

Rule 15. ADOPTIONS

Rule 15.8. Foreign Adoption Registration

- (a) Adoptive parent(s) may petition the court of common pleas in the county of residence to register a foreign adoption decree so that it will be given full and final effect in this Commonwealth. The petition shall be in the form approved by the Supreme Court.
- (b) If the court of common pleas determines that the foreign adoption decree cannot be registered, the adoptive parent(s) may proceed under the Adoption Act and local rules of court to obtain a full and final decree of adoption.

Explanatory Note: Pursuant to 23 Pa.C.S. §2908(b), as amended by Act 96 of 2006, a set of forms consisting of a petition for registration of a foreign adoption decree, decrees approving and denying the petition, and detailed instructions for *pro se* petitioners, have been created and are set forth in the Appendix to these rules. The petition should be filed with the Clerk of the Orphans' Court Division, except in Philadelphia County, where it should be filed with the Clerk of the Family Court Division. The Clerk shall make the necessary Department of Health forms available to petitioners. If the foreign adoption is determined not to be a full and final adoption, the adoptive parent(s) may proceed under the Adoption Act and local rules to seek a decree of adoption in this Commonwealth.

IN THE COURT OF COMMON PLEAS

_____ COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION

IN RE: FOREIGN ADOPTION OF _____

FILE NO. _____

PETITION TO REGISTER FOREIGN ADOPTION DECREE
PURSUANT TO 23 Pa.C.S. §2908

1. Petitioner(s), the Adopting Parent(s) of the above-named adopted child, is/are _____

2. Petitioner(s) reside(s) in _____ County, Pennsylvania, at

(Street Address)

(City, State, Zip)
3. The full name of the adopted child at birth was _____.
4. The full name by which the adopted child is to be known is _____
_____.
5. The date of birth of the adopted child is _____.
6. The date of the foreign adoption decree is _____.
7. The type of visa issued to the adopted child is _____.
8. The following documents are attached to this Petition:
 - a. Certified copy of child's birth certificate or other birth identification issued by country of birth; if none, an Affidavit of Parent(s) stating why none is available.

- b. Certified copy of Decree of Adoption issued by foreign government; if Decree is not in English, an English translation certified by the translator to be correct is attached.
- c. Copy of adopted child's United States visa.
- d. Pennsylvania Department of Health Form H105.091 (Vital Records Form) with Parts I and II (and Part III, if applicable) completed.
- e. Pennsylvania Department of Health Statement of Citizenship and Residence.

WHEREFORE, Petitioner(s) request(s) that this Court enter a Decree authorizing the registration and docketing of the attached Foreign Adoption Decree with the Clerk of the Orphans' Court and decreeing that _____
(Birth Name of Adopted Child)

shall henceforth be known as _____
(Name of Child After Adoption)

and shall have all the rights of a child and heir of the Petitioner(s).

 Adopting Parent

 Adopting Parent

VERIFICATION

I/We verify that we have read and understand the information set forth in the Instructions to the Petition to Register Foreign Adoption Decree.

I/We verify that the facts set forth in the foregoing Petition are true and correct to the best of my/our knowledge, information and belief.

I/We understand that false statements made herein are subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: _____

Adopting Parent

Adopting Parent

IN THE COURT OF COMMON PLEAS
_____ COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
IN RE: ADOPTION OF _____
ADOPTION NO. _____

FINAL DECREE

AND NOW, this _____ day of _____, 20__, it is hereby ORDERED AND DECREED that the Petition of _____
(Adopting Parent(s))
_____ to Register Foreign Adoption
(Adopting Parent(s))
Decree is GRANTED and that this Court authorizes the registration and docketing of the Foreign Adoption Decree entered on _____ by
(Date of Foreign Decree)
_____ in _____.
(Name of Foreign Court) *(Foreign Country)*

It is FURTHER ORDERED and DECREED that the above Foreign Adoption Decree shall be enforceable as if this Court had entered the Decree and that henceforth _____ shall be known as
(Birth Name of Adopted Child)
_____ and shall have all the rights of a child
(Child's Name After Adoption)
and heir of _____.
(Adopting Parent(s))

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS

_____ COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION

IN RE: ADOPTION OF _____

ADOPTION NO. _____

FINAL DECREE

AND NOW, this _____ day of _____, 20____, it is
hereby ORDERED and DECREED that the Petition of _____
(Adopting Parent(s))

_____ to Register Foreign Adoption Decree
(Adopting Parent(s))

is DENIED.

BY THE COURT:

J.

INSTRUCTIONS FOR FILING
PETITION TO REGISTER FOREIGN ADOPTION DECREE
PURSUANT TO 23 Pa.C.S. §2908

When a child is adopted in conformity with the laws of a foreign country, the adopting parent(s) may register the foreign adoption so that the Foreign Adoption Decree is considered to be a full and final decree, enforceable as if entered pursuant to the Pennsylvania Adoption Act, and a Pennsylvania birth certificate can be obtained.

Adopting parent(s) seeking to register the Foreign Adoption Decree must:

1. Complete, sign and date the Petition to Register Foreign Adoption Decree and Verification. *If a Foreign Adoption Decree shows that there are two adopting parents, both parents must execute the Petition to Register Foreign Adoption Decree.*
2. Attach the following documents to the Petition:
 - A certified copy of the Foreign Adoption Decree;
 - A certified copy of the child's birth certificate. If no birth certificate was issued, a certified copy of any other birth identification issued by the country of birth should be attached. If no birth certificate or birth identification can be obtained, an Affidavit stating the reason should be submitted;
 - A copy of the child's United States visa;
 - An English translation of all documents not in English, certified by the translator to be true and correct;
 - Form H105.091 (Pennsylvania Department of Health, Vital Records, Certificate of Adoption) with Parts I and II (and Part III if applicable) completed;
 - Pennsylvania Department of Health Statement of Citizenship and Residency Form.
3. The Petition to Register with the attachments should be filed with the Clerk of the Orphans' Court Division of the Court of Common Pleas in which the adopting parent(s) reside(s), except for Philadelphia County resident(s), who must file with the Family Court Division. A filing fee will be charged in accordance with the fee schedule of the county court.

After the Petition to Register is filed, it will be submitted to the Court for review. If the Petition to Register and accompanying documents establish that the foreign adoption of the child is full and final, the Court will enter a Decree directing the registration of the Foreign Adoption Decree. The Clerk of the appropriate court will then issue a certificate of adoption and transmit form H105.091 and the Statement of Citizenship and Residency Form to the Department of Health, Division of Vital Records.

If the Court cannot determine that the foreign adoption is full and final, it will enter a Decree denying the petition. In that case, it will be necessary to proceed under the Adoption Act and any local rules of court to obtain a full and final Pennsylvania adoption decree.

Some of the following are reasons why a foreign adoption may not be a full and final adoption eligible for registration:

- both adopting parents were not present for the adoption hearing in the foreign country; or
- the sole adopting parent was not present at the adoption hearing in the foreign country; or
- the foreign court did not enter a final adoption Decree or Order or its equivalent; or
- the child's United States visa is not the type that would afford the child full United States citizenship.