

28 **78-30-8.6**, Utah Code Annotated 1953

29

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **26-2-28** is amended to read:

32 **26-2-28. Birth certificate for foreign adoptees.**

33 Upon presentation of a court order of adoption and an order establishing the fact, time,
34 and place of birth under Section 26-2-15, the department shall prepare a birth certificate for any
35 person who:

36 ~~[(1) was born in a country that is not recognized by the department rule as having an~~
37 ~~established vital records registration system;]~~

38 ~~[(2)]~~ (1) was adopted under the laws of this state; and

39 ~~[(3)]~~ (2) was at the time of adoption considered an alien child for whom the court
40 received documentary evidence of legal residence under Section 78-30-8.5.

41 Section 2. Section **78-30-8.5** is amended to read:

42 **78-30-8.5. Alien child -- Evidence of lawful admission to United States required.**

43 (1) As used in this section, "alien child" means a child under 16 years of age who is not
44 considered a citizen or national of the United States by the United States Immigration and
45 Naturalization Service.

46 (2) Any person adopting an alien child shall file with the petition for adoption written
47 evidence from the United States Immigration and Naturalization Service that the child was
48 inspected and:

49 (a) admitted into the United States for permanent residence;

50 (b) admitted into the United States temporarily in one of the lawful nonimmigrant
51 categories specified in 8 U.S.C. Section 1101(a)(15); or

52 (c) paroled into the United States pursuant to 8 U.S.C. Section 1182(d)(5).

53 ~~[(3) The court may determine the validity of the written evidence required under~~
54 ~~Subsection (2) before issuing an order of adoption.]~~

55 ~~[(4)]~~ (3) The 1992 amendments to this section are retroactive to September 1, 1984.

56 Any adoption decree entered after September 1, 1984, is considered valid if the requirements of
57 Subsection (2), as amended, were met.

58 ~~[(5) If the alien child was born outside the United States, its territories, and Canada, the~~

59 ~~petition for adoption may be joined to a petition to establish the fact, time, and place of birth~~
60 ~~under Section 26-2-15.]~~

61 Section 3. Section **78-30-8.6** is enacted to read:

62 **78-30-8.6. Adoption order from foreign country.**

63 (1) Except as otherwise provided by federal law, an adoption order rendered to a
64 resident of this state that is made by a foreign country shall be accorded full faith and credit by
65 the courts of this state and enforced as if the order were rendered by a court in this state unless
66 the adoption law of the foreign country violates the fundamental principles of human rights.

67 (2) A person who adopts a child in a foreign country may register the order in this state.
68 A petition for registration of a foreign adoption order may be combined with a petition for a
69 name change. If the court finds that the foreign adoption order meets the requirements of
70 Subsection (1), the court shall order the state registrar to:

71 (a) file the order pursuant to Section 78-30-9; and

72 (b) file a certificate of birth for the child pursuant to Section 26-2-28.

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

Legislative Review Note
as of 11-13-03 9:44 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Recognition of Foreign Adoptions***21-Jan-04***Bill Number HB0200***2:54 PM*

State Impact

No fiscal impact.

Individual and Business ImpactNo fiscal impact.

Office of the Legislative Fiscal Analyst