



Legal Service Support Section Pacific
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STEPCHILD ADOPTION IN JAPAN

Stepchild adoption is for a stepparent to adopt their spouse's child. The legal parent-child relationship created by adoption survives divorce or death of spouse. This means that adoptive parents are legally responsible for their adoptive children, regardless of their relationship to their spouse. Adoption is an important legal action that affects the rights and obligations of all parties involved throughout and after their lives; and therefore, it is best for a U.S. citizen to obtain an U.S. court order for it to be honored in any states.

IS ADOPTION REQUIRED FOR MY STEPCHILD TO RECEIVE DOD BENEFITS?

Adoption is not required for a stepchild to receive DoD benefits as a dependent.

IS ADOPTION REQUIRED FOR MY STEPCHILD TO OBTAIN A U.S. IMMIGRANT VISA?

Adoption is not required for a stepchild to obtain a U.S. immigrant visa.

WHERE CAN I FILE FOR ADOPTION?

A petition to adopt a child can be filed with a family court in Japan. However, if you are likely to return to the U.S. with your adoptive child, best practice is to obtain a court order from a U.S. state court to avoid having to file twice. If you would like to file a petition for adoption in the U.S or Japan, our office can assist in explaining the process, but you should anticipate the need to hire a civilian attorney in the jurisdiction in which you will be seeking the adoption.

WHAT ARE THE DOCUMENTS NEEDED TO FILE IN JAPAN?

The following documents are generally required to file a petition to a Japanese family Court:

- ☐ [Petition](#)
- ☐ Copy of adoptive parent's marriage certificate
- ☐ Copy of adoptive parent's birth certificate
- ☐ Copy of the adoptive child's birth certificate
- ☐ Copy of all parties' passports (biographical page and pages with stamps/visa)
- ☐ Statement of service issued by adoptive parent's command
- ☐ A few group family photos from when the adopted child started to live with adoptive parents to the present
- ☐ Copy of adoptive parent's W2
- ☐ Information about adoptive parent
- ☐ Information about adoptive child
- ☐ Proof of adoptive parent's legal residency (e.g., driver's license, LES)
- ☐ A statement of reason for the adoption

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- ☐ Consent of biological parent or reason why the consent cannot be obtained
- ☐ If biological parent is a U.S. citizen, notarized consent for adoption on state adoption consent form
- ☐ Applicable state or country law on adoption

*All English documents must accompany Japanese translation.

Free translation Services: http://www.militaryonesource.mil/legal?content_id=268293

Once a petition is filed, the court will schedule an interview, followed by a home visit. You will need to arrange an interpreter to communicate with a family court investigator. The legal process generally takes about 8 to 12 months.

WOULD A JAPANESE ADOPTION JUDGMENT BE RECOGNIZED IN THE STATES?

After returning to the States, you should file the Japanese adoption judgement with a U.S. court for it to be recognized or acknowledged. The adoption will be recognized if it meets the legal requirements of the adoptive parent's state adoption law, and if the legal relationship between the child and their biological parent, who is not the spouse of the adoptive parent, is severed.

Once the adoption judgement is recognized by a state court, it will be recognized everywhere in the U.S.

WILL MY ADOPTED CHILD GET A U.S. CITIZENSHIP?

Under the Child Citizenship Act of 2000 (CCA) an adoptive child automatically becomes a citizen of the U.S. when the following conditions are met:

1. The child was adopted before the age of 16
2. The child is under 18 years of age
3. The child has been in the legal custody of and has resided with their U.S. citizen adoptive parent for at least two years
4. The child is a Green Card holder
5. The Child is residing in or has resided in the United States in the legal and physical custody of the U.S. citizen adoptive parent pursuant to a lawful admission for permanent residence. Living in Japan under the sponsor's orders may satisfy the residency requirements under (5) when the adoptive parent is in **certain categories**.

An adoptive child of a servicemember, who is not a lawful permanent resident (green card holder), but satisfies (1) through (3) above may apply for U.S. citizenship by filing an N-600K application overseas. Please see "Naturalization of Spouses and Children".

Commented [OLL1]: Which ones?

CAN I BE REIMBURSED FOR ADOPTION EXPENSES BY THE DOD?

Pursuant to DoD Instruction 1341.09, servicemembers are eligible for a \$2,000 adoption reimbursement per child that is under the age of 18. The reimbursement covers qualified expenses. The maximum reimbursement is limited to \$5,000 per calendar year.

To qualify for reimbursement, the adoption must be arranged by a qualified adoption agency and be finalized in a U.S. court. For more information about the requirements, please visit the DFAS website: <https://www.dfas.mil/militarymembers/payentitlements/adoptionreimbursement/>

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CAN I GET ADOPTION LEAVE?

Per DODI 1327.6, Commanding Officers may grant up to 21 days of non-chargeable leave to members who adopt a child if the member is eligible for reimbursement of qualified adoption expenses. Please see the [instruction](#) and [MILPERSMAN 1050-420](#) for more details.

IF YOU WOULD LIKE TO SCHEDULE AN APPOINTMENT

Please email LegalAssistMCB@usmc.mil stating your full name, your status (AD, dependent, etc) and the reason for your appointment

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