

AN ACT

ENTITLED, An Act to provide for the recognition of certain adoption orders from foreign jurisdictions and to provide for the issuance of birth certificates for certain inter-country adoptions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 25-6 be amended by adding thereto a NEW SECTION to read as follows:

Any order of adoption entered in compliance with the laws of another jurisdiction or nation shall have the same effect as an order for adoption entered in this state.

Section 2. That § 34-25-16.1 be amended to read as follows:

34-25-16.1. If the birth occurred in South Dakota, the Department of Health shall issue a new certificate of birth in the new name of the child and with the name of the adopting person, except that a new certificate of birth may not be prepared if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person.

If the birth occurred in a foreign nation, and the adoption decree is entered in a court of this state, the Department of Health shall issue a new certificate of birth in the new name of the child and with the name of the adopting person. The birth certificate shall be prepared in accord with the facts as found and entered by the court. If the birth occurred in a foreign nation and the adoption was finalized in a foreign nation, any circuit court of this state may issue an order, ex parte and without hearing, directing that a new certificate of birth be issued upon filing the following documentation:

- (1) The adoption order from the foreign nation;
- (2) A certified translation of the adoption order if necessary;
- (3) Proof of the date and place of the child's birth;
- (4) Proof of IR-3 immigration status; and
- (5) Proof that each adopting person is a resident of this state.

The Department of Health shall issue a new certificate of birth in the new name of the child and the name of each adopting person upon receipt from the clerk of courts such information necessary to establish a new certificate of birth on a form prepared by the department.

The issuance of certificates pursuant to this section is conditioned upon the receipt of a fee based upon administrative cost as established by the department pursuant to chapter 1-26.

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I certify that the attached Act
originated in the

SENATE as Bill No. 180

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 180
File No. _____
Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State