

## **A BILL**

*To provide for the posthumous annulment of adoptions in cases of fatal child abuse or homicide; to mandate the retroactive rectification and restoration of original birth identities on vital records; to establish enhanced multi-jurisdictional screening and background checks for prospective adoptive parents; to grant legal standing to biological next-of-kin regarding the disposition of remains; and for other purposes.*

**Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,**

### **TITLE I—GENERAL PROVISIONS AND LEGISLATIVE FINDINGS**

#### **SECTION 101. SHORT TITLE.**

This Act may be cited as “Alexis’s Law” or the “Federal Child Welfare Accountability and Restorative Justice Act”.

#### **SECTION 102. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

1. The primary legal and moral purpose of child adoption is to provide a safe, permanent, and nurturing environment for vulnerable children.
2. When an adoptive parent is convicted of the murder, voluntary manslaughter, or fatal abuse of their adopted child, the fundamental legal contract, trust, and purpose of the adoption decree are irreparably breached.
3. Historical and contemporary statutory frameworks fail to provide an independent mechanism to posthumously sever parentage or vacate adoption decrees when an

adoptive parent kills an adopted child, thereby legally binding the deceased victim to their abuser in perpetuity.

4. It is the public policy of the United States to uphold the absolute human dignity of victims of fatal child abuse, to prevent convicted abusers from maintaining permanent legal parentage over their victims, and to grant surviving biological next-of-kin a streamlined legal mechanism to reclaim the victim's true identity and remains.

(b) **PURPOSES.**—The purposes of this Act are as follows:

1. To establish clear procedures and standards for the posthumous annulment of adoptions following a qualifying criminal conviction.
2. To enforce the complete and retroactive restoration of an adoptee's original birth identity across all official state and federal vital records systems.
3. To close systemic loopholes by mandating comprehensive, multi-jurisdictional screening protocols for prospective adoptive placements.

## **SECTION 103. DEFINITIONS.**

In this Act:

- **ADOPTEE.**—The term “adoptee” means any individual whose legal parentage was established through a finalized judicial decree of adoption, regardless of the individual’s age at the time of death.
- **ADOPTIVE PARENT.**—The term “adoptive parent” means an individual granted legal parentage of an adoptee through a finalized court decree.

- **ORIGINAL IDENTITY.**—The term “original identity” means the name and familial designations of the adoptee as recorded on their original, pre-adoption certificate of live birth.
- **QUALIFYING CONVICTION.**—The term “qualifying conviction” means a final criminal conviction, or a plea of guilty or nolo contendere, in any Federal, State, Tribal, or military court, for first-degree murder, second-degree murder, voluntary manslaughter, child abuse resulting in death, or severe continuous child exploitation where the adoptee is the victim.

## **TITLE II—POSTHUMOUS ANNULMENT AND SEVERANCE OF PARENTAL RIGHTS**

### **SECTION 201. GROUNDS FOR POSTHUMOUS ANNULMENT.**

- (a) **IN GENERAL.**—Notwithstanding any state statute of limitations or repose regarding challenges to an adoption decree, a court of competent jurisdiction shall enter an order vacating and annulling an adoption decree posthumously if it is shown by a preponderance of the evidence that an adoptive parent has obtained a qualifying conviction.
- (b) **VOID AB INITIO.**—An order issued under subsection (a) shall declare the adoption decree void ab initio with respect to the convicted adoptive parent, rendering it legally nullified from its inception.

### **SECTION 202. STANDING TO PETITION.**

A petition for a posthumous annulment of adoption may be filed by any of the following parties:

1. A biological parent of the deceased adoptee whose parental rights were previously terminated solely by virtue of the adoption.
2. A biological sibling, grandparent, or documented next-of-kin of the deceased adoptee.
3. A court-appointed legal representative of the deceased adoptee's estate.
4. The Attorney General of the United States, a State Attorney General, or a county prosecuting attorney acting in the interest of justice.

### **SECTION 203. JURISDICTION, VENUE, AND LIMITATIONS WAIVER.**

- (a) JURISDICTION AND VENUE.—A petition under this Title may be properly filed in the probate court, family division, or court of general jurisdiction that originally issued the adoption decree, or alternatively, in the judicial district where the adoptee's death certificate was issued or where the underlying qualifying offense was prosecuted.
- (b) ABSOLUTE WAIVER OF LIMITATIONS.—There shall be no statute of limitations for filing a petition under this Act. Any historical or procedural limits on challenging adoption finality are explicitly and permanently waived.

### **SECTION 204. JUDICIAL ORDERS AND SEVERANCE OF RIGHTS.**

- (a) SEVERANCE.—Upon verification of a qualifying conviction, the court shall enter an Order of Posthumous Annulment fully severing all past, present, and subsequent legal rights, privileges, parentage, and kinship connections of the convicted adoptive parent.
- (b) EXCEPTION FOR NON-OFFENDING PARENTS.—If the deceased adoptee had a second adoptive parent who was completely non-offending, was not complicit in the abuse,

homicide, or concealment of the offense, and demonstrates a commitment to the victim's dignity, the court shall retain judicial discretion to preserve that specific parent-child legal relationship, provided it does not impede the full execution of identity restoration measures.

## **TITLE III—IDENTITY RESTORATION AND VITAL RECORDS RECTIFICATION**

### **SECTION 301. MANDATORY AMENDMENT OF VITAL RECORDS.**

(a) **IN GENERAL.**—An order issued pursuant to Title II shall serve as a mandatory directive to the relevant State Department of Health, Office of Vital Statistics, or corresponding regulatory registrar to execute the following administrative actions within thirty (30) days of receipt:

- 1. AMENDMENT OF DEATH CERTIFICATE.**—The vital records registrar shall issue an amended certificate of death striking the surname and parental listings associated with the convicted adoptive parent, replacing them entirely with the adoptee's original identity and birth name.
- 2. UNSEALING OF BIRTH RECORDS.**—The registrar shall permanently unseal the adoptee's original certificate of live birth and link it directly to the amended death certificate to manifest an uncompromised, legally restored continuous record of identity.
- 3. EXPUNGEMENT OF ABUSIVE SURNAME.**—The registrar shall ensure that all active public indices and standard vital registry points suppress the name given to the

child under the fraudulent or abusive adoption unit, replacing it with the restored birth name.

## **SECTION 302. INTERSTATE INTEGRATION AND COOPERATION PROTOCOLS.**

In cases where the adoption decree was finalized in a state distinct from the state of the adoptee's birth, the issuing court's mandate shall command full cross-jurisdictional compliance under the Full Faith and Credit Clause of the United States Constitution, requiring the vital statistics departments of both states to synchronize their records seamlessly within the mandated 30-day window.

## **TITLE IV—MANDATORY ENHANCED SCREENING AND CHILD PROTECTIVE SAFEGUARDS**

### **SECTION 401. RIGOROUS VETTING AND VOIDS IN ADOPTIVE PLACEMENT ELIGIBILITY.**

(a) IN GENERAL.—To ensure the prevention of predatory child procurement, any state agency or private adoption organization receiving federal funding under Title IV of the Social Security Act shall mandate an exhaustive, multi-jurisdictional criminal and behavioral background investigation for all prospective adoptive parents.

(b) (b) LIFETIME PROHIBITIONS.—An individual shall be permanently and non-discretionarily barred from prospective child placement, foster care, or adoption if a

background screening reveals an established history, including sealed or out-of-state records, of:

1. Any violent felony or crime involving domestic or relational violence.
2. Any offense categorized under child exploitation, child endangerment, criminal sexual conduct, or sexual predatory behavior.

## **SECTION 402. POST-PLACEMENT INTERVENTIONS AND REPORTING STANDARDS.**

- (a) INDEPENDENT INTERVIEWS.—Upon a formal child protective or educational outcry of severe physical or sexual abuse by an adopted minor, state protective authorities are required to conduct independent, uncoerced forensic interviews entirely outside the presence or psychological influence of the adoptive parents.
- (b) REJECTION OF ACCEPTANCE.—Investigating authorities are prohibited from dismissing an outcry based on an adoptive parent's uncorroborated counter-assertions or references to the minor's adoption status.

## **TITLE V—DISPOSITION OF REMAINS AND NEXT-OF-KIN RIGHTS**

### **SECTION 501. RIGHTS TO CLAIM AND INTER REMAINS.**

- (a) STANDING TO CLAIM REMAINS.—In cases of an order issued pursuant to Title II, all legal authority regarding the physical custody, relocation, forensic

examination, burial, or memorial selection of the deceased adoptee's remains shall instantly transfer to the biological parents or next-of-kin who filed the petition.

(b) **OVERRIDE OF ABUSIVE ESTATE.**—The convicted adoptive parent and any members of their immediate household or family unit are stripped of any legal status or rights as next-of-kin, and are permanently barred from interfering with or directing funeral preferences.

## **TITLE VI—MISCELLANEOUS PROVISIONS**

### **SECTION 601. RETROACTIVE APPLICATION.**

The provisions of this Act are explicitly remedial, corrective, and restorative. This Act shall apply retroactively to any qualifying convictions obtained prior to the date of enactment, as well as to any convictions obtained on or after such date.

### **SECTION 602. SEVERABILITY.**

If any provision of this Act, or an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provision or amendment to any other person or circumstance shall not be affected thereby.

## SUMMARY OF STATUTORY REFORMS

| Pillar of Reform                   | Statutory Mechanism & Impact                                                                                                                                    |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Posthumous Annulment</b>        | Vacates adoption decrees <i>void ab initio</i> when an adoptive parent is convicted of murder or fatal abuse of the adoptee.                                    |
| <b>Identity Restoration</b>        | Mandates vital statistics bureaus to issue amended death certificates and unseal original birth records within 30 days to restore the victim's true birth name. |
| <b>Rigorous Adoptive Screening</b> | Enforces multi-jurisdictional background checks with lifetime prohibitions for individuals possessing histories of violent or sexual offenses.                  |
| <b>Next-of-Kin Standing</b>        | Transfers custody of physical remains and all funeral planning preferences directly to the biological next-of-kin, bypassing the abusive unit.                  |