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## **DOMESTICATION OF FOREIGN ADOPTIONS IN VIRGINIA**

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The adoption process can occur internationally or domestically. Intercountry adoption occurs when a child from a foreign country is adopted by parents from another country. Each country and state has its own rules with respect to the adoption process. Many countries, including the United States, are part of The Hague Adoption Convention, and in those countries, families are required to use an accredited adoption agency to obtain an IH-3 Visa. This Visa allows the adopted child to become a naturalized citizen.<sup>1</sup> However, for adoptive parents who are United States citizens, the adoption of their child in a foreign country is not an automatic vehicle to U.S. citizenship.

Once the child is a U.S. citizen, the validity of the foreign adoption order is determined by the parents' state of residence. Some states do not require re-adoption within their state, while others do. In Virginia, it is *not* a requirement to re-adopt. A valid adoption order from another country is acceptable. However, Virginia adoption agencies and adoption attorneys highly recommend domestication of the foreign adoption order.

A domesticated order can cure any potential legal problems or inaccuracies of the foreign adoption order. It enables the adopted child to order a U.S. birth

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<sup>1</sup> <https://travel.state.gov/content/adoptionsabroad/en/adoption-process.html>

certificate, eliminating the need to obtain a birth certificate from a foreign country, which can be complicated. Most importantly, it ensures that the adopted child has all of the benefits that any other biological child would in Virginia, such as inheritance rights.

A petition can be filed in a Virginia Circuit Court after the child has been a Virginia resident for at least six months. In the six months before the petition is filed, there must be at least three post-placement visits by the adoption agency or the Department of Social Services, so a family waiting for the residency requirement to be met may expedite the domestication process by scheduling the visits during the six month waiting period to establish residency. An adoption attorney can file the petition, which includes the original, certified, and translated adoption documents. The attorney must also send a copy of the home study done by an approved agency. The petition to the court will also include an Order of Reference, which directs the adoption agency to submit a specific report to the court that makes a final recommendation regarding the best interests of the child. Once the court receives this report, then the Final Adoption Order is finalized. The order is then sent to the Division of Vital Records and a Virginia birth certificate is issued.

The process is fairly simple. The benefits certainly outweigh the minor expense, time, and effort. Diplomatic relations with other countries tend to fluctuate, which is why it is so critical to domesticate the foreign adoption order. It is the only way to ensure protection from future legal challenges in the ever-changing foreign political climate.