
HOUSE BILL 1114

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Rolfes and Appleton

1 AN ACT Relating to adoption decrees for children adopted in foreign
2 countries; amending RCW 26.33.150 and 26.33.220; and adding a new
3 section to chapter 26.33 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 26.33 RCW
6 to read as follows:

7 (1) Notwithstanding any other provision in this chapter, an
8 adoptive parent may petition the court for refinalization of a foreign
9 adoption when all of the following are met:

10 (a) The adoption was finalized by an appropriate tribunal in a
11 foreign country in accord with the laws of that country;

12 (b) The adoptee was not brought into the United States until after
13 the adoption was finalized in the foreign country; and

14 (c) At least one of the adoptive parents is a resident of
15 Washington.

16 (2) A petition for refinalization of a foreign adoption may be
17 initiated under this section by filing with the court a petition for
18 refinalization of a foreign adoption. The petition must contain the
19 following information:

1 (a) A certified copy of the valid foreign adoption decree along
2 with a certified translation of the decree;

3 (b) Evidence as to the child's birth date and birth place provided
4 by the original birth certificate along with a certified translation of
5 the birth certificate, or by a certified copy, extract, or translation
6 of some other document that is essentially equivalent to the original
7 birth certificate. The records of the United States immigration and
8 naturalization service or of the United States department of state are
9 essentially equivalent to the birth certificate;

10 (c) Evidence showing that the child is either a permanent resident
11 or a naturalized citizen of the United States;

12 (d) An affidavit from the adoptive parent or attorney for the
13 adoptive parent indicating that the foreign adoption decree was issued
14 in accordance with the laws of the issuing jurisdiction and the adoptee
15 was not brought into the United States until the adoption was finalized
16 in the foreign country;

17 (e) The name and address of the adoption agency that handled the
18 adoption; and

19 (f) A statement alleging whether the child is or may be an Indian
20 child as defined in 25 U.S.C. Sec. 1903.

21 (3) The court shall review the petition, affidavit, decree, and
22 other documents. The court shall issue a decree refinalizing the
23 foreign adoption if the petition contains the required information
24 under subsection (2) of this section and the court finds that:

25 (a) The petition contains a verified statement or other evidence
26 that at least one of the adoptive parents is a United States citizen
27 and a state resident and that the child was not brought into the United
28 States until after the adoption was finalized in the foreign country;

29 (b) The original or certified copy of the valid foreign adoption
30 decree, along with a certified translation, is presented to the court;
31 and

32 (c) The adoptee is either a permanent resident or a naturalized
33 citizen of the United States.

34 (4)(a) An adoption decree issued under this section shall provide
35 the same information as required under RCW 26.33.250.

36 (b) An adoption decree issued under this section has the same legal
37 effect as any decree of adoption issued by the court.

1 (5) If the requirements under subsection (1) of this section are
2 not met or if the court does not enter a decree refinalizing the
3 foreign adoption under subsection (3) of this section, a person may
4 initiate adoption proceedings under this chapter.

5 **Sec. 2.** RCW 26.33.150 and 1984 c 155 s 15 are each amended to read
6 as follows:

7 (1) An adoption proceeding is initiated by filing with the court a
8 petition for adoption. The petition shall be filed by the prospective
9 adoptive parent.

10 (2) A petition for adoption shall contain the following
11 information:

- 12 (a) The name and address of the petitioner;
- 13 (b) The name, if any, gender, and place and date of birth, if
14 known, of the adoptee;
- 15 (c) A statement that the child is or is not an Indian child covered
16 by the Indian Child Welfare Act; and
- 17 (d) The name and address of the department or any agency, legal
18 guardian, or person having custody of the child.

19 (3) The written consent to adoption of any person, the department,
20 or agency which has been executed shall be filed with the petition.

21 (4) The petition shall be signed under penalty of perjury by the
22 petitioner. If the petitioner is married, the petitioner's spouse
23 shall join in the petition.

24 (5) If a preplacement report prepared pursuant to RCW 26.33.190 has
25 not been previously filed with the court, the preplacement report shall
26 be filed with the petition for adoption.

27 (6) An adoption proceeding to refinalize a foreign adoption may be
28 initiated under section 1 of this act.

29 **Sec. 3.** RCW 26.33.220 and 1984 c 155 s 22 are each amended to read
30 as follows:

31 Unless otherwise ordered by the court, the reports required by RCW
32 26.33.190 are not required if the petitioner seeks to adopt the child
33 of the petitioner's spouse. The reports required by RCW 26.33.190 and
34 26.33.200 are not required if the adoptee is eighteen years of age or

1 older or if the petition is for a refinalization of a foreign adoption
2 under section 1 of this act.

--- END ---