

Senate Bill No. 1393

CHAPTER 809

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.

[Approved by Governor September 30, 2006. Filed with
Secretary of State September 30, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1393, 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 standards for a petition to readopt by a state resident who adopts a child through an intercountry adoption finalized in a foreign country and would require that the readoption include a home study report. The bill would provide for alternative requirements regarding the filing of the adoption petition if the foreign country in which the adoption was finalized has adoption standards that meet or exceed those of this state. The bill would require the Department of Social Services to certify whether the adoption standards in specified countries meet or exceed those of this state. The bill would provide that, in that case, 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. If a court denies the petition, the bill would require the court to summarize the reasons for its denial on the record.

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.

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

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

8919. (a) Each state resident who adopts a child through an intercountry adoption that is finalized in a foreign country shall readopt the child in this state if it is required by the Department of Homeland Security. Except as provided in subdivision (c), the readoption shall include, but is not limited to, at least one postplacement in-home visit, the filing of the adoption petition, the intercountry adoption court report, accounting reports, the home study report, and the final adoption order. If the adoptive parents have already completed a home study as part of their adoption process, a copy of that study shall be submitted in lieu of a second home study. No readoption order shall be granted unless the court receives a copy of the home study report previously completed for the international finalized adoption by an adoption agency authorized to provide intercountry adoption services pursuant to Section 8900. The court shall consider the postplacement visit or visits and the previously completed home study when deciding whether to grant or deny the petition for readoption.

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

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

(2) The petition to readopt may be granted if all of the following apply:

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

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

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

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

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

(3) If the court denies a petition for readoption, the court shall summarize its reasons for the denial on the record.

(d) The Department of Social Services shall certify whether the adoption standards in the following countries meet or exceed those of this state:

- (1) China
- (2) Guatemala
- (3) Kazakhstan
- (4) Russia
- (5) South Korea

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

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

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

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

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