

10179

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

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

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

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

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

24 S 3. Section 4138-b of the public health law, as amended by chapter
25 181 of the laws of 2010, is amended to read as follows:

26 S 4138-b. Birth certificate: foreign country adoption. Whenever the
27 adoption or finalization of a foreign adoption or recognition of a
28 foreign adoption of a child pursuant to section one hundred eleven-c of

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

LBD15732-01-2

1 the domestic relations law has been reported to the commissioner, the
2 commissioner shall file a birth certificate for the child provided there
3 is no other birth certificate or other birth record on file other than
4 in the country where such child was born and provided, further, that a
5 certificate of birth data does not exist for that person. Such birth
6 certificate shall be filed upon receipt of: proof that the adoptive
7 parent was a resident of this state at the time of adoption; a copy of
8 the adoption documents of the jurisdiction or country in which the child
9 was adopted; a certified translation of the foreign adoption documents,
10 evidence of the date and place of the child's birth; and evidence of
11 IR-3 [or IR-4 immigrant visa status], IH-3, or a successor immigrant
12 visa status. The birth certificate shall include the child's name, sex,
13 date of birth, time of birth, place of birth, mother's maiden name, and
14 father's name. A birth certificate for a foreign country adoption which
15 has been filed by a local registrar and all supporting documentation
16 shall be submitted by the local registrar to the commissioner who shall
17 file a new birth certificate pursuant to this section.
18 S 4. This act shall take effect immediately.