

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 927 (Choi)
Version: March 23, 2026
Hearing Date: April 21, 2026
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Intercountry adoption finalized in a foreign country

DIGEST

This bill permits a person born in a foreign country and adopted by a U.S. citizen in another country to petition the family court for a record establishing the facts of the adoption, if the person's parents and the adoption agency that facilitated the adoption failed to timely file such a petition.

EXECUTIVE SUMMARY

Currently, a child born in a foreign country and adopted by American parents is automatically a U.S. citizen. Federal law establishes different processes for having such a child's citizenship recognized based on the nature of the proceedings in the child's original country of origin and type of visa issued to the child to enter the United States.

The prior law for naturalizing a foreign-born child was, unfortunately, significantly more complicated than it is today, and many foreign-born adoptees have learned that their adoptive parents simply never completed the naturalization process. As a result, people who were brought here by Americans and have lived here for their entire lives now live in fear of deportation under President Trump's anti-immigrant policies. Although bipartisan legislation has been introduced in both houses of Congress to close this loophole, Congressional leadership refuse to schedule the bills for hearings.

This bill is intended to help foreign-born adopted persons obtain important state documents when their parents or an adoption agency failed to follow the appropriate processes. Specifically, this bill permits an adopted person to file a petition for recognition of their foreign adoption when their parents, or the adoption agency, failed to timely file such a petition, which will result in proof of adoption and entitle them to a new birth certificate issued by the State Registrar. These documents cannot, on their own, confer citizenship on the adopted person, but they may be able to help them on their path to naturalization or otherwise establish a right to various privileges and

entitlements. The author has agreed to minor amendments to clarify that an adoptee can initiate their own procedure for recognition of their foreign adoption at any age.

This bill is sponsored by the author and is supported by the Adoptee Rights Law Center. The Committee has not received timely opposition to this bill. Should the bill pass this Committee, it will then be referred to the Senate Appropriations Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

1) Defines the following relevant terms:

- a) "Adoptive parent" means a person who has obtained an order of adoption of a minor child, or in the case of an adult adoption, an adult. (Fam. Code, § 8503.)
- b) "Intercountry adoption" means the adoption of a foreign-born child for whom federal law makes a special immigration visa available, and includes completion of the adoption in the child's native country or completion of the adoption in this state. (Fam. Code, § 8527.)
- c) "Licensed adoption agency" means any agency licensed by the State Department of Social Services (DSS) to provide services including assessing prospective adoptive parents, matching parents and children for adoption, and, in the case of a full-service adoption agency, assuming care, custody, and control of a child through relinquishment of the child to the agency or termination of parental rights. (Fam. Code, § 8530; *see also* Health & Saf. Code, § 1502(a)(9) & (10).)
- d) "Adoption service" means specified services, including (1) identifying a child for adoption and arranging adoption; (2) securing the necessary consent to termination of parental rights and to adoption; (3) performing a background study on a child or a home study on any prospective adoptive parent, and reporting on the study; and (4) monitoring a case after a child has been placed with any prospective parent until final adoption. (Fam. Code, § 8900.5(b).)
- e) "Convention" means the Hague Convention. (Fam. Code, § 8900.5(d).)
- f) "Convention adoption" means the adoption of a child resident in a convention country by a United States citizen, or an adoption of a child resident in the United States by an individual or individuals residing in a convention country, if, in connection with the adoption, the child has or will move between the United States and the convention country. (Fam. Code, § 8900.5(e).)
- g) "Convention country" means a country that is party to the convention and with which the convention is in force for the United States. (Fam. Code, § 8900.5(f).)

2) Establishes the processes and procedures for the adoption of an unmarried minor. (Fam. Code, div. 13, pt. 2, §§ 8600 et seq.)

- 3) Establishes specific processes and requirements for an intercountry adoption of an unmarried minor, and processes for convention adoptions and non-convention adoptions. (Fam. Code, div. 13, pt. 2, ch. 4, §§ 8900 et seq.)
- 4) Establishes a procedure through which a state resident who has adopted a minor from a foreign country can establish a record to prove the facts of the foreign adoption by filing a petition to readopt within the earlier of 60 days of the adoptee's entry into the United States or the adoptee's 16th birthday. The petition must include all of the following:
 - a) A certified or otherwise official copy of the foreign decree, order, or certification of adoption that reflects finalization of the adoption into the foreign country.
 - b) A certified or otherwise official copy of the child's foreign birth certificate.
 - c) A certified translation of all required documents that are not written in English; the court shall accept the certified translation, if any, that was completed abroad for purposes of obtaining the child's visa or passport.
 - d) Proof that the child was granted lawful entry into the United States as an immediate relative of the adoptive parent or parents.
 - e) A report from at least one postplacement home visit by an intercountry adoption agency or a contractor of that agency licensed to provide intercountry adoption services in the state.
 - f) A copy of the home study report previously completed for the international finalized adoption by an adoption agency authorized to provide intercountry adoption services. (Fam. Code, § 8919(a).)
- 5) Provides that a readoption order petitioned for under 4) shall not be granted unless the court receives a copy of the reports listed in 4)(e) and (f), and the court shall consider the postplacement visit or visits and the previously completed home study when deciding whether to grant or deny the petition for readoption. (Fam. Code, § 8919(b).)
- 6) Provides that, if an adoptive parent who has adopted a child through an intercountry adoption that is finalized in a foreign country fails to file a petition pursuant to 4) by the earlier of 60 days of the child's entry into the United States or the child's 16th birthday, or fails to provide a copy of the petition to each adoption agency that provided the adoption services to the adoptive parent, then the adoption agency that facilitated the adoption shall file a petition within 90 days of the child's entry into the United States and shall provide a file-marked copy of the petition to the adoptive parent and to any other adoption agency that provided services to the adoptive parent within five days of filing.
 - a) An adoptive parent shall be liable to the adoption agency for all costs and fees incurred as a result of good faith actions taken by the adoption agency to fulfill this requirement.
 - b) If the adoption agency fails to file a petition as required, DSS may take appropriate disciplinary action against the adoption agency if it is licensed in

- the state and DSS has actual or constructive knowledge that the petition was not filed. (Fam. Code, § 8919(c).)
- 7) If the court finds that the child who is the subject of a petition in 4) may be the subject of human trafficking or may be a victim of, or at risk of, abandonment, abuse, or neglect, the court shall, in accordance with existing law, notify all appropriate authorities. (Fam. Code, § 8919(d).)
 - 8) Provides that, within 10 business days of the granting of a petition in 4), the clerk of the court shall submit to the State Registrar the order granting the petition to adopt; upon receipt, the State Registrar shall issue a delayed registration of live birth in accordance with 11), below that lists the adoptive parent or parents as the child's legal parent or parents. (Fam. Code, § 8919(e).)
 - 9) Provides that a state resident who has adopted a child through an intercountry adoption that is finalized in a foreign country may obtain a birth certificate for a child in accordance with 12) or 13), below. (Fam. Code, § 8919(f).)
 - 10) Provides that a Convention adoption certificate or, in outgoing cases, a Convention custody declaration, obtained pursuant to specified federal regulations, shall be recognized as a final valid adoption for purposes of all state and local laws. (Fam. Code, § 8925.)
 - 11) Provides that a court report of adoption received from any court of record in the State, wherein the birth occurred outside the United States, the Territories, or Canada shall constitute a court order of delayed registration of birth, provided the court report contains a statement of the date and place of birth. (Health & Saf. Code, § 102695.)
 - 12) Provides that a new birth certificate shall be established by the State Registrar upon receipt of either of the following:
 - a) A report of readoption from any court of record that has record of jurisdiction in this state, another state, the District of Columbia, in any territory of the United States, or in any foreign country, for any child born in California and whose birth certificate is on file in the office of the State Registrar.
 - b) A readoption order issued pursuant to 4)-9). (Health & Saf. Code, § 102635.)
 - 13) Provides that a verified petition may be filed by any beneficially interested person with the clerk of the superior court in and for (1) the county in which the birth, death, or marriage is alleged to have occurred, (2) the county of residence of the person whose birth or marriage it is sought to establish, or (3) the county in which the person was domiciled at the date of death in order to judicially establish the fact of, and the time and place of, a birth, death, or marriage that is not registered or for which a certified copy is not obtainable. (Health & Saf. Code, § 103450.)

This bill permits an adoptee who was adopted through an intercountry adoption to file a petition for readoption on their own behalf if both of the following conditions are met:

- a) The adoptive parent or parents failed to file a petition within 60 days of the child's entry into the United States or the child's 16th birthday, whichever is earlier; and
- b) The adoption agency that provided adoption services failed to file a petition within 90 days of the child's entry into the United States.

COMMENTS

1. Author's comment

According to the author:

Since the 1950's, California has consistently ranked as one of the top destinations for foreign adoptee placements in the nation. When an intercountry adoption takes place, it is the responsibility of the adoptive parent or parents to finalize the adoption of their child once they reach the United States. However, the adoptive parents do not always complete the process.

Each time an adoptive parent in California fails to finalize their child's intercountry adoption, the adoptee is never issued a delayed registration of birth from the State Registrar to prove they are a legal US resident. After decades of adoptive parents failing to finalize foreign adoptions, tens of thousands of former adoptees are adults living in the United States without necessary identification or documentation, vulnerable to possible deportations.

I introduced AB 677 in 2019 to ensure that either a parent or adoption agency would finalize intercountry adoptions in order for adoptees to establish a record of their adoption prior to reaching adulthood. SB 927 provides a process for foreign adoptees who are adults to petition on their own behalf when both their adoptive parents and adoption agency fail to complete their adoption. This ensures that intercountry adoptees can establish an official record of their adoption and legal residency in the US.

2. Background on the international adoption process for non-convention adoptions

In most cases, a child born in a foreign country after 2001 and adopted by American parents is automatically a U.S. citizen.¹ Federal law establishes different processes for having such a child's citizenship recognized based on the nature of the proceedings in the child's original country of origin and type of visa issued to the child to enter the United States. A child whose adoption was completed in their original country of origin, when the country is a party to the Hague Convention, becomes a citizen

¹ See 8 U.S.C. §§ 1101, 1431.

automatically upon entering the country and should be sent a Certificate of Citizenship within 60 days.² For children whose adoptions are not finalized in the original country, or when the country is not a party to the Hague Convention, adoptive parents must go through additional steps to have the child's citizenship recognized, including going through a state procedure to either finalize the adoption or "readopt" the child.

California law governs both (1) when the state will recognize the adoption of a foreign-born child, and (2) when a child adopted from another country can obtain a U.S. birth certificate that lists their adoptive parents. California recognizes a Hague adoption certificate as a valid final adoption certificate, so in an adoption from a Hague Convention country completed in the foreign country, the parents do not need to finalize or readopt the child for the adoption to be given full faith and credit by the state.³ For adoptions not completed in the child's birth country, the parents must file a petition for adoption in California within 30 days of bringing the child into the country.⁴ The court then conducts an adoption proceeding pursuant to state law, which includes the requirement of a home study and that the court find that the adoption is in the child's best interest.⁵ When the court grants the petition for adoption, the parents can use the court order to obtain citizenship and a new California birth certificate for the child.⁶

For children whose adoptions were finalized in a foreign country that is not a party to the Hague Convention, California has a streamlined "readoption" procedure to obtain a state court order recognizing the adoption.⁷ Parents falling under this category must file a petition for readoption within 60 days of the child's entry into the United States or before the child turns 16, whichever is earlier; if they fail to do so, the licensed adoption agency that facilitated the adoption must file a petition for the child.⁸ The petition must include specified documentation relating to the foreign adoption, including certified translations where the documents were not written in English, the original home study, and a report detailing the events of at least one postadoption home visit by the adoption agency.⁹ Assuming the court finds that the adoption is in the best interest of the child, the court will issue a readoption order.¹⁰ The clerk of the court must forward the readoption order to the State Registrar, who must then issue a delayed registration of

² See United States Customs and Immigration Services, Certificate of Citizenship for an Internationally Adopted Child, <https://www.uscis.gov/adoption/after-your-child-enters-the-united-states/certificate-of-citizenship-for-your-internationally-adopted-child>. All links in this analysis are current as of April 16, 2026.

³ See Fam. Code, § 8925.

⁴ *Id.*, §§ 8911, 8912.

⁵ *Id.*, §§ 8913-8918.

⁶ See Health & Saf. Code, §§ 102635, 102695.

⁷ See Fam. Code, § 8919.

⁸ *Ibid.* Parents who fail to file the petition must reimburse the agency for the agency's expenses in filing the petition. (*Id.* at § 8919(c).)

⁹ *Id.*, § 8919(a).

¹⁰ *Id.*, § 8919(b).

birth for the child; the readoption order may also be used to obtain a new birth certificate for the child that reflects the child's adoptive parents.¹¹

The readoption process may also be used by, but is not required for, parents whose children were adopted in a foreign country through the Hague Convention process.

3. A gap in federal law leaves many foreign-born adoptees in legal limbo

The United States Constitution grants Congress the exclusive power “to establish a uniform Rule of Naturalization.”¹² This provision, combined with the federal government's “inherent power as sovereign to control and conduct relations with foreign nations” give the federal government “broad, undoubted power over the subject of immigration and the status of aliens.”¹³

As discussed above, the Immigration and Naturalization Act currently provides that persons born in a foreign country and adopted by U.S. citizens automatically become citizens, and sets forth the procedures for having that citizenship recognized.¹⁴ These provisions were added to the United States Code through the Child Citizenship Act of 2000 but apply only to persons who were younger than 18 years of age on February 27, 2001.¹⁵ This left many of foreign-born adoptees – as many as up to 200,000 – without a clear legal status, either because their adoptive parents never obtained U.S. citizenship for their child, or because they never got the documents necessary to prove citizenship.¹⁶ This legal uncertainty also extends to children born in non-Hague Convention countries whose parents failed to go through all of the steps for naturalization.¹⁷ Immigration attorneys agree that there is no statutory path for these adoptees to obtain citizenship or have their citizenship recognized.¹⁸

The adoptees without citizenship, or proof of citizenship, now live in fear that they will be arrested by ICE and deported.¹⁹ Many of them did not even realize they were not

¹¹ *Id.*, § 8919(e), (f).

¹² U.S. Const., art. I, § 8, cl. 4.

¹³ *Arizona v. U.S.* (2012) 567 U.S. 387, 394-395.

¹⁴ 8 U.S.C. §§ 1101(b), 1431.

¹⁵ Galofaro & Tong-Hyung, *Thousands were adopted to the US but not made citizens. Decades later, they risk being deported* (Oct. 24, 2024) AP News, <https://apnews.com/article/adoption-citizenship-congress-immigration-a1ec84a94f2442e3dc4b7a31cad27d21>.

¹⁶ Williamson, *Born Abroad and Fearful of ICE, Adoptees Try to Prove They Belong* (Mar. 23, 2026) New York Times, available at <https://www.nytimes.com/2026/03/23/us/politics/foreign-adoptees-citizenship-immigration-enforcement.html>.

¹⁷ *Ibid.*

¹⁸ Solis, *Thousands of adoptees were never given US citizenship. Now they risk deportation* (Jul. 18, 2025) KPBS, <https://www.kpbs.org/news/border-immigration/2025/07/18/thousands-of-adoptees-were-never-given-us-citizenship-now-they-risk-deportation>.

¹⁹ *Ibid.*

American citizens until later in life, such as when they applied for a passport.²⁰ Even adoptees who may be able to establish citizenship are now reluctant to call attention to their status, because they are “fearful of an administration that is using every legal avenue to meet deportation quotas.”²¹

Congress could easily fix this problem. Bills named the Protect Adoptees and American Families Act were introduced in the United States Senate and the House of Representatives in 2025 but neither bill can get a hearing from the Republican majorities in Congress.²²

4. This bill permits a person to file a readoption petition on their own behalf if the person’s adoptive parent and the agency failed to do so

California cannot change federal immigration law. California can, however, help foreign-born adoptees obtain documentation from the state, specifically, an adoption decree and a birth certificate. To that end, this bill permits a foreign-born adoptee to file a petition for re-adoption on their own behalf when neither their parents nor the adoption agency filed the necessary petition. Upon completion of the proceeding, the adoptee would have legal recognition of their adoption and would be able to obtain a new birth certificate from the State Registrar. The author has agreed to minor amendments to clarify that an adoptee of any age may file such a petition on their own behalf.

The Adoptee Rights Law Center, writing in support of the bill:

In substance, the bill allows an adult adopted person to validate a previously finalized foreign adoption in a California state court, specifically if the adoptive parents or the responsible adoption agency had failed to do so before the adoptee reached 18 years of age. It further allows a California state court to issue an order of “readoption,” which documents the facts of the foreign adoption and allows for issuance of a California state-issued delayed registration of birth.

5. Amendments

As noted above, the author has agreed to a minor amendment, set forth below, and subject to any nonsubstantive changes the Office of Legislative Counsel may make.

Amendment

At page 3, in line 38, after “adoptee” insert “of any age”

²⁰ Kim, *She grew up believing she was a U.S. citizen. Then she applied for a passport* (Apr. 19, 2025) NPR, <https://www.npr.org/2025/04/19/g-s1-60166/trump-immigration-citizenship-deportation-adoptee-south-korea>.

²¹ Williamson, *supra*.

²² See *ibid*; S. 2923 (119th Cong. 1st Sess.) as introduced; H.R. 5492 (119th Cong. 1st Sess.), as introduced.

SUPPORT

Adoptee Rights Law Center

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: None known.

Prior legislation:

AB 677 (Choi, Ch. 805, Stats. 2019) established the streamlined re-adoption procedure discussed in Comment 2 of this bill.

AB 724 (Choi, 2018) was substantially similar to AB 677 (Choi, Ch. 805, Stats. 2019). AB 724 was vetoed by Governor Brown, who stated in his veto message that the bill was “well-intentioned but goes too far because it requires a private adoption agency to proceed with the re-adoption process if the parents do not. I believe that parents who adopt foreign-born children can and will make their own decisions with respect to their child.”
