
By: **Delegates Cane, Boschert, Cadden, Eckardt, Klausmeier, Mohorovic,
Oaks, Owings, Sophocleus, and Walkup**

Introduced and read first time: January 28, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Adoption - Recognition of Foreign Adoption Decrees**

3 FOR the purpose of requiring certain adoption decrees to be given full recognition and
4 effect in this State under certain circumstances; requiring the Secretary of
5 Health and Mental Hygiene to prepare and register a certificate of foreign birth
6 for a person born in a foreign country and adopted under certain circumstances;
7 requiring the certificate to be established upon receipt of certain documents; and
8 generally relating to adoption decrees for persons born in foreign countries.

9 BY repealing and reenacting, without amendments,
10 Article - Family Law
11 Section 5-313.1 and 5-326
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2001 Supplement)

14 BY adding to
15 Article - Family Law
16 Section 5-326.1
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2001 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Health - General
21 Section 4-211(i)
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2001 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Family Law

2 5-313.1.

3 A court may grant a decree of adoption or a decree of guardianship without
4 requiring the consent of a natural parent otherwise required under §§ 5-311 and
5 5-317 of this subtitle if the petitioner files with the petition for adoption or
6 guardianship a decree of adoption, guardianship, or termination of parental rights
7 granted by a judicial, administrative, or executive body of a jurisdiction or country
8 other than the United States that is in compliance with the laws of that country.

9 5-326.

10 A final decree of adoption granted in another jurisdiction:

11 (1) shall be given full faith and credit in this State; and

12 (2) has the same legal effect as a final decree of adoption granted in this
13 State.

14 5-326.1.

15 A FINAL DECREE OF ADOPTION GRANTED BY A JUDICIAL, ADMINISTRATIVE, OR
16 EXECUTIVE BODY OF A JURISDICTION OR COUNTRY OTHER THAN THE UNITED
17 STATES SHALL BE GIVEN FULL RECOGNITION AND EFFECT IN THIS STATE IF:

18 (1) THE ADOPTING PARENT IS A RESIDENT OF THIS STATE; AND

19 (2) THE VALIDITY OF THE FOREIGN ADOPTION HAS BEEN VERIFIED BY
20 THE GRANTING OF AN IR-3 VISA FOR THE CHILD BY THE UNITED STATES
21 IMMIGRATION AND NATURALIZATION SERVICE UNDER THE IMMIGRATION AND
22 NATIONALITY ACT.

23

Article - Health - General

24 4-211.

25 (i) (1) The Secretary shall, upon request, prepare and register a certificate
26 in this State for a person born in a foreign country who is not a citizen of the United
27 States and who was adopted [through]:

28 (I) THROUGH a court of competent jurisdiction in this State; OR

29 (II) UNDER THE LAWS OF A JURISDICTION OR COUNTRY OTHER
30 THAN THE UNITED STATES AND HAS BEEN GRANTED AN IR-3 VISA BY THE UNITED
31 STATES IMMIGRATION AND NATURALIZATION SERVICE UNDER THE IMMIGRATION
32 AND NATIONALITY ACT.

33 (2) [The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
34 SUBSECTION, THE certificate shall be established upon receipt of [a]:

1 (I) A certificate of adoption from the court decreeing the adoption[,
2 proof];

3 (II) PROOF of the date and place of the child's birth[,]; and [a]

4 (III) A request from the court, the adopting parents, or the adopted
5 person if 18 years of age or over that the certificate be prepared.

6 (3) IF THE CHILD WAS ADOPTED UNDER THE LAWS OF A JURISDICTION
7 OR COUNTRY OTHER THAN THE UNITED STATES AND HAS BEEN GRANTED AN IR-3
8 VISA BY THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE UNDER
9 THE IMMIGRATION AND NATIONALITY ACT, THE CERTIFICATE SHALL BE
10 ESTABLISHED UPON RECEIPT OF:

11 (I) AN OFFICIAL COPY OF THE DECREE FROM THE JURISDICTION
12 OR COUNTRY IN WHICH THE CHILD WAS ADOPTED;

13 (II) PROOF OF THE DATE AND PLACE OF THE CHILD'S BIRTH;

14 (III) PROOF OF IR-3 VISA STATUS; AND

15 (IV) A REQUEST FROM THE COURT, THE ADOPTING PARENTS, OR
16 THE ADOPTED PERSON IF 18 YEARS OF AGE OR OVER THAT THE CERTIFICATE BE
17 PREPARED.

18 (4) The certificate shall be labeled "Certificate of Foreign Birth" and
19 shall show the actual country of birth.

20 [(4)] (5) A statement shall also be included on the certificate indicating
21 that it is not evidence of United States citizenship for the child for whom it is issued.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2002.