

26:8-40.33 to 26:8-40.37 et al.

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2014 **CHAPTER:** 9

NJSA: 26:8-40.33 to 26:8-40.37 et al. (Permits adoptees and certain others to obtain adoptee's original birth certificate and other related information)

BILL NO: S873 (Substituted for A1259)

SPONSOR(S) Vitale and others

DATE INTRODUCED: January 14, 2014

COMMITTEE: **ASSEMBLY:** ---

SENATE: Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** May 22, 2014

SENATE: May 12, 2014

DATE OF APPROVAL: May 27, 2014

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second reprint enacted)

S873

SPONSOR'S STATEMENT: (Begins on page 9 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: No
	SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No	
LEGISLATIVE FISCAL ESTIMATE:	Yes	3-26-14 5-29-14

A1259

SPONSOR'S STATEMENT: (Begins on page 9 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: No
FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	Yes

(continued)

VETO MESSAGE: Yes

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

"At adoptee bill signing, gov. makes it personal," The Star-Ledger, 5-28-14

"Adoptees gain access to records," The Record, 5-28-14

"Christie signs law opening adoptees' birth certificates," Asbury Park Press, 5-28-14

"Christie signs Adoptees Birthright Bill into law," The Philadelphia Inquirer, 5-28-14

"Christie signs adoption records access bill," www.WBGO.org, 5-28-14

"Christie signs adoption bill into law," Burlington County Times, 5-28-14

"Christie signs bill opening adoption records," The Trentonian, 5-28-14

"State Assembly Speaker Prieto hails new 'adoption birthright' law," The Jersey Journal, 5-28-14

"NJ Adoptees Can Soon Get Birth Certificates," nj1015.com, 5-28-14

"Adoption activists look ahead," Daily Record, 5-29-14

"Christie signs law giving adoptees access to birth, medical records," NJSpotlight, 5-29-14

LAW/RWH

§§4,5,9,10,11 -
C.26:8-40.33 to
26:8-40.37
§6 - C.9:3-40.11
§§7-8 -
C.9:3-39.2 &
9:3-39.3
§12 - Note

P.L.2014, CHAPTER 9, *approved May 27, 2014*
Senate, No. 873 (*Second Reprint*)

1 AN ACT concerning adoptees, amending P.L.1977, c.367 and
2 R.S.26:8-40.1, and supplementing Titles 9 and 26 of the Revised
3 Statutes.

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

7
8 1. Section 15 of P.L.1977, c.367 (C.9:3-51) is amended to read
9 as follows:

10 15. The clerk of the Superior Court, Chancery Division, Family
11 Part shall promptly file all judgments of adoption and shall maintain
12 an alphabetical index of all judgments of adoption entered each year
13 pursuant to P.L.1977, c.367 (C.9:3-37 et seq.), all of which records
14 shall be sealed and thereafter shall be made accessible only by court
15 order or as otherwise provided by law.

16 (cf: P.L.1993, c.345, s.14)

17

18 2. Section 16 of P.L.1977, c.367 (C.9:3-52) is amended to read
19 as follows:

20 16. a. All court records of proceedings relating to adoption,
21 including the complaint, judgment, and all petitions, affidavits,
22 testimony, reports, briefs, orders, and other relevant documents,
23 shall be filed under seal by the clerk of the court and shall at no
24 time be open to ²**[public]**² inspection or copying unless the court,
25 upon good cause shown, shall otherwise order or as otherwise
26 provided by law. An index to all adoption proceedings shall be
27 maintained by the clerk of the court, but no index of adoption
28 proceedings shall be open to inspection or copying or be made
29 public except upon order of the court.

30 b. Upon entry of a judgment of adoption, the clerk of the court
31 shall certify to the State Registrar, any successor agency or any
32 similar agency in the State or country of the child's birth, the date of

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted January 27, 2014.

²Senate amendments adopted in accordance with Governor's recommendations May 12, 2014.

1 entry of the judgment, the names of the adopting parent or parents,
2 the name of the child, the date and place of birth of the child, and
3 the new name of the child if changed by the judgment of adoption.
4 (cf: P.L.1993, c.345, s.15)

5
6 3. R.S.26:8-40.1 is amended to read as follows:

7 26:8-40.1. a. When any person ¹born in New Jersey who has
8 been is¹ adopted pursuant to provisions of the laws of any state or
9 country, and ¹which the¹ adoption has been certified to the State
10 Registrar as required by paragraph B of section 15 of P.L.1953,
11 c.264 (C.9:3-31) subsection b. of section 16 of P.L.1977, c.367
12 (C.9:3-52) or there is submitted a certification or a certified copy of
13 the decree or judgment of the court in such the adoption
14 proceedings, the State Registrar shall establish, in lieu of the
15 original birth record, a certificate of birth showing (a): (1) the
16 name of the adopted person as changed by the decree of adoption, if
17 changed [(b)]: (2) the date and place of birth [(c)]: (3) the
18 names of the adopting parents or parent, including the maiden name
19 of the female adopting parent if such that name is given in the
20 certification or certified copy of the decree or judgment of the
21 court¹; and (d) (4) the date of filing. In any instance where the
22 child has been adopted by the spouse of the natural parent, the name
23 of such the parent shall also be entered on the new certificate of
24 birth. Such The certificate of birth shall be of the same general
25 type as is used in making a birth certificate for a person who has not
26 been adopted. Upon application by an adopting parent or parents
27 of any person born in the United States and adopted pursuant to the
28 laws of this State, the court before which the adoption proceedings
29 have been conducted, may, for good cause shown, direct and order
30 that the place of birth shall be the residence of the adopting parent
31 or parents at the time of said adoption; provided, however, that the
32 adopting parent or parents were residents of this State at the time of
33 said adoption.

34 Upon receipt of such application, a certification or certified
35 copy of the decree or judgment of a court in an adoption
36 proceeding, the State Registrar shall make a new certificate of birth
37 containing the information referred to in the preceding paragraph.
38 The fee for such this service shall be [\$6.00 which includes the
39 issuance of a certified copy of the new certificate] established by
40 the Commissioner of Health, by regulation.

41 b. The State Registrar may file such a the new certificate:

42 [a.] (1) for any foundling, for any child born in any state, and
43 for any child for whom an original birth report cannot be located,
44 who has been adopted in New Jersey; provided that there is attached
45 to the decree or judgment of the court in such adoption proceeding
46 or is submitted to the State Registrar a certified copy of the original

1 birth record or acceptable evidence of birth. In the case of a
2 foundling, the date and place of birth **【may】** shall be decided by
3 **【the adopting parent or parents if not decided by the court before**
4 **which the adoption proceedings were conducted】** a court of
5 competent jurisdiction; and

6 **【b.】** (2) for any child born in a foreign country who was not a
7 citizen of the United States at the time of the child's birth, whose
8 adopting parent is a resident of this State, and who is adopted: **【(1)】**
9 (a) through a court of competent jurisdiction in this State; or **【(2)】**
10 (b) under the laws of a jurisdiction or country other than the United
11 States and has been granted an IR-3 immigrant visa, or a successor
12 immigrant visa, by the United States Citizenship and Immigration
13 Services. The new certificate shall be filed upon receipt of: a
14 request for the certificate from the court, the adopting parent, or the
15 adopted person if that person is 18 years of age or older; proof that
16 the adopting parent is a resident of this State; an official copy of the
17 judgment from the jurisdiction or country in which the child was
18 adopted; a certified translation of the foreign adoption; proof of the
19 date and place of the child's birth; and proof of IR-3 immigrant visa
20 status, or a successor immigrant visa status.

21 When applicable, the State Registrar may file a new certificate
22 for any child who is not a citizen of the United States and who is
23 adopted by a resident of this State, which certificate shall bear the
24 notation **【"by adoption,"】** "certificate of foreign birth," which shall
25 also be shown upon any copy of the certificate issued; **【such】** the
26 notation may be removed at any subsequent date upon submission
27 of acceptable proof that the child has become a citizen of the United
28 States.

29 When a new certificate of birth is made, the State Registrar shall
30 notify the local registrar of vital statistics of the place in which the
31 birth occurred, if applicable, who shall enter the new certificate in
32 **【his】** the local registrar's local record and **【place his】** forward the
33 copy of the original record **【under seal】** to the State Registrar for
34 disposition.

35 c. The State Registrar shall cause to be placed under seal the
36 original certificate of birth and all papers pertaining to the new
37 certificate of birth. Such seal shall not be broken except **【by】**:

38 (1) by order of a court competent jurisdiction; or

39 (2) upon a request for an uncertified, long-form copy of the
40 adopted person's original certificate of birth by a person 18 years of
41 age or older who can establish himself as one of the following:

42 (a) the adopted person;

43 (b) a direct descendant, sibling, or spouse of the adopted person;

44 (c) an adoptive parent, legal guardian, or other legal
45 representative of the adopted person; or

1 (d) an agency of the State or federal government for official
2 purposes.

3 The State Registrar shall authenticate the identity of the
4 requestor and the requestor's relationship with the subject adopted
5 person.

6 d. Thereafter, whenever a certification or certified copy of a
7 certificate of birth of [such] the adopted person is issued, it shall
8 be made from the new certificate of birth except when an order of a
9 court of competent jurisdiction shall require the issuance of [a] an
10 uncertified, long-form copy of the original certificate of birth, or
11 upon a request for an uncertified, long-form copy of the adopted
12 person's original certificate of birth by an authorized requestor, as
13 provided in subsection c. of this section, excluding any statistical
14 data gathered solely for the use of the State.

15 (cf: P.L.2005, c.81, s.3)

16

17 4. (New section) a. Upon receipt of a request pursuant to
18 subsection c. of R.S.26:8-40.1, the State Registrar shall provide the
19 authorized requester with an uncertified, long-form copy of the
20 adopted person's original certificate of birth ²]. The State Registrar
21 shall include with the copy of the certificate of birth a statement
22 recommending that the requester contact the approved agency or
23 intermediary who facilitated the adoption prior to seeking contact
24 with the adopted person's birth parent, and such other information
25 as is specified in sections 5 and 7 of P.L. , c. (C.) (pending
26 before the Legislature as this bill)] in accordance with the
27 provisions of P.L. c. (C.)(pending before the Legislature a
28 this bill).²

29 b. The fee for the uncertified, original long-form certificate of
30 birth preceding an adoption shall be established, by regulation, by
31 the Commissioner of Health.

32

33 5. (New section) a. A birth parent of an adopted person may
34 submit a document of contact preference to the State Registrar
35 indicating the birth parent's preference regarding contact with the
36 adopted person. The birth parent may change his preference at any
37 time by submitting a revised document of contact preference to the
38 State Registrar.

39 b. The State Registrar shall require a birth parent who submits
40 a document of contact preference pursuant to this section to
41 simultaneously submit a completed form providing updated family
42 history information, which shall include medical, cultural, and
43 social history information regarding the birth parent.

44 c. The form of the contact preference document and the form
45 of the family history information document shall be established by
46 the State Registrar, who shall provide a copy of each document to a
47 birth parent, upon request. The State Registrar shall also make the

1 documents available for downloading from the Department of
2 Health website.

3 d. The document of contact preference shall provide the birth
4 parent with the following options, from which the parent may select
5 one:

6 (1) "I would like to be contacted directly. I have completed a
7 document of contact preference and an updated family history
8 information document and am submitting them to the State
9 Registrar as set forth in this document";

10 (2) "I would prefer to be contacted only through an
11 intermediary. I have completed a document of contact preference
12 and an updated family history information document and am
13 submitting them to the State Registrar as set forth in this document.
14 I would like the following named individual to act as an
15 intermediary _____"; or

16 (3) "I would prefer not to be contacted at this time. If I decide
17 later that I would like to be contacted, I will submit a revised
18 document of contact preference to the State Registrar. I have
19 completed a document of contact preference and an updated family
20 history information document and am submitting them to the State
21 Registrar as set forth in this document."

22 e. The State Registrar shall request a birth parent who indicates
23 a preference for no contact by the adopted person to update the
24 family history information every 10 years until the birth parent
25 reaches the age of 40, and every five years thereafter.

26 f. The State Registrar shall maintain a file of documents of
27 contact preference and family history information submitted by
28 birth parents. Upon request for an original certificate of birth
29 pursuant to subsection c. of R.S.26:8-40.1, the State Registrar shall
30 determine whether there is on file a document of contact preference
31 and a family history information document regarding the adopted
32 person, and if those documents exist, shall place and retain them in
33 the adopted person's original certificate of birth file.

34 g. Upon a request for an uncertified, long-form copy of an
35 adopted person's original certificate of birth pursuant to subsection
36 c. of R.S.26:8-40.1, the State Registrar shall also provide the
37 authorized requester with a copy of the birth parent's document of
38 contact preference and the updated family history information
39 document if those documents have been submitted to the State
40 Registrar pursuant to this section.

41 h. The State Registrar shall provide to an authorized requester,
42 upon request, any information subsequently added to an adopted
43 person's certificate of birth file. The State Registrar may establish
44 a system to inform authorized requesters in the event that new
45 information is added to an adopted person's certificate of birth file.

46 ²i. Notwithstanding the provisions of this section, in the case of
47 a person adopted prior to August 1, 2015, a birth parent may submit
48 a request for redaction of name and other identifying information of

1 the birth parent to the State Registrar on or before December 31,
2 2016 that provides that the name and other identifying information
3 of the birth parent shall be redacted in response to a request
4 pursuant to R.S.26:8-40.1, section 4 of P.L. , c. (C.)(pending
5 before the Legislature as this bill), or this section. At any time
6 following the request for redaction, the birth parent may rescind the
7 redaction request and the State Registrar shall provide the
8 identifying information concerning the birth parent. The State
9 Registrar shall retain a copy of the revised request for redaction and
10 share the information based on the revised request for redaction
11 document in accordance with the provisions of this section.²

12
13 ²[6.(New section) a. An adopted person 18 years of age or
14 older may request the approved agency or the intermediary that
15 facilitated or placed the child for adoption or conducted an
16 investigation pursuant to section 12 of P.L.1977, c.367 (C.9:3-48)
17 to provide any available medical or other family history information
18 concerning the adopted person that is contained in that person's
19 adoption file, by submission of a written, notarized request to the
20 agency or intermediary.

21 As used in this section, "medical or other family history
22 information" includes medical, cultural, and social history
23 information provided by the adopted person's birth parent and
24 maintained by an approved agency or intermediary who facilitated
25 an adoption.

26 b. Upon receipt of a request pursuant to subsection a. of this
27 section, the approved agency or intermediary shall provide the
28 adopted person with a detailed summary of any available medical or
29 other family history information concerning the adopted person
30 contained in the person's adoption file, including the names and last
31 known address of both birth parents.

32 c. If an adopted person is unable to obtain information under
33 subsection a. of this section because the agency or intermediary is
34 unknown, the adopted person may petition the court that granted the
35 adoption to consult its file and, if possible, identify the agency or
36 intermediary.

37 d. In the event that the adopted person was under the custody
38 of the Division of Child Protection and Permanency in the
39 Department of Children and Families at the time of the person's
40 adoption, the person may request from the director of the division a
41 statement, based on the division's case file, that summarizes the
42 circumstances under which parental rights for the child were
43 terminated.]²

44
45 ²6. (New section) a. Nothing in this act shall affect regulations
46 adopted by the Department of Children and Families with respect to
47 adoptions facilitated by the Department of Children and Families.

1 b. Nothing in this act shall alter the requirement for an
2 approved adoption agency to provide a prospective parent with non-
3 identifying information relevant to the child's development,
4 including the child's developmental and medical history, and the
5 birth parents' complete medical histories, as provided in section 1 of
6 P.L.1979, c.292 (C.9:3-41.1).²

7
8 ²[7. (New section) a. The State Registrar, through the
9 Department of Health, shall prepare information regarding
10 counseling resources and the use of an intermediary for the purpose
11 of enabling an adopted person to make contact with a birth parent.
12 The information shall also include the procedure for contacting the
13 Director of the Division of Child Protection and Permanency as
14 provided in subsection d. of section 6 of P.L. , c. (C.)
15 (pending before the Legislature as this bill).

16 b. The State Registrar shall provide the information prepared
17 pursuant to subsection a. of this section to a person who requests an
18 uncertified, long-form copy of a birth certificate pursuant to
19 subsection c. of R.S.26:8-40.1 or a document of contact preference.

20 c. The State Registrar shall make the information prepared
21 pursuant to subsection a. of this section available on the website of
22 the Department of Health.]²

23
24 ²7. (New section) In the event that the adopted person was under
25 the care and custody of the Division of Child Protection and
26 Permanency in the Department of Children and Families at the time
27 of the person's adoption, the director of the Division of Child
28 Protection and Permanency shall provide, upon request by an
29 authorized requester, a statement providing summaries of the
30 medical and social characteristics of birth family members, family
31 health histories, the facts and circumstances related to adoptive
32 placement, and summaries of case record material. The director
33 shall not release case records in response to such a request.²

34
35 ²[8. (New section) Within two years after the date of enactment
36 of P.L. , c. (C.) (pending before the Legislature as this bill),
37 the Commissioner of Health, in consultation with the Commissioner
38 of Children and Families, shall provide to the Legislature in
39 accordance with section 2 of P.L.1991, c.164 (C.52:14-19.1), and
40 make available to the public, a report on the development and
41 administration of the initiatives established pursuant to sections 4
42 through 7 of P.L. , c. (C.) (pending before the Legislature as
43 this bill). The report shall include, but not be limited to, statistical,
44 non-identifying data regarding:

45 a. the number of uncertified, long-form copies of original birth
46 certificates of birth that were provided to adopted persons, direct
47 descendants, siblings, spouses, adoptive parents, legal guardians,

- 1 and other legal representatives, respectively, of adopted persons;
- 2 b. the number of requests submitted by birth parents through
- 3 the document of contact preference, for direct contact, contact by an
- 4 intermediary, and no contact, respectively; and
- 5 c. the number of family history information documents
- 6 submitted by birth parents.
- 7 The report shall also make recommendations for any needed
- 8 changes in the requirements, regulations, or State policy concerning
- 9 the initiatives established by P.L. , c. (C.).²

10

11 ²8. (New section) a. An authorized requester may request the

12 adoption facilitator that placed the child for adoption or conducted

13 an investigation pursuant to section 12 of P.L.1977, c.367 (C.9:3-

14 48) to provide any available non-identifying family medical history

15 information concerning the adopted person contained in that

16 person's confidential case records maintained by the adoption

17 facilitator.

18 b. Upon receipt of a request pursuant to subsection a. of this

19 section, the adoption facilitator shall provide the requester with a

20 detailed summary of any available non-identifying family medical

21 history information concerning the adopted person contained in that

22 person's confidential case records.

23 c. If the requester is unable to obtain any available non-

24 identifying family medical history information pursuant to

25 subsection b. of this section because the adoption facilitator is

26 unknown, in order to accommodate the request, the requester may

27 petition the court that granted the adoption to identify the adoption

28 facilitator, if possible.²

29

30 ²9. (New section) The Department of Health shall contract

31 with media outlets throughout the country to produce and distribute

32 national public service messages to increase public awareness of,

33 and encourage participation in, the initiatives established pursuant

34 to P.L. , c. (C.) (pending before the Legislature as this

35 bill). The public service messages shall inform the public of the

36 procedures for:

37 a. obtaining a long-form copy of an adopted person's certificate

38 of birth;

39 b. submitting a document of contact preference; and

40 c. submitting family history information.

41 The department shall also ensure that this information is

42 available on the department website and the website of the State of

43 New Jersey.²

44

45 ²9. (New section) a. Notwithstanding the requirements of

46 P.L. , c. (C.)(pending before the Legislature as this bill) to the

47 contrary, in the case of a child who was surrendered pursuant to the

1 "New Jersey Safe Haven Infant Protection Act," P.L.2000, c.58
 2 (C.30:4C-15.5 et seq.) and upon receipt of notification from the
 3 Division of Child Protection and Permanency in the Department of
 4 Children and Families in accordance with the provisions of
 5 subsection b. of this section, the State Registrar shall not provide
 6 any of the birth parent's identifying information recorded on the
 7 child's certificate of birth upon receipt of a request from an
 8 authorized requester for an uncertified, long-form copy of an
 9 adopted person's original certificate of birth in accordance with the
 10 provisions of subsection c. of R.S.26:8-40.1 and section 4 of
 11 P.L. , c. (C.)(pending before the Legislature as this bill).

12 b. The Division of Child Protection and Permanency in the
 13 Department of Children and Families shall notify the State Registrar
 14 when a child is surrendered pursuant to P.L.2000, c.58 (C.30:4C-
 15 15.5 et seq.) to enable the State Registrar to identify the certificate
 16 of birth of the child who was so surrendered and deem that the
 17 uncertified, long-form copy of the original certificate of birth shall
 18 not be provided to the authorized requester.

19 c. Nothing in this act shall be construed to require the Division
 20 of Child Protection and Permanency in the Department of Children
 21 and Families to provide any identifying information about the birth
 22 parents of a child who was surrendered pursuant to the provisions of
 23 P.L.2000, c.58 (C.30:4C-15.5 et seq.).²

24
 25 10. (New section) The Commissioner of Health ²【, in
 26 consultation with】 and² the Commissioner of Children and
 27 Families, ²as appropriate,² shall adopt rules and regulations
 28 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
 29 (C.52:14B-1 et seq.), ²【which shall:

30 a. establish required information and procedures for the
 31 document of contact preference;

32 b. establish required information and procedures for submitting
 33 and updating the family history information document; and

34 c. establish a nominal fee for services provided under P.L. ,
 35 c. (C.) (pending before the Legislature as this bill), to meet
 36 the costs of implementing P.L. , c. (C.)】 to carry out the
 37 provisions of this act².

38
 39 11. (New section) Notwithstanding any provision of P.L.1968,
 40 c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
 41 Health ²【shall】 and the Commissioner of Children and Families
 42 may² adopt, immediately upon filing with the Office of
 43 Administrative Law, such regulations as the ²【commissioner
 44 deems】 commissioners deem² necessary to implement the
 45 provisions of P.L. , c. (C.) (pending before the
 46 Legislature as this bill), which regulations shall be effective for a
 47 period not to exceed 12 months and shall, thereafter, be amended,

1 adopted, or readopted by the ²~~commissioner~~ commissioners² in
2 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1
3 et seq.).
4

5 12. This act shall take effect immediately; except that ²~~sections~~
6 3, 4, and 5 shall take effect on the first day of the seventh month
7 next following the date of enactment. section 5 shall take effect on
8 August 1, 2015; and sections 3 and 4 shall take effect on January 1,
9 2017.² The Commissioner of Health may take such administrative
10 action in advance thereof as shall be necessary for the
11 implementation of this act ², including allowing a birth parent to
12 submit a document of contact preference prior to August 1, 2015².
13
14

15 _____
16
17 Permits adoptees and certain others to obtain adoptee's original
18 birth certificate and other related information.

SENATE, No. 873

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator DIANE B. ALLEN

District 7 (Burlington)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senators Gordon and Ruiz

SYNOPSIS

Permits adoptees and certain others to obtain adoptee's original birth certificate and other related information.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning adoptees, amending P.L.1977, c.367 and
2 R.S.26:8-40.1, and supplementing Titles 9 and 26 of the Revised
3 Statutes.

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

7
8 1. Section 15 of P.L.1977, c.367 (C.9:3-51) is amended to read
9 as follows:

10 15. The clerk of the Superior Court, Chancery Division, Family
11 Part shall promptly file all judgments of adoption and shall maintain
12 an alphabetical index of all judgments of adoption entered each year
13 pursuant to P.L.1977, c.367 (C.9:3-37 et seq.), all of which records
14 shall be sealed and thereafter shall be made accessible only by court
15 order or as otherwise provided by law.

16 (cf: P.L.1993, c.345, s.14)

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18 2. Section 16 of P.L.1977, c.367 (C.9:3-52) is amended to read
19 as follows:

20 16. a. All court records of proceedings relating to adoption,
21 including the complaint, judgment, and all petitions, affidavits,
22 testimony, reports, briefs, orders, and other relevant documents,
23 shall be filed under seal by the clerk of the court and shall at no
24 time be open to public inspection or copying unless the court, upon
25 good cause shown, shall otherwise order or as otherwise provided
26 by law. An index to all adoption proceedings shall be maintained
27 by the clerk of the court, but no index of adoption proceedings shall
28 be open to inspection or copying or be made public except upon
29 order of the court.

30 b. Upon entry of a judgment of adoption, the clerk of the court
31 shall certify to the State Registrar, any successor agency or any
32 similar agency in the State or country of the child's birth, the date of
33 entry of the judgment, the names of the adopting parent or parents,
34 the name of the child, the date and place of birth of the child, and
35 the new name of the child if changed by the judgment of adoption.

36 (cf: P.L.1993, c.345, s.15)

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

39 26:8-40.1. a. When any person born in New Jersey who has
40 been adopted pursuant to provisions of the laws of any state or
41 country, and which adoption has been certified to the State
42 Registrar as required by **【paragraph B of section 15 of P.L.1953,**
43 **c.264 (C.9:3-31)】** subsection b. of section 16 of P.L.1977, c.367
44 (C.9:3-52) or there is submitted a certification or a certified copy of
45 the decree or judgment of the court in **【such】** the adoption

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

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

21 Upon receipt of **[such application,]** a certification or certified
22 copy of the decree or judgment of a court in an adoption
23 proceeding, the State Registrar shall make a new certificate of birth
24 containing the information referred to in the preceding paragraph.
25 The fee for **[such]** this service shall be **[\$6.00** which includes the
26 **issuance of a certified copy of the new certificate]** established by
27 the Commissioner of Health, by regulation.

28 **b.** The State Registrar may file **[such a]** the new certificate:

29 **[a.]** (1) for any foundling, for any child born in any state, and
30 for any child for whom an original birth report cannot be located,
31 who has been adopted in New Jersey; provided that there is attached
32 to the decree or judgment of the court in such adoption proceeding
33 or is submitted to the State Registrar a certified copy of the original
34 birth record or acceptable evidence of birth. In the case of a
35 foundling, the date and place of birth **[may]** shall be decided by
36 **[the adopting parent or parents if not decided by the court before**
37 **which the adoption proceedings were conducted]** a court of
38 competent jurisdiction; and

39 **[b.]** (2) for any child born in a foreign country who was not a
40 citizen of the United States at the time of the child's birth, whose
41 adopting parent is a resident of this State, and who is adopted: **[(1)]**
42 (a) through a court of competent jurisdiction in this State; or **[(2)]**
43 (b) under the laws of a jurisdiction or country other than the United
44 States and has been granted an IR-3 immigrant visa, or a successor
45 immigrant visa, by the United States Citizenship and Immigration
46 Services. The new certificate shall be filed upon receipt of: a

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

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

16 When a new certificate of birth is made, the State Registrar shall
17 notify the local registrar of vital statistics of the place in which the
18 birth occurred, if applicable, who shall enter the new certificate in
19 **[his]** the local registrar's local record and **[place his]** forward the
20 copy of the original record **[under seal]** to the State Registrar for
21 disposition.

22 c. The State Registrar shall cause to be placed under seal the
23 original certificate of birth and all papers pertaining to the new
24 certificate of birth. Such seal shall not be broken except **[by]**:

25 (1) by order of a court competent jurisdiction; or

26 (2) upon a request for an uncertified, long-form copy of the
27 adopted person's original certificate of birth by a person 18 years of
28 age or older who can establish himself as one of the following:

29 (a) the adopted person;

30 (b) a direct descendant, sibling, or spouse of the adopted person;

31 (c) an adoptive parent, legal guardian, or other legal
32 representative of the adopted person; or

33 (d) an agency of the State or federal government for official
34 purposes.

35 The State Registrar shall authenticate the identity of the
36 requestor and the requestor's relationship with the subject adopted
37 person.

38 d. Thereafter, whenever a certification or certified copy of a
39 certificate of birth of [such] the adopted person is issued, it shall be
40 made from the new certificate of birth except when an order of a
41 court of competent jurisdiction shall require the issuance of [a] an
42 uncertified, long-form copy of the original certificate of birth, or
43 upon a request for an uncertified, long-form copy of the adopted
44 person's original certificate of birth by an authorized requestor, as
45 provided in subsection c. of this section, excluding any statistical
46 data gathered solely for the use of the State.

47 (cf: P.L.2005, c.81, s.3)

1 4. (New section) a. Upon receipt of a request pursuant to
2 subsection c. of R.S.26:8-40.1, the State Registrar shall provide the
3 authorized requester with an uncertified, long-form copy of the
4 adopted person's original certificate of birth. The State Registrar
5 shall include with the copy of the certificate of birth a statement
6 recommending that the requester contact the approved agency or
7 intermediary who facilitated the adoption prior to seeking contact
8 with the adopted person's birth parent, and such other information
9 as is specified in sections 5 and 7 of P.L. , c. (c.) (pending
10 before the Legislature as this bill).

11 b. The fee for the uncertified, original long-form certificate of
12 birth preceding an adoption shall be established, by regulation, by
13 the Commissioner of Health.

14

15 5. (New section) a. A birth parent of an adopted person may
16 submit a document of contact preference to the State Registrar
17 indicating the birth parent's preference regarding contact with the
18 adopted person. The birth parent may change his preference at any
19 time by submitting a revised document of contact preference to the
20 State Registrar.

21 b. The State Registrar shall require a birth parent who submits
22 a document of contact preference pursuant to this section to
23 simultaneously submit a completed form providing updated family
24 history information, which shall include medical, cultural, and
25 social history information regarding the birth parent.

26 c. The form of the contact preference document and the form
27 of the family history information document shall be established by
28 the State Registrar, who shall provide a copy of each document to a
29 birth parent, upon request. The State Registrar shall also make the
30 documents available for downloading from the Department of
31 Health website.

32 d. The document of contact preference shall provide the birth
33 parent with the following options, from which the parent may select
34 one:

35 (1) "I would like to be contacted directly. I have completed a
36 document of contact preference and an updated family history
37 information document and am submitting them to the State
38 Registrar as set forth in this document";

39 (2) "I would prefer to be contacted only through an
40 intermediary. I have completed a document of contact preference
41 and an updated family history information document and am
42 submitting them to the State Registrar as set forth in this document.
43 I would like the following named individual to act as an
44 intermediary _____"; or

45 (3) "I would prefer not to be contacted at this time. If I decide
46 later that I would like to be contacted, I will submit a revised
47 document of contact preference to the State Registrar. I have
48 completed a document of contact preference and an updated family

1 history information document and am submitting them to the State
2 Registrar as set forth in this document."

3 e. The State Registrar shall request a birth parent who indicates
4 a preference for no contact by the adopted person to update the
5 family history information every 10 years until the birth parent
6 reaches the age of 40, and every five years thereafter.

7 f. The State Registrar shall maintain a file of documents of
8 contact preference and family history information submitted by
9 birth parents. Upon request for an original certificate of birth
10 pursuant to subsection c. of R.S.26:8-40.1, the State Registrar shall
11 determine whether there is on file a document of contact preference
12 and a family history information document regarding the adopted
13 person, and if those documents exist, shall place and retain them in
14 the adopted person's original certificate of birth file.

15 g. Upon a request for an uncertified, long-form copy of an
16 adopted person's original certificate of birth pursuant to subsection
17 c. of R.S.26:8-40.1, the State Registrar shall also provide the
18 authorized requester with a copy of the birth parent's document of
19 contact preference and the updated family history information
20 document if those documents have been submitted to the State
21 Registrar pursuant to this section.

22 h. The State Registrar shall provide to an authorized requester,
23 upon request, any information subsequently added to an adopted
24 person's certificate of birth file. The State Registrar may establish
25 a system to inform authorized requesters in the event that new
26 information is added to an adopted person's certificate of birth file.

27
28 6. (New section) a. An adopted person 18 years of age or
29 older may request the approved agency or the intermediary that
30 facilitated or placed the child for adoption or conducted an
31 investigation pursuant to section 12 of P.L.1977, c.367 (C.9:3-48)
32 to provide any available medical or other family history information
33 concerning the adopted person that is contained in that person's
34 adoption file, by submission of a written, notarized request to the
35 agency or intermediary.

36 As used in this section, "medical or other family history
37 information" includes medical, cultural, and social history
38 information provided by the adopted person's birth parent and
39 maintained by an approved agency or intermediary who facilitated
40 an adoption.

41 b. Upon receipt of a request pursuant to subsection a. of this
42 section, the approved agency or intermediary shall provide the
43 adopted person with a detailed summary of any available medical or
44 other family history information concerning the adopted person
45 contained in the person's adoption file, including the names and last
46 known address of both birth parents.

47 c. If an adopted person is unable to obtain information under
48 subsection a. of this section because the agency or intermediary is

1 unknown, the adopted person may petition the court that granted the
2 adoption to consult its file and, if possible, identify the agency or
3 intermediary.

4 d. In the event that the adopted person was under the custody
5 of the Division of Child Protection and Permanency in the
6 Department of Children and Families at the time of the person's
7 adoption, the person may request from the director of the division a
8 statement, based on the division's case file, that summarizes the
9 circumstances under which parental rights for the child were
10 terminated.

11
12 7. (New section) a. The State Registrar, through the
13 Department of Health, shall prepare information regarding
14 counseling resources and the use of an intermediary for the purpose
15 of enabling an adopted person to make contact with a birth parent.
16 The information shall also include the procedure for contacting the
17 Director of the Division of Child Protection and Permanency as
18 provided in subsection d. of section 6 of P.L. , c. (C.)
19 (pending before the Legislature as this bill).

20 b. The State Registrar shall provide the information prepared
21 pursuant to subsection a. of this section to a person who requests an
22 uncertified, long-form copy of a birth certificate pursuant to
23 subsection c. of R.S.26:8-40.1 or a document of contact preference.

24 c. The State Registrar shall make the information prepared
25 pursuant to subsection a. of this section available on the website of
26 the Department of Health.

27 8. (New section) Within two years after the date of enactment
28 of P.L. , c. (C.) (pending before the Legislature as this bill),
29 the Commissioner of Health, in consultation with the Commissioner
30 of Children and Families, shall provide to the Legislature in
31 accordance with section 2 of P.L.1991, c.164 (C.52:14-19.1), and
32 make available to the public, a report on the development and
33 administration of the initiatives established pursuant to sections 4
34 through 7 of P.L. , c. (C.) (pending before the Legislature as
35 this bill). The report shall include, but not be limited to, statistical,
36 non-identifying data regarding:

37 a. the number of uncertified, long-form copies of original birth
38 certificates of birth that were provided to adopted persons, direct
39 descendants, siblings, spouses, adoptive parents, legal guardians,
40 and other legal representatives, respectively, of adopted persons;

41 b. the number of requests submitted by birth parents through
42 the document of contact preference, for direct contact, contact by
43 an intermediary, and no contact, respectively; and

44 c. the number of family history information documents
45 submitted by birth parents.

46 The report shall also make recommendations for any needed
47 changes in the requirements, regulations, or State policy concerning

1 the initiatives established by P.L. , c. (C.).

2 9. (New section) The Department of Health shall contract with
3 media outlets throughout the country to produce and distribute
4 national public service messages to increase public awareness of,
5 and encourage participation in, the initiatives established pursuant
6 to P.L. , c. (C.) (pending before the Legislature as this
7 bill). The public service messages shall inform the public of the
8 procedures for:

9 a. obtaining a long-form copy of an adopted person's certificate
10 of birth;

11 b. submitting a document of contact preference; and

12 c. submitting family history information.

13 The department shall also ensure that this information is
14 available on the department website and the website of the State of
15 New Jersey.

16

17 10. (New section) The Commissioner of Health, in consultation
18 with the Commissioner of Children and Families, shall adopt rules
19 and regulations pursuant to the "Administrative Procedure Act,"
20 P.L.1968, c.410 (C.52:14B-1 et seq.), which shall:

21 a. establish required information and procedures for the
22 document of contact preference;

23 b. establish required information and procedures for submitting
24 and updating the family history information document; and

25 c. establish a nominal fee for services provided under P.L. ,
26 c. (C.) (pending before the Legislature as this bill), to meet
27 the costs of implementing P.L. , c. (C.).

28

29 11. (New section) Notwithstanding any provision of P.L.1968,
30 c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
31 Health shall adopt, immediately upon filing with the Office of
32 Administrative Law, such regulations as the commissioner deems
33 necessary to implement the provisions of P.L. , c. (C.)
34 (pending before the Legislature as this bill), which regulations shall
35 be effective for a period not to exceed 12 months and shall,
36 thereafter, be amended, adopted, or readopted by the commissioner
37 in accordance with the requirements of P.L.1968, c.410 (C.52:14B-
38 1 et seq.).

39

40 12. This act shall take effect immediately; except that sections 3,
41 4, and 5 shall take effect on the first day of the seventh month next
42 following the date of enactment. The Commissioner of Health may
43 take such administrative action in advance thereof as shall be
44 necessary for the implementation of this act.

STATEMENT

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This bill provides adult adopted persons and certain other individuals with the opportunity to obtain an adopted person's original birth certificate and other related documents, with certain restrictions to protect birth parents' privacy.

Specifically, the bill amends current law to allow the following persons, 18 years of age or older, access to an uncertified, long-form copy of an adopted person's original birth certificate, upon request to the State Registrar: 1) the adopted person; 2) a direct descendant, sibling, or spouse of the adopted person; 3) the adoptive parent, legal guardian, or other legal representative of the adopted person; or 4) a State or federal agency. Under current law, the only way to obtain an adopted person's original birth certificate is by court order.

The bill also amends current law to eliminate language that allows a court to replace the child's place of birth on the birth certificate with that of the adopting parents' residence. In the case of a foundling, the bill requires the court to designate the date and place of birth. In addition, the bill updates references to birth certificates involving foreign adoptions, and directs local registrars of vital statistics to forward the original certificate of birth to the State Registrar when a new one is made.

The bill provides an opportunity for the birth parent of an adopted person to indicate a preference concerning contact with the adopted person, by filing with the State Registrar a document indicating whether the parent prefers direct contact with the adopted person, contact through the use of an intermediary, or no contact. The birth parent may change this preference at any time by submitting a revised document of contact preference to the State Registrar.

Further, the bill provides that when a birth parent submits a document of contact preference to the State Registrar, the birth parent is required to also submit family history information. The birth parent whose preference is no contact will be encouraged to update the family history information every 10 years until the birth parent reaches the age of 40, and every five years thereafter. In order to ensure that an adopted person gains access to this family history information, the State Registrar, upon receiving a request for an uncertified, long-form copy of the original birth certificate, will provide the requester with information regarding the birth parent's preference for contact, as well as any family history information document that has been submitted to the State Registrar by the birth parent, including any updated information submitted; the bill authorizes the State Registrar to establish a system to inform authorized requesters in the event that new information is added to an adopted person's certificate of birth file.

An adopted person 18 years of age or older, upon submission of

1 a written, notarized request to the adoption agency or intermediary
2 who facilitated the adoption, may obtain any available medical or
3 family history information concerning the adopted person contained
4 in that person's adoption file. If the requester is unable to obtain
5 this information because the agency or intermediary is unknown,
6 the requester may petition the court that granted the adoption to
7 identify the agency or intermediary, if possible. The bill also
8 authorizes an adopted person who was under the custody of the
9 Division of Child Protection and Permanency (DCPP) at the time of
10 the person's adoption, to request from the director of DCPP a
11 statement, based on DCPP's case file, which summarizes the
12 circumstances under which parental rights for the child were
13 terminated.

14 The bill directs the State Registrar, through DOH, to prepare
15 information regarding counseling resources and the use of an
16 intermediary for the purpose of enabling an adopted person to make
17 contact with a birth parent as well as make it available on the DOH
18 website. The registrar is also required to provide this information
19 to any person requesting the original long-form birth certificate or a
20 copy of the document of contact preference.

21 The bill requires the Commissioner of Health, in consultation
22 with the Commissioner of Children and Families, to provide to the
23 Legislature, and make available to the public, a report on the
24 development and administration of these initiatives. The report is
25 to include statistical, nonidentifying data regarding:

26 -- the number of uncertified, long-form copies of original birth
27 certificates provided;

28 -- the number of requests submitted by birth parents, through the
29 document of contact preference, for direct contact, contact by an
30 intermediary, and no contact; and

31 -- the number of family history information documents submitted
32 by birth parents.

33 The Commissioner of Health, in consultation with the
34 Commissioner of Children and Families, is authorized to adopt
35 rules and regulations establishing:

36 -- the required information and procedures for the document of
37 contact preference;

38 -- the required information and procedures for submitting and
39 updating the family history information document; and

40 -- a nominal fee for services provided under this bill, to meet the
41 costs of implementation.

42 To expedite the adoption of regulations, the Commissioner of
43 Health is authorized to adopt emergency regulations immediately
44 upon filing the regulations with the Office of Administrative Law.

45 DOH is to contract with media outlets throughout the country to
46 produce and distribute national public service messages to increase
47 public awareness of, and encourage participation in, the initiatives
48 established under this bill and to inform the public of the

1 procedures for obtaining a long-form copy of an adopted person's
2 birth certificate, submitting a document of contact preference, and
3 submitting family history information. In addition, DOH is to
4 ensure that this information is posted on its website and on the
5 State's website.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 873

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 27, 2014

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 873.

As amended by the committee, this bill provides adult adopted persons and certain other individuals with the opportunity to obtain an adopted person's original birth certificate and other related documents, with certain restrictions to protect birth parents' privacy.

Specifically, the bill amends current law to allow the following persons, 18 years of age or older, to obtain access to an uncertified, long-form copy of an adopted person's original birth certificate, upon request to the State Registrar: 1) the adopted person; 2) a direct descendant, sibling, or spouse of the adopted person; 3) the adoptive parent, legal guardian, or other legal representative of the adopted person; or 4) a State or federal agency. Under current law, the only way to obtain an adopted person's original birth certificate is by court order.

The amended bill eliminates language in existing law that previously authorized a court to replace the adoptee's place of birth on the birth certificate with that of the adopting parents' residence. As amended, therefore, the bill generally requires the birth certificate to identify the adoptee's actual place of birth. However, in the case of a foundling, the bill requires the court to designate the date and place of birth. The bill, as amended, also updates references to birth certificates involving foreign adoptions, and directs local registrars of vital statistics to forward the original certificate of birth to the State Registrar when a new one is made.

The bill provides an opportunity for the birth parent of an adopted person to indicate a preference concerning contact with the adopted person, by filing with the State Registrar a document indicating whether the parent prefers direct contact with the adopted person, contact through the use of an intermediary, or no contact. The birth parent may change this preference at any time by submitting a revised document of contact preference to the State Registrar.

Pursuant to the amended bill's provisions, a birth parent who submits a document of contact preference to the State Registrar must additionally submit family history information, including medical, cultural, and social history. A birth parent who prefers no contact will be encouraged to update their family history information every 10 years until the birth parent reaches the age of 40, and every five years thereafter. In order to ensure that an adopted person gains access to this family history information, the State Registrar, upon receiving a request for an uncertified, long-form copy of the original birth certificate, will provide the requester with information regarding the birth parent's preference for contact, as well as any family history information document that has been submitted to the State Registrar by the birth parent, including any updated information submitted. The bill authorizes the State Registrar to establish a system to inform authorized requesters in the event that new information is added to an adoptee's certificate of birth file.

An adoptee who is 18 years of age or older, upon submission of a written, notarized request to the adoption agency or intermediary who facilitated the adoption, may obtain any available medical or family history information concerning the adoptee, which is contained in the person's adoption file. If the requester is unable to obtain this information because the agency or intermediary is unknown, the requester may petition the court that granted the adoption to identify the agency or intermediary, if possible. As amended, the bill also authorizes an adoptee who was under the custody of the Division of Child Protection and Permanency (DCP&P) at the time of adoption, to request from the director of DCP&P a statement, based on DCP&P's case file, which summarizes the circumstances under which parental rights for the child were terminated.

The bill directs the State Registrar, through the Department of Health (DOH), to prepare information regarding counseling resources and the use of an intermediary for the purpose of enabling an adoptee to make contact with a birth parent, and to make this information available on the DOH website. The registrar is also required to provide this information to any person requesting the original long-form birth certificate or a copy of the contact preference document.

As specified in the amended bill, rules and regulations implementing the bill's provisions are to be adopted by the Commissioner of Health, in consultation with the Commissioner of Children and Families, and the rulemaking process may be expedited through the immediate adoption of emergency regulations upon their filing with the Office of Administrative Law.

Within two years after the bill's enactment, the Commissioner of Health and Commissioner of Children and Families must submit a report to the Legislature and the public on the development and administration of these initiatives. The report must include statistical data identifying the number of birth certificates provided, the number and type of contact preference documents submitted, and the number

of family history documents received.

DOH is required by the bill, as amended, to contract with media outlets to produce and distribute national public service messages designed to increase public awareness of, and encourage participation in, the initiatives established under this bill. DOH is additionally required to provide public service message information on its departmental website, as well as on the website that is operated by the State of New Jersey.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

The committee amended the bill to clarify that the existing law and the bill's new provisions are equally applicable to adoptees who are born in New Jersey, and adoptees who are born in other states or foreign nations, so long as the State Registrar has received certification of the adoption proceeding or associated judicial decree or judgment.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 873

STATE OF NEW JERSEY 216th LEGISLATURE

DATED: MARCH 26, 2014

SUMMARY

- Synopsis:** Permits adoptees and certain others to obtain adoptee's original birth certificate and other related information.
- Type of Impact:** Potential State expenditure increase, offset by potential State revenue increase. Minimal or no impact on local costs.
- Agencies Affected:** Department of Health. Department of Children and Families. Judiciary. Local registrars of vital statistics.

Office of Legislative Services Estimate

Fiscal Impact	<u>Years 1-3</u>
State Cost	Indeterminate Potential Increase – See comments below
State Revenue	Indeterminate Potential Increase – See comments below
Local Cost	Minimal or no impact – See comments below

- The Office of Legislative Services (OLS) believes that the bill may generate additional State costs associated with new procedures for releasing adopted persons' original birth certificates, collecting certain information from birth parents, and other provisions. These costs may be offset by additional State revenues from fees authorized under the bill. However, the magnitude of such costs and revenues cannot be determined due to insufficient information and uncertainties regarding the manner in which the Department of Health (DOH) will choose to implement the bill.
- Local registrars of vital statistics may incur certain additional costs, but such costs are likely to be minimal.

BILL DESCRIPTION

Senate Bill No. 873 (1R) of 2014 authorizes certain requesters, 18 years of age or older, to obtain an uncertified, long-form copy of an adopted person's original birth certificate upon

request to the State Registrar of Vital Statistics (State Registrar) in the DOH. The authorized requesters include: adopted persons; their direct descendants, siblings, or spouses; their adoptive parents, legal guardians, or other legal representatives; or a State or federal agency. The bill requires the State Registrar to authenticate the requester's identity and relationship with the adopted person.

The bill authorizes the DOH to: establish a fee for providing an uncertified, long-form copy of an adopted person's original birth certificate; and, in consultation with the Department of Children and Families (DCF), establish a nominal fee for services provided under the bill. The bill also removes the current fee of \$6.00, specified by statute, for creating a new birth certificate for an adopted person and provides that the DOH shall establish a new fee through regulation. In addition, the bill: amends existing law regarding the recording of an adoptee's place of birth on a new birth certificate; clarifies the treatment of foreign adoptions; and directs local registrars of vital statistics to forward original birth certificates to the State Registrar when new certificates are made.

The bill allows birth parents to indicate a preference concerning contact with adopted persons by filing a contact preference document with the State Registrar, and provides that a birth parent may change this preference by submitting a revised document. The bill requires birth parents who submit contact preference documents to also submit certain family history information to the State Registrar, including medical, cultural, and social history, and the bill requires the State Registrar to request that birth parents who prefer no contact to update their family history information every 10 years until the age of 40, and every five years thereafter. The State Registrar, upon receiving a request for a copy of an adopted person's original birth certificate, is required to provide the requester with a copy of the birth parent's contact preference document, as well as any family history information submitted by the birth parent. The bill authorizes the State Registrar to establish a system to inform authorized requesters when new information is added to an adoptee's certificate of birth file.

The bill also provides that an adult adopted person, upon written request, may obtain any available family history information on file with the adoption agency or intermediary that facilitated the person's adoption. If the requester is unable to obtain this information because the agency or intermediary is unknown, the bill permits the requester to petition the court that granted the adoption to identify the agency or intermediary. The bill also authorizes a person who was adopted while under the custody of the Division of Child Protection and Permanency (DCP&P) in the DCF to request from the DCP&P a statement, based on DCP&P's case file, summarizing the circumstances under which parental rights for the person were terminated.

The bill directs the State Registrar to develop information on counseling resources and the use of an intermediaries for contacting birth parents, and to provide such information: through the DOH website; and to any person requesting an original birth certificate or copy of a contact preference document. Further, the DOH is required to: contract with media outlets to produce and distribute national public service messages designed to increase public awareness of, and encourage participation in, the initiatives established under the bill; and make available the public service message information on the department and State websites. The bill also directs the Commissioner of Health, in consultation with the Commissioner of Children and Families, to submit a report, containing relevant statistical data and recommendations, to the Legislature and the public on the bill's initiatives within two years of its enactment.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that State costs and revenues associated with this bill are indeterminate. The new procedures for releasing adopted persons' original birth certificates and for collecting certain information from birth parents would likely generate State administrative costs, but the costs may be offset by revenues from fees authorized under the bill. However, the OLS cannot estimate the likely costs and offsetting revenues due to insufficient information and DOH discretion over implementing certain bill provisions.

The State Registrar in the DOH may incur additional, indeterminate administrative costs from the following activities:

- Processing requests for copies of original birth certificates and authenticating the identity of requesters and their relationships with adopted persons;
- Developing, disseminating, and processing certain new materials, including the contact preference documents and family history information forms; and
- Maintaining and updating files with contact preference documents and family history information and disclosing such information to authorized requesters.

However, available information does not indicate: the number of requests for original birth certificates likely to be processed under the bill; the number of birth parents likely to submit contact preference documents and family history information; the State Registrar's current capacity to absorb its new responsibilities without additional resources; and other factors necessary to estimate likely State costs.

State costs also depend upon how the DOH chooses to implement certain provisions. For example, the bill provides the State Registrar with discretion over whether to develop a system to inform authorized requesters of new information added to an adopted person's file. Further, the bill does not specify which media are to be involved in the required national public awareness campaign, effectively providing the DOH with discretion to implement the campaign through a potentially lower-cost approach, such as newspaper or Internet advertising, or through a more costly radio, television, or multimedia strategy. (Although public service announcements are generally placed or aired for free, the DOH would likely incur production and distribution costs, which might exceed several hundred thousand dollars for an elaborate television campaign.)

Additional State revenues may be generated from fees authorized or increased under the bill for copies of original birth certificates, new birth certificates, and other services. Because the bill provides the DOH with discretion over the amounts of fees to be charged, the department may establish fees that are sufficient to partially or fully offset its increased costs.

The DCF and the DOH may, respectively, incur indeterminate, minimal State costs from: providing information regarding the termination of parental rights for adoptees who were under DCF supervision; and producing the required report to the Legislature, including collecting and analyzing relevant data. The Judiciary may also incur certain indeterminate, minimal costs under the bill, such as assisting adopted persons with identifying the agencies or intermediaries that originally facilitated their adoptions, and those costs may be offset by savings from reductions in the number of petitions for court orders to release original birth certificates.

Local registrars of vital statistics may incur certain costs associated with identifying and forwarding original birth certificates to the State Registrar when new certificates are made. However, the OLS expects that such costs are likely to be minimal, given the relatively low number of annual adoptions in any given locality (federal data from 2000 through 2008 suggest that, on average, approximately 2,400 adoptions occur Statewide each year).

Section: Human Services

*Analyst: Nathan E. Myers
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 873

STATE OF NEW JERSEY 216th LEGISLATURE

DATED: MAY 29, 2014

SUMMARY

- Synopsis:** Permits adoptees and certain others to obtain adoptee's original birth certificate and other related information.
- Type of Impact:** Potential State expenditure increase, offset by potential State revenue increase. Minimal or no impact on local costs.
- Agencies Affected:** Department of Health. Department of Children and Families. Judiciary. Local registrars of vital statistics.

Office of Legislative Services Estimate

Fiscal Impact	<u>Years 1-3</u>
State Cost	Indeterminate Potential Increase – See comments below
State Revenue	Indeterminate Potential Increase – See comments below
Local Cost	Minimal or no impact – See comments below

- The Office of Legislative Services (OLS) believes that the bill may generate additional State costs associated with new procedures for releasing uncertified, long-form copies of adopted persons' original birth certificates, collecting certain information from birth parents, and other provisions. These costs may be offset by additional State revenues from fees authorized under the bill. However, the magnitude of such costs and revenues cannot be determined due to insufficient information and uncertainties regarding the manner in which the Department of Health will choose to implement the bill.
- Local registrars of vital statistics may incur certain additional costs, but such costs are likely to be minimal.

BILL DESCRIPTION

Senate Bill No. 873 (2R) of 2014 authorizes certain requesters, 18 years of age or older, to obtain an uncertified, long-form copy of an adopted person's original birth certificate upon request to the State Registrar of Vital Statistics (State Registrar) in the Department of Health

(DOH), effective January 1, 2017. The authorized requesters include: adopted persons; their direct descendants, siblings, or spouses; their adoptive parents, legal guardians, or other legal representatives; or a State or federal agency. The bill requires the State Registrar to authenticate the requester's identity and relationship with the adopted person.

Effective January 1, 2017, the bill also: authorizes the DOH to establish a fee for providing an uncertified, long-form copy of an adopted person's original birth certificate; removes the current fee of \$6.00, specified by statute, for creating a new birth certificate for an adopted person; and provides that the DOH shall establish, through regulation, a new fee for creating an adopted person's new birth certificate. In addition, the bill: amends existing law regarding the recording of an adoptee's place of birth on a new birth certificate; clarifies the treatment of foreign adoptions; and directs local registrars of vital statistics to forward original birth certificates to the State Registrar when new certificates are made.

Effective August 1, 2015, except if the Commissioner of Health permits such submissions prior to that date, the bill allows birth parents to indicate a preference concerning contact with adopted persons by filing a contact preference document with the State Registrar, and provides that a birth parent may change this preference by submitting a revised document. The bill requires birth parents who submit contact preference documents to also submit certain family history information to the State Registrar, including medical, cultural, and social history, and the bill requires the State Registrar to request that birth parents who prefer no contact to update their family history information every 10 years until the age of 40, and every five years thereafter. The State Registrar, upon receiving a request for a copy of an adopted person's original birth certificate, is required to provide the authorized requester with a copy of the birth parent's contact preference document, as well as any family history information submitted by the birth parent. The bill authorizes the State Registrar to establish a system to inform the requesters when new information is added to an adoptee's certificate of birth file.

The bill also provides: that, for persons adopted prior to August 1, 2015, a birth parent may request, from the State Registrar on or before December 31, 2016, redaction of the birth parent's name and other identifying information from requested copies of original birth certificates and associated contact preference documents and family history information; and that the birth parent may rescind such a redaction request.

The bill requires the Division of Child Protection and Permanency (DCP&P) in the DCF to provide, upon request by an authorized requester, a statement summarizing the medical and social characteristics of birth family members, the family health history, the facts and circumstances related to the person's adoptive placement, and the case record material for a person who was adopted while under the care and custody of the DCP&P.

The bill also requires, upon request by an authorized requester, adoption facilitators that placed the child for adoption or conducted an investigation (in cases of adoptions of children not received through adoption agencies) to provide any available non-identifying family medical history information. If the requester is unable to obtain this information because the adoption facilitator is unknown, the bill permits the requester to petition the court that granted the adoption to identify the adoption facilitator.

Finally, for children surrendered pursuant to the "New Jersey Safe Haven Infant Protection Act," P.L.2000, c.58 (C.30:4C-15.5 et seq.), the bill: prohibits the State Registrar from providing uncertified, long-form copies of original birth certificates or any birth parent identifying information; and directs the DCP&P in the DCF to notify the State Registrar when such children are surrendered.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that State costs and revenues associated with this bill are indeterminate. The new procedures for releasing uncertified, long-form copies of adopted persons' original birth certificates and for collecting certain information from birth parents would likely generate State administrative costs, but the costs may be offset by revenues from fees authorized under the bill. However, the OLS cannot estimate the likely costs and offsetting revenues due to insufficient information and DOH discretion over implementing certain bill provisions.

The State Registrar in the DOH may incur additional, indeterminate administrative costs from the following activities:

- Processing requests for copies of original birth certificates and authenticating the identity of requesters and their relationships with adopted persons;
- Developing, disseminating, and processing certain new materials, including the contact preference documents and family history information forms;
- Maintaining and updating files with contact preference documents and family history information and disclosing such information to authorized requesters;
- Managing requests to redact birth parent names and other information, as applicable, from requested copies of original birth certificates, through December 31, 2016; and
- Tracking information regarding non-disclosable birth certificates or other birth parent identifying information for children surrendered pursuant to the "New Jersey Safe Haven Infant Protection Act."

However, available information does not indicate: the number of requests for copies of original birth certificates likely to be processed under the bill; the number of birth parents likely to submit contact preference documents, family history information, or redaction requests; the State Registrar's current capacity to absorb its new responsibilities without additional resources; and other factors necessary to estimate likely State costs. State costs also depend upon how the DOH chooses to implement certain provisions. For example, the bill provides the State Registrar with discretion over whether to develop a system to inform authorized requesters of new information added to an adopted person's file.

Additional State revenues may be generated from fees authorized or increased under the bill for copies of original birth certificates and new birth certificates. Because the bill provides the DOH with discretion over the amounts of fees to be charged, the department may establish fees that are sufficient to partially or fully offset its increased costs.

The DCF may incur indeterminate, minimal State costs from: providing summaries of birth family medical and social characteristics and related information for adoptees who were under the care and custody of the DCP&P; and establishing a system to notify the State Registrar when a child is surrendered pursuant to the "New Jersey Safe Haven Infant Protection Act." The Judiciary may also incur certain indeterminate, minimal costs under the bill, such as assisting adopted persons with identifying the adoption facilitators that originally placed the person for adoption or that conducted adoption-related investigations. The Judiciary's costs may be offset

by savings from reductions in the number of petitions for court orders to release original birth certificates.

Local registrars of vital statistics may incur certain costs associated with identifying and forwarding original birth certificates to the State Registrar when new certificates are made. However, the OLS expects that such costs are likely to be minimal, given the relatively low number of annual adoptions in any given locality (federal data from 2000 through 2008 suggest that, on average, approximately 2,400 adoptions occur Statewide each year).

Section: Human Services

*Analyst: Nathan E. Myers
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 1259

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

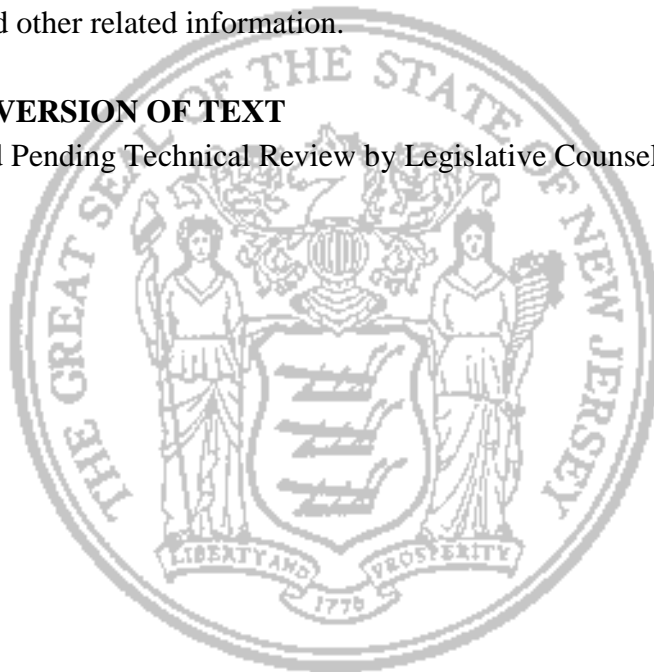
**Assemblyman Johnson, Assemblywoman Jasey, Assemblyman Singleton,
Assemblywoman Tucker and Assemblyman McKeon**

SYNOPSIS

Permits adoptees and certain others to obtain adoptee's original birth certificate and other related information.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/11/2014)

1 AN ACT concerning adoptees, amending P.L.1977, c.367 and
2 R.S.26:8-40.1, and supplementing Titles 9 and 26 of the Revised
3 Statutes.

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

7
8 1. Section 15 of P.L.1977, c.367 (C.9:3-51) is amended to read
9 as follows:

10 15. The clerk of the Superior Court, Chancery Division, Family
11 Part shall promptly file all judgments of adoption and shall maintain
12 an alphabetical index of all judgments of adoption entered each year
13 pursuant to P.L.1977, c.367 (C.9:3-37 et seq.), all of which records
14 shall be sealed and thereafter shall be made accessible only by court
15 order or as otherwise provided by law.

16 (cf: P.L.1993, c.345, s.14)

17
18 2. Section 16 of P.L.1977, c.367 (C.9:3-52) is amended to read
19 as follows:

20 16. a. All court records of proceedings relating to adoption,
21 including the complaint, judgment, and all petitions, affidavits,
22 testimony, reports, briefs, orders, and other relevant documents,
23 shall be filed under seal by the clerk of the court and shall at no
24 time be open to public inspection or copying unless the court, upon
25 good cause shown, shall otherwise order or as otherwise provided
26 by law. An index to all adoption proceedings shall be maintained
27 by the clerk of the court, but no index of adoption proceedings shall
28 be open to inspection or copying or be made public except upon
29 order of the court.

30 b. Upon entry of a judgment of adoption, the clerk of the court
31 shall certify to the State Registrar, any successor agency or any
32 similar agency in the State or country of the child's birth, the date of
33 entry of the judgment, the names of the adopting parent or parents,
34 the name of the child, the date and place of birth of the child, and
35 the new name of the child if changed by the judgment of adoption.

36 (cf: P.L.1993, c.345, s.15)

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

39 26:8-40.1. a. When any person born in New Jersey who has been
40 adopted pursuant to provisions of the laws of any state or country,
41 and which adoption has been certified to the State Registrar as
42 required by **【paragraph B of section 15 of P.L.1953, c.264 (C.9:3-**
43 **31)】** subsection b. of section 16 of P.L.1977, c.367 (C.9:3-52) or
44 there is submitted a certification or a certified copy of the decree or

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

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

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

29 **b.** The State Registrar may file **such a** the new certificate:

30 **a.** (1) for any foundling, for any child born in any state, and
31 for any child for whom an original birth report cannot be located,
32 who has been adopted in New Jersey; provided that there is attached
33 to the decree or judgment of the court in such adoption proceeding
34 or is submitted to the State Registrar a certified copy of the original
35 birth record or acceptable evidence of birth. In the case of a
36 foundling, the date and place of birth **may** shall be decided by
37 **the** adopting parent or parents if not decided by the court before
38 which the adoption proceedings were conducted **a court of**
39 competent jurisdiction; and

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

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

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

18 When a new certificate of birth is made, the State Registrar shall
19 notify the local registrar of vital statistics of the place in which the
20 birth occurred, if applicable, who shall enter the new certificate in
21 **[his]** the local registrar's local record and [place his] forward the
22 copy of the original record **[under seal]** to the State Registrar for
23 disposition.

24 c. The State Registrar shall cause to be placed under seal the
25 original certificate of birth and all papers pertaining to the new
26 certificate of birth. Such seal shall not be broken except **[by]**:

27 (1) by order of a court competent jurisdiction; or

28 (2) upon a request for an uncertified, long-form copy of the
29 adopted person's original certificate of birth by a person 18 years of
30 age or older who can establish himself as one of the following:

31 (a) the adopted person;

32 (b) a direct descendant, sibling, or spouse of the adopted person;

33 (c) an adoptive parent, legal guardian, or other legal
34 representative of the adopted person; or

35 (d) an agency of the State or federal government for official
36 purposes.

37 The State Registrar shall authenticate the identity of the
38 requestor and the requestor's relationship with the subject adopted
39 person.

40 d. Thereafter, whenever a certification or certified copy of a
41 certificate of birth of [such] the adopted person is issued, it shall be
42 made from the new certificate of birth except when an order of a
43 court of competent jurisdiction shall require the issuance of [a] an
44 uncertified, long-form copy of the original certificate of birth, or
45 upon a request for an uncertified, long-form copy of the adopted
46 person's original certificate of birth by an authorized requestor, as
47 provided in subsection c. of this section, excluding any statistical

1 data gathered solely for the use of the State.

2 (cf: P.L.2005, c.81, s.3)

3

4 4. (New section) a. Upon receipt of a request pursuant to
5 subsection c. of R.S.26:8-40.1, the State Registrar shall provide the
6 authorized requester with an uncertified, long-form copy of the
7 adopted person's original certificate of birth. The State Registrar
8 shall include with the copy of the certificate of birth a statement
9 recommending that the requester contact the approved agency or
10 intermediary who facilitated the adoption prior to seeking contact
11 with the adopted person's birth parent, and such other information
12 as is specified in sections 5 and 7 of P.L. , c. (c.) (pending
13 before the Legislature as this bill).

14 b. The fee for the uncertified, original long-form certificate of
15 birth preceding an adoption shall be established, by regulation, by
16 the Commissioner of Health.

17

18 5. (New section) a. A birth parent of an adopted person may
19 submit a document of contact preference to the State Registrar
20 indicating the birth parent's preference regarding contact with the
21 adopted person. The birth parent may change his preference at any
22 time by submitting a revised document of contact preference to the
23 State Registrar.

24 b. The State Registrar shall require a birth parent who submits
25 a document of contact preference pursuant to this section to
26 simultaneously submit a completed form providing updated family
27 history information, which shall include medical, cultural, and
28 social history information regarding the birth parent.

29 c. The form of the contact preference document and the form
30 of the family history information document shall be established by
31 the State Registrar, who shall provide a copy of each document to a
32 birth parent, upon request. The State Registrar shall also make the
33 documents available for downloading from the Department of
34 Health website.

35 d. The document of contact preference shall provide the birth
36 parent with the following options, from which the parent may select
37 one:

38 (1) "I would like to be contacted directly. I have completed a
39 document of contact preference and an updated family history
40 information document and am submitting them to the State
41 Registrar as set forth in this document";

42 (2) "I would prefer to be contacted only through an
43 intermediary. I have completed a document of contact preference
44 and an updated family history information document and am
45 submitting them to the State Registrar as set forth in this document.
46 I would like the following named individual to act as an
47 intermediary _____"; or

48 (3) "I would prefer not to be contacted at this time. If I decide

1 later that I would like to be contacted, I will submit a revised
2 document of contact preference to the State Registrar. I have
3 completed a document of contact preference and an updated family
4 history information document and am submitting them to the State
5 Registrar as set forth in this document."

6 e. The State Registrar shall request a birth parent who indicates
7 a preference for no contact by the adopted person to update the
8 family history information every 10 years until the birth parent
9 reaches the age of 40, and every five years thereafter.

10 f. The State Registrar shall maintain a file of documents of
11 contact preference and family history information submitted by
12 birth parents. Upon request for an original certificate of birth
13 pursuant to subsection c. of R.S.26:8-40.1, the State Registrar shall
14 determine whether there is on file a document of contact preference
15 and a family history information document regarding the adopted
16 person, and if those documents exist, shall place and retain them in
17 the adopted person's original certificate of birth file.

18 g. Upon a request for an uncertified, long-form copy of an
19 adopted person's original certificate of birth pursuant to subsection
20 c. of R.S.26:8-40.1, the State Registrar shall also provide the
21 authorized requester with a copy of the birth parent's document of
22 contact preference and the updated family history information
23 document if those documents have been submitted to the State
24 Registrar pursuant to this section.

25 h. The State Registrar shall provide to an authorized requester,
26 upon request, any information subsequently added to an adopted
27 person's certificate of birth file. The State Registrar may establish
28 a system to inform authorized requesters in the event that new
29 information is added to an adopted person's certificate of birth file.

30

31 6. (New section) a. An adopted person 18 years of age or
32 older may request the approved agency or the intermediary that
33 facilitated or placed the child for adoption or conducted an
34 investigation pursuant to section 12 of P.L.1977, c.367 (C.9:3-48)
35 to provide any available medical or other family history information
36 concerning the adopted person that is contained in that person's
37 adoption file, by submission of a written, notarized request to the
38 agency or intermediary.

39 As used in this section, "medical or other family history
40 information" includes medical, cultural, and social history
41 information provided by the adopted person's birth parent and
42 maintained by an approved agency or intermediary who facilitated
43 an adoption.

44 b. Upon receipt of a request pursuant to subsection a. of this
45 section, the approved agency or intermediary shall provide the
46 adopted person with a detailed summary of any available medical or
47 other family history information concerning the adopted person

1 contained in the person's adoption file, including the names and last
2 known address of both birth parents.

3 c. If an adopted person is unable to obtain information under
4 subsection a. of this section because the agency or intermediary is
5 unknown, the adopted person may petition the court that granted the
6 adoption to consult its file and, if possible, identify the agency or
7 intermediary.

8 d. In the event that the adopted person was under the custody
9 of the Division of Child Protection and Permanency in the
10 Department of Children and Families at the time of the person's
11 adoption, the person may request from the director of the division a
12 statement, based on the division's case file, that summarizes the
13 circumstances under which parental rights for the child were
14 terminated.

15
16 7. (New section) a. The State Registrar, through the
17 Department of Health, shall prepare information regarding
18 counseling resources and the use of an intermediary for the purpose
19 of enabling an adopted person to make contact with a birth parent.
20 The information shall also include the procedure for contacting the
21 Director of the Division of Child Protection and Permanency as
22 provided in subsection d. of section 6 of P.L. , c. (C.)
23 (pending before the Legislature as this bill).

24 b. The State Registrar shall provide the information prepared
25 pursuant to subsection a. of this section to a person who requests an
26 uncertified, long-form copy of a birth certificate pursuant to
27 subsection c. of R.S.26:8-40.1 or a document of contact preference.

28 c. The State Registrar shall make the information prepared
29 pursuant to subsection a. of this section available on the website of
30 the Department of Health.

31 8. (New section) Within two years after the date of enactment
32 of P.L. , c. (C.) (pending before the Legislature as this bill),
33 the Commissioner of Health, in consultation with the Commissioner
34 of Children and Families, shall provide to the Legislature in
35 accordance with section 2 of P.L.1991, c.164 (C.52:14-19.1), and
36 make available to the public, a report on the development and
37 administration of the initiatives established pursuant to sections 4
38 through 7 of P.L. , c. (C.) (pending before the Legislature as
39 this bill). The report shall include, but not be limited to, statistical,
40 non-identifying data regarding:

41 a. the number of uncertified, long-form copies of original birth
42 certificates of birth that were provided to adopted persons, direct
43 descendants, siblings, spouses, adoptive parents, legal guardians,
44 and other legal representatives, respectively, of adopted persons;

45 b. the number of requests submitted by birth parents through
46 the document of contact preference, for direct contact, contact by an
47 intermediary, and no contact, respectively; and

1 c. the number of family history information documents
2 submitted by birth parents.

3 The report shall also make recommendations for any needed
4 changes in the requirements, regulations, or State policy concerning
5 the initiatives established by P.L. , c. (C.).
6

7 9. (New section) The Department of Health shall contract with
8 media outlets throughout the country to produce and distribute
9 national public service messages to increase public awareness of,
10 and encourage participation in, the initiatives established pursuant
11 to P.L. , c. (C.) (pending before the Legislature as this
12 bill). The public service messages shall inform the public of the
13 procedures for:

14 a. obtaining a long-form copy of an adopted person's certificate
15 of birth;

16 b. submitting a document of contact preference; and

17 c. submitting family history information.

18 The department shall also ensure that this information is
19 available on the department website and the website of the State of
20 New Jersey.
21

22 10. (New section) The Commissioner of Health, in consultation
23 with the Commissioner of Children and Families, shall adopt rules
24 and regulations pursuant to the "Administrative Procedure Act,"
25 P.L.1968, c.410 (C.52:14B-1 et seq.), which shall:

26 a. establish required information and procedures for the
27 document of contact preference;

28 b. establish required information and procedures for submitting
29 and updating the family history information document; and

30 c. establish a nominal fee for services provided under P.L. ,
31 c. (C.) (pending before the Legislature as this bill), to meet
32 the costs of implementing P.L. , c. (C.).
33

34 11. (New section) Notwithstanding any provision of P.L.1968,
35 c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
36 Health shall adopt, immediately upon filing with the Office of
37 Administrative Law, such regulations as the commissioner deems
38 necessary to implement the provisions of P.L. , c. (C.)
39 (pending before the Legislature as this bill), which regulations shall
40 be effective for a period not to exceed 12 months and shall,
41 thereafter, be amended, adopted, or readopted by the commissioner
42 in accordance with the requirements of P.L.1968, c.410 (C.52:14B-
43 1 et seq.).
44

45 12. This act shall take effect immediately; except that sections 3,
46 4, and 5 shall take effect on the first day of the seventh month next
47 following the date of enactment. The Commissioner of Health may

1 take such administrative action in advance thereof as shall be
2 necessary for the implementation of this act.

3

4

5

STATEMENT

6

7 This bill provides adult adopted persons and certain other
8 individuals with the opportunity to obtain an adopted person's
9 original birth certificate and other related documents, with certain
10 restrictions to protect birth parents' privacy.

11 Specifically, the bill amends current law to allow the following
12 persons, 18 years of age or older, access to an uncertified, long-
13 form copy of an adopted person's original birth certificate, upon
14 request to the State Registrar: 1) the adopted person; 2) a direct
15 descendant, sibling, or spouse of the adopted person; 3) the
16 adoptive parent, legal guardian, or other legal representative of the
17 adopted person; or 4) a State or federal agency. Under current law,
18 the only way to obtain an adopted person's original birth certificate
19 is by court order.

20 The bill also amends current law to eliminate language that
21 allows a court to replace the child's place of birth on the birth
22 certificate with that of the adopting parents' residence. In the case
23 of a foundling, the bill requires the court to designate the date and
24 place of birth. In addition, the bill updates references to birth
25 certificates involving foreign adoptions, and directs local registrars
26 of vital statistics to forward the original certificate of birth to the
27 State Registrar when a new one is made.

28 The bill provides an opportunity for the birth parent of an
29 adopted person to indicate a preference concerning contact with the
30 adopted person, by filing with the State Registrar a document
31 indicating whether the parent prefers direct contact with the adopted
32 person, contact through the use of an intermediary, or no contact.
33 The birth parent may change this preference at any time by
34 submitting a revised document of contact preference to the State
35 Registrar.

36 Further, the bill provides that when a birth parent submits a
37 document of contact preference to the State Registrar, the birth
38 parent is required to also submit family history information. The
39 birth parent whose preference is no contact will be encouraged to
40 update the family history information every 10 years until the birth
41 parent reaches the age of 40, and every five years thereafter. In
42 order to ensure that an adopted person gains access to this family
43 history information, the State Registrar, upon receiving a request
44 for an uncertified, long-form copy of the original birth certificate,
45 will provide the requester with information regarding the birth
46 parent's preference for contact, as well as any family history
47 information document that has been submitted to the State
48 Registrar by the birth parent, including any updated information

1 submitted; the bill authorizes the State Registrar to establish a
2 system to inform authorized requesters in the event that new
3 information is added to an adopted person's certificate of birth file.

4 An adopted person 18 years of age or older, upon submission of
5 a written, notarized request to the adoption agency or intermediary
6 who facilitated the adoption, may obtain any available medical or
7 family history information concerning the adopted person contained
8 in that person's adoption file. If the requester is unable to obtain
9 this information because the agency or intermediary is unknown,
10 the requester may petition the court that granted the adoption to
11 identify the agency or intermediary, if possible. The bill also
12 authorizes an adopted person who was under the custody of the
13 Division of Child Protection and Permanency (DCPP) at the time of
14 the person's adoption, to request from the director of DCPP a
15 statement, based on DCPP's case file, which summarizes the
16 circumstances under which parental rights for the child were
17 terminated.

18 The bill directs the State Registrar, through DOH, to prepare
19 information regarding counseling resources and the use of an
20 intermediary for the purpose of enabling an adopted person to make
21 contact with a birth parent as well as make it available on the DOH
22 website. The registrar is also required to provide this information
23 to any person requesting the original long-form birth certificate or a
24 copy of the document of contact preference.

25 The bill requires the Commissioner of Health, in consultation
26 with the Commissioner of Children and Families, to provide to the
27 Legislature, and make available to the public, a report on the
28 development and administration of these initiatives. The report is
29 to include statistical, nonidentifying data regarding:

30 --the number of uncertified, long-form copies of original birth
31 certificates provided;

32 --the number of requests submitted by birth parents, through the
33 document of contact preference, for direct contact, contact by an
34 intermediary, and no contact; and

35 --the number of family history information documents submitted
36 by birth parents.

37 The Commissioner of Health, in consultation with the
38 Commissioner of Children and Families, is authorized to adopt
39 rules and regulations establishing:

40 --the required information and procedures for the document of
41 contact preference;

42 --the required information and procedures for submitting and
43 updating the family history information document; and

44 --a nominal fee for services provided under this bill, to meet the
45 costs of implementation.

46 To expedite the adoption of regulations, the Commissioner of
47 Health is authorized to adopt emergency regulations immediately
48 upon filing the regulations with the Office of Administrative Law.

1 DOH is to contract with media outlets throughout the country to
2 produce and distribute national public service messages to increase
3 public awareness of, and encourage participation in, the initiatives
4 established under this bill and to inform the public of the
5 procedures for obtaining a long-form copy of an adopted person's
6 birth certificate, submitting a document of contact preference, and
7 submitting family history information. In addition, DOH is to
8 ensure that this information is posted on its website and on the
9 State's website.

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1259

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 2014

The Assembly Human Services Committee reports favorably and with amendments Assembly Bill No. 1259.

As amended by the committee, this bill provides adult adopted persons and certain other individuals with the opportunity to obtain an adopted person's original birth certificate and other related documents, with certain restrictions to protect birth parents' privacy.

Specifically, the bill amends current law to allow the following persons, 18 years of age or older, to obtain access to an uncertified, long-form copy of an adopted person's original birth certificate, upon request to the State Registrar: 1) the adopted person; 2) a direct descendant, sibling, or spouse of the adopted person; 3) the adoptive parent, legal guardian, or other legal representative of the adopted person; or 4) a State or federal agency. Under current law, the only way to obtain an adopted person's original birth certificate is by court order.

The amended bill eliminates language in existing law that previously authorized a court to replace the adoptee's place of birth on the birth certificate with that of the adopting parents' residence. As amended, therefore, the bill generally requires the birth certificate to identify the adoptee's actual place of birth. However, in the case of a foundling, the bill requires the court to designate the date and place of birth. The bill, as amended, also updates references to birth certificates involving foreign adoptions, and directs local registrars of vital statistics to forward the original certificate of birth to the State Registrar when a new one is made.

The bill provides an opportunity for the birth parent of an adopted person to indicate a preference concerning contact with the adopted person, by filing with the State Registrar a document indicating whether the parent prefers direct contact with the adopted person, contact through the use of an intermediary, or no contact. The birth parent may change this preference at any time by submitting a revised document of contact preference to the State Registrar.

Pursuant to the amended bill's provisions, a birth parent who submits a document of contact preference to the State Registrar must additionally submit family history information, including medical,

cultural, and social history. A birth parent who prefers no contact will be encouraged to update their family history information every 10 years until the birth parent reaches the age of 40, and every five years thereafter. In order to ensure that an adopted person gains access to this family history information, the State Registrar, upon receiving a request for an uncertified, long-form copy of the original birth certificate, will provide the requester with information regarding the birth parent's preference for contact, as well as any family history information document that has been submitted to the State Registrar by the birth parent, including any updated information submitted. The bill authorizes the State Registrar to establish a system to inform authorized requesters in the event that new information is added to an adoptee's certificate of birth file.

An adoptee who is 18 years of age or older, upon submission of a written, notarized request to the adoption agency or intermediary who facilitated the adoption, may obtain any available medical or family history information concerning the adoptee, which is contained in the person's adoption file. If the requester is unable to obtain this information because the agency or intermediary is unknown, the requester may petition the court that granted the adoption to identify the agency or intermediary, if possible. As amended, the bill also authorizes an adoptee who was under the custody of the Division of Child Protection and Permanency (DCP&P) at the time of adoption, to request from the director of DCP&P a statement, based on DCP&P's case file, which summarizes the circumstances under which parental rights for the child were terminated.

The bill directs the State Registrar, through the Department of Health (DOH), to prepare information regarding counseling resources and the use of an intermediary for the purpose of enabling an adoptee to make contact with a birth parent, and to make this information available on the DOH website. The registrar is also required to provide this information to any person requesting the original long-form birth certificate or a copy of the contact preference document.

As specified in the amended bill, rules and regulations implementing the bill's provisions are to be adopted by the Commissioner of Health, in consultation with the Commissioner of Children and Families, and the rulemaking process may be expedited through the immediate adoption of emergency regulations upon their filing with the Office of Administrative Law.

Within two years after the bill's enactment, the Commissioner of Health and Commissioner of Children and Families must submit a report to the Legislature and the public on the development and administration of these initiatives. The report must include statistical data identifying the number of birth certificates provided, the number and type of contact preference documents submitted, and the number of family history documents received.

DOH is required by the bill, as amended, to contract with media outlets to produce and distribute national public service messages

designed to increase public awareness of, and encourage participation in, the initiatives established under this bill. DOH is additionally required to provide public service message information on its departmental website, as well as on the website that is operated by the State of New Jersey.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amendments clarify that the existing law and the bill's new provisions are equally applicable to adoptees who are born in New Jersey, and adoptees who are born in other states or foreign nations, so long as the State Registrar has received certification of the adoption proceeding or associated judicial decree or judgment.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 1259

STATE OF NEW JERSEY 216th LEGISLATURE

DATED: MARCH 27, 2014

SUMMARY

- Synopsis:** Permits adoptees and certain others to obtain adoptee's original birth certificate and other related information.
- Type of Impact:** Potential State expenditure increase, offset by potential State revenue increase. Minimal or no impact on local costs.
- Agencies Affected:** Department of Health. Department of Children and Families. Judiciary. Local registrars of vital statistics.

Office of Legislative Services Estimate

Fiscal Impact	<u>Years 1-3</u>
State Cost	Indeterminate Potential Increase – See comments below
State Revenue	Indeterminate Potential Increase – See comments below
Local Cost	Minimal or no impact – See comments below

- The Office of Legislative Services (OLS) believes that the bill may generate additional State costs associated with new procedures for releasing adopted persons' original birth certificates, collecting certain information from birth parents, and other provisions. These costs may be offset by additional State revenues from fees authorized under the bill. However, the magnitude of such costs and revenues cannot be determined due to insufficient information and uncertainties regarding the manner in which the Department of Health (DOH) will choose to implement the bill.
- Local registrars of vital statistics may incur certain additional costs, but such costs are likely to be minimal.

BILL DESCRIPTION

Assembly Bill No. 1259 (1R) of 2014 authorizes certain requesters, 18 years of age or older, to obtain an uncertified, long-form copy of an adopted person's original birth certificate upon

request to the State Registrar of Vital Statistics (State Registrar) in the DOH. The authorized requesters include: adopted persons; their direct descendants, siblings, or spouses; their adoptive parents, legal guardians, or other legal representatives; or a State or federal agency. The bill requires the State Registrar to authenticate the requester's identity and relationship with the adopted person.

The bill authorizes the DOH to: establish a fee for providing an uncertified, long-form copy of an adopted person's original birth certificate; and, in consultation with the Department of Children and Families (DCF), establish a nominal fee for services provided under the bill. The bill also removes the current fee of \$6.00, specified by statute, for creating a new birth certificate for an adopted person and provides that the DOH shall establish a new fee through regulation. In addition, the bill: amends existing law regarding the recording of an adoptee's place of birth on a new birth certificate; clarifies the treatment of foreign adoptions; and directs local registrars of vital statistics to forward original birth certificates to the State Registrar when new certificates are made.

The bill allows birth parents to indicate a preference concerning contact with adopted persons by filing a contact preference document with the State Registrar, and provides that a birth parent may change this preference by submitting a revised document. The bill requires birth parents who submit contact preference documents to also submit certain family history information to the State Registrar, including medical, cultural, and social history, and the bill requires the State Registrar to request that birth parents who prefer no contact to update their family history information every 10 years until the age of 40, and every five years thereafter. The State Registrar, upon receiving a request for a copy of an adopted person's original birth certificate, is required to provide the requester with a copy of the birth parent's contact preference document, as well as any family history information submitted by the birth parent. The bill authorizes the State Registrar to establish a system to inform authorized requesters when new information is added to an adoptee's certificate of birth file.

The bill also provides that an adult adopted person, upon written request, may obtain any available family history information on file with the adoption agency or intermediary that facilitated the person's adoption. If the requester is unable to obtain this information because the agency or intermediary is unknown, the bill permits the requester to petition the court that granted the adoption to identify the agency or intermediary. The bill also authorizes a person who was adopted while under the custody of the Division of Child Protection and Permanency (DCP&P) in the DCF to request from the DCP&P a statement, based on DCP&P's case file, summarizing the circumstances under which parental rights for the person were terminated.

The bill directs the State Registrar to develop information on counseling resources and the use of an intermediaries for contacting birth parents, and to provide such information: through the DOH website; and to any person requesting an original birth certificate or copy of a contact preference document. Further, the DOH is required to: contract with media outlets to produce and distribute national public service messages designed to increase public awareness of, and encourage participation in, the initiatives established under the bill; and make available the public service message information on the department and State websites. The bill also directs the Commissioner of Health, in consultation with the Commissioner of Children and Families, to submit a report, containing relevant statistical data and recommendations, to the Legislature and the public on the bill's initiatives within two years of its enactment.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that State costs and revenues associated with this bill are indeterminate. The new procedures for releasing adopted persons' original birth certificates and for collecting certain information from birth parents would likely generate State administrative costs, but the costs may be offset by revenues from fees authorized under the bill. However, the OLS cannot estimate the likely costs and offsetting revenues due to insufficient information and DOH discretion over implementing certain bill provisions.

The State Registrar in the DOH may incur additional, indeterminate administrative costs from the following activities:

- Processing requests for copies of original birth certificates and authenticating the identity of requesters and their relationships with adopted persons;
- Developing, disseminating, and processing certain new materials, including the contact preference documents and family history information forms; and
- Maintaining and updating files with contact preference documents and family history information and disclosing such information to authorized requesters.

However, available information does not indicate: the number of requests for original birth certificates likely to be processed under the bill; the number of birth parents likely to submit contact preference documents and family history information; the State Registrar's current capacity to absorb its new responsibilities without additional resources; and other factors necessary to estimate likely State costs.

State costs also depend upon how the DOH chooses to implement certain provisions. For example, the bill provides the State Registrar with discretion over whether to develop a system to inform authorized requesters of new information added to an adopted person's file. Further, the bill does not specify which media are to be involved in the required national public awareness campaign, effectively providing the DOH with discretion to implement the campaign through a potentially lower-cost approach, such as newspaper or Internet advertising, or through a more costly radio, television, or multimedia strategy. (Although public service announcements are generally placed or aired for free, the DOH would likely incur production and distribution costs, which might exceed several hundred thousand dollars for an elaborate television campaign.)

Additional State revenues may be generated from fees authorized or increased under the bill for copies of original birth certificates, new birth certificates, and other services. Because the bill provides the DOH with discretion over the amounts of fees to be charged, the department may establish fees that are sufficient to partially or fully offset its increased costs.

The DCF and the DOH may, respectively, incur indeterminate, minimal State costs from: providing information regarding the termination of parental rights for adoptees who were under DCF supervision; and producing the required report to the Legislature, including collecting and analyzing relevant data. The Judiciary may also incur certain indeterminate, minimal costs under the bill, such as assisting adopted persons with identifying the agencies or intermediaries that originally facilitated their adoptions, and those costs may be offset by savings from reductions in the number of petitions for court orders to release original birth certificates.

Local registrars of vital statistics may incur certain costs associated with identifying and forwarding original birth certificates to the State Registrar when new certificates are made.

However, the OLS expects that such costs are likely to be minimal, given the relatively low number of annual adoptions in any given locality (federal data from 2000 through 2008 suggest that, on average, approximately 2,400 adoptions occur Statewide each year).

Section: Human Services

*Analyst: Nathan E. Myers
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BILL NO. 873
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 873, (First Reprint), which reforms access to birth records, with my recommendations for reconsideration. The questions considered in this bill have been thoughtfully and passionately examined for decades, producing numerous proposals for reform. Advocates on all sides, however, share the view that life is a precious gift, and that the birth of a child is always an occasion for celebration among family, friends, and community. With this in mind, I agree with the sponsors that New Jersey should take a new open approach to adoption records that eliminates the requirement of obtaining a court order to access birth records.

I recognize, of course, that seeking adoptive parents for a child is a profoundly complicated choice. For some, the protections of anonymity may be a consideration. For others, the ability to maintain a life-long relationship with the child is critical. Indeed, as the sincere dialogue surrounding this bill has demonstrated, the nature of adoption has transformed over last half-century from a path of last resort, to a life-affirming partnership between birth parents, adoptive parents, and their children. Adoption is now properly regarded as a natural choice for parents seeking to grow their families, and a supportive and loving pathway for parents who reach the mature decision to provide their child with the opportunities of a new home. Our State's current laws, however, have not been updated to reflect this interactive culture of parenthood. New Jersey has no uniform and objective standards for accessing birth records, or even medical information, and our laws place an often insurmountable barrier between adopted children and their

birth parents. The process of connecting birth parents and their children that requires a difficult resort to the court system is not in the best interests of New Jersey's adopted children, their families, and the ever-expanding culture of life that has taken root in our State.

I commend the sponsors of this bill for their leadership on this critical issue, and their work in bringing forth needed changes. While I share the sponsors' goals, I recommend additional safeguards necessary to balance the needs of adoptees seeking critical records of their identity, with the expectations of birth parents in years past who may wish to remain private. The recommendations here will achieve those goals, while respecting and protecting the interests of adoptees, birth parents and adoptive parents.

Specifically, I recommend the bill be amended to create a suitable transition and implementation period allowing an adoptee to obtain an original birth certificate without involvement from the courts beginning in 2017. For adoptions finalized after August 1, 2015, long-form birth certificates will be available without redaction, and birth parents are permitted to submit an information statement electing their preferred method of personal contact. For adoptions finalized before August 1, 2015, birth parents may choose to file a preference for contact with the State Registrar, selecting from options including direct interaction, contact through an intermediary, or sharing of only medical information with continued privacy. Providing this transition period will permit for appropriate educational campaigns on new open adoptions, and avoid altering the settled expectations of parents and children without notice.

These narrow recommendations strike an appropriate balance that will enhance the lives of adopted children and their parents. I thank the sponsors for their leadership and compromise on this important reform of adoptions. I look forward to swift passage of these recommendations, which will be promptly signed into law.

Accordingly, I herewith return Senate Bill No. 873 (First Reprint) and recommend that it be amended as follows:

- Page 2, Section 2, Line 24: Delete "public"
- Page 5, Section 4, Line 7: Delete ". The State Registrar" and insert "in accordance with the provisions of P.L. , c. (C.)(pending before the Legislature as this bill)."
- Page 5, Section 4, Lines 8-13: Delete in their entirety
- Page 6, Section 5, Line 29: After "birth file." insert new subsection i. to read as follows:
- "i. Notwithstanding the provisions of this section, in the case of a person adopted prior to August 1, 2015, a birth parent may submit a request for redaction of name and other identifying information of the birth parent to the State Registrar on or before December 31, 2016 that provides that the name and other identifying information of the birth parent shall be redacted in response to a request pursuant to R.S. 26:8-40.1, section 4 of P.L. ,c. (C.)(pending before the Legislature as this bill), or this section. At any time following the request for redaction, the birth parent may rescind the redaction request and the State Registrar shall provide the identifying information concerning the birth parent. The State Registrar shall retain a copy of the revised request for redaction and share the information based on the revised request for redaction document in accordance with the provisions of this section."

- Page 6, Section 6, Lines 31-47: Delete in their entirety
- Page 7, Section 6, Lines 1-14: Delete in their entirety
- Page 7, Line 15: Insert new section 6 to read as follows:
- "6. (New section) a. Nothing in this act shall affect regulations adopted by the Department of Children and Families with respect to adoptions facilitated by the Department of Children and Families.
- b. Nothing in this act shall alter the requirement for an approved adoption agency to provide a prospective parent with non-identifying information relevant to the child's development, including the child's developmental and medical history, and the birth parents' complete medical histories, as provided in section 1 of P.L.1979, c.292 (C.9:3-41.1)."
- Page 7, Section 7, Lines 16-30: Delete in their entirety and insert new section 7 to read as follows:
- "7. (New section) In the event that the adopted person was under the care and custody of the Division of Child Protection and Permanency in the Department of Children and Families at the time of the person's adoption, the director of the Division of Child Protection and Permanency shall provide, upon request by an authorized requester, a statement providing summaries of the medical and social characteristics of birth family members, family health histories, the facts and circumstances related to adoptive placement, and summaries of case record material. The director shall not release case records in response to such a request."
- Page 7, Section 8, Lines 31-47: Delete in their entirety

Page 8, Section 8, Lines 1-5:

Delete in their entirety

Page 8, Line 6:

Insert new section 8 to read as follows:

"8. (New section) a. An authorized requester may request the adoption facilitator that placed the child for adoption or conducted an investigation pursuant to section 12 of P.L.1977, c.367 (C.9:3-48) to provide any available non-identifying family medical history information concerning the adopted person contained in that person's confidential case records maintained by the adoption facilitator.

b. Upon receipt of a request pursuant to subsection a. of this section, the adoption facilitator shall provide the requester with a detailed summary of any available non-identifying family medical history information concerning the adopted person contained in that person's confidential case records.

c. If the requester is unable to obtain any available non-identifying family medical history information pursuant to subsection b. of this section because the adoption facilitator is unknown, in order to accommodate the request, the requester may petition the court that granted the adoption to identify the adoption facilitator, if possible."

Page 8, Section 9, Lines 7-20:

Delete in their entirety

Page 8, Line 21:

Insert new section 9 to read as follows:

"9. (New section) a. Notwithstanding the requirements of P.L. , c. (C.) (pending before the Legislature as this bill) to the contrary, in the case of a child who was surrendered pursuant to the "New Jersey Safe Haven Infant Protection Act," P.L.2000, c.58 (C.30:4C-15.5 et seq.) and upon receipt of notification from the Division of Child Protection

and Permanency in the Department of Children and Families in accordance with the provisions of subsection b. of this section, the State Registrar shall not provide any of the birth parent's identifying information recorded on the child's certificate of birth upon receipt of a request from an authorized requester for an uncertified, long-form copy of an adopted person's original certificate of birth in accordance with the provisions of subsection c. of R.S. 26:8-40.1 and section 4 of P.L. , c. (C.) (pending before the Legislature as this bill).

b. The Division of Child Protection and Permanency in the Department of Children and Families shall notify the State Registrar when a child is surrendered pursuant to P.L.2000, c.58 (C.30:4C-15.5 et seq.) to enable the State Registrar to identify the certificate of birth of the child who was so surrendered and deem that the uncertified, long-form copy of the original certificate of birth shall not be provided to the authorized requester.

c. Nothing in this act shall be construed to require the Division of Child Protection and Permanency in the Department of Children and Families to provide any identifying information about the birth parents of a child who was surrendered pursuant to the provisions of P.L.2000, c.58 (C.30:4C-15.5 et seq.)."

- Page 8, Section 10, Lines 22-23: Delete ", in consultation with" and insert "and"
- Page 8, Section 10, Line 23: After "Families," insert "as appropriate,"
- Page 8, Section 10, Line 25: Delete "which shall:" and insert "to carry out the provisions of this act."
- Page 8, Section 10, Lines 26-32: Delete in their entirety
- Page 8, Section 11, Line 36: Delete "shall" and insert "and the Commissioner of Children and Families may"

Page 8, Section 11, Line 37: Delete "commissioner deems" and insert "commissioners deem"

Page 8, Section 11, Line 41: Delete "commissioner" and insert "commissioners"

Page 8, Section 12, Line 45: Delete "sections 3," and insert "section 5 shall take effect on August 1, 2015; and sections 3 and 4 shall take effect on January 1, 2017."

Page 8, Section 12, Line 46: Delete in its entirety

Page 8, Section 12, Line 47: Delete "following the date of enactment."

Page 9, Section 12, Line 2: After "this act" insert ", including allowing a birth parent to submit a document of contact preference prior to August 1, 2015"

[seal]

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Paul B. Matey

Deputy Chief Counsel

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Governor Christie: Adoption Is A Miracle That Should Be Respected And Protected

Tuesday, May 27, 2014

Tags: [Bill Action](#)



<https://www.youtube.com/watch?v=jwRiUoz3Etg>

Transcript:

Governor Christie: My parents decided to adopt because they wanted to add to our family, and it gave me the ability to have a sister in my life for now the last 39 years, and it's important that we don't diminish the joy felt by families experiencing adoption. I want them to have that opportunity and I also want the young woman who makes the decision to give up her child to be protected as well. So we're bringing all that together today through the signing that we just experienced. We're bringing forth the needed changes and the safeguards that will protect the privacy of the woman who offers her child for adoption if she so desires that privacy and ensures that we allow the child and his or her adoptive parents to have access to medical information and other information later on to help them care for their own health and the health of their family. As a result of the legislation that I just signed New Jersey is bringing a new open approach to adoption and birth records by removing the lengthy and burdensome requirement of obtaining a court order in order for adopted children and adoptive parents to access those birth records, and by preserving privacy options for birth parents by allowing them to select a preference for contact, either direct contact or contact through a confidential intermediary or access to medical records only with continued privacy. Now these changes achieve our intended goals of protecting and respecting the interests of all of the people involved in the adoption process while at the same time making sure that the miracle of adoption, the miracle that was experienced by my own family and is still being experienced by us today is available to as many people in New Jersey who have an open heart and a willingness to share their home and their lives with a new member of the family.

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Press Contact:

<http://nj.gov/governor/news/news/552014/approved/20140527b.html>

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