S T A T E O F N E W Y O R K

10179--A

I N A S S E M B L Y

May 10, 2012

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the domestic relations law and the public health law, in relation to adoptions from a foreign country

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (b) of subdivision 1 of section 111-c of the domestic relations law, as added by chapter 329 of the laws of 2008, is amended to read as follows:

(b) the validity of the foreign adoption has been verified by the granting of an IR-3 [immigrant visa], IH-3, or a successor immigrant visa, for the child by the United States Citizenship and Immigration Services.

S 2. Subdivision 3 of section 111-c of the domestic relations law, as added by chapter 329 of the laws of 2008, is amended to read as follows:

3. Either adoptive parent or a guardian or a guardian ad litem may register the order in this state with the judge or surrogate of the county in which the adoptive parent or parents reside. A petition for registration of a foreign adoption order may be combined with a petition for a name change. If the court finds that the foreign adoption order meets the requirements of subdivision one of this section, the court shall issue a finding as to aspects of the foreign adoption, to wit, the names of the adoptive parents, the name or names and reported birth date of the adoptive child, the country of the adoptive child's birth, the country and the date of the foreign adoption, the state residency of the adoptive parent or parents and adoptive child, and a finding as to the date and issuance of an IR-3, IH-3, OR A SUCCESSOR immigrant visa; and, the court shall issue an order of adoption to the party who has petitioned for such an order.

S 3. Section 4138-b of the public health law, as amended by chapter 181 of the laws of 2010, is amended to read as follows:

S 4138-b. Birth certificate: foreign country adoption. Whenever the adoption or finalization of a foreign adoption or recognition of a

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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foreign adoption of a child pursuant to section one hundred eleven-c of the domestic relations law has been reported to the commissioner, the commissioner shall file a birth certificate for the child provided there is no other birth certificate or other birth record on file other than in the country where such child was born and provided, further, that a certificate of birth data does not exist for that person. Such birth certificate shall be filed upon receipt of: proof that the adoptive parent was a resident of this state at the time of adoption; a copy of the adoption documents of the jurisdiction or country in which the child was adopted; a certified translation of the foreign adoption documents, evidence of the date and place of the child's birth; and evidence of IR-3 [or], IR-4 OR IH-3 immigrant visa status or a successor immigrant visa status. The birth certificate shall include the child's name, sex, date of birth, time of birth, place of birth, mother's maiden name, and father's name. A birth certificate for a foreign country adoption which has been filed by a local registrar and all supporting documentation shall be submitted by the local registrar to the commissioner who shall file a new birth certificate pursuant to this section.

S 4. This act shall take effect immediately.