

26:8-40.10

LEGISLATIVE HISTORY CHECKLIST

NJSA 26:8-40.10

Laws of 1977 Chapter 288 (Foreign birth certificates-omit references to illegitimacy in translation)  
Bill No. A601

Sponsor(s) Gregrio, Deverin and Adubato

Date Introduced Pre-filed

Committee: Assembly Institutions, Health & Welfare

Senate Institutions, Health & Welfare

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of passage: Assembly Aug. 10, 1976

Senate Sept. 19, 1977

Date of approval Nov. 30, 1977

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

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## ASSEMBLY, No. 601

## STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Assemblymen GREGORIO, DEVERIN and ADUBATO

AN ACT concerning the recording, translating and certifying of certain foreign birth certificates, and amending P. L. 1957, c. 154 **\*\*[and R. S. 26:8-62]\*\***.

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

1 1. Section 1 of P. L. 1957, c. 154 (C. 26:8-40.10) is amended to  
2 read as follows:

3 1. The birth of any child which has occurred or which may here-  
4 after occur outside of the United States, where such child is a citizen  
5 of the United States by reason of the citizenship of a parent or  
6 the parents of such child, and which is not recorded with the State  
7 registrar under the provisions of chapter 8 of Title 26 of the Re-  
8 vised Statutes, may be recorded by filing a certificate of the birth of  
9 such child issued by a public official of the place where such child  
10 was born, accompanied by an affidavit setting forth the facts show-  
11 ing such citizenship *\*\*and, in the case of a child adopted outside*  
12 *of the United States, the decree or certificate of adoption of such*  
13 *child\*\**, which affidavit *\*\*and decree or certificate\*\** shall be a part  
14 of the record of the birth. In case any such foreign birth certificate  
15 is or shall be in a foreign language, there shall be attached to  
16 it the translation into the English language of the same, verified  
17 by the affidavit of the person making the translation. **\*\*[Any**  
18 *indication of illegitimacy appearing on the foreign birth certificate*  
19 *shall be omitted from the English language translation\**; *provided,*  
20 *that a certificate may be issued disclosing such information in*  
21 *response to the request of the illegitimate, his or her guardian or*  
22 *legal counsel\*.]\*\** Any such birth certificate may be recorded as  
23 herein provided upon the request of a parent of such child or by  
24 any person on behalf of such child where the child is or shall become

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

25 a resident of this State. *\*\*The State registrar shall, upon the*  
 26 *request of a parent of any such child who is adopted outside of*  
 27 *the United States or the request of any person on behalf of such*  
 28 *child, issue a new certificate of birth for such child, showing (a) the*  
 29 *name of such child as changed by the decree or certificate of adop-*  
 30 *tion, if changed, (b) the date and place of birth, (c) the names of*  
 31 *the adopting parents or parent, and (d) the date of recording of*  
 32 *the foreign birth certificate.\*\**

1 **\*\*[2.** R. S. 26:8-62 is amended to read as follows:

2 26:8-62. a. The State registrar shall, upon request, supply to any  
 3 applicant a certification or certified copy of the record of any birth,  
 4 death, fetal death or marriage, registered under the provision of  
 5 this chapter, for either of which, except as provided by R. S.  
 6 26:8-63, he shall be entitled to such search fee, if any, as is provided  
 7 by R. S. 26:8-64 to be paid by the applicant.

8 b. The State registrar shall, upon request, supply to any appli-  
 9 cant a certified transcript of any entry contained in the records of  
 10 the New Jersey State Census for which, except as provided by  
 11 R. S. 26:8-63, he shall be entitled to such search fee as is provided  
 12 by R. S. 26:8-64 to be paid by the applicant.

13 c. *The certified copy of the record of any foreign birth recorded*  
 14 *with the State registrar pursuant to P. L. 1957, c. 154 (C. 26:8-40.10*  
 15 *et seq.) shall be the certified copy of the English language transla-*  
 16 *tion of such foreign birth certificate.]\*\**

1 **\*\*[3.]\*\* \*\*2.\*\*** This act shall take effect immediately.

6 26:8-63, he shall be entitled to such search fee, if any, as is provided  
7 by R. S. 26:8-64 to be paid by the applicant.

8 b. The State registrar shall, upon request, supply to any appli-  
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10 the New Jersey State Census for which, except as provided by  
11 R. S. 26:8-63, he shall be entitled to such search fee as is provided  
12 by R. S. 26:8-64 to be paid by the applicant.

13 c. *The certified copy of the record of any foreign birth recorded*  
14 *with the State registrar pursuant to P. L. 1957, c. 154 (C. 26:8-40.10*  
15 *et seq.) shall be the certified copy of the English language transla-*  
16 *tion of such foreign birth certificate.*

1 3. This act shall take effect immediately.

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#### STATEMENT

This bill permits the State registrar to certify the English language copy of a citizen's foreign birth certificate without disclosing that the original contained a reference to illegitimacy. This conforms the law to R. S. 26:8-39 which prohibits officials from revealing or disclosing illegitimacy on a birth certificate issued in this State.

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ASSEMBLY INSTITUTIONS, HEALTH AND  
WELFARE COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 601**  
with Assembly committee amendments

—◆—  
**STATE OF NEW JERSEY**  
—◆—

DATED: AUGUST 2, 1976

This bill permits the State registrar to certify the English language copy of a citizen's foreign birth certificate without disclosing that the original contained a reference to illegitimacy. The intent of this bill is to conform the law concerning foreign births to R. S. 26:8-39, which prohibits officials from revealing or disclosing illegitimacy on a birth certificate issued in this State.

Since R. S. 26:8-9 contained language which allowed disclosure of information regarding illegitimacy in response to the request of the illegitimate, his or her guardian or legal counsel, similar language was added to this bill by committee amendment.

REFERENCE USE ONLY

SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 601**

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with Senate committee amendment

—◆—  
**STATE OF NEW JERSEY**  
—◆—

DATED: JUNE 20, 1977

The committee amended this bill so as to make it conform more precisely with the intent of the sponsor and to respond to criticisms made by the Department of Health of the original language.

As amended, this bill would require the State Registrar to issue, on request, new certificates of birth for any children adopted outside of the United States by American citizens, when such children are or will become residents of the State of New Jersey. Neither the present statute nor the bill as amended by the General Assembly provide for the issuance of New Jersey birth certificates for such children, but merely permit foreign certificate to be recorded by the State. As amended by the committee, this bill gives New Jersey parents of children adopted overseas the same right to New Jersey birth certificates as parents of children born overseas but adopted in New Jersey.

Foreign birth certificates and decrees of adoption can contain references to illegitimacy which, for the sake of the adopted child, adoptive parents may not want included in their own copy of the document. The new birth certificates provided for by these amendments would not contain references to illegitimacy, but such references would be on file with the State Registrar for statistical purposes and could be disclosed in certain situations as provided for by R. S. 26:8-39.

Amendments made by the committee to section one of the bill rendered section two of the bill unnecessary.

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