



## STATE STATUTES

CURRENT THROUGH APRIL 2018

# State Recognition of Intercountry Adoptions Finalized Abroad

To find statute information for a particular State or Territory, go to the [State Statutes Search](#).

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

Completing an adoption abroad does not, in and of itself, entitle the adopted child to enter the United States or obtain U.S. citizenship. Prospective adoptive parents should refer to the U.S. Department of State and U.S. Citizenship and Immigration Services (USCIS) websites for more information on the intercountry adoption immigration process as well as age, eligibility, and citizenship requirements before completing an

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adoption abroad.<sup>1</sup> Please also note that as of July 14, 2014, unless an exception applies, U.S. citizen adoptive parents must work with a U.S. accredited or approved primary adoption service provider if they wish to immigrate a child through the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Adoption Convention or Hague) process or the non-Convention (or orphan) process.

Questions about the intercountry adoption process can be emailed to [Adoption@state.gov](mailto:Adoption@state.gov).

## FULL EFFECT AND RECOGNITION OF INTERCOUNTRY ADOPTION DECREES

Once the child is in the United States, recognition and validation of the adoption is subject to the laws of the parents' State of residence.<sup>2</sup> For this publication, statutes regarding the recognition of adoptions finalized outside the United States were collected for all 50 States. An analysis of the information collected shows that approximately 29 States, the District of Columbia, Guam, and the Northern Mariana Islands give full effect and recognition to

an adoption decree that has been issued in full compliance with the laws of the United States and the country that granted the adoption,<sup>3</sup> although some of these States place conditions on full recognition of foreign decrees.<sup>4</sup> Recognition of a foreign adoption decree means that the decree is considered by the State to be as valid and binding as a decree issued by a State court.

## READOPTION OR VALIDATION AFTER AN INTERCOUNTRY ADOPTION

Many States provide for validation of the foreign adoption or readoption of the child under State law. Validation is the process of submitting an adopted child's foreign adoption decree for State court approval.<sup>5</sup> Readoption is the process of adopting a child who had been adopted in another jurisdiction. The processes are similar; both involve State court review and legitimization of the foreign adoption. The processes typically require adoptive parents to provide the court with certain documents, including a certified translated copy of the foreign adoption decree, proof of the date and place of the adopted child's birth, and proof that the child has an IH-3 or IR-3 visa.

<sup>1</sup> For more information, refer to the U.S. Department of State, Bureau of Consular Affairs, [Adoption Process webpage](#), the USCIS [Adoption webpage](#), and the USCIS publication, [I am a U.S. citizen...How do I help my adopted child immigrate to the United States or become a U.S. Citizen?](#)

<sup>2</sup> The State of residence is the State that the adoptive parents live in and call home. Determining a military family's State of residence may be complex because the family may relocate often. For additional information about military families seeking to adopt and determining their State of residence, see the Child Welfare Information Gateway factsheet [Military Families Considering Adoption](#).

<sup>3</sup> The word "approximately" is used to stress the fact that States frequently amend their laws and applies to all data in this publication. The information in this publication is current only through April 2018. The States that currently provide full recognition to foreign adoption decrees include Alaska, Arkansas, California, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Vermont, Virginia, and West Virginia.

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

<sup>5</sup> The State court must be a court that has jurisdiction over adoption cases. For more information, see Child Welfare Information Gateway's [Court Jurisdiction and Venue for Adoption Petitions](#).

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

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

## **APPLICATION FOR A U.S. BIRTH CERTIFICATE**

In approximately 32 States, the Northern Mariana Islands, and Puerto Rico, adoptive parents who want to obtain a U.S. birth certificate from their State of residence for their adopted child must submit to their State

registrar of vital statistics documentation from the readoption or validation of the foreign adoption that was issued by the State court.<sup>9</sup> Approximately 15 States, the District of Columbia, and Guam accept the foreign adoption decree when adoptive parents request a U.S. birth certificate for their adopted child.<sup>10</sup> Typically, the request for a birth certificate is accompanied by a certified copy of the final adoption decree, the State court's findings of fact as to the date and place of the child's birth, and a written request for a new birth certificate for the adopted person.<sup>11</sup>

The birth certificate issued by the State registrar lists the new name of the adopted child, if requested by the adoptive parents, and the names of the adoptive parents as the child's legal parents. In 25 States and Guam, the certificate will show the country of the child's birth,<sup>12</sup> and in 11 States and Guam, it will include a notation that it is a certificate of foreign birth.<sup>13</sup> In 20 States and Guam, a notation is made on the certificate that it is not evidence of U.S. citizenship for the child.<sup>14</sup> In five States, that notation will be removed when proof of the child's U.S. citizenship is

<sup>6</sup> Kansas, Kentucky, Louisiana, Mississippi, Montana, New York, Pennsylvania, South Carolina, and Wisconsin.

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

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

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

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

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

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

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

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

submitted to the registrar.<sup>15</sup> Afterwards, the registrar seals the original birth certificate, order or decree of adoption, and the court findings, which are not unsealed except by court order or as provided by law.<sup>16</sup>

For more general information about the intercountry adoption process, see the Child Welfare Information Gateway factsheet [Intercountry Adoption: What Do I Need to Know?](#)

### SUGGESTED CITATION:

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This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, 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.

<sup>15</sup> Alaska, Louisiana, New Jersey, Pennsylvania, and Virginia.

<sup>16</sup> For additional information about an adopted child's access to their sealed adoption records, see Child Welfare Information Gateway's [Access to Adoption Records](#).



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Administration for Children and Families  
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