

RECOGNITION OF FOREIGN ADOPTIONS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill establishes a section giving full faith and credit to an adoption order issued by a foreign country for an alien child.

Highlighted Provisions:

This bill:

- ▶ recognizes an adoption order issued by a foreign country;
- ▶ provides that a petition for registration of a foreign adoption order may be combined with a petition for a name change; and
- ▶ requires the court to order the clerk of the court to file the order and file a certificate of birth.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-2-28, as last amended by Chapter 86, Laws of Utah 2000

78-30-8.5, as last amended by Chapter 211, Laws of Utah 1992

ENACTS:

78-30-8.6, Utah Code Annotated 1953

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(4)]~~ (3) The 1992 amendments to this section are retroactive to September 1, 1984. Any adoption decree entered after September 1, 1984, is considered valid if the requirements of Subsection (2), as amended, were met.

~~[(5) If the alien child was born outside the United States, its territories, and Canada, the petition for adoption may be joined to a petition to establish the fact, time, and place of birth~~

under Section 26-2-15.]

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

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

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

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

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

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

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