

VIRGINIA ACTS OF ASSEMBLY -- 2012 SESSION

CHAPTER 323

An Act to amend and reenact § 63.2-1200.1 of the Code of Virginia, relating to foreign adoption; procedure to obtain Virginia certificate of birth.

[H 285]

Approved March 22, 2012

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1200.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1200.1. Recognition of foreign adoption; issuance of birth certificates.

A. Any adoption of a child who was born in a foreign country and who was not a citizen of the United States at the time of birth shall, subject to the provisions of subsection D of § 63.2-1201.1, be recognized by the Commonwealth and the rights and obligations of the parties shall be determined as though the order of adoption was entered by a court of the Commonwealth if the adoption was finalized pursuant to the laws of the country from which the child was adopted, and the child was admitted to the United States with an IR-3 or IH-3 visa issued by the United States Citizenship and Immigration Services. In such cases, the adoptive parents shall not be required to readopt the child in Virginia.

B. In cases in which an adoption of a child was finalized pursuant to the laws of a foreign country and the child was admitted to the United States with an IR-3 or IH-3 visa, the adoptive parents, *if residents of the Commonwealth at the time the adoption was finalized*, may submit a report of adoption to the State Registrar of Vital Records on a form furnished by the State Registrar, which shall (i) include evidence as to the date, place of birth, and parentage of the adopted person; (ii) provide information necessary to establish a new certificate of birth for the adopted person; (iii) include a certified *or notarized* copy of the final order of adoption entered by the foreign court, together with a certified *translation or a notarized copy of a certified* translation of the final order of adoption in cases in which the original order is not in English; and (iv) include an affidavit from the adoptive parents indicating that they are receiving supervision from a licensed or approved child-placing agency in the United States *or have received supervision from a licensed or approved child-placing agency in the United States and have satisfied all post-adoption requirements as required by the foreign country from which the child was adopted*. Upon receipt of a report pursuant to this subsection, the State Registrar shall establish a new certificate of birth for the adopted person, and such certificate of birth shall be registered in accordance with the provisions of § 32.1-261.