parents.

Obtaining a U.S. Birth Certificate

Citation: Ann. Code §§ 48-22-702; 16-5-16; 16-5-18(h)

Immediately upon the entry of an order of adoption, the court shall direct the clerk to make and deliver to the State Registrar of Vital Statistics a certificate that includes the following:

- The date and place of birth of the child, if known
- The name of the mother of the child, if known, and the name of the legal or determined father of the child, if known

- The name by which the child previously was known
- The names and addresses of the adopting parents
- The name by which the child is to be thereafter known
- Any other information from the record of the adoption proceedings that may be required by law and will enable the State registrar to carry out his or her duties

Upon receipt of the certificate, the State registrar shall issue and deliver by mail to the adopting parents at their last-known address and to the clerk of the county commission of the county wherein such order of adoption was entered a birth certificate in the form prescribed by law, except that the name of the child shown in said certificate shall be the name given him or her by the order of adoption.

When a court of competent jurisdiction has entered an order of adoption in this State, it shall require the preparation of a certificate of adoption on a form prescribed and furnished by the State registrar. The certificate of adoption shall be certified by the clerk of the court and shall provide the following:

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

Each petitioner shall furnish the information necessary to prepare the certificate of adoption. The court may require any social service or welfare agency or any person having knowledge of the facts to provide the additional information as may be necessary to complete the certificate of adoption.

When the State registrar receives a certificate of adoption or amendment of an order of adoption for a person born in a foreign country, and the person was not a U.S. citizen at the time of birth, the State registrar shall prepare a 'certificate of foreign birth' as provided by § 16-5-18(h). If the person was born in Canada, the State registrar shall send a copy of the certificate of adoption to the registration authority in Canada.

Upon receipt of the necessary 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 U.S. citizen and who was adopted through a court of competent jurisdiction in this State. The State registrar shall establish the certificate upon receipt of the following:

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

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 May 2019

Requirements for Completing the Adoption

Citation: Ann. Stat. §§ 48.97; 48.839; 48.90; 48.91

If a resident of this State has been appointed guardian 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, and the child was admitted to the United States with an IR-4 or IH-4 visa issued by the U.S. Citizenship and Immigration Services (USCIS), the guardian shall adopt the child under § 48.839.

Any resident of this State who has been appointed by a court of a foreign jurisdiction as guardian of a child who is a citizen of that jurisdiction, before bringing the child into this State for the purpose of adopting the child, shall file with the Department of Children and Families a \$1,000 noncancelable bond in favor of this State. The condition of the bond shall be that the child will not become dependent on public funds for his or her primary support before he or she is adopted.

If the guardian files a guardianship judgment or order, the department shall review the judgment or order. The department shall certify to the USCIS that all preadoptive requirements of this State that can be met before the child's arrival in the United States have been met based on the following:

- The judgment or order has the effect of freeing the child for adoption.
- The department has been furnished with a copy of a home study recommending the guardian as an adoptive parent.
- A licensed child welfare agency has been identified to provide any needed services.
- The guardian has filed the required bond.
- The guardian has completed any required preadoption preparation.

Within 60 days after the arrival of a child brought into this State from a foreign jurisdiction for the purpose of adoption, the individual who is the child's guardian shall file a petition to adopt the child, a petition to terminate parental rights to the child, or both. The termination of a parent's parental rights to a child who is a citizen of a foreign jurisdiction is not required prior to the child's adoption by his or her guardian.

If a petition for adoption is filed and the individual guardian filing the petition filed an instrument of guardianship other than a court order or judgment, the court shall determine whether the instrument filed has the effect under the laws of the foreign jurisdiction of freeing the child for adoption. The court shall presume that the instrument has that effect, unless there are substantial irregularities on the face of the document or unless the department shows good cause for believing that the instrument does not have that effect. If the court determines that the instrument does not have the effect of freeing the child for adoption, the court shall order the petitioner to file a petition to terminate parental rights within 10 days.

If a petition for adoption is filed and the individual guardian filing the petition filed a court order or judgment, the court order or judgment shall be legally sufficient evidence that the child is free for adoption.

A petition for adoption may be filed at any time if the petitioner is the proposed adoptive parent with whom the child has been placed under § 48.839.

If after the hearing and a study of the report required by § 48.88 and the recommendation required by § 48.841 or 48.89, the court is satisfied that the necessary consents or recommendations have been filed and that the adoption is in the best interests of the child, the court shall make an order granting the adoption. The order may change the name of the minor to that requested by petitioners.

Required Evidence/Documentation

Citation: Ann. Stat. § 48.839

Any resident of this State who has been appointed by a court of a foreign jurisdiction as guardian of a child who is a citizen of that jurisdiction and who intends to bring the child into this State for the purpose of adopting the child shall file with the department a certified copy of the judgment or order of a court of the foreign jurisdiction or other instrument having the effect under the laws of the foreign jurisdiction of freeing the child for adoption. If the instrument is not a judgment or order of a court, the guardian shall also file with the department a copy of the law under which the instrument was issued, unless the department waives this requirement. The guardian also shall file English translations of the court judgment or order or other instrument and of the law. The department shall return the originals to the guardian and keep on file a copy of each document.

Background Studies

Citation: Ann. Stat. § 48.88(2)

When a petition to adopt a child is filed, the court shall order an investigation to determine whether the child is a proper subject for adoption and whether the petitioner's home is suitable for the child. If the child is a citizen of a foreign jurisdiction and is under the guardianship of an individual, the court shall order the agency that conducted the home study required under Federal law prior to the child's entry into the United States to conduct or supplement the investigation.

In determining whether the petitioner's home is suitable for the child, the agency making the investigation shall consider whether the petitioner is fit and qualified to care for the child, exercises sound judgment, does not abuse alcohol or drugs, and displays the capacity to successfully nurture the child.

The investigation shall be conducted using an assessment system that is approved by the department. The assessment system shall provide a reliable, comprehensive, and standardized qualitative evaluation of a petitioner's personal characteristics, civil and criminal history, age, health, financial stability, and ability to responsibly meet all requirements of the department.

Placement Supervision and Reporting

Citation: Ann. Stat. § 48.839(5)

Any licensed child welfare agency that negotiates or arranges the placement of a child for adoption under this section shall provide services to the child and to the proposed adoptive parents until the child's adoption is final.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Stat. § 48.92

After the order of adoption is entered, the relation of parent and child and all the rights, duties, and other legal consequences of the natural relation of child and parent thereafter exists between the adopted person and the adoptive parents.

After the order of adoption is entered, the relationship of parent and child between the adopted person and the adopted person's birth parents and the relationship between the adopted person and all persons whose relationship to the adopted person is derived through those birth parents shall be completely altered and all the rights, duties, and other legal consequences of those relationships shall cease to exist, unless the birth parent is the spouse of the adoptive parent, in which case those relationships shall be completely altered and those rights, duties, and other legal consequences shall cease to exist only with respect to the birth parent who is not the spouse of the adoptive parent and all persons whose relationship to the adopted person is derived through that birth parent.

Obtaining a U.S. Birth Certificate

Citation: Ann. Stat. § 69.15

If the State registrar receives an order that provides for an adoption, the State registrar shall prepare a new record for the subject of the adoption, unless the adoptive parents or the subject of the adoption requests that no new record be prepared. If the order is from a court in this State, the order shall include a certified copy of the original birth record registered for the subject of the adoption. The new record shall show the following:

- The name of the registrant
- The date and place of birth as transcribed from the original record (information that may not be changed by the court)
- The names and personal information of the adoptive parents, unless otherwise indicated by the court order
- The hospital and time of birth as unknown
- The filing date on the original record
- Any other information necessary to complete the new record

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 following:

- 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 May 2019

Requirements for Completing the Adoption

Citation: Ann. Stat. §§ 1-22-104; 1-22-106; 1-22-107; 1-22-109; 1-22-111; 1-22-112

Effective July 1, 2019: Adoption proceedings shall be commenced by a petition filed in district court. A petition may be filed by any single adult or jointly by a husband and wife who maintain their home together or by either the husband or wife, if the other spouse is a parent of the child.

A petition to adopt a child shall be filed upon the entry of the child in the adoptive home or as soon thereafter as is reasonably convenient. When a petition is filed and presented to the judge, he or she shall set the petition for hearing. Any person whose consent to adoption is required by § 1-22-109 and whose consent has not been filed shall be ordered to appear on the day set and show cause why the petition to adopt should not be granted and a decree of adoption entered.

Prior to the hearing a copy of the petition to adopt a child and all orders to show cause shall be served on any persons whose consent to adoption is required and whose consent has not been filed with the petition to adopt.

A written relinquishment of custody of the child to be adopted and written consent to adoption shall be filed with the petition to adopt and shall be signed by the following:

- Both parents, if living, or the surviving parent
- The mother and putative father of the child if the name of the putative father is known
- The mother alone if she does not know the name of the putative father, in which case she shall sign and file an affidavit so stating
- The legal guardian of the person of the child if neither parent is living or if parental rights have been judicially terminated
- The executive head of the agency to whom the child has been relinquished for adoption
- The person having exclusive legal custody of the child by court order

After the petition to adopt has been filed and a hearing held, the court acting in the best interests and welfare of the child, may make any of the following orders:

- Enter an interlocutory decree of adoption, giving the care and custody of the child to the petitioners pending further order of the court
- Defer entry of an interlocutory decree of adoption and order a social study of the adopting family
- Enter a final decree of adoption if the child has resided in the home of the petitioner for 6 months
- Deny the adoption if the court finds that the best interests and welfare of the child will be served by such denial

After a written report of the investigation is filed, the court shall determine if the adoption by petitioners is in the best interests and welfare of the child and thereupon enter the appropriate order or decree.

If an interlocutory decree has been entered, the petitioners may apply for a final decree of adoption after the child has resided in the home of the petitioners for 6 months. A hearing on the petition may be required.

If an interlocutory decree has not been entered, a hearing on the petition for a final decree of adoption shall be set, notice thereof shall be given, and a final hearing shall be held on the petition.

Required Evidence/Documentation

Citation: Ann. Stat. § 1-22-104

Effective July 1, 2019: The following documents shall be filed with every petition to adopt a child:

- The appropriate consent to adoption pursuant to § 1-22-109
- Any relinquishments necessary to show the court that the person or agency legally authorized to have custody and control of the child prior to the adoption has duly relinquished the child to the petitioners for adoption
- A report of the medical examination of the child made by a licensed Wyoming physician within 30 days immediately preceding the filing of the petition to adopt

- An affidavit from each petitioner setting forth the following:
 - Any previous or current diagnosed psychiatric disorders of the petitioner
 - All felony convictions of the petitioner within the preceding 10 years
 - All misdemeanor convictions of the petitioner within the preceding 5 years
 - The current parole or probation status of the petitioner, if any
- An affidavit stating the name or names of persons awarded visitation rights to the child under § 20-7-101 or § 20-7-102 or an affidavit stating that no visitation rights with the child have been awarded
- A form prescribed and furnished by the State Registrar of Vital Records to provide, to the extent possible, the following information:
 - The name of the child prior to adoption
 - The child's sex
 - The child's date of birth and place of birth
 - The child's birth certificate number
 - The birth mother's full maiden name
 - The birth father's full name

Background Studies

Citation: Ann. Stat. § 1-22-116; Code of Rules 049-0001-1, § 4

To the extent available, the medical history of a child subject to adoption and his or her birth parents, with information identifying the birth parents eliminated, shall be provided by an authorized agency or may be provided by order of a court to the child's adoptive parent any time after the adoption decree or to the child after he or she reaches the age of majority. The history shall include, but not be limited to, all available information regarding conditions or diseases believed to be hereditary, any drugs or medication taken during pregnancy by the child's birth mother, and any other information that may be a factor influencing the child's present or future health.

In regulation: If the department is conducting an adoptive home study, the applicant shall provide the following:

- The names; addresses; ages; sex; race and nationality; education; work and employment record; physical description; verification of marriage(s) and divorce(s); financial statement of assets, liabilities, and income; family members and others living within the home
- The names and addresses of five references who have known the applicant for a minimum of 2 years
- A general physical examination, completed within the year
- Autobiographies of each applicant
- A statement as to the motivation to apply for adoption and the types of children the applicant is considering for adoption
- Documentation that they are residents of the State of Wyoming

Following the receipt of the above information, the department shall conduct interviews both at the department field office and the applicant's home to provide the information needed to complete an adoptive home study and to assist in the evaluation of the suitability of placement of a child for adoption in that home.

Central registry and fingerprint-based national criminal history record checks shall be completed. Additional information related to the suitability of the applicant for adoption may be required.

Placement Supervision and Reporting

Citation: Ann. Stat. § 1-22-111

At the adoption hearing, the court may defer entry of an interlocutory decree of adoption and order the Department of Family Services or a private licensed agency to investigate and report to the court the background of the child and of the petitioners and the medical, social, and psychological background and status of the consenting parent and putative father. After a written report of the investigation is filed, the court shall determine if the adoption by petitioners is in the best interests and welfare of the child.

Effect of Adoption Decree on Parental Rights

Citation: Ann. Stat. § 1-22-114

Upon the entry of a final decree of adoption, the former parent, guardian, or putative father of the child shall have no right to the control or custody of the child. The adopting persons shall have all of the rights and obligations respecting the child as if they were natural parents.

Adopted persons may assume the surname of the adoptive parent. They are entitled to the same rights of person and property as children and heirs at law of the persons who adopted them.

Obtaining a U.S. Birth Certificate

Citation: Ann. Stat. §§ 35-1-416(d); 35-1-417(e)

When the State Registrar of Vital Records receives a record of adoption from a court for a person born outside this State, the record shall be forwarded to the appropriate registration authority in the State of birth. For an adoption of a child born in a foreign country, the record of adoption shall be forwarded to the U.S. Immigration and Naturalization Service*, U.S. Department of Justice, or such other office as the Federal government may designate.

The State registrar 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.

**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.*



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



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