

FILED

2003 MAR 28 P 4:41

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE  
Regular Session, 2003

---

**ENROLLED**

SENATE BILL NO. 337

(By Senators Tamblin, Mr. President, and Spruue +  
By Request of the Executive)

---

PASSED March 7, 2003

In Effect ninety days from **Passage**

FILED

2003 MAR 28 P 4:41

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

ENROLLED

**Senate Bill No. 337**

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,  
BY REQUEST OF THE EXECUTIVE)

[Passed March 7, 2003; in effect ninety days from passage.]

AN ACT to amend article twenty-two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto three new sections, designated sections nine hundred one, nine hundred two and nine hundred three, all relating to recognizing the adoption of a child from a foreign country; requirements for filing a petition for recognition of foreign adoption decree in circuit court; and setting forth the procedures taken by the court in recognizing the adoption.

*Be it enacted by the Legislature of West Virginia:*

That article twenty-two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto three new sections, designated sections nine hundred one, nine hundred two and nine hundred three, all to read as follows:

**ARTICLE 22. ADOPTION.**

**PART 9. INTERNATIONAL ADOPTIONS.**

**§48-22-901. Recognition of foreign adoption decree.**

1 When an adoption occurs in a foreign country and the  
2 adopted child has immigrated to the United States with  
3 the permission of the United States, this state shall  
4 recognize the adoption. The rights and obligations of the  
5 parties as to matters within the jurisdiction of this state  
6 shall be determined as though the adoption decree was  
7 issued by a court of this state.

**§48-22-902. Filing of petition for recognition of foreign adoption decree.**

1 (a) At any time after the child has immigrated to the  
2 United States, the adoptive parent or parents may com-  
3 mence proceedings with the circuit court in their county of  
4 residence to have the foreign adoption decree recognized  
5 by filing a petition for recognition of foreign adoption  
6 decree. The verified petition shall set forth the following:

7 (1) The name and address of the petitioner or petitioners;

8 (2) The name of the child adopted in a foreign country;

9 (3) The name by which the child shall be known hence-  
10 forth;

11 (4) The child's country of origin and date of birth, if  
12 known;

13 (5) That the child has been issued a visa or other docu-  
14 ment authorizing entry into the United States and the date  
15 of entry. A copy of such a document shall be attached to  
16 the petition;

17 (6) That a home study of the petitioner or petitioners was  
18 prepared. A copy of the same shall be attached to the  
19 petition;

20 (7) The date on which the adoption was decreed in the  
21 foreign country. A copy of the foreign adoption decree or  
22 such other document or documents which evidence  
23 finalization of the adoption in the foreign country shall be  
24 attached to the petition, along with an English translation  
25 thereof.

26 (b) The verified petition may set forth requests for  
27 specific relief or findings to meet the best interests of the  
28 child which may be granted, in the court's discretion,  
29 specifically including, but not limited to, a revised birth  
30 date if a physician has recommended a revision of the  
31 child's birth date.

**§48-22-903. Proceedings for recognition of foreign adoption  
decree.**

1 The court shall review the petition and accompanying  
2 documentation and, if the court finds the petition and  
3 documentation to be satisfactory, it shall enter an order of  
4 adoption stating that the documentation required has been  
5 submitted and is satisfactory and that the adoption must  
6 be recognized in West Virginia and shall have the same  
7 force and effect as if the decree of adoption was granted in  
8 accordance with the provisions of the West Virginia  
9 adoption act. The order shall further set forth the name by  
10 which the child shall be known henceforth and such other  
11 pertinent findings of the court. The court shall enter the  
12 order without the necessity of a hearing unless it deems a  
13 hearing necessary or a hearing is requested. The provi-  
14 sions of subsections (a), (d) and (e), section seven hundred  
15 two of this article shall apply to all orders issued hereun-  
16 der and a new birth certificate shall be issued forthwith.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Carly Moran*  
.....  
Chairman Senate Committee

*Meg Butcher*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*David Ebelnes*  
.....  
Clerk of the Senate

*Bryce D. Lind*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*Robert Skiss*  
.....  
Speaker House of Delegates

The within *is approved* this the *28th*  
Day of *March* ....., 2003.

*Rob Wise*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date

3-19-03

Time

4:30pm

BW