

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2366

Introduced by

Senators Krauter, Cook

Representatives Froelich, Kerzman

1 A BILL for an Act to amend and reenact sections 14-15-17 and 14-15-18 of the North Dakota
2 Century Code, relating to a foreign decree of adoption and an application for a new birth record;
3 and to declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 14-15-17 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **14-15-17. Recognition or validation of foreign decree affecting adoption.**

8 1. A decree of court terminating the relationship of parent and child or establishing
9 the relationship by adoption issued pursuant to due process of law by a court of
10 any other jurisdiction within or outside of the United States must be recognized in
11 this state and the rights and obligations of the parties as to matters within the
12 jurisdiction of this state must be determined as though the decree were issued by a
13 court of this state.

14 2. a. To obtain a validation of a foreign decree of adoption, the adoptive parent
15 shall provide to the court a petition for validation of foreign adoption, an
16 admission stamp in the adopted individual's passport which indicates that the
17 individual was admitted to the United States with an IR-3 visa, the individual's
18 foreign birth certificate and English translation, the individual's foreign
19 adoption decree and English translation, and a signed affidavit from the
20 agency which states that the foreign adoption is valid and which states the
21 name by which the individual is to be known. The petition for validation of
22 foreign adoption must be signed and verified by the petitioner, filed with the
23 clerk of the court, and state:

24 (1) The date and place of birth of the individual to be adopted, if known;

- 1 (2) The name to be used for the individual whose foreign adoption decree
2 is being petitioned for validation;
- 3 (3) The date the petitioner acquired custody or the date of placement of the
4 individual and the name of the foreign country's placing agency;
- 5 (4) The full name, age, place, and duration of residence of the petitioner;
6 and
- 7 (5) The marital status of the petitioner, including the date and place of
8 marriage, if married.
- 9 b. Upon a finding that the requirements of subdivision a have been met, the
10 court shall issue a decree of validation of foreign adoption. The clerk of court
11 shall forward a copy of the decree of validation of foreign adoption to the
12 registrar of vital statistics for the issuance of a birth record in accordance with
13 section 14-15-18.

14 **SECTION 2. AMENDMENT.** Section 14-15-18 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **14-15-18. Application for new birth record.** Within thirty days after an adoption
17 decree or decree of validation of foreign adoption becomes final, the clerk of the court shall
18 prepare an application for a birth record in the new name of the adopted individual and forward
19 the application to the appropriate vital statistics office of the place, if known, where the adopted
20 individual was born and forward a copy of the decree to the department of this state for
21 statistical purposes. In the case of the adoption of an individual born outside of the United
22 States, the court may make findings, based on evidence from the petitioner and other reliable
23 state or federal sources, on the date and place of birth and parentage of the adopted individual.
24 These findings must be certified by the court and included with the report of adoption filed with
25 the state registrar of vital statistics pursuant to section 23-02.1-17.

26 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.