

§ 93-17-301. Short title.

Mississippi Statutes

Title 93. DOMESTIC RELATIONS

Chapter 17. ADOPTION, CHANGE OF NAME, AND LEGITIMATION OF CHILDREN

Article 9. MISSISSIPPI REGISTRATION OF FOREIGN ADOPTIONS ACT

Current through 4-23-2015

§ 93-17-301. Short title

This article shall be known and may be cited as the Mississippi Registration of Foreign Adoptions Act.

Cite as Miss. Code § 93-17-301

History. Added by Laws, 2014, ch. 385, SB 2180, §4, eff. 7/1/2014.

§ 93-17-303. Registration of foreign adoptions.

Mississippi Statutes

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§ 93-17-303. Registration of foreign adoptions

A child who has automatically acquired United States citizenship following a foreign adoption and who possesses a Certificate of Citizenship in accordance with the Child Citizenship Act, Public Law 106-395, may be issued a Mississippi birth certificate upon compliance with this article and the requirements for adoptions under this chapter to the extent not superseded by this article.

- (2) A parent shall not proceed under this article if the foreign adoption has been registered or otherwise finalized by a court of this or any other state.

Cite as Miss. Code § 93-17-303

History. Added by Laws, 2014, ch. 385, SB 2180, §5, eff. 7/1/2014.

§ 93-17-305. Procedure for registration of foreign adoption decree; jurisdiction; restrictions; exceptions; forms.

Mississippi Statutes

Title 93. DOMESTIC RELATIONS

Chapter 17. ADOPTION, CHANGE OF NAME, AND LEGITIMATION OF CHILDREN

Article 9. MISSISSIPPI REGISTRATION OF FOREIGN ADOPTIONS ACT

Current through 4-23-2015

§ 93-17-305. Procedure for registration of foreign adoption decree; jurisdiction; restrictions; exceptions; forms

- (1) An adopting parent or parents may petition the chancery court in the county having jurisdiction to register a foreign adoption decree so that it will be given full and final effect in this state. The petition and order shall be in substantially the form set forth in Section 93-17-307 unless the Supreme Court promulgates by rule a different set of forms, in which case the petition and order shall be in substantially the form set forth by court rule. As part of the Petition to Register a Foreign Adoption, a child's name may be changed from that appearing on the foreign adoption decree if all other requirements of law as to name change are met.
- (2) A foreign adoption decree previously registered or otherwise finalized by a court of this or any other state may not be registered subsequently in any court of this state.
- (3) If the chancellor, in termtime or vacation, determines that the foreign adoption can be registered, the chancellor shall sign the order and shall direct the chancery clerk to enter the date of the foreign adoption decree and identify the foreign court on the docket. A certified copy of the order, along with a copy of U.S. Government Form N-560, Certificate of Citizenship, or a copy of the child's United States passport, or both, if either or both documents are a part of the court file, shall be provided to the petitioner by the chancery clerk.
- (4) If the chancery court determines that the foreign adoption cannot be registered, the petitioner may proceed as applicable under the provisions of this chapter for adoptions generally. Reasons for which a foreign adoption cannot be registered include, without limitation, if the court determines that the foreign adoption is not a full and final adoption because the foreign-born child has been issued an IH-4 or IR-4 visa.
- (5) Adopting parent(s) who are eligible to register a foreign adoption under this article may, for any reason, proceed under this chapter as for adoptions generally.

- (6) The petition and accompanying documents, including the final decree, are confidential and are subject to rules of confidentiality as otherwise provided in this chapter for adoption records.

Cite as Miss. Code § 93-17-305

History. Added by Laws, 2014, ch. 385, SB 2180, §6, eff. 7/1/2014.

§ 93-17-307. Forms.

Mississippi Statutes

Title 93. DOMESTIC RELATIONS

Chapter 17. ADOPTION, CHANGE OF NAME, AND LEGITIMATION OF CHILDREN

Article 9. MISSISSIPPI REGISTRATION OF FOREIGN ADOPTIONS ACT

Current through 4-23-2015

§ 93-17-307. Forms

The petition shall be accompanied by the documentation indicated on the forms. The petition and order shall be in substantially the following form unless the Supreme Court adopts a rule setting forth a different form:

(a) *Form for petition; verification by parents.*

IN THE CHANCERY COURT OF COUNTY, MISSISSIPPI

IN RE: FOREIGN ADOPTION OF FILE NO.

PETITION TO REGISTER FOREIGN ADOPTION

1. Petitioner(s), the Adopting Parent(s) of the above-named adopted child, is/are.
2. Petitioner(s) reside(s) in County, Mississippi, at
(Street Address)

(City, State, Zip)
3. Has any other court in this or any other state reviewed, registered, finalized or otherwise assumed jurisdiction over the foreign

adoption decree being registered here:

(circle one) Yes

No

If yes, please provide the name of the court, the state and county,

what was previously presented to the court and the resulting decision from the

court: (Attach all court decrees)

4. The full name of the adopted child at birth as listed on the foreign birth certificate, if available, was
.
5. The full name of the adopted child as written on the foreign adoption decree is .
6. The full name of the adopted child as he or she is to be known from this time forward is
.
7. The date of birth of the adopted child is .
8. The date of the foreign adoption decree is .
9. The type of United States visa issued to the adopted child is:
(circle one) IR-2, IR-3, IH-3, IR-4, IH-4
10. The following documents are attached to this Petition:
 - a. Copy of child's birth certificate or other birth identification issued by country of birth; or if none, an affidavit of parent(s) stating why none is available.
 - b. The original documents related to the foreign adoption certified by the United States Embassy abroad and English translation certified by the translator to be correct.
 - c. Copy of adopted child's United States visa.
 - d. Copy of home study.
 - e. A copy of U.S. Government Form N-560, Certificate of Citizenship, or a copy of the child's United States passport, or both, if either or both documents are available.
 - f. A valid government-issued picture identification of parent or parents, such as a passport or driver's license.
 - g. Proof of residency of the parent or parents in the State of

Mississippi.

h. The social security card of the child.

WHEREFORE, Petitioner(s) request(s) that this Court enter its

Order authorizing the registration and docketing of the attached Foreign

Adoption Decree with the clerk of the court and decreeing

that

(Name of child as written on Foreign Adoption Decree)

shall henceforth be known as

(Child's name from this time forward)

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

Signature of Adopting Parent [FN1]

Signature of Adopting Parent

Daytime telephone no. for Adopting

Parent(s)

[FN1] When there are two (2) adopting parents, both must sign.

VERIFICATION TO PETITION TO REGISTER FOREIGN ADOPTION

I/We, , verify that I/we am/are the Petitioner(s) named in the

foregoing Petition, that I/we have read and understand the information set

forth in the Instructions to the Petition to Register Foreign Adoption Decree,

and 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 further verify

that all documents attached to this Petition are true and correct copies of

the originals. I/We understand that false statements made herein are

subject

to the penalties for perjury.

Date:

Signature of Adopting Parent

Signature of Adopting Parent

(b) *Form of Order.*

(i) Order of adoption.

IN THE CHANCERY COURT OF COUNTY, MISSISSIPPI

IN RE: FOREIGN ADOPTION OF ADOPTION NO.

ORDER

It is hereby ORDERED and DECREED that the Petition to Register

Foreign Adoption of:

(Adopting Parent(s))

is GRANTED and that this Court authorizes the registration and docketing of

the Foreign Adoption Decree entered on

(Date of Foreign Adoption Decree)

by (Name of Foreign Court)

in (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 this child

(Name of child as written on Foreign Adoption Decree)

shall be known as

(Child's name from this time forward)

and shall have all the rights of a child and heir of

(Adopting Parent(s))

Ordered this the day of , 20 .

Chancellor

(ii) Order denying adoption.

IN THE CHANCERY COURT OF COUNTY, MISSISSIPPI

IN RE: FOREIGN ADOPTION OF ADOPTION NO.

ORDER

It is hereby ORDERED and DECREED that the Petition of

(Adopting Parent(s))

to Register Foreign Adoption Decree is DENIED but that

Petitioners may proceed with an adoption pursuant to Mississippi law without

paying any additional filing fee.

Ordered this the day of , 20 .

Chancellor

(c) *Instructions.*

INSTRUCTIONS FOR FILING

PETITION TO REGISTER FOREIGN ADOPTION DECREE

When a child is adopted in conformity with the laws of a foreign country, the adopting parent(s) may register the foreign adoption and obtain a Mississippi adoption decree so that a Mississippi birth certificate can be obtained.

Adopting parent(s) seeking to register the foreign adoption must:

1. Complete, sign and date the Petition to Register Foreign Adoption including Verification. If a foreign adoption decree shows that there are two (2) adopting

parents, both parents must execute the Petition to Register Foreign Adoption and verification thereof.

2. Attach the following documents to the Petition:

A copy of the Foreign Adoption Decree;

* A copy of the child's foreign birth certificate. If no birth certificate was issued, a 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, with a verification by the translator that all translations are true and correct;

* A copy of the home studies.

* If available, a copy of the child's Certificate of Citizenship (U.S. Government Form N-560) or a copy of the child's U.S. passport, or both.

3. The Petition to Register with the attachments should be filed with the chancery court in the county in which the adopting parent(s) reside(s). A filing fee for the adoption will be charged in accordance with the fee schedule of the chancery 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 its order

directing the registration of the Foreign Adoption Decree. The chancery clerk will then issue an order of adoption to which will be attached a copy of U.S. Government Form N-560 and/or a copy of the child's United States passport if those items are in the court file for the Petitioner to submit to the Department of Health, Bureau of Vital Records, in order to obtain a birth certificate.

If the Court cannot determine that the foreign adoption is full and final, it will enter its order denying the Petition. In that case, it will be necessary to proceed under Title 93, Chapter 17, applying to adoptions generally without payment of an additional filing fee.

A foreign adoption may not be a full and final adoption eligible for registration if the child has an IH-4 or IR-4 United States visa, in which case it will be necessary to proceed under Mississippi general adoption law because the adoption of the

foreign-born child was not finalized in the country of the child's birth.

Only one (1) state court, whether in this or another state, should exercise jurisdiction over the registration of the foreign adoption or the completion of the adoption initiated in the native country of the foreign-born child. Thus, if the adoption has been finalized or the foreign adoption decree has been registered in another state court or in another court within this state, the adopting parent(s) need not and should not proceed under this article. In similar fashion, if the adoption of the foreign-born child has been finalized in this state, and thereafter, another petitioner seeks to adopt this child, the subsequent proceeding will be a standard proceeding under the applicable provisions of this chapter. Such a situation could occur when the child is to be adopted by a stepparent after divorce or death of the original adopting parent(s), or when, after termination of parental rights, the child is to be adopted by different adopting parent(s).

Cite as Miss. Code § 93-17-307

History. Added by Laws, 2014, ch. 385, SB 2180, §7, eff. 7/1/2014.