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

Introduced and read first time: January 28, 2002

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

3 FOR the purpose of providing that certain provisions of law may not be construed to  
4 require a certain adopting parent to file a certain petition for adoption;  
5 providing that a certain provision of law applies only if an adopting parent  
6 chooses to file a certain petition; requiring certain adoption decrees to be given  
7 full recognition and effect in this State under certain circumstances; requiring  
8 the Secretary of Health and Mental Hygiene to prepare and register a certificate  
9 of foreign birth for a person born in a foreign country and adopted under certain  
10 circumstances by an adopting parent who is a resident of this State; requiring  
11 the certificate to be established upon receipt of certain documents; and generally  
12 relating to adoption decrees for persons born in foreign countries.

13 BY repealing and reenacting, with amendments,  
14 Article - Family Law  
15 Section 5-313.1  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume and 2001 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article - Family Law  
20 Section ~~5-313.1~~ and 5-326  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 2001 Supplement)

23 BY adding to

1 Article - Family Law  
 2 Section 5-326.1  
 3 Annotated Code of Maryland  
 4 (1999 Replacement Volume and 2001 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article - Health - General  
 7 Section 4-211(i)  
 8 Annotated Code of Maryland  
 9 (2000 Replacement Volume and 2001 Supplement)

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

12 **Article - Family Law**

13 5-313.1.

14 ~~A (A) NOTHING IN THIS SECTION MAY BE CONSTRUED TO REQUIRE AN~~  
 15 ~~ADOPTING PARENT TO PETITION A COURT IN THIS STATE FOR ADOPTION OF A CHILD~~  
 16 ~~IF:~~

17 (1) THE CHILD WAS ADOPTED UNDER THE LAWS OF A JURISDICTION OR  
 18 COUNTRY OTHER THAN THE UNITED STATES; 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 (B) IF AN ADOPTING PARENT CHOOSES TO FILE A PETITION FOR ADOPTION IN  
 24 THIS STATE, A court may grant a decree of adoption or a decree of guardianship  
 25 without requiring the consent of a natural parent otherwise required under §§ 5-311  
 26 and 5-317 of this subtitle if the petitioner files with the petition for adoption or  
 27 guardianship a decree of adoption, guardianship, or termination of parental rights  
 28 granted by a judicial, administrative, or executive body of a jurisdiction or country  
 29 other than the United States that is in compliance with the laws of that country.

30 5-326.

31 A final decree of adoption granted in another jurisdiction:

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

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

1 5-326.1.

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

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

6 (2) THE VALIDITY OF THE FOREIGN ADOPTION HAS BEEN VERIFIED BY  
7 THE GRANTING OF AN IR-3 VISA FOR THE CHILD BY THE UNITED STATES  
8 IMMIGRATION AND NATURALIZATION SERVICE UNDER THE IMMIGRATION AND  
9 NATIONALITY ACT.

10 **Article - Health - General**

11 4-211.

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

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

16 (II) 1. UNDER THE LAWS OF A JURISDICTION OR COUNTRY  
17 OTHER THAN THE UNITED STATES AND HAS BEEN GRANTED AN IR-3 VISA BY THE  
18 UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE UNDER THE  
19 IMMIGRATION AND NATIONALITY ACT; AND

20 2. BY AN ADOPTING PARENT WHO IS A RESIDENT OF THIS  
21 STATE.

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

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

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

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

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

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

- 1 (II) A CERTIFIED TRANSLATION OF THE FOREIGN ADOPTION  
2 DECREE;
- 3 (III) PROOF OF THE DATE AND PLACE OF THE CHILD'S BIRTH;
- 4 (~~III~~) (IV) PROOF OF IR-3 VISA STATUS; ~~AND~~
- 5 (~~IV~~) (V) A REQUEST FROM THE COURT, THE ADOPTING PARENTS,  
6 OR THE ADOPTED PERSON IF 18 YEARS OF AGE OR OVER THAT THE CERTIFICATE BE  
7 PREPARED; AND
- 8 (VI) PROOF THAT THE ADOPTING PARENT IS A RESIDENT OF THIS  
9 STATE.

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

12 [(4)] (5) A statement shall also be included on the certificate indicating  
13 that it is not evidence of United States citizenship for the child for whom it is issued.

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