

KEVIN W. KENNEY, P.A.

ATTORNEY AT LAW

7301 MISSION RD., STE. 243

PRAIRIE VILLAGE, KANSAS 66208

KEVIN W. KENNEY
kwklawfirm@aol.com

TELEPHONE 913-671-8008
FACSIMILE 913-671-7740

Re-Adoption and Recognition of Foreign Adoptions

1. **Missouri**

Whether you need to “re-adopt” when you return with your child to Missouri depends upon the child’s immigration status. If both parents had personal contact with the child before the foreign adoption was finalized, your child will enter the U.S. on an IR3 Visa and no further legal proceedings are necessary. The adoption is deemed to be “final” by the USCIS (Immigration) and a certificate of citizenship is issued. You will file a simple form available from the Missouri Department of Health and Senior Services to obtain a birth certificate issued by the state of Missouri.

If your foreign adoption was finalized without both adoptive parents having first seen the child, your child will enter the U.S. on an IR4 Visa. This adoption is not “final” for citizenship purposes. Although you can still obtain a Missouri birth certificate using the same form mentioned above, you will have to file a petition in Missouri for the recognition of the foreign adoption in order to get citizenship.

The filing fee ranges from about \$300 to around \$500. The amount of attorney’s fees depends whether a court appearance is required, which depends upon the Missouri county where the petition is filed. In general, however, only one court appearance is required.

2. **Kansas**

In Kansas, you may file certified copies of the foreign adoption documents with the clerk of the court in your county and Kansas automatically recognizes the foreign adoption. This procedure is available whether your child entered the U.S. on an IR3 or IR4 visa. However, no court order or decree is issued. You may change your child’s name by filling out a special form for this purpose. In Johnson County, Kansas, the court trustee can provide you with this form. You may then request an adoption certificate from the vital records office in Topeka. You can do all of this without hiring an attorney and paying a nominal filing fee.

A warning: If the child entered the country on an IR4 visa, this procedure may or may not work. The USCIS (formerly the INS) can waive the re-adoption requirement when a state has a law (like that in Kansas) automatically recognizing foreign adoptions. However, it appears that the USCIS will sometimes demand an order or decree of re-adoption or recognition of the foreign adoption before issuing a citizenship certificate. The best practice for citizenship purposes is to file a re-adoption case and request a decree of re-adoption. The re-adoption might also protect inheritance rights. Any name change is done as part of the re-adoption case.

Finally, regardless of where you live, it may be a good idea to readopt so that you have ready access to a replacement decree of adoption should you need it. Foreign documents are generally hard to replace, but a domestic decree can be obtained simply by visiting the courthouse and paying a small fee for copying and certification of the document.

**This brochure is for information purposes only
and should not be relied upon as legal advice.**