

But I Can't Do Any More Paperwork!

Why You Should Start Readoption Proceedings – Today!

By Paul Consbruck, Attorney at Law

You've adopted your precious little one from overseas, and since the adoption was official there, you're finally – finally – done with paperwork.

Right?

Wrong. One of the most important things you can do to make things easier for yourself and your child is to complete a U.S. re-adoption.

By the time you get home with the newest member of your family, you probably already feel you've completed enough paperwork to last a lifetime, and now your child is finally in that new bedroom in your home. But don't stop there. Especially if you use a qualified adoption lawyer to assist you, the re-adoption process (also frequently referred to as a "Recognition of Foreign Adoption") is an important final step.

Darrell and Shirley Hauer, adoptive parents from Kissimmee, Florida, say they're glad they decided to get professional help for doing their Recognition of Foreign Adoption. "Everyone involved with the world of International Adoption knows what a daunting and arduous journey the entire process is, not to mention the financial and emotional toll it takes," said Darrell. "The time and money involved, and the grueling paperwork is seemingly endless. Once we were home with our daughter and settled in a bit, I began to research the readoption/recognition of foreign adoption process. It truly made my head hurt to think of more paperwork."

Start with the Basics.

So how much paperwork is it? Depending on the type of immigrant visa your child received, the process is referred to as a "Recognition of Foreign

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Adoption” (for IR3 and IH3 visas), or a “Readoption” (for IR4 and IH4 visas). An IR3 or IH3 visa means that your child should receive a U.S. Certificate of Citizenship (COC) within four weeks of arriving in the United States. An IR4 or IH4 visa means your child will receive a Permanent Resident Card, also known as a “Green Card”, and with this process, the U.S. government requires a “readoption” in your home state, in order to obtain a U.S. Certificate of Citizenship.

The basic procedure varies from state to state, but in general, once the petition is filed in your home state, along with supporting documentation, a judge will typically conduct a hearing in which the adoptive parents give testimony about their new roles as the legal parents. If all is in order, the adoption is formally recognized in state court (some states handle this administratively instead of judicially), and a legal birth certificate with the child’s adoptive name, along with the adoptive parents’ names, is issued and registered with the Department of Vital Statistics. Each state is different in what it requires for this process, and I recommend that you contact a Family Law lawyer in your home state for assistance. It’s a good idea to find someone who understands adoption and immigration law, otherwise, the lawyer may be learning at *your* expense.

The Good News

The Recognition of Foreign Adoption process isn’t impossible to do yourself – in fact, your adoption agency may be able to assist you if you choose that route. But, for many parents, by the time they’ve been through the mounds of paperwork to finally complete their international adoptions, they’d rather spend their energies on parenting than journeying down yet another paperwork highway – or dealing with those unforeseeable stumbling blocks that tend to arise when dealing with legal matters.

Nicole & Gregory Hughes thought they’d try it themselves. “We were told by our County Court that since our son came in on an IR-4 visa we couldn’t do it ourselves,” Nicole said, “Different documents are needed for different counties. We felt it was best in the end to use an experienced attorney for such a delicate

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process. We'd heard of families that have had issues once they were at the hearing when trying to do it themselves. Considering it was our son's U.S. legalities and legal name change for his COC, that was important!"

Greg Estes and his wife, Kelly, initially filed their son's readoption by themselves. They had their appointment with the judge, but said they ran into a roadblock when the judge told them they would have to wait six months to file for readoption. That's when they decided they needed a lawyer. "Within two weeks, we had our court appointment with the same judge, and we left with a Recognition of Foreign Adoption," said Kelly. "I cannot stress this enough: it is critical to have someone representing you who thoroughly understands the law as it pertains to readoption!"

Make it Easy on Yourself.

Paperwork headaches aside - why should you bother? You have an adoption certificate from your child's home country – so, why spend the time and money? The simplest answer: it's easier in the long run. Whether you're enrolling your child in school and extracurricular activities, or if you accidentally lose or damage your original – it's much easier to have a U.S. birth certificate on file in your home state, in English, easily accessible, easily recognizable, and easily replaceable.

When my wife, Stephanie, and I returned from China with our daughter, Casey Mei Ying, we knew we wanted to get her foreign adoption recognized in Florida through the court system in order to obtain a Florida birth certificate.

Since I've done a considerable amount of estate planning work in my law practice, it made sense to domesticate the foreign adoption in the United States so there would be no confusion that Casey was our daughter. This would be especially important if we moved to another state, or even out of the country, and there would be no issue regarding her rights to inherit property through our estate, should something happen to us while she was still a minor. Furthermore, since the adoption was converted into a Florida adoption, we would not have to explain the international adoption to anyone, anymore. Finally, with a legal

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Florida adoption, we would never have to worry about losing the Chinese birth certificate, which would be a challenge to replace if it was lost or destroyed.

You may be lucky, do it yourself, and have no issues. However, if things don't go absolutely smoothly – without a lawyer, you're totally on your own for dealing with complications. Judges and court clerks do not give legal advice, although some courts have Family Court Services to give guidance. I tell families who call me that I'll take all the stress out of the equation for them – I walk them through the needed document requirements, then all they have to do is show up for the final hearing. Occasionally, I've encountered judges and court personnel who were less-than-friendly toward international adoptions, and I'm very glad that my clients did not have to deal with those kinds of challenges.

"Having an experienced lawyer made the re-adoption a breeze," said Carol Mackoul, who adopted her daughter, Kimberly, from China five years ago. "Once the adoption for my daughter was completed in China, I knew that I wanted to solidify the process by having a re-adoption ceremony for her. I was thrilled to learn that someone who'd also adopted from China was handling the legal process for parents in Florida. Basically, all I had to do was provide copies of the paperwork gathered throughout the adoption process, and Paul took over from there."

Are we there yet?

You've completed your readoption/recognition of foreign adoption, is there anything else on the paperwork list? Just a little. Make sure your child has a Social Security Number so you can get your adoption tax credit. If not, contact your local Social Security office to get this process started. You must show a U.S. COC or U.S. Permanent Resident Card, that matches the legal name of your child (especially important if you did a name change in court). If you changed your child's name during the readoption/recognition process, you will need to request a new COC from the State Department (USCIS). Once you have a COC, you can apply for a U.S. passport for your child. Don't forget to create or update your will, and make sure guardianship and all contingency plans for your child

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are documented. It's never fun to consider the "what ifs" of life – but it's far easier to have a plan than to leave matters to other people if disaster strikes.

After all is said and done, it's really not all that much work to wrap up your adoption legalities. Find help you can trust and rely on – an experienced lawyer or your agency – and join the many happy families who've taken the last steps to complete the paperwork puzzle.

Paul Consbruck is a lawyer based in Jacksonville, Florida, who handles Recognition of Foreign Adoption, Readoption, and other adoption-related legal matters, including Wills, Trusts & Estate Planning, throughout the State of Florida. He has been a member of the Florida and Maryland Bars for more than 20 years, having worked in both private practice and government service, and is licensed to practice before all Florida and Maryland Courts, the U.S. Supreme Court, the U.S. Court of Appeals (11th Circuit), and the U.S. District Courts of Florida. He and his wife, Stephanie, are currently waiting to complete their second adoption from China. For more information, visit www.adoptfla.com or call 1-888-9READOPT.