

(S. B. 500)
(Reconsidered)

(No. 35-2022)

(Approved June 7, 2022)

AN ACT

To amend Section 14 (State Voluntary Adoption Registry) of Act No. 61-2018, as amended, known as the “Puerto Rico Adoption Act,” in order to provide that United States citizens and legal permanent residents may be registered in the State Voluntary Adoption Registry.

STATEMENT OF MOTIVES

The challenges faced at the time of identifying potential adoptive parents for children over the age of three (3) with special conditions or sibling group require affirmative action by the Government to facilitate their adoption. According to data from the Families and Children Administration (ADFAN, Spanish acronym), there are approximately 229 couples or persons registered in the State Voluntary Adoption Registry, (R.E.V.A., Spanish acronym) while there are 164 children under the government’s custody available for adoption. The reason behind this is that as children grow older, their chances of being adopted go down, because adoptive parents prefer adoptive children younger than three years of age. Other challenges such as children with functional disabilities or sibling groups contribute to this.

In view of the foregoing, and given this Legislative Assembly’s commitment to ensure the welfare of our children, it is compelled to promote mechanisms that facilitate their adoption.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 14 of the “Puerto Rico Adoption Act,” Act No. 61-2018, is hereby amended to read as follows:

“Section 14.- Registry Creation and Content

The Department shall establish an electronic registry, to be called the ‘Puerto Rico State Voluntary Adoption Registry,’ as well as by its Spanish acronym, R.E.V.A., where the names of all minors with an adoption permanency plan as well as the names of the adoptive parties shall be recorded together with their updated and accurate identifying information, as required by regulations approved to such effect. The Registry shall include:

1. A list of all minors whose permanency plan is adoption and whose parental rights have not been terminated.
2. A list of all minors whose permanency plan is adoption and whose parental rights have been terminated.
3. A list of all adoptive parties wishing to adopt, in the chronological order in which their applications were filed.
4. A list of all adoptive parties with a favorable adoption home study, in the chronological order said studies were conducted.

The Registry shall give priority to such adoptive parties who have filed their petition for adoption and/or obtained a favorable home study before the effective date of this Act. Any person who wishes to be included in the Registry shall fill out an application to be prepared by the Department to such effect. The Department shall ensure that candidates meet the applicable legal and regulatory requirements for adoption in Puerto Rico, as pertinent to expedite the completion of the adoption process. The Department shall evaluate said petitioners based on the governing principle of the best interest of the minor.

The Registry shall be organized so as to afford the opportunity to adopt minors regardless of the place of residence of the adoptive parents, who shall be United States citizens or United States legal permanent residents as their immigration status is defined by the pertinent federal legislation, at the time of submitting their application for registration in R.E.V.A., and until the decree of adoption becomes final. In the case of legal permanent residents, they shall show proof of residence in the United States until the decree of adoption becomes final and binding. R.E.V.A. shall be the only State adoption registry in Puerto Rico.

In order to be registered with R.E.V.A., it shall be mandatory for applicants to file a signed Home Study as well as the required legal documents, and to fully comply with the regulations adopted by the Department of the Family in accordance with this Act. Once an applicant has been registered in R.E.V.A., such applicant shall not be required to update the submitted documents initially accepted by the Department of the Family, until the Candidate Selection Panel begins the evaluation of the application for placement. The fact that an applicant's documents are not current shall not be grounds for his disqualification. The Department of the Family shall notify applicants by email and regular mail that they shall submit updated documents. Applicants shall have a period of ten (10) calendar days to submit the documents requested by the Department of the Family or proof of having requested such documents within said period.

Applicants who are U.S. citizens or legal permanent residents may register in R.E.V.A.; provided, that they meet the legal and regulatory requirements of the Department of the Family. In addition to complying with the foregoing, applicants who reside outside of Puerto Rico and seek to register in R.E.V.A. shall undergo, at their own expense, a Home Study attesting to their suitability as resource parents.

U. S. citizens who reside outside of the United States may submit an application for registration in R.E.V.A. through an adoption service provider

authorized by the U.S. Citizenship and Immigration Services. If the placement of one or several children in the home of applicants who reside outside of the United States is deemed favorable, said placement shall be made at the applicant's expense through the adoption service provider in accordance with the applicable federal laws and regulations.

Once the decree of adoption becomes final and binding, the Vital Statistics Registry of the Department of Health, by virtue of its enabling Act, Act No. 24 of April 22, 1931, as amended, shall issue a new birth certificate with the new name of the minor and the names of the adoptive parents.

Persons adopted after the date of approval of this Act shall be entitled to access confidential data on the Registry concerning their adoption once they attain legal age. However, they shall only be granted access to such information as strictly necessary to guarantee their right to contact their biological parents.”

Section 2.- Effectiveness

This Act shall take effect upon its approval.