

## PETITION FOR VALIDATION OF INTERNATIONALLY DECREED ADOPTION

# Instructions for Parents

- 1) **Read these instructions and the attached documents thoroughly** before beginning. For questions about this process, or if you'd like to suggest changes to these instructions or the Petition for Validation, please contact your local adoption agency representative.
- 2) **Summary of this process:** You will be petitioning a district court in the state of North Dakota, asking the court to review your child's adoption paperwork and to issue a North Dakota decree validating your internationally decreed adoption.
- 3) **Why it's necessary:** While your child's adoption is already final and recognized as such by both U.S. and North Dakota governments, this process will accomplish several things:
  - Since not all states recognize foreign-decreed adoptions as final like North Dakota does, if you do not validate within North Dakota and you move to one of those states, it may be necessary for you to validate or refinalize your adoption in that state. This process eliminates that risk.
  - If you were to travel abroad and not have adoption paperwork with you, and if your adoption were questioned by a foreign authority, you would be able to contact authorities in North Dakota who could access your adoption validation records.
  - If you were to lose your original foreign adoption decree through whatever means, the state would have copies supplied by you through this validation process.
  - This process simplifies the acquisition of a North Dakota-issued birth record in your child's name.
- 4) **Note that the judge assigned by the court to review your petition may or may not request a hearing for you to attend;** the necessity of a hearing is at the judge's discretion.
- 5) **Use the list** on the attached Petition as your checklist to make sure you have all the needed documentation.
- 6) **Make copies of the following adoption documents:**
  - The admission stamp in your adopted child's passport, indicating your child was admitted to the United States with an IR-3 visa (indicating the adoption was finalized abroad);
  - Your child's country-of-origin birth certificate and its English translation;
  - Your child's country-of-origin adoption decree and its English translation.
- 7) **Affidavit from your adoption agency:** Request and obtain a signed affidavit or letter from your local adoption agency stating that your child's adoption is valid and the name by which your child is to be known. Your agency should have a copy of an affidavit ready to be signed. This request also informs your agency that you are beginning the validation process; they should be able to assist you if you have any questions.
- 8) **Summary of the "Findings of Fact, Conclusions of Law, and Order for Judgment" document:** This is the official document that you need to provide to the judge to sign, which thus validates your adoption decree. Since you are representing yourselves to the court, you are providing the court's findings on your own behalf. Attached are two nearly identical Word documents – one to use first, planning for no court hearing, and the second one to use if the judge does request a hearing. The only difference between the two is that the second one names the judge and the hearing date at the beginning. The no-hearing document is named *ND\_findings\_of\_fact\_no\_hearing.doc*, and the with-hearing document is named *ND\_findings\_of\_fact\_with\_hearing.doc*. If the judge requests a hearing after you've submitted your petition with the first document, you can submit the second one to the

court prior to your hearing for the judge to review.

**Complete your own "Findings of Fact" document:**

- Open the Findings of Fact document for no hearing in Microsoft Word and fill in all the information in **bold** and between brackets [ ], following the instructions carefully.
- Leave the line for "Civil No." at the top blank; you'll get a case number from the Clerk of Court when you file your petition.

- 9) **Fill out the "PETITION FOR VALIDATION OF INTERNATIONALLY DECREED ADOPTION."** Print clearly. For district court information, see <http://www.ndcourts.com/court/districts/districts.htm>.
- 10) **Memorandum to Clerk of Court:** Including a memo or letter to the court is not necessary, just a courtesy, so the attached memo is just a sample.
- 11) **Submit your petition:** Gather all of the required documents (listed at the top of the Petition), and hand deliver or mail to your District Clerk of Court in the county where you reside. A filing fee is required to open your case; you can pay by cash, check or credit card. Find current fee amount here: <http://www.court.state.nd.us/court/districts/filingdist.htm> under "Under this statute, fees are: ... for filing a case for decision that is not a small claims action."
- 12) **Add your Civil No. to your filing documents:** When you do submit your petition to the Clerk of Court, ask for a case number while you wait, then write the number after "Civil No." on your Petition and your Findings of Fact, and note the number for reference – you'll need it for other documents later.
- 13) **Notify the Department of Human Services:** As soon as you have filed your Petition, mail or deliver a copy of your Petition to the Department of Human Services (address below) along with the notarized Affidavit of Delivery, which states that you actually did mail or hand deliver the petition to DHS. **Be sure to:**
  - Include your Civil No. on your Petition.
  - Use the appropriate Affidavit of Delivery in Word format included (one is for Hand Delivery, the other for Mailing), adapted with your information.
  - Sign in the presence of a notary and have it notarized.
  - Deliver or mail the copy of your Petition and the Affidavit of Delivery to DHS immediately: If a hearing is requested by the judge, DHS requires notification of the hearing at least 20 days before the hearing.

Address for DHS:

North Dakota Department of Human Services  
Attention: Adoption Administrator  
State Capitol Building  
600 East Boulevard Ave., Dept. 325  
Bismarck, ND 58505-0250

- 14) **If the Judge requests a hearing:** Have all immediate family members (parents and adopted child, plus other children, if appropriate) appear at court at the appointed time. Bring your original documents as well as copies. At the hearing, the judge may ask one of the parents to take the witness stand to ask basic questions like your name, how your child has adapted into the family, etc. It will likely be just a formality and nothing to worry about.
- 15) **Decree of Validation:** Upon finding that you have met the requirements for validation, the judge will sign your Findings of Fact document and a Decree of Validation and mail it to you. If you appeared at a court hearing, you can get copies of these documents immediately after the hearing.

- 16) **Inform your local agency and the Department of Human Services:** Make two copies (or more, if you want extras for yourself) of your court-issued Decree of Validation, and mail copies to your local agency and the Department of Human Services (address above, #13; sample letters attached).
  
- 17) **Getting a Birth Certificate:** The District Court also will automatically forward your child's adoption registration information to the Department of Vital Statistics. Within a few days, Vital Statistics will file the new registration and send you a letter requesting a minimal adoption registration fee and explaining how you can obtain copies of your child's new ND birth certification. See <http://www.health.state.nd.us/vital/birth.htm> for current fees and payment options.

MEMORANDUM

*Sample  
~ Optional ~*

TO:	Clerk of Court, District Court <b>[can be more specific if you choose]</b>
FROM:	<b>[your name(s)]</b>
DATE:	<b>[date]</b>
RE:	Petition for Validation of Internationally Decreed Adoption

Attached is the information required to request a Decree of Validation from a District Court of the State of North Dakota for **our/my** internationally decreed adoption. This petition is in accordance with North Dakota Century Code Section 14-15-17 and Section 14-15-18 (copy attached), which was passed into law April 25, 2007.

Since **our** child's adoption was finalized in his or her country of origin and subsequently recognized by the U.S. and N.D. governments, **we** understand a hearing may not be required.

Thank you for your assistance.

**PETITION FOR VALIDATION  
OF INTERNATIONALLY DECREED ADOPTION**

*In accordance with North Dakota Century Code section 14-15-17  
and 14-15-18 (attached), passed into law April 25, 2007.*

**The following documentation is attached:**

- [ ] The Petition, which includes filing location and civil case number; the child's adoption information; and the petitioner's marital status, contact information and verified signature(s);
- [ ] A copy of the admission stamp in the adopted child's passport indicating the child was admitted to the United States with an IR-3 visa (adoption was finalized abroad);
- [ ] A copy of the child's country-of-origin birth certificate and its English translation;
- [ ] A copy of the child's country-of-origin adoption decree and its English translation;
- [ ] A signed affidavit from the petitioner's local adoption agency which states that the child's adoption is valid and the name by which the child is to be known.
- [ ] The Findings of Fact, Conclusions of Law, and Order for Judgment; and
- [ ] A copy of the Revised Uniform Adoption Act, North Dakota Century Code Chapters 14-15-17 and 14-15-18.

### I. Filing Location & Civil Case Number

a) Filed in the State of North Dakota, County of:
b) Filed in District Court, in the: <input type="checkbox"/> Northwest Judicial District <input type="checkbox"/> Southeast Judicial District <input type="checkbox"/> Northeast Judicial District <input type="checkbox"/> South Central Judicial District <input type="checkbox"/> Northeast Central Judicial District <input type="checkbox"/> Southwest Judicial District <input type="checkbox"/> East Central Judicial District
c) Civil No: _____

### II. Adopted Child's Information

a) Full current name of adopted child:	
b) Adopted child's birth name, orphanage-given name, or previous name, if known:	
c) Place of Birth: <i>(City, state, province, country or "Unknown")</i>	
d) Date of Birth: <i>(or "Unknown")</i>	e) Date of Placement with Petitioner(s): <i>(The date child's adoption became final in his/her country of origin.)</i>
f) U.S. International Adoption Placement Agency:	
g) Local Adoption Agency in North Dakota:	

### III. Petitioner's Information

a) Full Name of Petitioner:	b) Age:
c) Marital Status: <input type="checkbox"/> Married <input type="checkbox"/> Single <i>(skip "d" through "g")</i>	

d) Full Name of Petitioner's Spouse: .		e) Age:
f) Date of Marriage:	g) City and State of Marriage:	
h) Petitioner's Full Address:		i) Petitioner has resided at this address since (year):
j) Petitioner's Primary Phone Number:		

**IV. NOTARIZED SIGNATURES**

*Each petitioner's signature must be dated and notarized.*

**Petitioner 1:**

\_\_\_\_\_ Date: \_\_\_\_\_  
Name

STATE OF NORTH DAKOTA

COUNTY OF \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me (or proven to me on oath) to be the person described in and who executed the instrument, and acknowledged to me that he/she executed the same.

\_\_\_\_\_  
Notary of Public

My commission expires \_\_\_\_\_

**Petitioner 2 (spouse of Petitioner 1):**

\_\_\_\_\_ Date: \_\_\_\_\_  
Name

STATE OF NORTH DAKOTA

COUNTY OF \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me (or proven to me on oath) to be the person described in and who executed the instrument, and acknowledged to me that he/she executed the same.

\_\_\_\_\_  
Notary of Public

My commission expires \_\_\_\_\_



**North Dakota Century Code**  
**CHAPTER 14-15**  
**REVISED UNIFORM ADOPTION ACT**

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

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

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

- (1) The date and place of birth of the individual to be adopted, if known;
- (2) The name to be used for the individual whose foreign adoption decree is being petitioned for validation;
- (3) The date the petitioner acquired custody or the date of placement of the individual and the name of the foreign country's placing agency;
- (4) The full name, age, place, and duration of residence of the petitioner; and
- (5) The marital status of the petitioner, including the date and place of marriage, if married.

b. Upon a finding that the requirements of subdivision a have been met, the court shall issue a decree of validation of foreign adoption. The clerk of court shall forward a copy of the decree of validation of foreign adoption to the registrar of vital statistics for the issuance of a birth record in accordance with section 14-15-18.

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