

Finalization or Re-Adoption: New Hampshire

Please make certain to read through the introductory information about the post placement period available in the WHFC Client Portal, especially the information about determining your child’s visa type.

Your Finalization Coordinator is Jessica Ellison. Please feel free to let her know of any questions you may have.

Name	Phone	Fax	Email
Jessica Ellison	781.419.0397	781.899.2769	jellison@whfc.org

Important: The state of New Hampshire requires parents to file the court documents within 30 days of a child’s arrival home.

Under the laws of the state of New Hampshire, families must finalize or re-adopt in their county of residence. Unless your child has an IR-3 or IH-3, it is highly advisable to work with an attorney experienced in international adoptions. Such an attorney will be best able to assist you in navigating case specific requests by courts. However, families do have the option of finalizing or re-adopting on their own. You may explore the resources mentioned below. Also feel free to consult with your social worker or Jessica Ellison in the WHFC Central Office. Please be aware that pursuing this process on your own does lead to additional work for you and may be confusing. Some families who have made the decision to work with the court directly have done so quite successfully. Others have ultimately hired an attorney.

If you delay this process and wish to pursue it in the future, the courts will typically require an updated post placement report. This will require an service additional fee to WHFC.

If your child arrived on an IR3 or IH3 visa:

Re-adoption is highly recommended, but not needed for citizenship. There are many reasons why re-adoption is highly advisable. Re-adoption will allow a legal name change for your child, if needed. It is also how you will receive a U.S. adoption decree and/or U.S. birth certificate. As it can be impossible (or at least very difficult) to receive new copies of a foreign birth certificate, it is far easier to have a U.S. birth certificate. Additionally, should you choose not to readopt, your child may not be entitled to all of the rights they should have as your child under U.S. and state law (i.e., some future scholarships).

Forms, instructions, and contact information for courts are located conveniently at <http://www.courts.state.nh.us/fdpp/forms/allforms.htm#adoption> Download the checklist titled “Validation of an Adoption” and then click “Adoption Forms” to access the forms needed.

The following are required to initiate re-adoption proceedings in NH:

- A Check for \$150.00 to cover Court costs
- Petition For Validation of Adoption Finalized in a Foreign Country Form NHJB-2191-FP
- 1 original VS-37 Form; Confidential Report to City and Town Clerk Relative to Adoption
- A Notarized “Attested Copy” of the child’s Passport and Visa showing IR-3 status.

These items must be submitted to the court within thirty days of your arrival home. The court will facilitate the re-adoption, typically within the first six months of your child’s arrival to the United States.

If your child arrived on an IR4 or IH4 visa and a foreign decree is available:

If your child arrived on an IR-4 or IH-4 visa: In order for your child to be a U.S. citizen, you will need to re-adopt. Furthermore, you are required by law to re-adopt so that the foreign adoption can be recognized by the U.S.

For those children home on an IR-4 or IH-4 visa where the adoption was finalized in the country of birth, you will need to file the following documents with the NH courts to initiate and complete the finalization process.

Forms, instructions, and contact information for courts are located conveniently at <http://www.courts.state.nh.us/probate/adoption.htm>. Download the checklist titled “Validation of an Adoption” and then click “Adoption Forms” to access the forms needed

- A Check totaling \$150.00 to cover Court costs
- 1 Petition For Validation of Adoption Finalized in a Foreign Country Form NHJB-2191-FP
- 1 VS-37 Form; Confidential Report to City & Town Clerk Relative to Adoption
- A Notarized “Attested Copy” of the Final Adoption Deed, Contract of Adoption, and Current Certificate of Birth
- A Notarized “Attested Copy” of the child’s Passport & Visa showing IR-4 status

These items must be submitted to the court within thirty days of your arrival home. The court will facilitate the re-adoption, typically within the first six months of your child’s arrival to the United States.

ADOPTION FINALIZATION PROCESS: Your child was adopted from the Philippines (or possibly other countries long ago)

As you are aware, your child has arrived under the placement authority of WHFC and your adoption must be finalized. While you have been providing all your child’s care, this process will solidify your legal standing as parents.

STEP ONE:

An Interlocutory Hearing must be initiated at your local Probate court. This is done when a number of documents are submitted to the court. WHFC will provide you with all agency documentation required to facilitate the legalization of your child's adoption. In addition, adoptive families will need to obtain specific documents for the courts to supplement the documentation provided by WHFC. Once you have gathered all necessary documentation, you will submit this to your local Probate Court, either directly or via a private attorney. All documentation required is listed below.

Forms, instructions, and contact information for courts are located conveniently at <http://www.courts.state.nh.us/probate/adoption.htm>. Download the checklist titled "Adoption – Unrelated Minor Child" and then click "Adoption Forms" to access the forms needed.

By WHFC:

- Original Permission to Place letter from the state of NH
- Original copy of the Home Study report
- Agency Surrender form NHJB-2081-FP
- Attested copies of legal documents and translations for the court to keep
- The first post placement report completed by your social worker

By you or by your attorney:

- A check for \$150.00 to the court.
- Petition for Adoption Form NHJB-2185-FP
- Affidavit of adoption expenses (WHFC will include information in the packet sent to you in order to complete the affidavit)
- Medical information on Birth Parents forms Form NHJB-2193-FP (gather this information from your referral information, it is ok to have many items state unknown)
- One original of the VS-37 Form: Confidential Report to the City and Town Clerk Relative to Adoption
- Form NHJB-2128-P (listed under Other Forms): Motion to Waive 30 Day requirement (if 30 days have passed)
- A notarized attested copy of Passport and Visa showing IR-4 status

STEP TWO:

Following the Interlocutory hearing, a final post placement visit and report is initiated by your WHFC social worker. Once that final post placement report is submitted to the court (around six months after your child comes home), a final court hearing is scheduled.

It is very important that you remember to submit a copy of your child's US decree to WHFC as it is needed abroad.

A photocopy, scan, or fax is sufficient and should be sent to Jessica Ellison at the contact information above.

Your attorney or the court will provide information regarding when you will actually receive the decree and the needed steps to request a birth certificate.

Attorney Recommendations

The following attorneys are very familiar with international adoption, the documentation from the countries WHFC works with, and the nuances of the local courts. We highly recommend the following:

James Bianco

18 Centre Street
Concord, New Hampshire 03301
603.225.7170 or 1.800.262.8112
info@biancopa.com

Margaret Hall

37 High Street
Milford, NH 03055
603.672.2348

Birth Certificates

Once you have the necessary paperwork back from court, you can obtain a new birth certificate from the New Hampshire Bureau of Vital Records. Birth certificates of children born in a foreign country are not available through your local city or town office.