



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 41

**Senate Substitute
Amendment 1, As Amended**

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BACKGROUND

Currently, if an adoption of a child is finalized in a foreign country, the adoption may be legally recognized under state law if certain requirements have been met, including the approval by the Department of Children and Families (DCF) of the child's placement with the adoptive parent or parents. The adoptive parent or parents of a child whose adoption was finalized in a foreign country may also adopt the child under Wisconsin procedures (a "readoption"); however, a readoption is not a requirement under current law.

2015 ASSEMBLY BILL 41

Assembly Bill 41 requires a parent to readopt a child under Wisconsin procedures, in all cases, when the child's adoption was finalized abroad. The bill uses the same procedure that is required under current law for a parent who is adopting a child when the foreign court granted a guardianship, rather than an adoption. The procedure requires two general steps:

- First, a parent must submit certain records to DCF, including records related to preadoption training, a standardized home study report, and a bond. If DCF is satisfied with the documentation, the agency must certify those facts to the U.S. Citizenship and Immigration Services before the child may be brought into the United States.
- Second, within 60 days of bringing the child into the state, the parent must petition a court for the readoption, with a certified copy of the foreign court order, and, if the court is satisfied that the foreign court order has the effect of granting the adoption, the court must grant readoption of the child under Wisconsin law.

SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 to Assembly Bill 41 specifies that a foreign adoption order is recognized by this state with all the same rights and obligations as an adoption order granted in Wisconsin.

The substitute amendment requires the parent to submit a letter to the court requesting registration of the foreign adoption order within 365 days of bringing the child into the United States. The letter must include a certified copy of the foreign adoption order. The letter must also include an affidavit by the parent confirming that the preadoption training and home study requirements were completed, and that the parent is working with a licensed adoption agency.

Upon receipt of the letter, the court may change the child's name, must enter an order registering the foreign adoption order, and must transmit the order to the state Vital Statistics Registrar, for preparation of a birth certificate.

The substitute amendment does not revise the process under current law for a parent who is adopting a child when the foreign court granted a guardianship, rather than an adoption.

SENATE AMENDMENT 1 TO SENATE SUBSTITUTE AMENDMENT 1

Under current law, if the state Vital Statistics Registrar receives a court order **granting the adoption** of a child who was born outside of the United States by a Wisconsin resident, then the registrar must prepare a "certification of birth data" for the adopted child rather than a birth certificate. A certification of birth data must include specific information.

Senate Amendment 1 to Senate Substitute Amendment 1 requires the registrar to prepare a certification of birth data, rather than a birth certificate, for a child upon receipt of a court order **registering a foreign adoption**.

The amendment also requires that a certification of birth data indicate that a child born outside of the United States is recognized as a U.S. citizen by the state, if the child automatically becomes a U.S. citizen under federal law upon the granting of an adoption order or upon a court order registering a foreign adoption. Under these circumstances, the certification of birth data will have the full force and effect of a birth certificate.

Finally, the amendment establishes initial applicability and effective dates for the provisions of Senate Substitute Amendment 1 relating to the effect and recognition of foreign adoption and guardianship decrees and to the issuance and effect of certifications of birth data.

BILL HISTORY

Senate Substitute Amendment 1 was offered by Senator LeMahieu on February 2, 2016. On February 3, 2016, the Senate Committee on Health and Human Services recommended adoption of the substitute amendment, and concurrence in the bill, as amended, on votes of Ayes, 3; Noes, 2; and Ayes, 5; Noes, 0, respectively.

Senate Amendment 1 to Senate Substitute Amendment 1 was offered by Senator LeMahieu on February 9, 2016. On February 9, 2016, the Senate adopted Senate Amendment 1 to Senate Substitute Amendment 1, and Senate Substitute Amendment 1, as amended, on a voice vote. The Senate concurred in Assembly Bill 41, as amended, on a voice vote.

RES:jal