

DEPARTMENT OF SOCIAL SERVICES

744 P Street, M.S. 19-31
Sacramento, CA 95814



April 21, 1987

ALL COUNTY LETTER NO. 87-56

TO: All County Welfare Directors
All Public and Private Adoption Agencies
All DSS Adoptions District Offices

SUBJECT: Independent Adoption of Foreign-Born Children

The Department has received several inquiries about the processing of an adoption petition when a California resident wishes to adopt a foreign-born child who is currently residing in the U.S. under a visa other than an I-600. An I-600 visa is granted specifically for the admittance of a child for the purpose of adoption.

Both federal law, 8 U.S. Code, Part 204, and State law, W&I Code Section 16140, require the foreign-born child to possess an I-600 visa to be eligible for adoption under the Inter-country Adoption Program.

Independent petitions may be filed for a child who has a visa other than an I-600 visa. When this occurs, the petitioners must provide adequate documentation to the satisfaction of the agency that the child is a proper subject for adoption and it must be possible for the agency to easily verify that the information the petitioners present confirms that the child is a proper subject for adoption. A proper subject for adoption is a child who at a minimum, is legally freed for adoptive placement, is emotionally prepared and ready for adoption and can benefit from the adoption.

It is also the Department's policy in the Independent Adoption Program that consents signed outside of the U.S. must meet all California requirements. The consent must be signed before an official of the U.S. Consulate or Embassy in the foreign country, if any, or the staff of the U.S. Section of the Embassy of a neutral country, e.g., the U.S. Section of the Swiss Embassy in Iran.

If there are any questions about the child's status or the validity of the signed consents, the agency must immediately file the report to the court as required by Civil Code Section 226.6(a) citing the agency's concerns.

Agencies are not authorized to answer questions regarding the effect of an adoption in California on the visa status of a foreign-born child. All questions that relate to the immigration status of a citizen of another country must be referred to the nearest Immigration and Naturalization Service Office.

If you have any questions on this issue, please contact your Adoptions Branch Consultant at the above address or at (916) 322-5973 or ATSS 492-5973.



LOREN D. SUTER
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Adult and Family Services Division

cc: CWDA