

VIRGINIA'S GUIDE TO INTERCOUNTRY PLACEMENTS

VIRGINIA'S PREADOPTIVE REQUIREMENTS

The purpose of these guidelines is to advise families and agencies of the specific information required and to provide guidance in the process of obtaining the consent of the Commissioner of the Virginia Department of Social Services for the placement of a child from a foreign country into Virginia.

Virginia law requires the consent of the Commissioner before any non-resident child can be brought into Virginia for the purpose of an adoptive placement (Virginia Code Section 63.2-1104). In cases of children from foreign countries, the United States INS (Immigration and Naturalization Services) has the ultimate responsibility and authority for approving the child's entrance into the United States. The family must meet all INS requirements. One requirement is that the family provides evidence that the state's pre-adoptive requirements have been met. The consent of the Commissioner of Social Services is considered by INS to be the appropriate evidence. Consent may be granted only after the pre-adoptive requirements have been met. It is the responsibility of the prospective adoptive family to provide the necessary information to the Virginia Department of Social Services in order for the preadoptive requirements to be met and the Commissioner's consent granted.

The preadoptive requirements include the following:

- Home study
- Social and background information on the child and birth family
- Legal documents on the child
- Statement of financial responsibility

All information on the family and child must be submitted to the Interstate Placement Unit of the Virginia Department of Social Services. Certified English translations must accompany all documents written in a foreign language. Except for the "Statement of Financial Responsibility," photocopies, rather than originals, are acceptable and preferred.

Mail all documents to:

**Virginia Department of Social Services
Interstate Placement Unit
801 East Main Street, 11th Floor
Richmond, VA 23219-2901**

PROCEDURES FOR INTERCOUNTRY PLACEMENTS INTO VIRGINIA

In order to obtain the consent of the Commissioner to place a child from a foreign country into Virginia for the purpose of adoption, the following must be forwarded to the Virginia Interstate Compact office:

1. **Home study** - A home study on the prospective adoptive parents completed by a child-placing agency licensed by Virginia to provide adoption services or a Virginia public department of social services. The home study must include a recommendation that the family is approved for the placement of a child.

2. **Social and background information on the child and birth family**. When a child is identified, the family must forward to the Virginia Interstate Placement Unit a copy of background and medical information on the child and birth family. The background information should be as complete as possible. The information available may be limited and will depend on the particular circumstances of how the child came into the care of the foreign agency or court. It is recognized that in many cases children are abandoned and very little or no information is available on the birth parents.

3. **Legal documents on the child** - A copy of the child's birth record must be submitted, as well as copies of all documents describing the child's legal status. The documents must provide evidence that the child is legally available for adoption and must provide for the child's custody or guardianship to be released to the prospective adoptive parents.

Documents describing the child's legal status must include at least one of the following:

- a. copy of the consent to adoption or a surrender by a birth parent; or
- b. copy of a court order indicating termination or relinquishment of parental rights of both parents and explaining grounds for termination; or
- c. copy of the consent of an authorized representative from an orphanage, governmental body, agency, or individual having custody of an abandoned child with the right to consent to adoption by law rather than by a court finding; or
- d. copy of a statement from an orphanage, governmental body or agency describing the circumstances under which the child was found, the steps taken to determine the identity of the birth parents, and authorizing the prospective adoptive parents to receive custody; or
- e. copy of an order in which a court in the foreign country has made a determination regarding the child's custody and has appointed the prospective adoptive parent(s) as the child's guardian. The order must indicate that the person(s) appointed guardian is authorized to remove the child from the foreign country.

4. **Statement of Financial Responsibility** - A statement of financial responsibility must accompany the home study and information on the child. This statement must identify the child by the name on the birth record and must be signed by the prospective adoptive parents. (Form attached)

Approval of Placement

Upon receipt of all required information and a favorable review of such information by the Interstate Placement Unit, the Commissioner's consent to the proposed placement may be issued.

Notification to the Family and to INS

The Interstate Placement Unit will send the original of the Commissioner's consent to the family and a copy to INS as evidence that the pre-adoptive requirements of Virginia have been met.

Notification of Date of Placement

The family is to notify the Interstate Placement Unit when the child is placed in the home in Virginia. Notification in writing is requested.

After the child has arrived in the home, the family may begin the process for finalizing the adoption through the Circuit Court of the city or county where the family resides. All proceedings will be governed by the requirements of Virginia's adoption laws (*Code of Virginia*, Chapter 12). After the adoption is finalized, the adoptive parents should contact INS regarding procedures for the child's naturalization.

VIRGINIA'S PREADOPTIVE REQUIRES NOT APPLICABLE

The **ONLY** instance where the pre-adoptive requirements are not applicable and the Commissioner's consent is not required is in the event that a family has a final decree of adoption granted in another country for a specific child. In such instances, the family should contact INS to request information about INS requirements for receiving approval for the child's entrance into the country. In these cases where a family has a final decree of adoption granted in another country, re-adoption in Virginia is recommended in order to give the foreign born child the same legal protection afforded a child born in the United States and to ensure that full faith and credit will be given to the adoption.

DATE:

TO: Virginia Department of Social Services
801 East Main Street, 11th Floor
Richmond, VA 23219-2901

FROM:

STATEMENT OF FINANCIAL RESPONSIBILITY

We, _____ and _____ agree to assume responsibility for the care of the child named _____ (identify the child by name on the birth certificate) during the time proceedings relative to our adoption of the child are pending and until such time as the adoption is finalized. We understand that by signing this statement we agree to accept all financial responsibility for the child and the responsibility for making alternate placement plans in the event that a disruption occurs in placement prior to the finalization of the adoption.

SIGNED: _____
