

AMENDED IN SENATE MAY 2, 2006
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 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~~ *provide* that the petition *may* 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 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) Each state resident who adopts a child through an
4 intercountry adoption that is finalized in a foreign country shall
5 readopt the child in this state if it is required by the Department
6 of Homeland Security. Except as provided in subdivision (c), the
7 readoption shall include but is not limited to, at least one
8 postplacement in-home visit, the filing of the adoption petition
9 pursuant to Section 8912, the intercountry adoption court report,
10 accounting reports, and the final adoption order. No readoption
11 order shall be granted unless the court receives a report from an
12 adoption agency authorized to provide intercountry adoption
13 services pursuant to Section 8900.

14 (b) Each state resident who adopts a child through an
15 intercountry adoption that is finalized in a foreign country may
16 readopt the child in this state. Except as provided in subdivision
17 (c), the readoption shall meet the standards described in
18 subdivision (a).

19 (c) (1) A state resident who adopts a child through an
20 intercountry adoption that is finalized in a foreign country with
21 adoption standards that meet or exceed those of this state, as
22 certified by the Department of Social Services, may readopt the
23 child in this state according to this subdivision. The readoption
24 shall include one postplacement in-home visit and the final
25 adoption order.

26 (2) The petition to readopt ~~shall~~ *may* be granted if all of the
27 following apply:

28 (A) The adoption was finalized in accordance with the laws of
29 the foreign country.

30 (B) The resident has filed with the petition a copy of both of
31 the following:

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

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

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

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

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

14 102635. A new birth certificate shall be established by the
15 State Registrar upon receipt of any of the following:

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

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