

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1365

Session of
2005

INTRODUCED BY BIRMELIN, ARMSTRONG, BALDWIN, BELFANTI,
BENNINGHOFF, BIANCUCCI, BOYD, CALTAGIRONE, CAPPELLI, CLYMER,
CORNELL, CRAHALLA, DENLINGER, DeWEESE, DIGIROLAMO, FLEAGLE,
FREEMAN, GEIST, GERGELY, GILLESPIE, GINGRICH, GOODMAN, GRELL,
GRUCELA, HARRIS, HENNESSEY, HERSHEY, HESS, HICKERNELL, JAMES,
JOSEPHS, W. KELLER, KOTIK, LEACH, LEH, MACKERETH, MANN,
MARSICO, McILHATTAN, R. MILLER, S. MILLER, MUNDY, NAILOR,
O'NEILL, PETRI, PHILLIPS, PICKETT, PISTELLA, PYLE, REICHLEY,
ROHRER, RUBLEY, SATHER, SAYLOR, SCAVELLO, SCHRODER, SHAPIRO,
B. SMITH, STERN, R. STEVENSON, E. Z. TAYLOR, TIGUE, TRUE,
WALKO, WATSON, WHEATLEY, WILT, YOUNGBLOOD AND KAUFFMAN,
APRIL 14, 2005

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 9, 2005

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for foreign decree
3 of adoption.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 2908 of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 2908. Foreign decree of adoption.

9 [When a decree of adoption of a minor is made or entered in
10 conformity with the laws of another state or a foreign country
11 whereby a child is adopted by a resident of this Commonwealth, a
12 copy of the final decree, properly authenticated, may be filed
13 with the clerk in the county of residence of the adopting

1 parents. The decree and such other documents as may be filed
2 therewith shall be kept in the files of the court as a permanent
3 record thereof and shall be withheld from inspection except on
4 order of court granted upon cause shown. Upon the filing of a
5 foreign decree of adoption, the clerk shall enter upon the
6 docket an entry showing the foreign court, identification of the
7 proceedings therein and the date of the decree. Information
8 identifying the natural parents shall not be required.]

9 ~~(a) Registration. When a final decree of adoption of a~~ <—
10 ~~minor is made or entered in conformity with the laws of another~~
11 ~~state or a foreign country whereby a child is adopted by a~~
12 ~~resident of this Commonwealth, a copy of the foreign decree of~~
13 ~~adoption, properly authenticated, may be filed with the clerk of~~
14 ~~the orphans' court in the county of residence of the parent or~~
15 ~~parents. The clerk may charge a filing fee in accordance with~~
16 ~~the court's regular fee schedule as approved by the president~~
17 ~~judge. The foreign decree of adoption and such other documents~~
18 ~~as may be filed therewith shall be kept in the files of the~~
19 ~~court as a permanent record thereof and shall be withheld from~~
20 ~~inspection except on order of court granted upon cause shown.~~
21 ~~Information identifying the birth parents of the adoptee shall~~
22 ~~not be required.~~

23 ~~(b) Certificate of adoption. Upon the filing of a properly~~
24 ~~authenticated foreign decree of adoption, the clerk shall enter~~
25 ~~upon the docket an entry showing the foreign court,~~
26 ~~identification of the proceedings therein and the date of the~~
27 ~~decree. The clerk shall issue to the parent or parents a~~
28 ~~certificate of adoption evidencing that the adoption has been~~
29 ~~registered in the county court. The clerk shall also send a~~
30 ~~certificate of adoption to the Bureau of Vital Statistics of the~~

~~Department of Health. No hearing shall be required prior to the issuance of the certificate of adoption and the parent or parents shall not be required to obtain counsel.~~

~~(c) Change of name of adoptee. If requested, the name of the adoptee may be changed from that set forth on the foreign decree of adoption and the new name shall be set forth on the certificate of adoption issued under subsection (b).~~

~~(d) Readoption. The readoption of a child referenced in subsection (a) is not required unless:~~

~~(1) in the case of a married couple seeking to jointly register a foreign decree of adoption, the adoption in the foreign country was not finalized as to both the husband and the wife; or~~

~~(2) the adoption was not finalized in the foreign country.~~

~~(A) REGISTRATION.--WHEN AN ORDER OF ADOPTION OF A MINOR IS MADE OR ENTERED IN CONFORMITY WITH THE LAWS OF ANOTHER STATE OR A FOREIGN COUNTRY WHEREBY A CHILD IS ADOPTED BY A RESIDENT OF THIS COMMONWEALTH, THE ADOPTING PARENT SHALL FILE A PROPERLY AUTHENTICATED COPY OF THE FOREIGN DECREE OF ADOPTION, A COPY OF THE CHILD'S VISA AND THE CHILD'S BIRTH CERTIFICATE, IF AVAILABLE, WITH THE CLERK OF THE ORPHANS' COURT IN THE COUNTY OF RESIDENCE OF THE PARENT. IF THE FOREIGN DECREE OF ADOPTION IS NOT IN ENGLISH, THE ADOPTING PARENT SHALL ALSO FILE A CORRECT ENGLISH TRANSLATION. IF NO BIRTH CERTIFICATE OR CERTIFICATION OF REGISTRATION OF BIRTH CAN BE OBTAINED, THE PARENT SHALL INCLUDE A STATEMENT OF THE REASON THEREFOR. THE ORPHANS' COURT BY GENERAL RULE, OR THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS AT THE DIRECTION OF THE ORPHANS' COURT, SHALL DEVELOP A FOREIGN ADOPTION REGISTRATION FORM AND INSTRUCTIONS FOR THE USE~~

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1 OF SAME. A COPY OF THE FINAL FOREIGN DECREE OF ADOPTION AND
2 ENGLISH TRANSLATION, IF NECESSARY, A COPY OF THE CHILD'S VISA
3 AND THE CHILD'S BIRTH CERTIFICATE, IF AVAILABLE, SHALL BE
4 ATTACHED TO THE FOREIGN REGISTRATION FORM AS EXHIBITS AND
5 SUBMITTED TO THE CLERK OF COURTS FOR REVIEW AT THE TIME OF
6 FILING.

7 (B) REVIEW.--THE FOREIGN REGISTRATION FORM SHALL INSTRUCT
8 THE CLERK TO REVIEW THE CHILD'S PROPERLY AUTHENTICATED COPY OF
9 THE FINAL FOREIGN DECREE OF ADOPTION, A COPY OF THE CHILD'S VISA
10 AND THE CHILD'S BIRTH CERTIFICATE, IF AVAILABLE. IN CASES WHERE
11 THE FOREIGN ADOPTION WAS FULL AND FINAL, THE CLERK SHALL ENTER
12 UPON THE DOCKET AN ENTRY SHOWING THE FOREIGN COURT,
13 IDENTIFICATION OF THE PROCEEDINGS IN THAT COURT AND THE DATE OF
14 THE DECREE. THE CLERK SHALL ISSUE TO THE PARENT A CERTIFICATE OF
15 ADOPTION EVIDENCING THAT THE ADOPTION HAS BEEN REGISTERED IN THE
16 COUNTY COURT. THE CLERK SHALL ALSO SEND A CERTIFICATE OF
17 ADOPTION TO THE BUREAU OF VITAL STATISTICS OF THE DEPARTMENT OF
18 HEALTH. NO HEARING SHALL BE REQUIRED PRIOR TO THE ISSUANCE OF
19 THE CERTIFICATE OF ADOPTION AND THE PARENT SHALL NOT BE REQUIRED
20 TO OBTAIN COUNSEL. IN CASES WHERE THE FOREIGN ADOPTION WAS NOT
21 FULL AND FINAL OR WHERE THE CHILD'S VISA IS NOT OF THE TYPE THAT
22 WOULD AFFORD THE CHILD FULL UNITED STATES CITIZENSHIP, THE CLERK
23 SHALL ADVISE THE ADOPTIVE PARENT THAT THE CHILD MUST BE
24 READOPTED TO FINALIZE THE ADOPTION. THE ORPHANS' COURT BY
25 GENERAL RULE, OR THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA
26 COURTS AT THE DIRECTION OF THE ORPHANS' COURT, SHALL DEVELOP A
27 STANDARD PETITION, A STANDARD COURT ORDER AND INSTRUCTIONS FOR
28 THEIR USE. THE CLERK SHALL PROVIDE THE ADOPTIVE PARENT WITH A
29 STANDARD PETITION FOR THE READOPTION AND ADVISE THE ADOPTIVE
30 PARENT ACCORDINGLY.

1 (C) RECORDS.--THE COPY OF THE FINAL FOREIGN DECREE OF
2 ADOPTION AND ENGLISH TRANSLATION, IF NECESSARY, THE COPY OF THE
3 CHILD'S VISA, THE CHILD'S BIRTH CERTIFICATE, IF AVAILABLE, AND
4 ANY OTHER ACCOMPANYING DOCUMENTS SHALL BE KEPT IN THE FILES OF
5 THE COURT AS A PERMANENT RECORD AND SHALL BE WITHHELD FROM
6 INSPECTION EXCEPT ON ORDER OF COURT GRANTED UPON CAUSE SHOWN.
7 INFORMATION IDENTIFYING THE BIRTH PARENTS OF THE ADOPTEE SHALL
8 NOT BE REQUIRED. THE CLERK MAY CHARGE A FILING FEE IN ACCORDANCE
9 WITH THE COURT'S REGULAR FEE SCHEDULE AS APPROVED BY THE
10 PRESIDENT JUDGE.

11 (D) CHANGE OF NAME OF ADOPTEE.--IF REQUESTED, THE NAME OF
12 THE ADOPTEE MAY BE CHANGED FROM THAT SET FORTH ON THE FINAL
13 FOREIGN DECREE OF ADOPTION, THE CHILD'S VISA AND THE CHILD'S
14 BIRTH CERTIFICATE AND SHALL BE SET FORTH ON THE CERTIFICATE OF
15 ADOPTION ISSUED PURSUANT TO SUBSECTION (B).

16 (E) READOPTION.--NO COUNTY SHALL REQUIRE THE READOPTION OF
17 ANY CHILD REFERRED TO IN SUBSECTION (A) UNLESS:

18 (1) THE COMMONWEALTH DOES NOT RECOGNIZE THE FOREIGN
19 ADOPTION AS A FULL AND FINAL ADOPTION;

20 (2) BOTH PARENTS, OR JUST THE SOLE PARENT IF ONLY ONE
21 PERSON IS ADOPTING, WERE NOT PRESENT FOR THE ADOPTION HEARING
22 IN THE FOREIGN COUNTRY;

23 (3) THE FOREIGN COURT DID NOT ENTER A FINAL ADOPTION
24 DECREE OR ITS EQUIVALENT; OR

25 (4) THE VISA IS NOT OF THE TYPE THAT WOULD AFFORD THE
26 CHILD FULL UNITED STATES CITIZENSHIP.

27 Section 2. This act shall take effect in 60 days.