

# State of South Dakota

## EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

553N0589

### SENATE BILL NO. 180

Introduced by: Senators Nesselhuf, Albers, Duenwald, Garnos, Hanson (Gary), Heidepriem, McCracken, Napoli, Olson (Ed), Peterson (Jim), and Turbak and Representatives Hackl, Boomgarden, Cutler, Elliott, Faehn, Gilson, Halverson, Krebs, Nygaard, Peters, and Pitts

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

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

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

7 For the purposes of this Act, an order is any action that, under the laws of another  
8 jurisdiction, has the force and effect of a comparable judicial order under this chapter.

9 Section 2. That chapter 25-6 be amended by adding thereto a NEW SECTION to read as  
10 follows:

11 Any order for adoption or guardianship that is in compliance with the laws of a foreign  
12 jurisdiction has the same legal effect as an order for adoption or guardianship entered in this  
13 state. Any order for termination of parental rights that is in compliance with the laws of a  
14 foreign jurisdiction has the same effect as a termination of parental rights in this state.



Section 3. That chapter 25-6 be amended by adding thereto a NEW SECTION to read as follows:

No court order of adoption is required in this state if the adopting parent adopted the child in compliance with the laws of a jurisdiction other than a state and the United States Citizenship and Immigration Services verified the validity of that adoption by granting an IR-3 visa for the adopted child under the federal Immigration and Nationality Act, 8 U.S.C. 1101 et seq.

Section 4. That § 34-25-16.1 be amended to read as follows:

34-25-16.1. If the birth occurred in South Dakota, the State 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 State 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. However, if the birth occurred in a foreign nation and no order of adoption is required in this state pursuant to sections 1 to 3, inclusive, of this Act, the department shall issue a new certificate of birth in the new name of the child and with the name of the adopting person upon the receipt of the following documentation:

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

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