

Finalization or Re-Adoption: New Jersey

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

Under the laws of New Jersey State, a petition can be filed for the adoption of your child after he or she has been living in your home between three to six months (depending on county of residence), and all post placement requirements have been satisfactorily met. Families must finalize or re-finalize their adoption in the Surrogate's Court of their county of residence.

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 a service additional fee to WHFC.

It is highly advisable to work with an attorney experienced in international adoptions. However, families do have the option of working with the court on your own. Should you choose to represent yourself, you will need to contact the county clerk of the Surrogate's Court in your county of residence for further information, and to obtain all necessary court filing forms. Be advised that court clerks are not attorneys, and can not advise you on the law relative to finalization or re-adoption.

Also 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.

Once your final post placement report is complete (usually a few weeks after your final post placement visit), all medicals and photos are received, and any other outstanding post placement requirements have been met, you may contact your county's Surrogate Court clerk to obtain a list of required documents for adoption finalization or re-adoption. They will instruct you how to file your initial "Complaint of Adoption".

Once your Complaint of Adoption is filed and accepted, you will be issued a date for a hearing. Most New Jersey Courts will require updated clearances and all post placement reports for your hearing. These may be obtained by contacting Jessica Ellison.

In addition, you will also need the official documents you received while in country, including the child's original birth certificate, visa/foreign passport, and in-country court documentation. Jessica can assist you if you have questions regarding identifying the documents you have. If you would prefer, we can provide any agency-generated documents directly to your chosen attorney if you alert Jessica Ellison to your request. This does require that you have already officially retained the services of the attorney, and have provided written authorization to WHFC to release the documents to someone other than you, including the name and address of the attorney.

Additional Information for Families With Children from The Philippines (or possibly other countries long ago)

As you are aware, your child has arrived under the placement authority of WHFC. Once your post placement period is complete and the needed paperwork is available, it is important to move forward with finalization as soon as possible. Securing your child's adoption decree and U.S. birth certificate are very important steps. While you have been providing all care since your child's arrival, this process will secure your legal standing as parents.

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 whose contact information is on the previous page of this document.

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, as this varies significantly by county.

Additional Information For Families with Children from Other Countries

While you are the legal parents of your child by virtue of the court process completed abroad, it is advisable or required to re-adopt in the New Jersey courts.

The re-adoption process is much easier to complete shortly after your 6 month post placement period ends than it will be if you wait to pursue it in the future.

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 in the New Jersey courts. Furthermore, you are required by law to re-adopt so that the foreign adoption can be recognized by the U.S.

If your child arrived on an IR-3 or IH-3 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).

Your attorney or the court will provide information regarding when you will actually receive the decree.

Birth Certificates

When filing your Complaint, you may also file paperwork for a name change, or age change with physicians consent. On the date of your hearing, the court will send an application for a birth certificate to the NJ Office of Vital Statistics. The amended birth certificate will be mailed to you.

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:

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