

Rule 30. Intercountry Adoptions**30.01 Adoption of a Child by a Resident of Minnesota Under the Laws of a Foreign Country**

Subdivision 1. Validity of a Foreign Adoption. The adoption of a child by a resident of Minnesota under the laws of a foreign country is valid and binding under the laws of Minnesota if the validity of the foreign adoption has been verified by the granting of an IR-3 or IH-3 visa for the child by the United States Citizenship and Immigration Services.

Subd. 2. New Birth Record.

(a) **Petition.** The adoption of a child under the laws of a foreign country is valid in Minnesota pursuant to Rule 30.01 and the petitioner may petition the court in petitioner's county of residence for a decree:

- (1) confirming and recognizing the adoption;
- (2) changing the child's legal name, if requested; and
- (3) authorizing the Commissioner of Health to create a new birth record for the child pursuant to Minnesota Statutes, section 144.218, subdivision 2.

(b) **Documents to be Submitted.** The court shall issue the decree described in subdivision 2(a) upon receipt of the following documents:

(1) a petition signed by the adoptive parent under oath or penalty of perjury under Minnesota Statutes, section 358.116:

(i) stating that the adoptive parent completed the adoption of the child under the laws of a foreign country;

(ii) stating that the adoption is valid in this state under Rule 30.01; and

(iii) requesting that the court issue a decree confirming and recognizing the adoption and authorizing the Commissioner of Health to issue a new birth record for the child;

(2) a copy of the child's original birth record, if available;

(3) a copy of the final adoption certificate or equivalent as issued by the foreign jurisdiction;

(4) a copy of the child's passport, including the United States visa indicating IR-3 or IH-3 immigration status; and

(5) a certified English translation of any of the documents listed in (2) through (4) above.

Subd. 3. Action Upon Issuance of Adoption Decree. Upon issuing an adoption decree under this Rule, the court shall forward a copy of the adoption decree to the Commissioner of Human Services. The court shall also complete and forward to the Commissioner of Health the certificate of adoption, unless another form has been specified by the Commissioner of Health.

(Amended effective January 1, 2007; amended effective July 1, 2015.)

30.02 Adoption Under the Laws of Minnesota of a Child Born in Another Country

Subdivision 1. Agency Adoption. An adoption of a child placed by an agency shall be commenced by the filing of a petition or other document pursuant to Rule 35 and thereafter shall proceed pursuant to Rule 28 dealing with agency adoptions.

Subd. 2. Direct Placement Adoption. A direct placement adoption of a child born in another country shall be commenced by the filing of a petition or other document pursuant to Rule 35 and thereafter shall proceed pursuant to Rule 29 dealing with direct placement adoptions.

(Added effective January 1, 2007.)

30.03 Post-Adoption Report

If a child is adopted by a resident of Minnesota under the laws of a foreign country or if a resident of Minnesota brings a child into the state under an IR-3, IH-3, IR-4, or IH-4 visa issued for the child by the United States Citizenship and Immigration Services, the post-adoption reporting requirements of the country in which the child was adopted, applicable at the time of the child's adoption, shall be given full faith and credit by the courts of Minnesota and apply to the adoptive placement of the child.

(Amended effective January 1, 2007; amended effective July 1, 2015.)