

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 16.
PARTICULAR ACTIONS, PROCEEDINGS
AND MATTERS.

CHAPTER 3.
ADOPTION.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 3. ADOPTION.

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CHAPTER 3. ADOPTION.

§ 16-301. JURISDICTION; RULES.

(a) Subject to subsection (b) of this section, the Superior Court of the District of Columbia has jurisdiction to hear and determine petitions and decrees of adoption of any adult or child with authority to make such rules, not inconsistent with this chapter, as shall bring fully before the court for consideration the interests of the prospective adoptee, the natural parents, the petitioner, and any other properly interested party.

(b) Jurisdiction shall be conferred when any of the following circumstances exist:

- (1) petitioner is a legal resident of the District of Columbia;
- (2) petitioner has actually resided in the District for at least one year next preceding the filing of the petition; or
- (3) the child to be adopted is in the legal care, custody, or control of the Mayor or a child-placing agency licensed under the laws of the District.

(Dec. 23, 1963, 77 Stat. 537, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 555, Pub. L. 91-358, title I, § 145(a)(1); Apr. 30, 1988, D.C. Law 7- 104, § 4(a), 35 DCR 147.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-301.

1973 Ed., § 16-301.

Legislative History of Laws

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987 and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

§ 16-302. PERSONS WHO MAY ADOPT.

Any person may petition the court for a decree of adoption. A petition may not be considered by the court unless petitioner's spouse, if he has one, joins in the petition, except that if either the husband or wife is a natural parent of the prospective adoptee, the natural parent need not join in the petition with the adopting parent, but need only give his or her consent to the adoption. If the marital status of the petitioner changes after the time of filing the petition and before the time the decree of adoption is final, the petition must be amended accordingly.

(Dec. 23, 1963, 77 Stat. 537, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-302.

1973 Ed., § 16-302.

§ 16-303. PERSONS ADOPTED.

A person, whether a minor or an adult, may be adopted.

(Dec. 23, 1963, 77 Stat. 537, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

1981 Ed., § 16-303.

1973 Ed., § 16-303.

§ 16-304. CONSENT; EXCEPTIONS.

(a) A petition for adoption may not be granted by the court unless there is filed with the petition a written statement of consent, as provided by this section, signed and acknowledged before an officer authorized by law to take acknowledgments, before a representative of a licensed child-placing agency, or before the Mayor of the District, or unless a relinquishment of parental rights with respect to the prospective adoptee has been recorded and filed as provided by section 4-1406.

(b) Consent to a proposed adoption of a person under eighteen years of age is necessary:

(1) from the prospective adoptee, if he is fourteen years of age or over; and also,

(2) in accordance with the provisions of any one of the following paragraphs:

(A) from both parents, if they are both alive; or

(B) from the living parent of the prospective adoptee, if one of the parents is dead; or

(C) from the court-appointed guardian of the prospective adoptee; or

(D) from a licensed child-placing agency or the Mayor in case the parental rights of the parent or parents have been terminated by a court of competent jurisdiction or by a release of parental rights to the Mayor or licensed child-placing agency, based upon consents obtained in accordance with subparagraphs (A) through (C) of this paragraph, and the prospective adoptee has been lawfully placed under the care and custody of the agency or the Mayor; or

(E) from the Mayor in any situation not otherwise provided for by this subsection.

(c) Minority of a natural parent is not a bar to that parent's consent to adoption.

(d) When a parent whose consent is hereinbefore required, after such notice as the court directs, cannot be located, or has abandoned the prospective adoptee and voluntarily failed to contribute to his support for a period of at least six months next preceding the date of the filing of the petition, the consent of that parent is not required.

(e) The court may grant a petition for adoption without any of the consents specified in this section, when the court finds, after a hearing, that the consent or consents are withheld contrary to the best interest of the child.

(f) A person over eighteen years of age may be adopted, on the petition of the adopting parent or parents and with the consent of the prospective adoptee, if the court is satisfied that the adoption should be granted.

(g) The court may grant a petition for adoption without consent when there has been a relinquishment of parental rights and the termination of parental rights pursuant to § 4-1451.05.

(Dec. 23, 1963, 77 Stat. 538, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 555, Pub. L. 91-358, title I, § 145(a)(2); Oct. 22, 1970, 84 Stat. 1086, Pub. L. 91-488; July 22, 1976, D.C. Law 1-75, § 5(e), 23 DCR 1182; Oct. 1, 1976, D.C. Law 1-87, § 12, 23 DCR 2544; Apr. 30, 1988, D.C. Law 7-104, § 4(b), 35 DCR 147; May 27, 2010, D.C. Law 18-158, § 201, 57 DCR 3000.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-304.

1973 Ed., § 16-304.

Effect of Amendments

D.C. Law 18-158, in the section heading, inserted "; exceptions"; and added subsec. (g).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 201 of Newborn Safe Haven Emergency Act of 2009 (D.C. Act 18-321, March 1, 2010, 57 DCR 1842).

Legislative History of Laws

Law 1-75, the "District of Columbia Age of Majority Act," was introduced in Council and assigned Bill No. 1-252, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on April 6, 1976, and April 20, 1976, respectively. Signed by the Mayor on May 14, 1976, it was assigned Act No. 1-116 and transmitted to both Houses of Congress for its review.

Law 1-87, the "Anti-Sex Discriminatory Language Act," was introduced in Council and assigned Bill No. 1-36, which was referred to the Committee on the Judiciary and Criminal Law. The Bill was adopted on first and second readings on June 15, 1976, and June 29, 1976, respectively. Signed by the Mayor on July 27, 1976, it was assigned Act No. 1-143 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 7-104, see Historical and Statutory Notes following § 16-301.

Law 18-158, the "Newborn Safe Haven Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-180, which was referred to the Committee on Human Services and the Committee on Public Safety and the Judiciary. The bill was adopted on first and second readings on January 5, 2010, and February 2, 2010, respectively. Signed by the Mayor on March 25, 2010, it was assigned Act No. 18-349 and transmitted to both Houses of Congress for its review. D.C. Law 18-158 became effective on May 27, 2010.

§ 16-305. PETITION FOR ADOPTION.

A petition filed for the adoption of a person shall be under oath or affirmation of the petitioner and the titling thereof shall be substantially as follows: "Ex parte in the matter of the petition of for adoption." The petition or the exhibits annexed thereto shall contain the following information:

- (1) the name, sex, date, and place of birth of the prospective adoptee, and the names, addresses and residences of the natural parents, if known to the petitioner, except that in an adoption proceeding that is consented to by the Mayor or a licensed child-placing agency, the names, addresses and residences of the natural parents may not be set forth;
- (2) the name, address, age, business or employment of the petitioner, and the name of the employer, if any, of the petitioner;
- (3) the relationship, if any, of the prospective adoptee to the petitioner;
- (4) the race and religion of the prospective adoptee, or his natural parent or parents;
- (5) the race and religion of the petitioner;
- (6) the date that the prospective adoptee commenced residing with petitioner; and
- (7) any change of name which may be desired.

When any of the above facts is unknown to the petitioner, the petitioner shall state this fact. When any of the above facts is known to the Mayor, or a licensed child-placing agency that as a matter of social policy declines to disclose them to the petitioner, the facts may be disclosed to the court in an exhibit filed by the Mayor or the agency with the court. If more than one petitioner joins in a petition, the requirements of this section apply to each.

(Dec. 23, 1963, 77 Stat. 538, Pub. L. 88-24, § 1; July 29, 1970, 84 Stat. 555, Pub. L. 91-358, title I, § 145(a)(2); Apr. 30, 1988, D.C. Law 7- 104, § 4(c), 35 DCR 147.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-305.

1973 Ed., § 16-305.

Legislative History of Laws

For legislative history of D.C. Law 7-104, see Historical and Statutory Notes following § 16-301.

§ 16-306. NOTICE OF ADOPTION PROCEEDINGS.

(a) Except as provided by subsection (b) of this section, due notice of pending adoption proceedings shall be given to each person whose consent is necessary thereto, immediately upon the filing of a petition. The notice shall be given by summons, by registered letter sent to the addressee only, or otherwise as ordered by the court.

(b) A party who formally gives his consent to the proposed adoption, as provided by this chapter, thereby waives the requirement of notice to him pursuant to this section.

(Dec. 23, 1963, 77 Stat. 539, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-306.

1973 Ed., § 16-306.

§ 16-307. INVESTIGATION, REPORT, AND RECOMMENDATION.

(a) Except as provided by section 16-308, upon the filing of a petition the court shall refer the petition for investigation, report, and recommendation to:

- (1) the licensed child-placing agency by which the case is supervised; or
- (2) the Mayor, if the case is not supervised by a licensed child-placing agency.

(b) The investigation, report, and recommendation shall include:

(1) an investigation of:

- (A) the truth of the allegations of the petition;
- (B) the environment, antecedents, and assets, if any, of the prospective adoptee, to determine whether he is a proper subject for adoption;
- (C) the home of the petitioner, to determine whether the home is a suitable one for the prospective adoptee; and
- (D) any other circumstances and conditions that may have a bearing on the proposed adoption and of which the court should have knowledge, including the existence and terms of a tentative adoption subsidy agreement entered into prior to the filing of the adoption petition under section 3 of the Act of July 26, 1892 (§ 4-301).

(2) a written report to the court of the findings of the investigation; and

(3) a recommendation to the court whether a final decree declaring the adoption prayed for in the petition should be immediately granted, or whether the court should grant an interlocutory decree granting temporary custody of the prospective adoptee to the petitioner, as hereinafter set forth.

(c) The written report submitted to the court shall be filed with, and become part of, the records in the case.

(Dec. 23, 1963, 77 Stat. 539, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 555, Pub. L. 91-358, title I, § 145(a)(2); Jan. 2, 1974, 87 Stat. 1061, Pub. L. 93-241, § 2(a); Apr. 30, 1988, D.C. Law 7-104, § 4(d), 35 DCR 147.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-307.

1973 Ed., § 16-307.

Emergency Act Amendments

For temporary provisions requiring, on an emergency basis, criminal background investigations for individuals residing in foster family homes or other homes in which children are placed by order, see § 2-15 of the Criminal Background Investigation for the Protection of Children Emergency act of 1998 (D.C. Act 12-431, August 6, 1998, 45 DCR 5915) and § 2-11 of the Criminal Background Investigation for the Protection of Children Legislative Review Emergency Act of 1998 (D.C. Act 12-505, November 20, 1998, 45 DCR 8134).

Legislative History of Laws

For legislative history of D.C. Law 7-104, see Historical and Statutory Notes following § 16-301.

§ 16-308. INVESTIGATIONS WHEN PROSPECTIVE ADOPTEE IS ADULT OR PETITIONER IS SPOUSE OR DOMESTIC PARTNER OF NATURAL PARENT.

(a) The court may dispense with the investigation, report, and interlocutory decree provided for by this chapter when:

- (1) The prospective adoptee is an adult; or
- (2) The petitioner is a spouse or domestic partner of the natural parent of the prospective adoptee and the natural parents consents to the adoption or joins in the petition for adoption.

(b) In the circumstances specified in subsection (a)(2) of this section, the petition need not contain the information concerning race and religion as specified in § 16-305(4) and (5).

(c) For the purposes of this section, the term "domestic partner" shall have the same meaning as provided in § 32-701(3), but shall exclude a domestic partner who is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the natural parent.

(d) Nothing in this section shall be construed to waive the requirements of §§ 4-1305.01 through 4-1305.09, including the requirement of a fingerprint-based criminal records check.

(Dec. 23, 1963, 77 Stat. 539, Pub. L. 88-241, § 1; Oct. 30, 1975, D.C. Law 1-25, § 3, 22 DCR 2465; July 18, 2008, D.C. Law 18-33, § 3(a), 56 DCR 4269; Sept. 11, 2009, D.C. Law 18-47, § 3, 56 DCR 4960.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-308.

1973 Ed., § 16-308.

Effect of Amendments

D.C. Law 18-33 rewrote the section, which had read as follows:

"The court may dispense with the investigation, report, and interlocutory decree provided for by this chapter when:

"(1) the prospective adoptee is an adult; or

"(2) the petitioner is a spouse of the natural parent of the prospective adoptee and the natural parent consents to the adoption or joins in the petition for adoption.

"In the circumstances specified in (2) above, the petition need not contain the information concerning race and religion specified by subparagraphs (4) and (5) of section 16-305."

D.C. Law 18-47 rewrote the section, which had read as follows:

"(a) The court may dispense with the investigation, report, and interlocutory decree provided for by this chapter when:

"(1) The prospective adoptee is an adult; or

"(2) The petitioner is a spouse or domestic partner of the natural parent of the prospective adoptee and the natural parents consents to the adoption or joins in the petition for adoption.

"(b) In the circumstances specified in subsection (a)(2) of this section, the petition need not contain the information concerning race and religion specified by § 16-305(4) and (5).

"(c) For the purposes of this section, the term 'domestic partner' shall have the same meaning as provided in § 32-701(3), but shall exclude a domestic partner who is the parent, grandparent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the natural parent."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3 of the Adoption and Safe Families Temporary Amendment Act of 2008 (D.C. Law 17-133, March 26, 2008, law notification 55 DCR 4464).

For temporary (225 day) amendment of section, see § 3 of the Safe families Continuing Compliance Temporary Amendment Act of 2008 (D.C. Law 17-297, March 20, 2009, law notification 56 DCR 3008).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 3 of Adoption and Safe Families Emergency Amendment Act of 2007 (D.C. Act 17-232, December 27, 2007, 55 DCR 233).

For temporary (90 day) amendment of section, see § 3 of Adoption and Safe Families Congressional Review Emergency Amendment Act of 2008 (D.C. Act 17-317, March 19, 2008, 55 DCR 3415).

For temporary (90 day) amendment of section, see § 3 of Adoption and Safe Families Continuing Compliance Emergency Amendment Act of 2008 (D.C. Act 17- 559, October 27, 2008, 55 DCR 12010).

For temporary (90 day) amendment of section, see § 3 of Adoption and Safe Families Continuing Compliance Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-2, January 23, 2009, 56 DCR 1622).

Legislative History of Laws

Law 1-25, the "Stepparent Adoption Facilitation Act," was introduced in Council and assigned Bill No. 1-122. The Bill was adopted on first and second readings on July 1, 1975, and July 15, 1975, respectively. Signed by the Mayor on August 4, 1975, it was assigned Act. No. 1-37 and transmitted to both Houses of Congress for its review.

Law 18-33, the "Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009", was introduced in Council and assigned Bill No. 18-66, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 7, 2009, and May 5, 2009, respectively. Signed by the Mayor on May 21, 2008, it was assigned Act No. 18-66 and transmitted to both Houses of Congress for its review. D.C. Law 18-33 became effective on July 18, 2008.

Law 18-47, the "Adoption and Safe Families Amendment Act of 2009", was introduced in Council and assigned Bill No. 18-12, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on May 5, 2009, and June 2, 2009, respectively. Signed by the Mayor on June 22,

2009, it was assigned Act No. 18-122 and transmitted to both Houses of Congress for its review. D.C. Law 18-47 became effective on September 11, 2009.

§ 16-309. ADOPTION PROCEEDINGS.

(a) Within a period of ninety days, or such time as extended by the court, after a copy of the petition and the order providing for the report is served upon the agency directed to make the investigation, the agency shall make the report and recommendation required by section 16-307 to the court and thereupon the court shall proceed to act upon the petition.

(b) After considering the petition, the consents, and such evidence as the parties and any other properly interested person may present, the court may enter a final or interlocutory decree of adoption when it is satisfied that:

- (1) the prospective adoptee is physically, mentally, and otherwise suitable for adoption by the petitioner;
- (2) the petitioner is fit and able to give the prospective adoptee a proper home and education;
- (3) the adoption will be for the best interests of the prospective adoptee; and
- (4) the adoption form has been completed by the petitioner pursuant to section 10 of the Vital Records Act of 1981.

(b-1) In determining whether the petitioner will be able to give the prospective adoptee a proper home and education, the court shall give due consideration to any assurance by the Mayor that he will provide or contribute funds for the necessary maintenance or medical care of the prospective adoptee under an adoption subsidy agreement under § 4-301.

(c)(1) Except as provided in paragraph (2) of this subsection, a final decree of adoption may not be entered unless the prospective adoptee has been living with the petitioner for at least 6 months ("6-month requirement").

(2) A prospective adoptee shall be exempt from the 6-month requirement if he or she is 18 years of age or older.

(d) If it appears to be in the interest of the prospective adoptee, the court may enter an interlocutory decree of adoption, which shall by its terms automatically become a final decree of adoption on a day therein named, not less than six months nor more than one year, from the date of entry of the interlocutory decree, unless in the interim the decree shall have been set aside for cause shown. The supervising agency shall be permitted to visit the adoptee during the period of the interlocutory decree.

(e) The court may revoke its interlocutory decree for good cause shown at any time before it becomes a final decree, either on its own motion or on the motion of one of the parties to the adoption. Before the revocation, notice shall be given thereof to all those persons or parties who were given notice of the original petition for adoption, and an opportunity for all of them to be heard.

(f) All proceedings with reference to adoption shall be of a confidential nature and shall be held in chambers or in a sealed courtroom with as little publicity as the court deems appropriate.

(Dec. 23, 1963, 77 Stat. 540, Pub. L. 88-241, § 1; Jan. 2, 1974, 87 Stat. 1061, Pub. L. 93-241, § 2(b); Oct. 8, 1981, D.C. Law 4-34, § 29(e), 28 DCR 3271; Mar. 24, 1998, D.C. Law 12-81, § 10(a), 45 DCR 745; Sept. 24, 2010, D.C. Law 18-230, § 603, 57 DCR 6951.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-309.

1973 Ed., § 16-309.

Effect of Amendments

D.C. Law 18-230 rewrote subsec. (c), which had read as follows:

"(c) A final decree of adoption may not be entered unless the prospective adoptee has been living with the petitioner for at least six months."

Legislative History of Laws

Law 4-34, the "Vital Records Act of 1981," was introduced in Council and assigned Bill No. 4-161, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 16, 1981, and June 30, 1981, respectively. Signed by the Mayor on July 20, 1981, it was assigned Act No. 4-58 and transmitted to both Houses of Congress for its review.

Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on

November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

Law 18-230, the "Adoption Reform Act of 2010", was introduced in Council and assigned Bill No. 18-547, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 1, 2010, and June 15, 2010, respectively. Signed by the Mayor on July 12, 2010, it was assigned Act No. 18-547 and transmitted to both Houses of Congress for its review. D.C. Law 18-230 became effective on September 24, 2010.

References in Text

The "Vital Records Act of 1981," referred to in paragraph (b)(4), is D.C. Law 4-34.

Section 10 of the Act is codified at § 7-209.

§ 16-310. FINALITY OF DECREES OF ADOPTION.

An attempt to invalidate a final decree of adoption by reason of a jurisdictional or procedural defect may not be received by any court of the District, unless regularly filed with the court within one year following the date the final decree became effective.

(Dec. 23, 1963, 77 Stat. 540, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-310.

1973 Ed., § 16-310.

§ 16-311. SEALING AND INSPECTION OF RECORDS AND PAPERS.

From and after the filing of the petition, records and papers in adoption proceedings shall be sealed. They may not be inspected by any person, including the parties to the proceeding, except upon order of the court, and only then when the court is satisfied that the welfare of the child will thereby be promoted or protected. Such records and papers shall, upon written application to the court, be unsealed and provided to the Child Fatality Review Committee for inspection if the adoptee is deceased and inspection of the records and papers is necessary for the discharge of the Committee's official duties. The clerk of the court shall keep a separate docket for adoption proceedings.

(Dec. 23, 1963, 77 Stat. 541, Pub. L. 88-241, § 1; Oct. 3, 2001, D.C. Law 14-28, § 4620(a), 48 DCR 6981.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-311.

1973 Ed., § 16-311.

Effect of Amendments

D.C. Law 14-28 inserted "Such records and papers shall, upon written application to the court, be unsealed and provided to the Child Fatality Review Committee for inspection if the adoptee is deceased and inspection of the records and papers is necessary for the discharge of the Committee's official duties." after "promoted and protected."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 20(a) of Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Law 14-20, September 6, 2001, law notification 48 DCR 9090).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 20(a) of Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14-40, April 25, 2001, 48 DCR 5917).

For temporary (90 day) amendment of section, see § 20(a) of Child Fatality Review Committee Establishment Legislative Review Emergency Act of 2001 (D.C. Act 14-82, July 9, 2001, 48 DCR 6355).

Legislative History of Laws

Law 14-28, the "Fiscal Year 2002 Budget Support Act of 2001", was introduced in Council and assigned Bill No. 14-144, which was referred to the Committee Of the Whole. The Bill was adopted on first and second

readings on May 1, 2001, and June 5, 2001, respectively. Signed by the Mayor on June 29, 2001, it was assigned Act No. 14-85 and transmitted to both Houses of Congress for its review. D.C. Law 14-28 became effective on October 3, 2001.

§ 16-312. LEGAL EFFECTS OF ADOPTION.

(a) A final decree of adoption establishes the relationship of natural parent and natural child between adopter and adoptee for all purposes, including mutual rights of inheritance and succession as if adoptee were born to adopter. The adoptee takes from, through, and as a representative of his adoptive parent or parents in the same manner as a child by birth, and upon the death of an adoptee intestate, his property shall pass and be distributed in the same manner as if the adoptee had been born to the adopting parent or parents in lawful wedlock. All rights and duties including those of inheritance and succession between the adoptee, his natural parents, their issue, collateral relatives, and so forth, are cut off, except that when one of the natural parents is the spouse of the adopter, the rights and relations as between adoptee, that natural parent, and his parents and collateral relatives, including mutual rights of inheritance and succession, are in no wise altered.

(b) While it is in force, an interlocutory decree of adoption has the same legal effect as a final decree of adoption. Upon the revocation of an interlocutory decree of adoption, the status of the adoptee, the natural parents of the adoptee, and the petitioners are as though the interlocutory decree were null and void ab initio.

(c) The family name of the adoptee shall be changed to that of the adopter unless the decree otherwise provides, and the given name of the adoptee may be fixed or changed at the same time.

(Dec. 23, 1963, 77 Stat. 541, Pub. L. 88-241, § 1; Mar. 24, 1998, D.C. Law 12-81, § 10(b), 45 DCR 745.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-312.

1973 Ed., § 16-312.

Legislative History of Laws

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 16-309.

§ 16-313. CHILD AS INCLUDING ADOPTED PERSON.

In the District, "child" or its equivalent in a deed, grant, will, or other written instrument includes an adopted person, unless the contrary plainly appears by the terms thereof, whether the instrument was executed before or after the entry of the interlocutory decree of adoption, if any, or before or after the final decree of adoption became effective.

(Dec. 23, 1963, 77 Stat. 541, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-313.

1973 Ed., § 16-313.

§ 16-314. BIRTH CERTIFICATES.

(a) Upon the issuance of a final decree of adoption, an adoption form shall be sent to the Registrar pursuant to the Vital Records Act of 1981. Unless otherwise requested in the petition by the adopters, the Registrar shall cause to be made a new record of the birth in the new name with the names of the adopters and shall then cause the original birth certificate and the order of the Court to be sealed and filed. The sealed package may be opened only by order of the Court or by the Registrar to properly administer the Vital Records Act of 1981.

(b) If the adoption occurred outside the District either before or after August 25, 1937, a new certificate of birth shall be made pursuant to section 11 of the Vital Records Act of 1981. The Registrar shall seal the original birth certificate. The sealed original birth certificate may be opened only by order of a court of competent jurisdiction or by the Registrar to properly administer the Vital Records Act of 1981.

(c) If the birth of the adoptee occurred outside the District the clerk of the court shall, upon petition by the adopter, furnish him with a certified copy of the final decree of adoption.

(c-1) If the birth of the adoptee occurred outside of the United States, a new certificate of birth shall be made pursuant to section 11 of the Vital Records Act of 1981.

(d) When an adoption in the District occurred prior to August 25, 1937, the court shall, upon presentation of a motion by a party to the proceedings, order the clerk of the court to seal the records in the proceeding. Upon presentation of a certified copy of the order the Mayor shall cause to be made a new record of the birth in the new name and with the names of the adopters and shall then cause to be sealed and filed the original birth certificate with the order of the court. The sealed package may be opened only by order of the court.

(Dec. 23, 1963, 77 Stat. 541, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 555, Pub. L. 91-358, title I, § 145(a)(2); Oct. 8, 1981, D.C. Law 4-34, § 29(f), 28 DCR 3271; Apr. 30, 1988, D.C. Law 7-104, § 4(e), 35 DCR 147; May 21, 1992, D.C. Law 9-101, § 2, 39 DCR 2146.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-314.

1973 Ed., § 16-314.

Legislative History of Laws

For legislative history of D.C. Law 4-34, see Historical and Statutory Notes following § 16-309.

For legislative history of D.C. Law 7-104, see Historical and Statutory Notes following § 16-301.

Law 9-101, the "Vital Records Adoptive Birth Registration Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-192, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on February 4, 1992, and March 3, 1992, respectively. Signed by the Mayor on March 23, 1992, it was assigned Act No. 9-173 and transmitted to both Houses of Congress for its review. D.C. Law 9-101 became effective on May 21, 1992.

References in Text

The "Vital Records Act of 1981," referred to throughout subsections (a), (b), and (c-1), is D.C. Law 4-34. Section 11 of the Act is codified at § 7-210.

§ 16-315. PRIOR PROCEEDINGS.

The provisions of this chapter have no effect prior to June 8, 1954, except to the extent that they specifically so provide. They do not affect in any way the rights and relations obtained by any decree of adoption entered prior to June 8, 1954.

(Dec. 23, 1963, 77 Stat. 542, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-315.

1973 Ed., § 16-315.

§ 16-316. APPOINTMENT AND COMPENSATION OF COUNSEL; GUARDIAN AD LITEM.

(a) When a petition for adoption has been filed and there has been no termination or relinquishment of parental rights with respect to the proposed adoptee or consent to the proposed adoption by a parent or guardian whose consent is required under [section 16-304], the Court may appoint an attorney to represent such parent or guardian in the adoption proceeding if the individual is financially unable to obtain adequate representation.

(b) The Court may appoint a guardian ad litem who is an attorney to represent the child in an adoption proceeding. The guardian ad litem shall in general be charged with the representation of the child's best interest.

(c) An attorney appointed pursuant to subsection (a) or (b) of this section shall be compensated in accordance with [section 16-2326.01], except that compensation in the adoption case shall be subject to the limitation set forth in [section 16-2326.01(b)(2)].

(Jan. 23, 2004, Pub. L. 108-199, § 435, 118 Stat. 141.)

§ 16-317. RECOGNITION OF FOREIGN ADOPTIONS AND ELECTIVE PETITIONS FOR DISTRICT ADOPTION.

(a)(1) A final judgment of adoption granted by a judicial, administrative, or executive body of a jurisdiction or country other than the United States shall have the same force and effect in the District as that given to a judgment of adoption entered by the Superior Court of the District of Columbia, without additional proceedings or documentation if the:

(A) Adopting parent is a resident of the District of Columbia; and

(B) Validity of the foreign adoption has been verified by the granting of an IR-3 immigrant visa, or a successor immigrant visa, for the child by the United States Citizenship and Immigration Services.

(2) The foreign adoption that meets the requirement of paragraph (1) of this subsection shall be considered final under the laws of the District of Columbia and, notwithstanding any other provision of law to the contrary, no further petition for an adoption decree shall be required in the Superior Court of the District of Columbia.

(3) The Department of Health shall issue a birth certificate for the child upon:

(A) Request by the adoptive parent;

(B) Presentation of evidence that the adoptive parent is a resident of the District of Columbia; and

(C) Presentation of evidence that the child was granted an IR-3 immigrant visa, or a successor immigrant visa, by the United States Citizenship and Immigration Services.

(b)(1) Notwithstanding subsection (a) of this section, an adoptive parent may elect to file a petition for a District adoption decree with the Superior Court of the District of Columbia.

(2) If the foreign adoption meets the requirements of subsection (a) of this section, notwithstanding any other provision of law to the contrary, the court shall issue:

(A) A finding of fact on the foreign adoption, including the:

(i) Name of the adoptive parent;

(ii) Name or names of the child;

(iii) Reported birth date of the child;

(iv) Country of the child's birth;

(v) Country and the date of the foreign adoption; and

(vi) Date and issuance of an IR-3 immigrant visa, or a successor immigrant visa, for the child by the United States Citizenship and Immigration Services; and

(B) An adoption decree to the petitioner.

(3) A petition for a District adoption decree pursuant to this subsection may be combined with a petition for a name change.

(4) A petition for an adoption decree issued pursuant to this subsection shall be placed on an expedited calendar to ensure minimal expense of time and money to the petitioning party in attaining a adoption decree.

(Sept. 24, 2010, D.C. Law 18-230, § 401(b), 57 DCR 6951.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 18-230, see notes following § 16-301.