

**WHEN AN ADOPTION MUST BE CONVERTED FROM SIMPLE TO PLENARY
and/or CORRECTED FOR THE TYPE OF ADOPTION and/or CHILD'S NAME
October 22, 2015**

If the original consent to adoption was at the Children's Court and:	AND: The original judgment/decree:	AND: The child's name:	THEN: IBESR action:	THEN: Tribunal of First Instance action:
Explicitly identified the consent as PLENARY	Explicitly granted a plenary adoption - or - did not specify the type of adoption	Was changed to remove all reference to the biological surname and add the adoptive parents' surname	<i>(no action)</i>	<i>(no action)</i>
		Kept the biological surname (including as a middle name) and/or did not have the adoptive parents' name added	<i>(no action)</i>	Correction (official addendum/ <i>par ces motifs</i>) of the judgment/decree for the child's name
	Explicitly granted a simple adoption	Was changed to remove all reference to the biological surname and add the adoptive parents' surname	<i>(no action)</i>	Correction (official addendum/ <i>par ces motifs</i>) of the judgment/decree for the type of adoption
		Kept the biological surname (including as a middle name) and/or did not have the adoptive parents' name added	<i>(no action)</i>	Correction (official addendum/ <i>par ces motifs</i>) of the judgment/decree for the child's name and the type of adoption

If the original consent to adoption was at the Children's Court and:	AND: The original judgment/decree:	AND: The child's name:	THEN: IBESR action:	THEN: Tribunal of First Instance action:
Explicitly identified the consent as SIMPLE	Explicitly granted a plenary adoption	Was changed to remove all reference to the biological surname and add the adoptive parents' surname	<i>(no action)</i>	<i>(no action)</i>
		Kept the biological surname (including as a middle name) and/or did not have the adoptive parents' name added	<i>(no action)</i>	Correction (official addendum/ <i>par ces motifs</i>) of the judgment/decree for the child's name
	Explicitly granted a simple adoption - or - did not specify the type of adoption	Was changed to remove all reference to the biological surname and add the adoptive parents' surname	Counsels biological parent(s), legal guardian(s), and child (if appropriate) regarding plenary consent and issues statement (<i>preconsentement</i>) confirming counselling occurred	Conversion of the adoption from simple to plenary
		Kept the biological surname (including as a middle name) and/or did not have the adoptive parents' name added	Counsels biological parent(s), legal guardian(s), and child (if appropriate) regarding plenary consent and issues statement (<i>preconsentement</i>) confirming counselling occurred	Conversion of the adoption from simple to plenary, and child's new name is used on judgment

If the original consent to adoption was at the Children's Court and:	AND: The original judgment/decree:	AND: The child's name:	THEN: IBESR action:	THEN: Tribunal of First Instance action:
Consented to "SIMPLE OR PLENARY", citing the 2013 law	Explicitly granted a plenary adoption	Was changed to remove all reference to the biological surname and add the adoptive parents' surname	<i>(no action)</i>	<i>(no action)</i>
		Kept the biological surname (including as a middle name) and/or did not have the adoptive parents' name added	<i>(no action)</i>	Correction (official addendum/ <i>par ces motifs</i>) of the judgment/decree for the child's name
	Explicitly granted a simple adoption	Was changed to remove all reference to the biological surname and add the adoptive parents' surname	Counsels biological parent(s), legal guardian(s), and child (if appropriate) regarding plenary consent and issues statement (<i>preconsentement</i>) confirming counselling occurred	Conversion of the adoption from simple to plenary
		Kept the biological surname (including as a middle name) and/or did not have the adoptive parents' name added	Counsels biological parent(s), legal guardian(s), and child (if appropriate) regarding plenary consent and issues statement (<i>preconsentement</i>) confirming counselling occurred	Conversion of the adoption from simple to plenary, and child's new name is used on judgment
	Did not specify the type of adoption	Was changed to remove all reference to the biological surname and add the adoptive parents' surname	Consult with IBESR to find out if counselling for the biological parent(s), legal guardian(s), and child (if appropriate) is necessary. IBESR counsels if so.	May need to convert or correct the adoption; will depend on IBESR assessment
		Kept the biological surname (including as a middle name) and/or did not have the adoptive parents' name added	Any consents to adoption provided to a Justice of the Peace prior to November 15, 2013, must show that IBESR counselled the biological parent(s) or legal guardian(s) on the effects of plenary consent. If the evidence is not available, IBESR provides the counselling and issues statement (<i>preconsentement</i>) confirming counselling occurred.	Conversion of the adoption from simple to plenary, and child's new name is used on judgment

GUIDANCE ON CONVERTING AN ADOPTION FROM SIMPLE TO PLENARY

October 22, 2015

Timing: IBESR and the Tribunal noted the entire conversion process should take approximately three months to complete. This estimated timeframe includes up to two weeks for processing by IBESR, two weeks for the Tribunal's actions, the 30-day appeal period, and approximately one month to obtain all necessary legalizations. Individual cases may be converted in less or more time, depending on their specific circumstances.

Fees: IBESR does not charge a fee for counselling services or the *preconsentement* form in conversion cases. The Tribunal will charge a fee of 2,500 Gourdes (approximately \$47) for completing the new judgment in conversion cases. The Civil Registrar, the *Etat Civil*, will charge 2,000 Gourdes (approximately \$37) or more for the new adoption decree. U.S. adoptive families and their ASPs are encouraged to request receipts for all fees paid during the conversion process.

USG Processing and passports for conversion cases: Neither USCIS nor the U.S. Embassy will require adoptive families who filed their petition (Form I-600) or visa application (DS-260) before converting their simple adoption to a plenary adoption to re-file the forms if the child's legal name changes as part of the conversion/correction process. At this time, we also will not require new passports for children whose name changes as part of the conversion process, provided the families can provide the legal documentation explaining why the child's forms and passport name do not match the final legal name on the decree. Families wishing to change their child's passport to reflect the final legal name are welcome to do so.

IBESR has stated it will not require new passports for children whose legal names are corrected or changed during the conversion process, as long as the original passport was issued prior to November 1, 2015 and the child's name is legally changed before he/she departs Haiti.

Cases where the child is already in the United States: This guidance does not affect the immigration status and citizenship of children who have received a visa and already immigrated to the United States based on a simple adoption.

CONVERSION PROCESS:

Step 1: Request that your adopted child's biological parents or other individuals who were legal guardians before the simple adoption, accompanied by the adoptive family's legal representative, appear at IBESR for counselling on the significance of

consenting to a plenary adoption. Instructions on how to request the meeting and what documents should be provided are available in the Department's [October 1 adoption alert](#). If the biological parents' or legal guardian's understanding is confirmed, IBESR will issue a statement (*preconsentement*) confirming the counselling. This statement allows the Dean of the Tribunal of First Instance (Tribunal) to receive the conversion request.

Children ages eight and older must also be counselled, and children ages 12 and older must provide their own consent to the proposed adoption.

Step 2: Your legal representative should then write to the Dean of the Tribunal, introducing the case file, explaining the action needed (conversion from simple adoption to plenary adoption and/or a correction), and if appropriate, requesting that the child's biological surname be stricken and the adoptive family's surname be added in accordance with Haiti's 2013 law. We understand from several ASP representatives that a template of this letter may be available from the head clerk at the Tribunal in Port-au-Prince.

Step 3: The Dean of the Tribunal will schedule a hearing for the child's biological parents or other legal guardians, and, if appropriate, for the child, to appear before the Dean to confirm their consent to a plenary adoption. Your legal representative should also appear at the hearing. Following this confirmation, the Dean will complete the adoption judgment (*homologation*) and issue a new *acte d'adoption*.

Step 4: Following the 30-day appeal period, the Tribunal's prosecutor will complete an administrative process to finalize the plenary adoption. Your legal representative or ASP should apply to the Civil Registrar for the new decree and then obtain all necessary legalizations of the decree.