

AMENDED IN SENATE APRIL 24, 2006

AMENDED IN SENATE APRIL 4, 2006

SENATE BILL

No. 1393

Introduced by Senator Florez

February 22, 2006

An act to amend Section 8919 of the Family Code, and to amend Section 102635 of the Health and Safety Code, relating to intercountry adoptions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1393, as amended, Florez. Intercountry adoptions.

Existing law authorizes, and in some cases requires, a state resident who has adopted a child in a foreign country through an adoption that is finalized in a foreign country to readopt the child in this state. Existing law requires that the readoption include at least one postplacement in-home visit, the filing of the adoption petition, the intercountry adoption court report, accounting reports, and the final adoption order. Existing law prohibits a court from granting a readoption order unless the court receives a specified report from an adoption agency authorized to provide intercountry adoption services.

~~This bill would revise and recast these provisions to eliminate several of the requirements described above with respect to readoption, except that one postplacement in-home visit would be required in cases in which readoption is required. The bill would delete the provision prohibiting a court from granting a readoption order unless the court receives a specified report from an adoption agency authorized to provide intercountry adoption services. The bill would instead provide that a petition to readopt shall be granted if the adoption was finalized in a foreign country and other specified~~

~~conditions are met~~ *specify standards for a petition to readopt by a state resident who adopts a child through an intercountry adoption finalized in a foreign country that has adoption standards meeting or exceeding those of this state. The bill would require that the petition be granted if the adoption was finalized in accordance with the foreign country's laws and certain documents are filed with the petition, without requiring an adoption agency report.*

Existing law requires the State Registrar to establish a new birth certificate upon receipt of a report of adoption, as specified.

The bill would also require the State Registrar to establish a new birth certificate upon receipt of ~~a decree, order, or certificate of adoption that evidences finalization of adoption in a foreign country,~~ if the person seeking the certificate is a resident of this state and is not required by the Department of Homeland Security to readopt the child, or upon receipt of a readoption order, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8919 of the Family Code is amended to
2 read:

3 8919. (a) ~~(1)~~ Each state resident who adopts a child through
4 an intercountry adoption that is finalized in a foreign country
5 shall readopt the child in this state if it is required by the
6 Department of Homeland Security. ~~The~~ *Except as provided in*
7 *subdivision (c), the readoption shall include but is not limited to,*
8 *at least one postplacement in-home visit, the filing of the*
9 *adoption petition pursuant to Section 8912, the intercountry*
10 *adoption court report, accounting reports, and the final adoption*
11 *order. No readoption order shall be granted unless the court*
12 *receives a report from an adoption agency authorized to provide*
13 *intercountry adoption services pursuant to Section 8900.*

14 ~~(2)~~ The petition to readopt shall be granted if all of the
15 following apply:

16 ~~(A)~~ The adoption was finalized in accordance with the laws of
17 the foreign country.

18 ~~(B)~~ The resident has filed with the petition a copy of both of
19 the following:

1 ~~(i) The decree, order, or certificate of adoption which~~
2 ~~evidences finalization of the adoption in the foreign country.~~

3 ~~(ii) The child's birth certificate and visa together with a~~
4 ~~certified translation into English of any document that is not in~~
5 ~~English.~~

6 (b) Each state resident who adopts a child through an
7 intercountry adoption that is finalized in a foreign country may
8 readopt the child in this state.—*The Except as provided in*
9 *subdivision (c), the readoption shall meet the standards described*
10 *in subdivision (a), except that no postplacement visit shall be*
11 *required..*

12 (c) (1) *A state resident who adopts a child through an*
13 *intercountry adoption that is finalized in a foreign country with*
14 *adoption standards that meet or exceed those of this state, as*
15 *certified by the Department of Social Services, may readopt the*
16 *child in this state according to this subdivision. The readoption*
17 *shall include one postplacement in-home visit and the final*
18 *adoption order.*

19 (2) *The petition to readopt shall be granted if all of the*
20 *following apply:*

21 (A) *The adoption was finalized in accordance with the laws of*
22 *the foreign country.*

23 (B) *The resident has filed with the petition a copy of both of*
24 *the following:*

25 (i) *The decree, order, or certificate of adoption that evidences*
26 *finalization of the adoption in the foreign country.*

27 (ii) *The child's birth certificate and visa.*

28 (C) *A certified translation is included of all documents*
29 *described in this paragraph that are not in English.*

30 (d) In addition to the requirement or option of the readoption
31 process set forth in this section, each state resident who adopts a
32 child through an intercountry adoption which is finalized in a
33 foreign country may obtain a birth certificate in the State of
34 California in accordance with the provisions of Section 102635
35 or 103450 of the Health and Safety Code.

36 ~~SEC. 2. Section 102635 of the Health and Safety Code is~~
37 ~~amended to read:~~

38 ~~102635. A new birth certificate shall be established by the~~
39 ~~State Registrar upon receipt of any of the following:~~

1 ~~(a) A report of adoption from any court of record that has~~
 2 ~~jurisdiction of the child of this state, another state, the District of~~
 3 ~~Columbia, in any territory of the United States, or in any foreign~~
 4 ~~country, for any child born in California and whose certificate of~~
 5 ~~birth is on file in the office of the State Registrar.~~

6 ~~(b) A decree, order, or certificate of adoption that evidences~~
 7 ~~finalization of adoption in a foreign country, if the person~~
 8 ~~seeking the certificate is a resident of this state and is not~~
 9 ~~required by the Department of Homeland Security to readopt the~~
 10 ~~child.~~

11 ~~(c) A readoption order issued pursuant to Section 8919 of the~~
 12 ~~Family Code.~~

13 ~~SEC. 2. Section 102635 of the Health and Safety Code is~~
 14 ~~amended to read:~~

15 ~~102635. A new birth certificate shall be established by the~~
 16 ~~State Registrar upon receipt of a *any of the following*:~~

17 ~~(a) A report of adoption from any court of record that has~~
 18 ~~jurisdiction of the child of ~~in~~ this state, another state, the District~~
 19 ~~of Columbia, in any territory of the United States, or in any~~
 20 ~~foreign country, for any child born in California and whose~~
 21 ~~certificate of birth is on file in the office of the State Registrar.~~

22 ~~(b) A readoption order issued pursuant to Section 8919 of the~~
 23 ~~Family Code.~~