

9:3-43.1

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2005 **CHAPTER:** 81

NJSA: 9:3-43.1 (Recognition of foreign adoptions)

BILL NO: A1992 (Substituted for S285)

SPONSOR(S): Weinberg and Previte

DATE INTRODUCED: January 26, 2004

COMMITTEE: **ASSEMBLY:** Family, Women and Children's Services
SENATE: Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** October 25, 2004

SENATE: March 21, 2005

DATE OF APPROVAL: April 29, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)

A1992

[SPONSOR'S STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S285

[SPONSOR'S STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Foreign adoptions officially recognized in new NJ law," 4-30-2005 Philadelphia Inquirer, p.B2

IS 5/17/07

P.L. 2005, CHAPTER 81, *approved April 29, 2005*
Assembly, No. 1992 (*First Reprint*)

1 **AN ACT** concerning adoption of children born in a foreign country,
2 supplementing Title 9 of the Revised Statutes and amending
3 R.S.26:8-40.1.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) a. Notwithstanding the provisions of P.L.1977,
9 c.367 (C.9:3-37 et seq.) or any other law to the contrary, an adopting
10 parent shall not be required to petition a court in this State for
11 adoption of a child if:

12 (1) the child was adopted under the laws of a jurisdiction or
13 country other than the United States; and

14 (2) the validity of the foreign adoption has been verified by the
15 granting of an IR-3 immigrant visa¹, or a successor immigrant visa,¹
16 for the child by the United States ¹[Immigration and Naturalization
17 Service] Citizenship and Immigration Services¹.

18 b. If an adopting parent chooses to file a petition for adoption in
19 this State, a court may grant a judgment of adoption without requiring
20 the consent of a parent otherwise required pursuant to section 5 of
21 P.L.1977, c.367 (C.9:3-41) if the petitioner files with the petition a
22 judgment of adoption, guardianship or termination of parental rights
23 granted by a judicial, administrative or executive body of a jurisdiction
24 or country other than the United States that is in compliance with the
25 laws of that country.

26
27 2. (New section) A final judgment of adoption granted by a
28 judicial, administrative or executive body of a jurisdiction or country
29 other than the United States shall have the same force and effect in this
30 State as that given to a judgment of adoption entered by another state,
31 without additional proceedings or documentation if:

32 a. the adopting parent is a resident of this State; and

33 b. the validity of the foreign adoption has been verified by the
34 granting of an IR-3 immigrant visa¹, or a successor immigrant visa,¹
35 for the child by the United States ¹[Immigration and Naturalization
36 Service] Citizenship and Immigration Services¹.

37
38 3. R.S.26:8-40.1 is amended to read as follows:

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AFW committee amendments adopted September 30, 2004.

1 26:8-40.1. When any person born in New Jersey who has been
2 adopted pursuant to provisions of the laws of any state or country, and
3 which adoption has been certified to the State Registrar as required by
4 paragraph B of section 15 of P.L.1953, c.264 (C.9:3-31) or there is
5 submitted a certification or a certified copy of the decree or judgment
6 of the court in such adoption proceedings, the State Registrar shall
7 establish, in lieu of the original birth record, a certificate of birth
8 showing (a) the name of the adopted person as changed by the decree
9 of adoption, if changed, (b) the date and place of birth, (c) the names
10 of the adopting parents or parent including the maiden name of the
11 female adopting parent if such name is given in the certification or
12 certified copy of the decree or judgment of the court, and (d) the date
13 of filing. In any instance where the child has been adopted by the
14 spouse of the natural parent the name of such parent shall also be
15 entered on the new certificate of birth. Such certificate shall be of the
16 same general type as is used in making a birth certificate for a person
17 who has not been adopted. Upon application by an adopting parent
18 or parents of any person born in the United States and adopted
19 pursuant to the laws of this State, the court before which the adoption
20 proceedings have been conducted, may, for good cause shown, direct
21 and order that the place of birth shall be the residence of the adopting
22 parent or parents at the time of said adoption; provided, however, that
23 the adopting parent or parents were residents of this State at the time
24 of said adoption.

25 Upon receipt of such application, certification or certified copy of
26 the decree or judgment of a court in an adoption proceeding, the State
27 Registrar shall make a new certificate of birth containing the
28 information referred to in the preceding paragraph. The fee for such
29 service shall be \$6.00 which includes the issuance of a certified copy
30 of the new certificate.

31 The State Registrar may file such a new certificate:

32 a. for any foundling, for any child born in any state [or country],
33 and for any child for whom an original birth report cannot be located,
34 who has been adopted in New Jersey; provided that there is attached
35 to the decree or judgment of the court in such adoption proceeding or
36 is 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, the
38 date and place of birth may be decided by the adopting parent or
39 parents if not decided by the court before which the adoption
40 proceedings were conducted ; and

41 b. for any child born in a foreign country who was not a citizen of
42 the United States at the time of the child's birth, whose adopting
43 parent is a resident of this State, and who is adopted: (1) through a
44 court of competent jurisdiction in this State; or (2) under the laws of
45 a jurisdiction or country other than the United States and has been
46 granted an IR-3 immigrant visa¹, or a successor immigrant visa,¹ by

1 the United States ¹[Immigration and Naturalization Service]
2 Citizenship and Immigration Services¹. The new certificate shall be
3 filed upon receipt of: a request for the certificate from the court, the
4 adopting parent, or the adopted person if that person is 18 years of age
5 or older; proof that the adopting parent is a resident of this State; an
6 official copy of the judgment from the jurisdiction or country in which
7 the child was adopted; a certified translation of the foreign adoption;
8 proof of the date and place of the child's birth; and proof of IR-3
9 immigrant visa status¹, or a successor immigrant visa status¹.

10 ~~[Such] When applicable, the State Registrar may file a new~~
11 ~~certificate for any child who is not a citizen of the United States and~~
12 ~~who is adopted by a resident of this State, which certificate shall bear~~
13 ~~the notation "by adoption," which shall also be shown upon any copy~~
14 ~~of the certificate issued; such notation may be removed at any~~
15 ~~subsequent date upon submission of acceptable proof that the child has~~
16 ~~become a citizen of the United States.~~

17 When a new certificate of birth is made, the State Registrar shall
18 notify the local registrar of vital statistics of the place in which the
19 birth occurred, ~~if applicable,~~ who shall enter the new certificate in his
20 local record and place his copy of the original record under seal.

21 The State Registrar shall cause to be placed under seal the original
22 certificate of birth and all papers pertaining to the new certificate of
23 birth. Such seal shall not be broken except by order of a court of
24 competent jurisdiction. Thereafter whenever a certificate of birth of
25 such person is issued, it shall be made from the new certificate of birth
26 except when an order of a court of competent jurisdiction shall require
27 the issuance of a copy of the original certificate of birth.

28 (cf: P.L.1983, c.275, s.13)

29
30 4. This act shall take effect immediately.

31
32
33
34
35 Provides same force and effect in NJ for adoptions of children born
36 and adopted in foreign countries as for adoptions in other states.

ASSEMBLY, No. 1992

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED JANUARY 26, 2004

Sponsored by:

Assemblywoman LORETTA WEINBERG

District 37 (Bergen)

SYNOPSIS

Provides same force and effect in NJ for adoptions of children born and adopted in foreign countries as for adoptions in other states.

CURRENT VERSION OF TEXT

As introduced.



A1992 WEINBERG

2

1 AN ACT concerning adoption of children born in a foreign country,
2 supplementing Title 9 of the Revised Statutes and amending
3 R.S.26:8-40.1.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) a. Notwithstanding the provisions of P.L.1977,
9 c.367 (C.9:3-37 et seq.) or any other law to the contrary, an adopting
10 parent shall not be required to petition a court in this State for
11 adoption of a child if:

12 (1) the child was adopted under the laws of a jurisdiction or
13 country other than the United States; and

14 (2) the validity of the foreign adoption has been verified by the
15 granting of an IR-3 immigrant visa for the child by the United States
16 Immigration and Naturalization Service.

17 b. If an adopting parent chooses to file a petition for adoption in
18 this State, a court may grant a judgment of adoption without requiring
19 the consent of a parent otherwise required pursuant to section 5 of
20 P.L.1977, c.367 (C.9:3-41) if the petitioner files with the petition a
21 judgment of adoption, guardianship or termination of parental rights
22 granted by a judicial, administrative or executive body of a jurisdiction
23 or country other than the United States that is in compliance with the
24 laws of that country.

25
26 2. (New section) A final judgment of adoption granted by a
27 judicial, administrative or executive body of a jurisdiction or country
28 other than the United States shall have the same force and effect in this
29 State as that given to a judgment of adoption entered by another state,
30 without additional proceedings or documentation if:

31 a. the adopting parent is a resident of this State; and

32 b. the validity of the foreign adoption has been verified by the
33 granting of an IR-3 immigrant visa for the child by the United States
34 Immigration and Naturalization Service.

35
36 3. R.S.26:8-40.1 is amended to read as follows:

37 26:8-40.1. When any person born in New Jersey who has been
38 adopted pursuant to provisions of the laws of any state or country, and
39 which adoption has been certified to the State Registrar as required by
40 paragraph B of section 15 of P.L.1953, c.264 (C.9:3-31) or there is
41 submitted a certification or a certified copy of the decree or judgment
42 of the court in such adoption proceedings, the State Registrar shall
43 establish, in lieu of the original birth record, a certificate of birth

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 showing (a) the name of the adopted person as changed by the decree
2 of adoption, if changed, (b) the date and place of birth, (c) the names
3 of the adopting parents or parent including the maiden name of the
4 female adopting parent if such name is given in the certification or
5 certified copy of the decree or judgment of the court, and (d) the date
6 of filing. In any instance where the child has been adopted by the
7 spouse of the natural parent the name of such parent shall also be
8 entered on the new certificate of birth. Such certificate shall be of the
9 same general type as is used in making a birth certificate for a person
10 who has not been adopted. Upon application by an adopting parent
11 or parents of any person born in the United States and adopted
12 pursuant to the laws of this State, the court before which the adoption
13 proceedings have been conducted, may, for good cause shown, direct
14 and order that the place of birth shall be the residence of the adopting
15 parent or parents at the time of said adoption; provided, however, that
16 the adopting parent or parents were residents of this State at the time
17 of said adoption.

18 Upon receipt of such application, certification or certified copy of
19 the decree or judgment of a court in an adoption proceeding, the State
20 Registrar shall make a new certificate of birth containing the
21 information referred to in the preceding paragraph. The fee for such
22 service shall be \$6.00 which includes the issuance of a certified copy
23 of the new certificate.

24 The State Registrar may file such a new certificate:

25 a. for any foundling, for any child born in any state [or country],
26 and for any child for whom an original birth report cannot be located,
27 who has been adopted in New Jersey; provided that there is attached
28 to the decree or judgment of the court in such adoption proceeding or
29 is submitted to the State Registrar a certified copy of the original birth
30 record or acceptable evidence of birth. In the case of a foundling, the
31 date and place of birth may be decided by the adopting parent or
32 parents if not decided by the court before which the adoption
33 proceedings were conducted; and

34 b. for any child born in a foreign country who was not a citizen of
35 the United States at the time of the child's birth, whose adopting
36 parent is a resident of this State, and who is adopted: (1) through a
37 court of competent jurisdiction in this State; or (2) under the laws of
38 a jurisdiction or country other than the United States and has been
39 granted an IR-3 immigrant visa by the United States Immigration and
40 Naturalization Service. The new certificate shall be filed upon receipt
41 of: a request for the certificate from the court, the adopting parent, or
42 the adopted person if that person is 18 years of age or older; proof
43 that the adopting parent is a resident of this State; an official copy of
44 the judgment from the jurisdiction or country in which the child was
45 adopted; a certified translation of the foreign adoption; proof of the
46 date and place of the child's birth; and proof of IR-3 immigrant visa

1 status.

2 [Such] When applicable, the State Registrar may file a new
3 certificate for any child who is not a citizen of the United States and
4 who is adopted by a resident of this State, which certificate shall bear
5 the notation "by adoption," which shall also be shown upon any copy
6 of the certificate issued; such notation may be removed at any
7 subsequent date upon submission of acceptable proof that the child has
8 become a citizen of the United States.

9 When a new certificate of birth is made, the State Registrar shall
10 notify the local registrar of vital statistics of the place in which the
11 birth occurred, if applicable, who shall enter the new certificate in his
12 local record and place his copy of the original record under seal.

13 The State Registrar shall cause to be placed under seal the original
14 certificate of birth and all papers pertaining to the new certificate of
15 birth. Such seal shall not be broken except by order of a court of
16 competent jurisdiction. Thereafter whenever a certificate of birth of
17 such person is issued, it shall be made from the new certificate of birth
18 except when an order of a court of competent jurisdiction shall require
19 the issuance of a copy of the original certificate of birth.

20 (cf: P.L.1983, c.275, s.13)

21

22 4. This act shall take effect immediately.

23

24

25

STATEMENT

26

27 This bill would provide that a final judgment of adoption granted by
28 a judicial, administrative or executive body of a jurisdiction or country
29 other than the United States shall have the same force and effect in this
30 State as that given to a judgment of adoption entered by another state,
31 without additional proceedings or documentation if:

32 -- the adopting parent is a resident of this State; and

33 -- the validity of the foreign adoption has been verified by the
34 granting of an IR-3 immigrant visa for the child by the United
35 States Immigration and Naturalization Service.

36 The bill provides that an adopting parent shall not be required to
37 petition a court in this State for adoption of a child if the child was
38 adopted under the laws of a jurisdiction or country other than the
39 United States, and the validity of the foreign adoption has been
40 verified by the granting of an IR-3 immigrant visa for the child.

41 The bill provides, however, that if an adopting parent chooses to
42 file a petition for adoption in this State, a court may grant a judgment
43 of adoption without requiring the consent of a parent otherwise
44 required pursuant to N.J.S.A.9:3-41 if the petitioner files with the
45 petition a judgment of adoption, guardianship or termination of
46 parental rights granted by a judicial, administrative or executive body

A1992 WEINBERG

1 of a jurisdiction or country other than the United States that is in
2 compliance with the laws of that country.

3 The bill also amends N.J.S.A.26:8-40.1, concerning the issuance of
4 a new birth certificate following an adoption, to provide that the State
5 Registrar may issue a new certificate for any child born in a foreign
6 country who was not a citizen of the United States at the time of the
7 child's birth, whose adopting parent is a resident of the State, and who
8 is adopted: (1) through a court of competent jurisdiction in this State;
9 or (2) under the laws of a jurisdiction or country other than the United
10 States and has been granted an IR-3 immigrant visa. The certificate
11 shall be filed upon receipt of: a request for the certificate from the
12 court, the adopting parent, or the adopted person if that person is 18
13 years of age or older; proof that the adopting parent is a resident of
14 this State; an official copy of the judgment from the jurisdiction or
15 country in which the child was adopted; a certified translation of the
16 foreign adoption; proof of the date and place of the child's birth; and
17 proof of IR-3 immigrant visa status.

ASSEMBLY FAMILY, WOMEN AND CHILDREN'S SERVICES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1992

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 2004

The Assembly Family, Women and Children's Services Committee reports favorably and with committee amendments Assembly Bill No. 1992.

As amended by the committee, this bill stipulates that a final judgment of adoption granted by a judicial, administrative or executive body of a jurisdiction or country other than the United States shall have the same force and effect in this State as that given to a judgment of adoption entered by another state, without additional proceedings or documentation if:

- the adopting parent is a resident of this State; and
- the validity of the foreign adoption has been verified by the granting of an IR-3 immigrant visa (or a successor immigrant visa, if applicable) for the child by the United States Citizenship and Immigration Services.

The bill provides that an adopting parent shall not be required to petition a court in this State for adoption of a child if the child was adopted under the laws of a jurisdiction or country other than the United States, and the validity of the foreign adoption has been verified by the granting of an IR-3 (or successor) immigrant visa for the child.

The bill provides, however, that if an adopting parent chooses to file a petition for adoption in this State, a court may grant a judgment of adoption without requiring the consent of a parent otherwise required pursuant to N.J.S.A.9:3-41 if the petitioner files with the petition a judgment of adoption, guardianship or termination of parental rights granted by a judicial, administrative or executive body of a jurisdiction or country other than the United States that is in compliance with the laws of that country.

The bill also amends N.J.S.A.26:8-40.1, concerning the issuance of a new birth certificate following an adoption, to provide that the State Registrar may issue a new certificate for any child born in a foreign country who was not a citizen of the United States at the time of the child's birth, whose adopting parent is a resident of the State,

and who is adopted: (1) through a court of competent jurisdiction in this State; or (2) under the laws of a jurisdiction or country other than the United States and has been granted an IR-3 (or successor) immigrant visa. The certificate shall be filed upon receipt of: a request for the certificate from the court, the adopting parent, or the adopted person if that person is 18 years of age or older; proof that the adopting parent is a resident of this State; an official copy of the judgment from the jurisdiction or country in which the child was adopted; a certified translation of the foreign adoption; proof of the date and place of the child's birth; and proof of IR-3 immigrant (or successor) visa status.

COMMITTEE AMENDMENTS

The committee amendments:

- ! replace the term "United States Immigration and Naturalization Service" with "United States Citizenship and Immigration Services," since the service and benefit functions of the U.S. Immigration and Naturalization Services were transferred to the Department of Homeland Security and renamed the U.S. Citizenship and Immigration Services on March 1, 2003; and
- ! provide that if the IR-3 immigrant visa is subsequently replaced with another immigrant, that successor visa would be valid for the purpose of the bill.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1992

STATE OF NEW JERSEY

DATED: JANUARY 24, 2005

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 1992 (1R).

This bill would provide that a final judgment of adoption granted by a judicial, administrative or executive body of a jurisdiction or country other than the United States shall have the same force and effect in this State as that given to a judgment of adoption entered by another state, without additional proceedings or documentation if:

-- the adopting parent is a resident of this State; and

-- the validity of the foreign adoption has been verified by the granting of an IR-3 immigrant visa (or a successor immigrant visa, if applicable) for the child by the United States Citizenship and Immigration Services.

The bill provides that an adopting parent shall not be required to petition a court in this State for adoption of a child if the child was adopted under the laws of a jurisdiction or country other than the United States, and the validity of the foreign adoption has been verified by the granting of an IR-3 immigrant visa for the child.

The bill provides, however, that if an adopting parent chooses to file a petition for adoption in this State, a court may grant a judgment of adoption without requiring the consent of a parent otherwise required pursuant to N.J.S.A.9:3-41 if the petitioner files with the petition a judgment of adoption, guardianship or termination of parental rights granted by a judicial, administrative or executive body of a jurisdiction or country other than the United States that is in compliance with the laws of that country.

The bill also amends N.J.S.A.26:8-40.1, concerning the issuance of a new birth certificate following an adoption, to provide that the State Registrar may issue a new certificate for any child born in a foreign country who was not a citizen of the United States at the time of the child's birth, whose adopting parent is a resident of the State, and who is adopted: (1) through a court of competent jurisdiction in this State; or (2) under the laws of a jurisdiction or country other than the United States and has been granted an IR-3 immigrant visa. The

certificate shall be filed upon receipt of: a request for the certificate from the court, the adopting parent, or the adopted person if that person is 18 years of age or older; proof that the adopting parent is a resident of this State; an official copy of the judgment from the jurisdiction or country in which the child was adopted; a certified translation of the foreign adoption; proof of the date and place of the child's birth; and proof of IR-3 immigrant visa status.

This bill is identical to Senate Bill No. 285 (Gill), which the committee also reported on this date.

SENATE, No. 285

STATE OF NEW JERSEY
211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:
Senator NIA H. GILL
District 34 (Essex and Passaic)

SYNOPSIS

Provides same force and effect in NJ for adoption of children born and adopted in foreign countries as for adoptions in other states.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning adoption of children born in a foreign country,
2 supplementing Title 9 of the Revised Statutes and amending
3 R.S.26:8-40.1.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) a. Notwithstanding the provisions of P.L.1977,
9 c.367 (C.9:3-37 et seq.) or any other law to the contrary, an adopting
10 parent shall not be required to petition a court in this State for
11 adoption of a child if:

12 (1) the child was adopted under the laws of a jurisdiction or country
13 other than the United States; and

14 (2) the validity of the foreign adoption has been verified by the
15 granting of an IR-3 immigrant visa, or a successor immigrant visa, for
16 the child by the United States Citizenship and Immigration Services.

17 b. If an adopting parent chooses to file a petition for adoption in
18 this State, a court may grant a judgment of adoption without requiring
19 the consent of a parent otherwise required pursuant to section 5 of
20 P.L.1977, c.367 (C.9:3-41) if the petitioner files with the petition a
21 judgment of adoption, guardianship or termination of parental rights
22 granted by a judicial, administrative or executive body of a jurisdiction
23 or country other than the United States that is in compliance with the
24 laws of that country.

25
26 2. (New section) A final judgment of adoption granted by a judicial,
27 administrative or executive body of a jurisdiction or country other than
28 the United States shall have the same force and effect in this State as
29 that given to a judgment of adoption entered by another state, without
30 additional proceedings or documentation if:

31 a. the adopting parent is a resident of this State; and

32 b. the validity of the foreign adoption has been verified by the
33 granting of an IR-3 immigrant visa, or a successor immigrant visa, for
34 the child by the United States Citizenship and Immigration Services.

35
36 3. R.S.26:8-40.1 is amended to read as follows:

37 26:8-40.1. When any person born in New Jersey who has been
38 adopted pursuant to provisions of the laws of any state or country, and
39 which adoption has been certified to the State Registrar as required by
40 paragraph B of section 15 of P.L.1953, c. 264 (C. 9:3-31) or there is
41 submitted a certification or a certified copy of the decree or judgment
42 of the court in such adoption proceedings, the State Registrar shall
43 establish, in lieu of the original birth record, a certificate of birth

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 showing (a) the name of the adopted person as changed by the decree
2 of adoption, if changed, (b) the date and place of birth, (c) the names
3 of the adopting parents or parent including the maiden name of the
4 female adopting parent if such name is given in the certification or
5 certified copy of the decree or judgment of the court, and (d) the date
6 of filing. In any instance where the child has been adopted by the
7 spouse of the natural parent the name of such parent shall also be
8 entered on the new certificate of birth. Such certificate shall be of the
9 same general type as is used in making a birth certificate for a person
10 who has not been adopted. Upon application by an adopting parent
11 or parents of any person born in the United States and adopted
12 pursuant to the laws of this State, the court before which the adoption
13 proceedings have been conducted, may, for good cause shown, direct
14 and order that the place of birth shall be the residence of the adopting
15 parent or parents at the time of said adoption; provided, however, that
16 the adopting parent or parents were residents of this State at the time
17 of said adoption.

18 Upon receipt of such application, certification or certified copy of
19 the decree or judgment of a court in an adoption proceeding, the State
20 Registrar shall make a new certificate of birth containing the
21 information referred to in the preceding paragraph. The fee for such
22 service shall be \$6.00 which includes the issuance of a certified copy
23 of the new certificate.

24 The State Registrar may file such a new certificate;

25 a. for any foundling, for any child born in any state [or country],
26 and for any child for whom an original birth report cannot be located,
27 who has been adopted in New Jersey; provided that there is attached
28 to the decree or judgment of the court in such adoption proceeding or
29 is submitted to the State Registrar a certified copy of the original birth
30 record or acceptable evidence of birth. In the case of a foundling, the
31 date and place of birth may be decided by the adopting parent or
32 parents if not decided by the court before which the adoption
33 proceedings were conducted ; and

34 b. for any child born in a foreign country who was not a citizen of
35 the United States at the time of the child's birth, whose adopting
36 parent is a resident of this State, and who is adopted: (1) through a
37 court of competent jurisdiction in this State; or (2) under the laws of
38 a jurisdiction or country other than the United States and has been
39 granted an IR-3 immigrant visa, or a successor immigrant visa, by the
40 United States Citizenship and Immigration Services. The new
41 certificate shall be filed upon receipt of: a request for the certificate
42 from the court, the adopting parent, or the adopted person if that
43 person is 18 years of age or older; proof that the adopting parent is a
44 resident of this State; an official copy of the judgment from the
45 jurisdiction or country in which the child was adopted; a certified
46 translation of the foreign adoption; proof of the date and place of the

1 child's birth; and proof of IR-3 immigrant visa status, or a successor
2 immigrant visa status.

3 [Such] When applicable, the State Registrar may file a new
4 certificate for any child who is not a citizen of the United States and
5 who is adopted by a resident of this State, which certificate shall bear
6 the notation "by adoption," which shall also be shown upon any copy
7 of the certificate issued; such notation may be removed at any
8 subsequent date upon submission of acceptable proof that the child has
9 become a citizen of the United States.

10 When a new certificate of birth is made, the State Registrar shall
11 notify the local registrar of vital statistics of the place in which the
12 birth occurred, if applicable, who shall enter the new certificate in his
13 local record and place his copy of the original record under seal.

14 The State Registrar shall cause to be placed under seal the original
15 certificate of birth and all papers pertaining to the new certificate of
16 birth. Such seal shall not be broken except by order of a court of
17 competent jurisdiction. Thereafter whenever a certificate of birth of
18 such person is issued, it shall be made from the new certificate of birth
19 except when an order of a court of competent jurisdiction shall require
20 the issuance of a copy of the original certificate of birth.

21 (cf: P.L.1983, c.275, s.13)

22
23 4. This act shall take effect immediately.
24
25

26 STATEMENT
27

28 This bill would provide that a final judgment of adoption granted by
29 a judicial, administrative or executive body of a jurisdiction or country
30 other than the United States shall have the same force and effect in this
31 State as that given to a judgment of adoption entered by another state,
32 without additional proceedings or documentation if:

- 33 -- the adopting parent is a resident of this State; and
34 -- the validity of the foreign adoption has been verified by the
35 granting of an IR-3 immigrant visa (or a successor immigrant visa, if
36 applicable) for the child by the United States Citizenship and
37 Immigration Services.

38 The bill provides that an adopting parent shall not be required to
39 petition a court in this State for adoption of a child if the child was
40 adopted under the laws of a jurisdiction or country other than the
41 United States, and the validity of the foreign adoption has been
42 verified by the granting of an IR-3 immigrant visa for the child.

43 The bill provides, however, that if an adopting parent chooses to
44 file a petition for adoption in this State, a court may grant a judgment
45 of adoption without requiring the consent of a parent otherwise
46 required pursuant to N.J.S.A.9:3-41 if the petitioner files with the

1 petition a judgment of adoption, guardianship or termination of
2 parental rights granted by a judicial, administrative or executive body
3 of a jurisdiction or country other than the United States that is in
4 compliance with the laws of that country.

5 The bill also amends N.J.S.A.26:8-40.1, concerning the issuance of
6 a new birth certificate following an adoption, to provide that the State
7 Registrar may issue a new certificate for any child born in a foreign
8 country who was not a citizen of the United States at the time of the
9 child's birth, whose adopting parent is a resident of the State, and who
10 is adopted: (1) through a court of competent jurisdiction in this State;
11 or (2) under the laws of a jurisdiction or country other than the United
12 States and has been granted an IR-3 immigrant visa. The certificate
13 shall be filed upon receipt of: a request for the certificate from the
14 court, the adopting parent, or the adopted person if that person is 18
15 years of age or older; proof that the adopting parent is a resident of
16 this State; an official copy of the judgment from the jurisdiction or
17 country in which the child was adopted; a certified translation of the
18 foreign adoption; proof of the date and place of the child's birth; and
19 proof of IR-3 immigrant visa status.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 285

STATE OF NEW JERSEY

DATED: JANUARY 24, 2005

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 285.

This bill would provide that a final judgment of adoption granted by a judicial, administrative or executive body of a jurisdiction or country other than the United States shall have the same force and effect in this State as that given to a judgment of adoption entered by another state, without additional proceedings or documentation if:

-- the adopting parent is a resident of this State; and

-- the validity of the foreign adoption has been verified by the granting of an IR-3 immigrant visa (or a successor immigrant visa, if applicable) for the child by the United States Citizenship and Immigration Services.

The bill provides that an adopting parent shall not be required to petition a court in this State for adoption of a child if the child was adopted under the laws of a jurisdiction or country other than the United States, and the validity of the foreign adoption has been verified by the granting of an IR-3 immigrant visa for the child.

The bill provides, however, that if an adopting parent chooses to file a petition for adoption in this State, a court may grant a judgment of adoption without requiring the consent of a parent otherwise required pursuant to N.J.S.A.9:3-41 if the petitioner files with the petition a judgment of adoption, guardianship or termination of parental rights granted by a judicial, administrative or executive body of a jurisdiction or country other than the United States that is in compliance with the laws of that country.

The bill also amends N.J.S.A.26:8-40.1, concerning the issuance of a new birth certificate following an adoption, to provide that the State Registrar may issue a new certificate for any child born in a foreign country who was not a citizen of the United States at the time of the child's birth, whose adopting parent is a resident of the State, and who is adopted: (1) through a court of competent jurisdiction in this State; or (2) under the laws of a jurisdiction or country other than the United States and has been granted an IR-3 immigrant visa. The certificate shall be filed upon receipt of: a request for the certificate from the court, the adopting parent, or the adopted person if that

person is 18 years of age or older; proof that the adopting parent is a resident of this State; an official copy of the judgment from the jurisdiction or country in which the child was adopted; a certified translation of the foreign adoption; proof of the date and place of the child's birth; and proof of IR-3 immigrant visa status.

This bill is identical to Assembly Bill No. 1992(1R) (Weinberg/Previte), which the committee also reported on this date.

This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

PO BOX 004
TRENTON, NJ 08625

Contact: Kelley Heck
609-777-2600

RELEASE: April 29, 2005

Codey Signs Bill Recognizing Foreign Adoptions

(MONTCLAIR) – Acting Governor Richard J. Codey today signed Assembly bill 1992, which amends New Jersey family law to specifically recognize foreign adoptions.

“Adoptive parents open their arms to the world’s neediest children and provide homes where these children find warmth, affection and love,” Codey said. “Families that adopt foreign children should be celebrated and supported. They should not have to fight bureaucracy just because their adopted child is from another country.

“This bill makes it clear,” Codey continued. “New Jersey recognizes foreign adoptions. We want families to know they are welcome in New Jersey. We are here to make things easier – not harder – during this very special time in their lives.”

Codey was joined by bill sponsors Sen. Nia Gill and Assembly Majority Conference Leader Loretta Weinberg along with Montclair resident John Lytle, father of two adopted daughters from China.

“This bill makes New Jersey family law consistent with the spirit of the Federal Child Citizenship Act,” said Gill (D-Essex, Passaic). “Families will no longer have to go through a process of re-adopting their children who are already recognized by the federal government as U.S. citizens. It makes sense that our state should grant the same protections to our children and families.”

New Jersey law regarding foreign adoptions was previously unclear. The law did not specifically recognize foreign adoptions nor did it explicitly not recognize them. The ambiguity caused confusion and resulted in many parents having to repeat the adoption process.

The new law eliminates this ambiguity and allows New Jersey to treat adoptions occurring in foreign countries the same as adoptions occurring in the United States. This saves parents time and money and relieves the courts of unnecessary work.

It is also in keeping with federal law, which automatically grants citizenship to children adopted abroad.

“This legislation protects the integrity of families, whether they are formed in the United States or another country,” said Weinberg (D-Bergen) “This is more than good public

policy; it's a commitment to children and families that are the critical threads in the fabric of our country. This ensures that adopted children are never treated as second-class citizens in the eyes of the law."

The new law does not prohibit parents from going through the re-adoption process if they choose. In those cases, the law does not require a written consent statement from the natural birth parents.

Lytle advocated for the bill after recognizing the hassles fellow adoptive parents were experiencing in obtaining birth certificates for their children.

"This legislation makes New Jersey family law friendlier toward international adoption," Lytle said. "This continues a trend at the federal and state level to encourage adoption. Let us seek more ways to continue this trend and encourage adoption."

Assemblywoman Mary Previte (D-Camden) is also a primary sponsor of the bill. Co-sponsors include Sens. John Adler (D-Camden) and Barbara Buono (D-Middlesex), and Assemblymen Jack Connors (D-Burlington, Camden) and Herbert C. Conaway Jr. (D-Burlington, Camden).

New Jersey is now the 30th state to specifically recognize foreign adoptions.