

ASSEMBLY, No. 3672

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JANUARY 6, 2011

Sponsored by:

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Assemblyman DECLAN J. O'SCANLON, JR.

District 12 (Mercer and Monmouth)

Assemblyman PETER J. BARNES, III

District 18 (Middlesex)

Assemblyman ANTHONY M. BUCCO

District 25 (Morris)

Co-Sponsored by:

Assemblymen DiCicco, DiMaio, Giblin, Assemblywomen Casagrande and Angelini

SYNOPSIS

Provides for access to adoptee's original birth certificate under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/4/2011)

A3672 QUIGLEY, O'SCANLON

2

1 AN ACT concerning adoption, amending R.S.26:8-40.1, and
2 supplementing Titles 9 and 26 of the Revised Statutes.

3

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

6

7 1. R.S.26:8-40.1 is amended to read as follows:

8 26:8-40.1. a. When any person born in New Jersey who has
9 been adopted pursuant to provisions of the laws of any state or
10 country, and which adoption has been certified to the State
11 Registrar as required by **[paragraph B of section 15 of P.L.1953,**
12 **c.264 (C.9:3-31)]** subsection b. of section 16 of P.L.1977, c.367
13 (C.9:3-52) or there is submitted a certification or a certified copy of
14 the decree or judgment of the court in such adoption proceedings,
15 the State Registrar shall establish, in lieu of the original birth
16 record, a certificate of birth showing (a) the name of the adopted
17 person as changed by the decree of adoption, if changed, (b) the
18 date and place of birth, (c) the names of the adopting parents or
19 parent including the maiden name of the female adopting parent if
20 such name is given in the certification or certified copy of the
21 decree or judgment of the court, and (d) the date of filing. In any
22 instance where the child has been adopted by the spouse of the
23 natural parent the name of such parent shall also be entered on the
24 new certificate of birth. Such certificate shall be of the same
25 general type as is used in making a birth certificate for a person
26 who has not been adopted.

27 Upon application by an adopting parent or parents of any person
28 born in the United States and adopted pursuant to the laws of this
29 State, the court before which the adoption proceedings have been
30 conducted, may, for good cause shown, direct and order that the
31 place of birth shall be the residence of the adopting parent or
32 parents at the time of said adoption; provided, however, that the
33 adopting parent or parents were residents of this State at the time of
34 said adoption.

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

42 The State Registrar may file such a new certificate:

43 **[a.]** (1) for any foundling, for any child born in any state, and
44 for any child for whom an original birth report cannot be located,
45 who has been adopted in New Jersey; provided that there is attached

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 to the decree or judgment of the court in such adoption proceeding
2 or is submitted to the State Registrar a certified copy of the original
3 birth record or acceptable evidence of birth. In the case of a
4 foundling, the date and place of birth may be decided by the
5 adopting parent or parents if not decided by the court before which
6 the adoption proceedings were conducted; and

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

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

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

35 b. 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 order of
38 a court of competent jurisdiction or as provided for in P.L. _____, c.
39 (C. _____)(pending before the Legislature as this bill).

40 c. Thereafter whenever a certificate of birth of such person is
41 issued, it shall be made from the new certificate of birth except
42 when an order of a court of competent jurisdiction, or P.L. _____, c.
43 shall require the issuance of **【a】** an uncertified, long-form copy of
44 the original certificate of birth.

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

46

47 2. (New section) a. As used in this section:

1 "Certified confidential intermediary" means a confidential
2 intermediary who has been certified by the Department of Children
3 and Families pursuant to this section.

4 "Confidential intermediary" means a person who conducts a
5 confidential diligent search to locate a birth parent on behalf of an
6 adopted person 18 years of age or older, or an adoptive parent or
7 guardian of a minor adopted person; and

8 "Diligent search" means a review of records, as appropriate, that
9 may contain information about a birth parent, including, but not
10 limited to, a review of:

11 (1) background information that is available at an approved
12 agency or from an attorney that facilitated the adoption of the
13 person 18 years of age or older, or the minor adopted person on
14 whose behalf a request is made to the State Registrar pursuant to
15 this act;

16 (2) information available from State, federal, and other state
17 agencies, including law enforcement agencies;

18 (3) current and prior telephone books on a Statewide basis;

19 (4) social media sites;

20 (5) electronic database search services;

21 (6) court records in this State and other states;

22 (7) information obtained from contacting unions, different
23 branches of the military, employers, and clubs to determine
24 affiliation with these entities;

25 (8) information obtained from contacting former neighbors, high
26 school or college alumni offices, professional licensing boards, and
27 houses of worship;

28 (9) information obtained from contacting local post offices to
29 research old addresses;

30 (10) information available with regard to voter registration
31 information;

32 (11) tax or real estate records; and

33 (12) if records indicate the birth parent may be deceased,
34 information obtained from contacting cemeteries.

35 b. An approved agency, excluding the Department of Children
36 and Families, which conducts searches for birth parents pursuant to
37 regulations of the Department of Children and Families, shall
38 develop a curriculum for training a person as a certified confidential
39 intermediary.

40 c. A person seeking to serve as a certified confidential
41 intermediary shall apply to the Department of Children and
42 Families for certification. The department shall certify a person as
43 a confidential intermediary if, at a minimum, that person:

44 (1) has successfully completed the training provided by an
45 approved agency pursuant to this section; or

46 (2) has a minimum of two years' experience successfully
47 conducting confidential searches on behalf of an approved agency.

1 d. The department shall maintain a list of certified confidential
2 intermediaries which it shall share and update, as appropriate, with
3 the Department of Health and Senior Services.

4
5 3. (New section) a. In the case of a person adopted prior to the
6 effective date of this act, an adopted person 18 years of age or
7 older, or an adoptive parent or guardian of a minor adopted person
8 who has had contact with a birth parent may submit to the State
9 Registrar a written, notarized request for an uncertified, long-form
10 copy of the original certificate of birth of the adopted person, and
11 also shall provide a written, notarized consent from the birth parent
12 of the adopted person, on a form prescribed by the Department of
13 Health and Senior Services, stating that the birth parent consents to
14 the release of the certificate of birth to the requester. Upon receipt
15 of the consent form, the State Registrar shall retain the form in the
16 adopted person's original certificate of birth file, and provide the
17 requester with the uncertified, long-form copy of the original
18 certificate of birth.

19 In the event the original certificate of birth of the adopted person
20 includes the names of both birth parents of the adopted person, if
21 the State Registrar has not received a written, notarized consent
22 from both birth parents, the State Registrar shall redact the name of
23 the birth parent from whom he has not received consent, and
24 provide the redacted copy to the requester. If, in the future, that
25 birth parent submits a consent pursuant to this subsection, the State
26 Registrar shall provide the requester with an uncertified, long-form
27 copy of the original certificate of birth without the redaction.

28 b. In the case of a person adopted prior to the effective date of
29 this act, if an adopted person 18 years of age or older, or an
30 adoptive parent or guardian of a minor adopted person who seeks
31 release of a certificate of birth due to the minor's medical condition,
32 is unable to submit a consent pursuant to subsection a. of this
33 section, the adopted person 18 years of age or older, or the adoptive
34 parent or guardian may submit to the State Registrar a written,
35 notarized request for an uncertified, long-form copy of the original
36 certificate of birth of the adopted person. Upon receipt of the
37 request, the State Registrar shall contact a certified confidential
38 intermediary included on the list of certified confidential
39 intermediaries maintained by the Department of Children and
40 Families, as provided in section 2 of P.L. , c. (C.)(pending
41 before the Legislature as this bill), who shall conduct a confidential
42 diligent search for each birth parent named on the original
43 certificate of birth of the adopted person.

44 (1) If the search reveals that the birth parent consents to the
45 release of an uncertified, long-form copy of the original certificate
46 of birth of the adopted person to the requester, the certified
47 confidential intermediary shall obtain a written, notarized consent,
48 on a form prescribed by the Department of Health and Senior

1 Services, from the birth parent stating that the birth parent consents
2 to such release. Upon receipt of the consent form, the State
3 Registrar shall retain the form in the adopted person's original
4 certificate of birth file, and provide an uncertified, long-form copy
5 of the original certificate of birth of the adopted person to the
6 requester.

7 The State Registrar shall include with the uncertified, long-form
8 copy of the original certificate of birth a notice recommending that
9 the requester, prior to seeking contact with the birth parent, contact
10 the approved agency or the attorney who facilitated the adoption to
11 obtain information about counseling resources and the use of a
12 confidential intermediary, as defined in section 2 of P.L. , c. ,
13 (C.) (pending before the Legislature as this bill), for the
14 purpose of making contact with the birth parent.

15 (2) If the search reveals that the birth parent does not consent to
16 the release of the uncertified, long-form copy of the original
17 certificate of birth of the adopted person to the requester, the
18 certified confidential intermediary shall request the birth parent to
19 submit family medical history information, on a form prescribed by
20 the Department of Health and Senior Services, and to update that
21 form, as appropriate, by submitting the initial and any updated
22 forms to the State Registrar, who shall retain the initial and any
23 updated forms in the adopted person's original certificate of birth
24 file. Upon receipt of an initial family medical history information
25 form, the State Registrar shall provide a copy of the initial form to
26 the requester with all identifying information redacted. Updated
27 family medical history information forms shall be provided upon a
28 subsequent written, notarized request to the State Registrar by the
29 requester.

30 The certified confidential intermediary shall advise the birth
31 parent that, in the future, if the birth parent wishes to consent to the
32 release of the uncertified, long-form copy of the original certificate
33 of birth to the requester, the birth parent may complete and submit
34 to the State Registrar a consent form, as provided for in this section.
35 If the birth parent submits the consent form, the State Registrar
36 shall retain the form in the adopted person's original certificate of
37 birth file, and provide the requester with an uncertified, long-form
38 copy of the original certificate of birth of the adopted person and
39 the notice recommending the requester contact the agency or
40 attorney who facilitated the adoption, as provided in this section.

41 (3) If, 12 months after the commencement of the confidential
42 diligent search, the certified confidential intermediary is unable to
43 locate the birth parent, the certified confidential intermediary shall
44 so advise the State Registrar, on a form prescribed by the
45 department. The State Registrar shall retain the form in the adopted
46 person's original certificate of birth file, and provide an uncertified,
47 long-form copy of the original certificate of birth of the adopted
48 person to the requester.

1 (4) If the search reveals that the birth parent is deceased, the
2 certified confidential intermediary shall so advise the State
3 Registrar, on a form prescribed by the department. The State
4 Registrar shall retain the form in the adopted person's original
5 certificate of birth file, and provide an uncertified, long-form copy
6 of the original certificate of birth of the adopted person to the
7 requester.

8 (5) If the search reveals that the birth parent is unable to
9 complete a consent form because the birth parent is an incapacitated
10 individual as defined in N.J.S.3B:1-2, the certified confidential
11 intermediary shall attempt to obtain consent from the legal guardian
12 of the birth parent. Upon receipt of a written, notarized consent
13 from the legal guardian, the State Registrar shall retain the form in
14 the adopted person's original certificate of birth file, and provide the
15 uncertified, long-form copy of the original certificate of birth of the
16 adopted person to the requester. If the certified confidential
17 intermediary is unable to obtain such consent, the uncertified, long-
18 form copy of the original certificate of birth shall not be provided.

19 (6) If the original certificate of birth of the adopted person
20 includes the names of both birth parents of the adopted person, and
21 the search reveals that:

22 (a) one birth parent, or the legal guardian of a birth parent who
23 is an incapacitated individual, does not consent to the release of the
24 uncertified, long-form copy of the original certificate of birth of the
25 adopted person to the requester, the State Registrar shall redact the
26 name of that birth parent from the uncertified, long-form copy of
27 the original certificate of birth, and provide the redacted copy to the
28 requester;

29 (b) one birth parent is deceased and the surviving birth parent
30 does not consent to the release of the uncertified, long-form copy of
31 the original certificate of birth of the adopted person to the
32 requester, the State Registrar shall redact the name of the surviving
33 birth parent from the uncertified, long-form copy of the original
34 certificate of birth, and provide the redacted copy to the requester;
35 or

36 (c) one birth parent cannot be located 12 months after
37 commencement of the confidential diligent search, the State
38 Registrar shall provide the uncertified, long-form copy of the
39 original certificate of birth of the adopted person or any family
40 medical history information submitted, as applicable, based on the
41 results of the search for the birth parent who was located, in
42 accordance with the provisions of this section.

43

44 4. (New section) a. In the case of a person adopted after the
45 effective date of P.L. , c. (C.) (pending before the
46 Legislature as this bill), the birth parent shall submit to an approved
47 agency or the attorney who facilitated the adoption at the time of
48 the surrender of the child for adoption, a birth parent information

1 statement. The Department of Children and Families shall establish
2 regulations to ensure that, at the time of the surrender, the approved
3 agency or the attorney who facilitated the adoption inform both
4 birth parents of the procedures for submitting a birth parent
5 information statement.

6 The statement shall be established by the Department of Children
7 and Families, and shall specify the level of information relating to
8 an adoption that shall be shared with the adopted person 18 years of
9 age or older, or an adoptive parent or guardian of a minor adopted
10 person who seeks release of a certificate of birth due to the minor's
11 medical condition, if the adopted person or adoptive parent or
12 guardian submits a written, notarized request for an uncertified,
13 long-form copy of the original certificate of birth to the State
14 Registrar pursuant to section 5 of P.L. , c. (C.) (pending
15 before the Legislature as this bill). The birth parent may, in the
16 future, ask to update and submit a revised statement to the approved
17 agency or attorney who facilitated the adoption.

18 b. A birth parent information statement submitted by a birth
19 parent shall specify the following options, from which the birth
20 parent may select one:

21 (1) "Complete information sharing" means a birth parent
22 consents to the release of an uncertified, long-form copy of the
23 original certificate of birth of the adopted person, including the
24 birth parent's name, last known address, and telephone number, if
25 available;

26 (2) "Intermediary information sharing only" means a birth
27 parent does not consent to the release of an uncertified, long-form
28 copy of the original certificate of birth of the adopted person but
29 agrees to communication with the adopted person or the adoptive
30 parent or guardian through a certified confidential intermediary, as
31 defined in section 2 of P.L. , c. (C.) (pending before the
32 Legislature as this bill), or another third party designated by the
33 birth parent on the birth parent information statement; or

34 (3) "Medical information sharing only" means a birth parent
35 does not consent to the release of an uncertified, long-form copy of
36 the original certificate of birth of the adopted person but agrees to
37 periodic communication limited to the sharing of non-identifying
38 family medical history information, with the adopted person or the
39 adoptive parent or guardian through a certified confidential
40 intermediary, as defined in section 2 of P.L. c. (C.)
41 (pending before the Legislature as this bill), or another third party
42 designated by the birth parent on the birth parent information
43 statement.

44 c. The approved agency or attorney who facilitated the
45 adoption shall transmit the completed birth parent information
46 statement and any revised statement to the State Registrar who shall
47 retain the statement in the adopted person's original certificate of
48 birth file.

1 d. A copy of the completed and any revised birth parent
2 information statement also shall be retained in the adopted person's
3 confidential case records maintained by the approved agency or the
4 attorney who facilitated the adoption.

5
6 5. (New section) a. In the case of a person adopted after the
7 effective date of P.L. , c. (C.) (pending before the
8 Legislature as this bill), an adopted person 18 years of age or older,
9 or an adoptive parent or guardian of a minor adopted person who
10 seeks release of a certificate of birth due to the minor's medical
11 condition, may submit to the State Registrar a written, notarized
12 request for an uncertified long-form copy of the original certificate
13 of birth of the adopted person.

14 b. (1) Upon receipt of the request, the State Registrar shall
15 review the adopted person's original certificate of birth file, and if
16 the birth parent has submitted a birth parent information statement
17 pursuant to section 4 of P.L. , c. (C.) (pending before the
18 Legislature as this bill) specifying "complete information sharing,"
19 the State Registrar shall provide an uncertified, long-form copy of
20 the original certificate of birth of the adopted person to the
21 requester.

22 The State Registrar shall include with the uncertified, long-form
23 copy of the original certificate of birth a notice recommending that
24 the requester, prior to seeking contact with the birth parent, contact
25 the approved agency or the attorney who facilitated the adoption to
26 obtain information about counseling resources and the use of a
27 confidential intermediary, as defined in section 2 of P.L. , c. (C.)
28 (pending before the Legislature as this bill), for the purpose of
29 making contact with the birth parent.

30 (2) If the birth parent has submitted a birth parent information
31 statement specifying "intermediary information sharing only," the
32 State Registrar shall inform the requester of the birth's parent's wish
33 to communicate with the requester through a certified confidential
34 intermediary, as defined in section 2 of P.L. , c. , (C.)
35 (pending before the Legislature as this bill), or another third party
36 designated by the birth parent on the birth parent information
37 statement.

38 (3) If the birth parent has submitted a birth parent information
39 statement specifying "medical information sharing only," the State
40 Registrar shall inform the requester of the birth parent's wish for
41 periodic communication limited to the sharing of non-identifying
42 family medical history information with the requester through a
43 certified confidential intermediary, as defined in section 2 of
44 P.L. , c. (C.) (pending before the Legislature as this bill),
45 or another third party designated by the birth parent on the birth
46 parent information statement.

47 (4) If both birth parents have not submitted birth parent
48 information statements pursuant to section 4 of P.L. c. (C.)

1 (pending before the Legislature as this act) specifying "complete
2 information sharing," the State Registrar shall: redact the name and
3 other identifying information of the birth parent who has not
4 specified "complete information sharing" from the uncertified, long-
5 form copy of the original certificate of birth; provide the redacted
6 copy to the requester; and share other information based on the
7 statements in accordance with this section.

8 c. If the birth parent submits a revised statement to the
9 approved agency or attorney who facilitated the adoption pursuant
10 to section 4 of P.L. , c. (C.) (pending before the
11 Legislature as this bill), the State Registrar shall share information
12 with the requester based on the revised statement in accordance
13 with the provisions of this section.

14

15 6. (New section) a. Nothing in this act shall affect searches
16 conducted pursuant to regulations adopted by the Department of
17 Children and Families with respect to:

18 (1) adoptions facilitated by the Department of Children and
19 Families; or

20 (2) searches conducted by other approved agencies.

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

27

28 7. (New section) a. Notwithstanding the requirements of
29 P.L. , c. (C.) (pending before the Legislature as this bill) to
30 the contrary, in the case of a child who was surrendered pursuant to
31 the "New Jersey Safe Haven Infant Protection Act," P.L.2000, c.58
32 (C.30:4C-15.5 et seq.), and upon receipt of notification from the
33 Division of Youth and Family Services in the Department of
34 Children and Families pursuant to subsection b. of this section, the
35 State Registrar shall not provide an adopted person 18 years of age
36 or older, or an adoptive parent or guardian of a minor adopted
37 person with an uncertified, long-form copy of the original
38 certificate of birth of the adopted person, upon a written, notarized
39 request for an uncertified long-form copy of the adopted person's
40 original certificate of birth.

41 b. The Division of Youth and Family Services in the
42 Department of Children and Families shall notify the State Registrar
43 when a child is surrendered pursuant to P.L.2000, c.58 (C.30:4C-
44 15.5 et seq.) to enable the State Registrar to identify the certificate
45 of birth of the child who was so surrendered and deem that the
46 uncertified, long-form copy of the original certificate of birth shall
47 not be provided to a requester.

1 birth file, and provide the uncertified, long-form copy of the
2 original certificate of birth to the requester. If the birth certificate
3 includes the names of both birth parents and the State Registrar has
4 not received a written consent from both birth parents, the name of
5 the birth parent who did not provide consent would be redacted
6 prior to releasing the uncertified, long-form copy of the original
7 certificate of birth to the requester.

8 In the case of a person adopted prior to the effective date of the
9 bill, if the adult adoptee, or adoptive parent or guardian of a minor
10 adopted person who seeks release of a certificate of birth due to the
11 minor's medical condition, is unable to submit a consent, as
12 described above, the adult adoptee or adoptive parent or guardian
13 may submit to the State Registrar a written, notarized request for an
14 uncertified, long-form copy of the original certificate of birth of the
15 adopted person. Upon receipt of the request, the State Registrar
16 would contact a "certified confidential intermediary," who is a
17 person: (1) trained to perform confidential diligent searches for a
18 birth parent by an approved adoption agency (licensed by the
19 Department of Children and Families (DCF), or has a minimum of
20 two years' experience successfully conducting the searches on
21 behalf of an approved agency; and (2) certified by DCF to perform
22 confidential diligent searches for a birth parent. DCF would
23 maintain a list of certified confidential intermediaries, which would
24 be shared with DHSS. The search would be conducted for each
25 birth parent named on the original certificate of birth.

26 If the search reveals that:

- 27 • the birth parent consents to the release of an uncertified, long-
28 form copy of the original certificate of birth to the requester, the
29 certified confidential intermediary must obtain a written,
30 notarized consent, on a form prescribed by DHSS, from the birth
31 parent stating that the birth parent consents to the release. Upon
32 receipt of the consent form, the State Registrar would retain the
33 form in the adopted person's original certificate of birth file, and
34 provide an uncertified, long-form copy of the original certificate
35 of birth of the adopted person to the requester. The State
36 Registrar would include with the copy a notice recommending
37 the requester contact the approved agency or the attorney who
38 facilitated the adoption prior to seeking contact with the birth
39 parent, to obtain information about counseling resources and the
40 use of a confidential intermediary for the purpose of making
41 contact with the birth parent;
- 42 • the birth parent does not consent to the release of the uncertified,
43 long-form copy of the original certificate of birth of the adopted
44 person, the certified confidential intermediary must request that
45 the birth parent submit family medical history information, on a
46 form prescribed by DHSS, and update that form, as appropriate,
47 by submitting the initial and any updated forms to the State
48 Registrar, who would retain the initial and any updated forms in

1 the birth file. Upon receipt of an initial family medical history
2 information form, the State Registrar would provide a copy of
3 the initial form to the requester with all identifying information
4 redacted, and updated information forms would be provided
5 upon subsequent written, notarized requests to the State
6 Registrar.

7 Additionally, the certified confidential intermediary must
8 advise the birth parent that, in the future, if the birth parent
9 wishes to consent to the release of the uncertified, long-form
10 copy of the original certificate of birth, the birth parent may
11 complete and submit to the State Registrar a consent form, as
12 provided for above. If the birth parent submits the consent form,
13 the State Registrar would retain the form in the birth file, and
14 provide the requester with an uncertified, long-form copy of the
15 original certificate of birth of the adopted person, as well as the
16 notice recommending contact with the agency or attorney who
17 facilitated the adoption;

- 18 • the birth parent is deceased or after 12 months the certified
19 confidential intermediary is unable to locate the birth parent, the
20 certified confidential intermediary shall so advise the State
21 Registrar, on a form prescribed by DHSS. The State Registrar
22 would retain the form in the birth file, and provide an
23 uncertified, long-form copy of the original certificate of birth of
24 the adopted person to the requester; or
- 25 • the birth parent is unable to complete a consent form because the
26 birth parent is an incapacitated individual as defined in
27 N.J.S.3B:1-2, the certified confidential intermediary must
28 attempt to obtain consent from the legal guardian of the birth
29 parent. Upon receipt of a written, notarized consent from the
30 legal guardian, the State Registrar would retain the form in the
31 birth file, and provide the uncertified, long-form copy of the
32 original certificate of birth of the adopted person to the
33 requester. If the certified confidential intermediary is unable to
34 obtain such consent, the uncertified, long-form copy of the
35 original certificate of birth would not be provided.
- 36 • If the original certificate of birth includes the names of both birth
37 parents and the search reveals that:
 - 38 -- one birth parent or the legal guardian of a birth parent who
39 is an incapacitated individual does not consent to the release of
40 the original certificate of birth of the adopted person to the
41 requester, the State Registrar shall redact the name of that birth
42 parent from the uncertified, long-form copy of the original
43 certificate of birth, and provide the redacted copy to the
44 requester;
 - 45 -- one birth parent is deceased and the surviving birth parent
46 does not consent to the release, the State Registrar shall redact
47 the name of the surviving birth parent from the uncertified, long-

1 form copy of the original certificate of birth, and provide the
2 redacted copy to the requester; or

3 -- one birth parent cannot be located 12 months after
4 commencement of the confidential diligent search, the State
5 Registrar shall provide the uncertified, long-form copy of the
6 original certificate of birth or any family medical history
7 information submitted, as applicable, based on the results of the
8 search for the birth parent who was located.

9 In the case of adoptions that take place after the effective date of
10 the bill, the birth parent would submit to an approved agency or the
11 attorney who facilitated the adoption at the time of the surrender of
12 the child for adoption, a birth parent information statement. DCF
13 would establish regulations to ensure that, at the time of the
14 surrender, the approved agency or attorney who facilitate the
15 adoption would inform both birth parents of the procedures for
16 submitting a statement.

17 The birth parent could, in the future, ask to update and submit a
18 revised statement to the approved agency or attorney. The
19 statement would be established by DCF, and would specify the
20 level of information relating to an adoption that would be shared
21 with the adult adoptee, or an adoptive parent or guardian of a minor
22 adopted person who seeks release of a certificate of birth due to the
23 minor's medical condition, if a written, notarized request for an
24 uncertified, long-form copy of the original certificate of birth is
25 submitted to the State Registrar. The levels of information from
26 which a birth parent could select are:

- 27 • "Complete information sharing," which would allow for the
28 release of an uncertified, long-form copy of the original
29 certificate of birth of the adopted person to the requester;
- 30 • "Intermediary information sharing only," which would prohibit
31 the release of an uncertified, long-form copy of the original
32 certificate of birth of the adopted person to the requester but
33 would allow for communication with the requester through a
34 certified confidential intermediary or another third party
35 designated by the birth parent on the birth parent information
36 statement; or
- 37 • "Medical information sharing only," which would prohibit the
38 release of an uncertified, long-form copy of the original
39 certificate of birth of the adopted person to the requester but
40 would allow for periodic communication, limited to the sharing
41 of family medical history information, with the requester
42 through a certified confidential intermediary or another third
43 party designated by the birth parent on the birth parent
44 information statement.

45 The statement would be transmitted, once completed or revised,
46 by the approved agency or attorney who facilitated the adoption to
47 the State Registrar who would retain the statement in the adopted
48 person's original certificate of birth file.

1 Upon receipt of a request from an adult adoptee, or an adoptive
2 parent or guardian of a minor adopted person who seeks release of a
3 certificate of birth due to the minor's medical condition, the State
4 Registrar would review the adopted person's original certificate of
5 birth file, and if the birth parent submitted a birth parent
6 information statement specifying:

- 7 • "complete information sharing," the State Registrar would
8 provide an uncertified, long-form copy of the original certificate
9 of birth of the adopted person to the requester and a notice
10 recommending that the requester contact the approved agency or
11 the attorney who facilitated the adoption prior to seeking contact
12 with the birth parent to obtain information about counseling
13 resources and the use of a confidential intermediary for the
14 purpose of making contact with the birth parent;
- 15 • "intermediary information sharing only," the State Registrar
16 would inform the requester of the birth's parent's wish to
17 communicate with the requester through a certified confidential
18 intermediary or another third party; or
- 19 • "medical information sharing only," the State Registrar would
20 inform the requester of the birth parent's wish for periodic
21 communication, limited to the sharing of family medical history
22 information, with the requester through a certified confidential
23 intermediary or another third party.

24 If both birth parents have not submitted birth parent information
25 statements specifying "complete information sharing," the State
26 Registrar would: redact the name and other identifying information
27 of the birth parent who has not specified "complete information
28 sharing" from the uncertified, long-form copy of the original
29 certificate of birth; provide the redacted copy to the requester; and
30 share other information based on the statements.

31 If a birth parent submitted a revised birth parent information
32 statement to the approved agency or attorney who facilitated the
33 adoption, the State Registrar would share information with the
34 requester based on the revised statement.

35 The bill also includes language to allow for searches conducted
36 pursuant to DCF regulations. In addition, the bill specifies that it
37 does not alter the requirement for an approved agency to provide, at
38 the time of surrender of a child, a prospective parent with non-
39 identifying information, relevant to the child's development,
40 including the child's developmental and medical history, and the
41 parents' complete medical histories, as provided in section 1 of
42 P.L.1979, c.292 (C.9:3-41.1).

43 The bill also stipulates that the State Registrar shall not provide
44 an adult adoptee or an adoptive parent or guardian of a minor
45 adopted person with an uncertified, long-form copy of the original
46 certificate of birth of a child who was surrendered pursuant to the
47 "New Jersey Safe Haven Infant Protection Act," P.L.2000, c.58
48 (C.30:4C-15.5 et seq.).

1 With regard to fees for conducting confidential diligent searches,
2 the bill provides that fees would be charged to an adopted person 18
3 years of age or older, or an adoptive parent or guardian of a minor
4 adopted person, as applicable, according to a sliding fee schedule,
5 which would be established by DHSS, by regulation.

6 The bill also requires the Commissioner of Health and Senior
7 Services, in consultation with the Commissioner of Children and
8 Families, as appropriate, to adopt rules and regulations to carry out
9 the provisions of the bill, and also provides for the adoption of
10 emergency regulations that would be effective for a period not to
11 exceed 12 months and would, thereafter, be amended, adopted, or
12 readopted in accordance with the requirements of the
13 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
14 seq.).

15 Lastly, the bill takes effect upon the adoption of the emergency
16 regulations.