



## READoption VS RECOGNITION

It used to be that readoption and recognition were two very different processes. But today, some states have developed "hybrid" processes that have elements of both. All in all, you have some states where you can do just readoption, some states where you can do just recognition, some states where you can do both, some states where there is one hybrid process, and so on.

The traditional readoption is a legal process, where you actually petition the court to allow you to adopt your child, and where the judge issues an order naming you as the adoptive parent and, if necessary, changing the child's name to his/her American one. In some states, readoption is conducted almost as if you were doing a domestic adoption. You may need a homestudy update, new police and child abuse clearances, post-placement reports, and so on. The amount of paperwork varies by state, but it is often more substantial than the amount required for a recognition. Depending on the complexity of the process, you may find that use of an attorney is either required or strongly recommended. And because of all the requirements, and the possible use of an attorney, the cost of readoption may be substantial.

The traditional readoption is preferred by many people because it gives you a real adoption decree, issued by a state. If you have to prove your status as parent to your child, an adoption decree issued by a state court, following a format that is customary in the U.S., and issued in English is likely to be accepted without question by anyone who requests it. You can use it to do a legal name change, if it wasn't done overseas and you didn't already do one by another process. If your decree gets lost, you can order a xerox, though it may not always be easy because some states will treat the record as "sealed", even though there are no birthparents known. If a relative challenges your will leaving everything to your adopted child, claiming that your overseas adoption is illegal in the U.S., the state adoption decree signed by a judge will effectively prove that the adoption is legal in all 50 states. In some states, you MUST present a readoption decree to get a state certificate of foreign birth (birth certificate).

The traditional recognition, on the other hand, is an administrative process, not a judicial one. A state government office reviews your foreign paperwork and determines that the foreign adoption appears to have been lawful. It then issues a document showing that your state "recognizes" your foreign adoption as valid. It is a document that does not actually "stand alone". In most circumstances, you would need to show the foreign adoption decree AND the recognition statement, showing that your state accepts it. In some states, you cannot use a recognition statement to obtain a state certificate of foreign birth. While it is unlikely, it is possible that another state might not accept the recognition, if you move. The advantages of recognition primarily relate to time and cost. In most cases, there is no need for any new documents, such as an updated homestudy. If you have the documents you obtained overseas, they should suffice. You almost never need an attorney, so you don't need to pay legal fees.

Nowadays, many states have a hybrid process. There may be a judicial process, but it may be very limited; for example, the paperwork needed for recognition may be sufficient to let a judge sign a readoption decree.