

Department of Legislative Services

Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 396

(Delegate Cane, *et al.*)

Judiciary

Judicial Proceedings

Family Law - Adoption - Recognition of Foreign Adoption Decrees

This bill requires the Department of Health and Mental Hygiene (DHMH), upon request, to prepare and register birth certificates for people born and adopted in foreign countries who received an IR-3 visa from the United States Immigration and Naturalization Service and whose adopting parent is a Maryland resident. A Maryland birth certificate will be issued upon receipt of the adoption decree from the jurisdiction or country in which the child was adopted, a certified translation of the foreign adoption decree, proof of the child's date and place of birth, proof of IR-3 visa status, a request from the court, adopting parents, or the adopted person if 18 or older, and proof that the adopting parent is a Maryland resident. The bill also states that a final decree of adoption granted by a judicial, administrative, or executive body of a jurisdiction or country other than the United States has the full recognition and effect in the State if the adopting parent is a Maryland resident and the child has received an IR-3 visa.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A court can grant a decree of adoption or guardianship without the natural parent's consent if the petitioner files with the request a decree of adoption, guardianship, or termination of parental rights granted by a judicial, administrative, or

executive body of a jurisdiction or country other than the United States. Under current court procedures, it is the court that authenticates the foreign adoption-related documents before sending a certificate of adoption to the DHMH.

A final decree of adoption granted in another jurisdiction has full faith and credit in the State and has the same legal effect as a final decree of adoption granted in Maryland.

DHMH must, upon request, prepare and register a birth certificate in the State for a person born in a foreign country who is not a United States citizen and who was adopted through a court of competent jurisdiction in the State. The certificate is labeled the Certificate of Foreign Birth and shows the country of birth.

Background: DHMH's Division of Vital Records processes approximately 300 adoptions of foreign-born children per year.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Department of Health and Mental Hygiene, Department of Legislative Services

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