

26:8-40.1

February 3, 1971

LEGISLATIVE HISTORY OF R.S. 26:8-40.1  
(Adopt child - Birth certificate)

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Similar bills introduced, 1965-1969:

1966 - S191 (Grossi & others)  
Died in Committee.

1967 - S440 (Grossi)  
Passed Senate  
Died in Assembly Committee.

1968 - A365 (Capers & Hirkala)  
No statement.  
Had 2d reading in Assembly.

1968 - S220 (Grossi)  
Died in Committee.

1969 - A291 (Capers & others)  
Died in Committee.

1969 - S182 (Grossi)  
Died in Committee.

1970 - S219 (Guarini)  
No statement

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L. 1970, Chapter 71 - A775  
Introduced March 12 by Vander Plaats, Hollenbeck,  
DeKorte and others.  
Not amended during passage.  
No statement.

No clippings located at V.F.--N.J.--Adoption (1970).

RSL/PC

CHAPTER 71 LAWS OF N. J. 1970

APPROVED MAY 20, 1970

ASSEMBLY, No. 775

STATE OF NEW JERSEY

INTRODUCED MARCH 12, 1970

By Assemblymen VANDER PLAAT, HOLLENBECK, DE KORTE,  
FAY, AZZOLINA, FORAN, CURCIO, A. S. SMITH and HIGGINS

Referred to Committee on Judiciary

AN ACT concerning the registration of vital statistics and amending  
section 26:8-40.1 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 26:8-40.1 of the Revised Statutes is amended to read  
2 as follows:

3 26:8-40.1. When a request is made for a birth certificate of any  
4 person born in New Jersey who has been adopted pursuant to  
5 provisions of the laws of any state or country, and which adoption  
6 has been certified to the State Registrar as required by section  
7 9:3-8c of the Revised Statutes as amended, or there is submitted,  
8 with such request, a certification or a certified copy of the decree  
9 or judgment of the court in such adoption proceedings, the State  
10 Registrar of Vital Statistics shall issue, in lieu of a certified copy  
11 of the original birth record, a certificate of birth showing (a) the  
12 name of the adopted person as changed by the decree of adoption, if  
13 changed; and (b) the date and place of birth. *Upon petition by an*  
14 *adopting parent or parents of any person born in the United States*  
15 *and adopted pursuant to the laws of this State, the court before*  
16 *which the adoption proceedings have been conducted, may, for good*  
17 *cause shown, direct and order that the place of birth shall be the*  
18 *residence of the adopting parent or parents at the time of said*  
19 *adoption; provided however, that the adopting parent or parents*  
20 *were residents of this State at the time of said adoption. Such*  
21 certificate shall be of the same type as is used in issuing a birth  
22 certificate for a person who has not been adopted.

23 Upon receipt of such a request, certification or certified copy of  
24 the decree or judgment of a court in an adoption proceeding, the  
25 State Registrar shall make a new certificate of birth containing

26 (a) the name of the adopted person as changed by the decree or  
27 judgment of adoption, if changed; (b) the date and place of birth;  
28 *as herein provided* and (c) the names of the adopting parent or  
29 parents. The fee for such service shall be \$3.00 which includes the  
30 issuance of a certified copy of the new certificate.

31 The State Registrar may file such a new certificate for any found-  
32 ling, for any child born in any state or country, and for any child for  
33 whom an original birth report cannot be located, who has been  
34 adopted in New Jersey; provided, that there is attached to the  
35 decree or judgment of the court in such adoption proceeding or is  
36 submitted to the State Registrar a certified copy of the original birth  
37 record or acceptable evidence of birth. In the case of a foundling,  
38 the date and place of birth may be decided by the adopting parent  
39 or parents if not decided by the court before which the adoption  
40 proceedings were conducted. Such certificate for any child who is  
41 not a citizen of the United States shall bear the notation "by adop-  
42 tion," which shall also be shown upon any copy of the certificate  
43 issued.

44 When a new certificate of birth is made the State Registrar shall  
45 cause to be substituted such new certificate for the certificate of  
46 birth then on file, if any, and shall notify the local registrar of vital  
47 statistics of the place in which the birth occurred who shall enter  
48 the new certificate in his local record and place his copy of the  
49 original record under seal.

50 The State Registrar shall cause to be placed under seal the  
51 original certificate of birth and all papers pertaining to the new  
52 certificate of birth. Such seal shall not be broken except by order  
53 of a court of competent jurisdiction. Thereafter whenever a certifi-  
54 cate of birth of such person is issued, it shall be made from the new  
55 certificate of birth except when an order of a court of competent  
56 jurisdiction shall require the issuance of a copy of the original  
57 certificate of birth.

1 2. This act shall take effect immediately.