

**SENATE, No. 2917**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED JULY 29, 2013

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Monmouth and Ocean)**

**SYNOPSIS**

Allows adopted person or other authorized requester access to original birth certificate under certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



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**  
28 **person born in the United States and adopted pursuant to the laws of**  
29 **this State, the court before which the adoption proceedings have**  
30 **been conducted, may, for good cause shown, direct and order that**  
31 **the 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,]** a certification or a certified  
36 copy of the decree or judgment of a court in an adoption  
37 proceeding, the State Registrar shall make a new certificate of birth  
38 containing the information referred to in the preceding paragraph.  
39 The fee for such service shall be **[\$6.00 which includes the issuance**  
40 **of a certified copy of the new certificate]** established by the  
41 Commissioner of Health, 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  
46 to the decree or judgment of the court in such adoption proceeding

**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 or is submitted to the State Registrar a certified copy of the original  
2 birth record or acceptable evidence of birth. In the case of a  
3 foundling, the date and place of birth **【may】** shall be decided **【by**  
4 the adopting parent or parents if not decided by the court before  
5 which the adoption proceedings were conducted**】** by a court of  
6 competent jurisdiction; 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 in accordance with the  
39 provisions of P.L. , c. (C. ) (pending before the Legislature as  
40 this bill).

41 c. Thereafter whenever a certificate of birth of such person is  
42 issued, it shall be made from the new certificate of birth except  
43 when an order of a court of competent jurisdiction, or the provisions  
44 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
45 shall require the issuance of **【a】** an uncertified, long-form copy of  
46 the original certificate of birth.

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

1       2. (New section) a. As used in this section and sections 3  
2 through 5 and sections 7 through 9 of P.L.       , c.       (C.       )  
3 (pending before the Legislature as this bill):

4       "Adoption facilitator" means, with respect to a particular adopted  
5 person, the adoption agency that facilitated the adoption or an  
6 attorney that represented a party in the adoption, or, in the case of a  
7 private adoption, the approved agency assigned by the court to  
8 conduct the home study that preceded the adoption.

9       "Authorized requester" means an adopted person 18 years of age  
10 or older, a direct descendant 18 years of age or older of a deceased  
11 adopted person, or the adoptive parent or guardian of a minor  
12 adopted person.

13       "Confidential intermediary" means a person, employed by an  
14 approved adoption agency, who conducts a diligent search to locate  
15 a birth parent on behalf of an authorized requester, or facilitates  
16 communication between an authorized requester and a birth parent.

17       "Diligent search" means a review of records and other relevant  
18 materials for the purpose of obtaining information regarding the  
19 identity and whereabouts of a birth parent.

20       "Direct descendant" means a natural or adopted child of an  
21 adopted person.

22       "Family medical history information" means information about  
23 the medical, cultural, and social history of an adopted person's birth  
24 family that is provided to an adoption facilitator or confidential  
25 intermediary by a birth parent, including the medical and social  
26 characteristics of birth family members and family health histories.  
27

28       3. (New section) a. In the case of a person adopted prior to the  
29 effective date of this section, the State Registrar shall provide an  
30 authorized requester with an uncertified, long-form copy of the  
31 original certificate of birth of an adopted person when the requester  
32 submits a written, notarized request accompanied by written,  
33 notarized consent from a birth parent or birth parents to release the  
34 certificate of birth to the requester, on a form prescribed by the  
35 Department of Health, and any applicable fee. The State Registrar  
36 shall redact the name of any birth parent who has not submitted a  
37 consent form prior to releasing the uncertified, long-form copy of  
38 the original certificate of birth to the requester. The State Registrar  
39 shall retain consent forms in the adopted person's original certificate  
40 of birth file.

41       b. If an authorized requester cannot locate either or both birth  
42 parents of a person adopted prior to the effective date of this  
43 section, the requester may obtain from the State Registrar a list of  
44 approved adoption agencies that conduct diligent searches, by a  
45 confidential intermediary, to locate birth parents. The Department  
46 of Children and Families shall maintain a list of the approved  
47 adoption agencies that it shall update, as appropriate, and make  
48 available to the Department of Health for use in accordance with the

1 provisions of this act. A confidential intermediary shall maintain  
2 the results of a search and the related information in confidence and  
3 shall not share the information with the requester or any other  
4 person except in accordance with the provisions of this section.

5 c. In the case of an authorized requester who uses a  
6 confidential intermediary to conduct a diligent search to locate the  
7 birth parents of a person adopted prior to the effective date of this  
8 section:

9 (1) If, as a result of the search, a birth parent consents to the  
10 release of an uncertified, long-form copy of the original certificate  
11 of birth of the adopted person to the requester, the confidential  
12 intermediary shall obtain a written, notarized consent to release on a  
13 form prescribed by the Department of Health. The State Registrar  
14 shall provide an uncertified, long-form copy of the original  
15 certificate of birth of the adopted person to the requester in  
16 accordance with the provisions of subsection a. of this section.

17 (2) If, as a result of the search, a birth parent is located but does  
18 not consent to the release of the uncertified, long-form copy of the  
19 original certificate of birth of the adopted person to the requester,  
20 the confidential intermediary shall request that the birth parent  
21 submit family medical history information to the State Registrar on  
22 a form prescribed by the Department of Health, and to update that  
23 form, as appropriate. The State Registrar shall retain the initial and  
24 any updated forms in the adopted person's original certificate of  
25 birth file. Upon receipt of an initial family medical history  
26 information form, the State Registrar shall provide a copy of the  
27 initial form to the requester with all identifying information  
28 redacted upon payment of any applicable fee. Updated family  
29 medical history information forms shall be provided upon a  
30 subsequent written, notarized request to the State Registrar by the  
31 requester and upon payment of any applicable fee. The confidential  
32 intermediary shall advise the birth parent that if the birth parent  
33 wishes to consent to the release of the uncertified, long-form copy  
34 of the original certificate of birth to the requester, in the future, the  
35 birth parent may complete and submit a consent form to the State  
36 Registrar.

37 (3) If the confidential intermediary is unable to locate either or  
38 both of the birth parents within 12 months after the commencement  
39 of the search, the confidential intermediary shall so advise the State  
40 Registrar, on a form prescribed by the Department of Health. The  
41 State Registrar shall retain the form in the adopted person's original  
42 certificate of birth file, and provide the uncertified, long-form copy  
43 of the original certificate of birth of the adopted person to the  
44 requester upon payment of any applicable fee.

45 (4) If the search reveals that the birth parents are deceased, the  
46 confidential intermediary shall so advise the State Registrar, on a  
47 form prescribed by the Department of Health. The State Registrar  
48 shall retain the form in the adopted person's original certificate of

1 birth file, and provide the uncertified, long-form copy of the  
2 original certificate of birth of the adopted person to the requester  
3 upon payment of any applicable fee.

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

17 (6) If the search reveals that:

18 (a) one birth parent consents and one birth parent, or the legal  
19 guardian of a birth parent who is an incapacitated individual, does  
20 not consent to the release of the uncertified, long-form copy of the  
21 original certificate of birth of the adopted person to the requester,  
22 the State Registrar shall redact the name of the birth parent who  
23 does not consent to the release from the uncertified, long-form copy  
24 of the original certificate of birth and provide the redacted copy to  
25 the requester upon payment of any applicable fee;

26 (b) one birth parent is deceased and the surviving birth parent  
27 does not consent to the release of the uncertified, long-form copy of  
28 the original certificate of birth of the adopted person to the  
29 requester, the State Registrar shall redact the name of the surviving  
30 birth parent from the certificate of birth and provide the redacted  
31 copy to the requester upon payment of any applicable fee; or

32 (c) one birth parent cannot be located within 12 months after  
33 commencement of the search, the State Registrar shall provide the  
34 uncertified, long-form copy of the original certificate of birth of the  
35 adopted person, including information concerning the birth parent  
36 who cannot be located, to the requester upon payment of any  
37 applicable fee. The State Registrar shall provide information  
38 related to the other birth parent based on the results of the search in  
39 accordance with the provisions of this section.

40 d. The State Registrar shall include information about  
41 counseling resources, for the purpose of making contact with the  
42 birth parent, with the uncertified long-form copy of the original  
43 certificate of birth of the adopted person provided to the requester  
44 in accordance with the provisions of this section.

45

46 4. (New section) a. In the case of a person adopted on or after  
47 the effective date of this section, a birth parent shall submit a birth  
48 parent information statement to the adoption facilitator, on a form

1 prescribed by the Department of Children and Families. The  
2 adoption facilitator shall inform both birth parents of the procedures  
3 for submitting the birth parent information statement in accordance  
4 with procedures established by the Department of Children and  
5 Families.

6 The birth parent information statement shall be provided to an  
7 authorized requester upon submission of a written, notarized request  
8 to the State Registrar for an uncertified, long-form copy of the  
9 original certificate of birth of the adopted person in accordance with  
10 the provisions of section 5 of P.L. , c. (C. ) ( pending  
11 before the Legislature as this bill) and upon payment of any  
12 applicable fee. The birth parent may submit a revised or updated  
13 statement to the adoption facilitator which shall be maintained in  
14 accordance with the provisions of subsections d. and e. of this  
15 section.

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

19 (1) "Complete information sharing" means the birth parent  
20 consents to the release of an uncertified, long-form copy of the  
21 original certificate of birth of the adopted person to the authorized  
22 requester, including the birth parent's name, last known address, and  
23 telephone number, if available, and unredacted family medical  
24 history information submitted by the birth parent;

25 (2) "Intermediary information sharing only" means the birth  
26 parent does not consent to the release of the uncertified, long-form  
27 copy of the original certificate of birth of the adopted person but  
28 agrees to communication with the requester through a confidential  
29 intermediary, or another third party designated by the birth parent  
30 on the birth parent information statement; or

31 (3) "Medical information sharing only" means the birth parent  
32 does not consent to the release of the uncertified, long-form copy of  
33 the original certificate of birth of the adopted person or to  
34 communication with the requester through a confidential  
35 intermediary, in which case, communication with the requester will  
36 be limited to the sharing of non-identifying family medical history  
37 information through a confidential intermediary, or another third  
38 party designated by the birth parent on the birth parent information  
39 statement.

40 c. If a birth parent does not submit a birth parent information  
41 statement, the birth parent shall be deemed to have selected the  
42 "medical information sharing only" option.

43 d. The adoption facilitator shall transmit the completed birth  
44 parent information statement and any revised statement to the State  
45 Registrar, who shall retain the statement in the adopted person's  
46 original certificate of birth file.

47 e. A copy of the completed birth parent information statement  
48 and any revised statement shall also be retained in the adopted

1 person's confidential case records maintained by the adoption  
2 facilitator.

3

4 5. (New section) a. In the case of a person adopted on or after  
5 the effective date of this section, an authorized requester may  
6 submit to the State Registrar a written, notarized request for an  
7 uncertified long-form copy of the original certificate of birth of the  
8 adopted person.

9 b. Upon receipt of the request, the State Registrar shall review  
10 the adopted person's original certificate of birth file to ascertain  
11 which option the birth parent selected, in accordance with the  
12 provisions of subsection b. of section 4 of P.L. , c. (C. )  
13 (pending before the Legislature as this bill).

14 (1) If the birth parent information statement specifies "complete  
15 information sharing," the State Registrar, upon payment of any  
16 applicable fee, shall provide an uncertified, long-form copy of the  
17 original certificate of birth of the adopted person to the authorized  
18 requester and unredacted family medical history information  
19 submitted by the birth parent.

20 The State Registrar shall include with the uncertified, long-form  
21 copy of the original certificate of birth information about  
22 counseling resources and the use of a confidential intermediary for  
23 the purpose of making contact with the birth parent.

24 (2) If the birth parent information statement specifies  
25 "intermediary information sharing only," the State Registrar shall  
26 inform the requester of the birth's parent's wish to communicate  
27 with the requester through a confidential intermediary, or another  
28 third party designated by the birth parent on the statement.

29 (3) If the birth parent information statement specifies "medical  
30 information sharing only," the State Registrar shall inform the  
31 requester of the birth parent's wish for communication limited to the  
32 sharing of non-identifying family medical history information with  
33 the requester through a confidential intermediary, or another third  
34 party designated by the birth parent on the statement.

35 (4) If both birth parents have not submitted birth parent  
36 information statements in accordance with the provisions of section  
37 4 of P.L. c. (C. ) (pending before the Legislature as this  
38 act) specifying "complete information sharing," the State Registrar  
39 shall: redact the name and other identifying information of the birth  
40 parent who has not specified "complete information sharing" from  
41 the uncertified, long-form copy of the original certificate of birth,  
42 and, upon payment of any applicable fee, provide the redacted copy  
43 to the requester and share other information based on the statements  
44 in accordance with this section.

45 c. If a birth parent submits a revised statement to the adoption  
46 facilitator, the adoption facilitator shall retain a copy of the revised  
47 statement in the adopted person's and shall forward the revised  
48 statement to the State Registrar, who shall share information with



1 the requester based on the revised statement in accordance with the  
2 provisions of this section.

3

4 6. (New section) a. Nothing in this act shall affect searches  
5 conducted pursuant to regulations adopted by the Department of  
6 Children and Families with respect to adoptions facilitated by the  
7 Department of Children and Families.

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

14

15 7. (New section) In the event that an adopted person was under  
16 the care and custody of the Division of Child Protection and  
17 Permanency in the Department of Children and Families at the time  
18 of the person's adoption, the director of the Division of Child  
19 Protection and Permanency shall provide, upon request by an  
20 authorized requester, a statement providing summaries of the  
21 medical and social characteristics of birth family members, family  
22 health histories, the facts and circumstances related to the adoptive  
23 placement, and summaries of case record material. The director  
24 shall not release confidential case records in response to the request.

25

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

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

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

44

45 9. (New section) a. Notwithstanding the requirements of  
46 P.L. , c. (C. ) (pending before the Legislature as this  
47 bill) to the contrary, in the case of a child who was surrendered in  
48 accordance with the provisions of the "New Jersey Safe Haven

1 Infant Protection Act," P.L.2000, c.58 (C.30:4C-15.5 et seq.) and  
2 upon receipt of notification from the Division of Child Protection  
3 and Permanency in the Department of Children and Families in  
4 accordance with the provisions of subsection b. of this section, the  
5 State Registrar shall not provide any of the birth parent's identifying  
6 information recorded on the child's certificate of birth upon receipt  
7 of a written, notarized request from an authorized requester for an  
8 uncertified long-form copy of an adopted person's original  
9 certificate of birth in accordance with the provisions of sections 3  
10 and 5 of P.L., c. (C. ) (pending before the  
11 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 in accordance with the provisions of  
15 P.L.2000, c.58 (C.30:4C-15.5 et seq.) to enable the State Registrar  
16 to identify the certificate of birth of the child who was so  
17 surrendered and deem that the uncertified, long-form copy of the  
18 original certificate of birth shall not be provided to the 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 in accordance with the  
23 provisions of P.L.2000, c.58 (C.30:4C-15.5 et seq.).  
24

25 10. (New section) The fee an approved adoption agency may  
26 charge for conducting a diligent search shall be in accordance with  
27 a graduated fee schedule, established by regulation of the  
28 Department of Health.  
29

30 11. (New section) The Commissioner of Health and the  
31 Commissioner of Children and Families, as appropriate, may adopt  
32 rules and regulations pursuant to the "Administrative Procedure  
33 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to carry out the  
34 provisions of this act.  
35

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

1       13. This act shall take effect immediately; except that sections 1,  
2 2, 3, 4, 5, and 10 shall take effect on the first day of the seventh  
3 month after enactment.

4

5

6

STATEMENT

7

8       This bill establishes a framework for an authorized requester to  
9 gain access to an uncertified, long-form copy of the original  
10 certificate of birth of an adopted person, as specified in the bill.  
11 Under the provisions of the bill, "authorized requester" means an  
12 adopted person 18 years of age or older, the direct descendent of the  
13 adopted person, or the adoptive parent or guardian of a minor  
14 adopted person. "Direct descendent" means a natural or adopted  
15 child of an adopted person.

16       In the case of a person adopted prior to the effective date of  
17 section 3 of the bill, the State Registrar, upon payment of any  
18 applicable fee, would provide an authorized requester with an  
19 uncertified, long-form copy of the original certificate of birth of an  
20 adopted person when the requester submits a written, notarized  
21 request accompanied by written, notarized consent from a birth  
22 parent or birth parents, to release the birth certificate, on a form  
23 prescribed by the Department of Health (DOH). The State  
24 Registrar would redact the name of any birth parent who has not  
25 submitted a consent form prior to releasing the uncertified, long-  
26 form copy of the original certificate of birth to the requester, and  
27 retain the consent forms in the adopted person's original certificate  
28 of birth file.

29       If the requester cannot locate either or both birth parents of the  
30 adopted person, the requester may obtain from the State Registrar a  
31 list of approved adoption agencies that conduct diligent searches, by  
32 confidential intermediaries, to locate birth parents. The Department  
33 of Children and Families (DCF) would maintain and update, as  
34 appropriate, a list of the approved adoption agencies, and make the  
35 list available to DOH for use in accordance with the provisions of  
36 bill. A confidential intermediary would maintain the results of a  
37 search and the related information in confidence and not share the  
38 information with the requester or any other person except in  
39 accordance with the provisions of the bill.

40       In the case of an authorized requester who uses a confidential  
41 intermediary to conduct a diligent search to locate the birth parents  
42 of a person adopted prior to the effective date of section 3 of the  
43 bill, if the search reveals that a birth parent consents to the release  
44 of an uncertified, long-form copy of the original certificate of birth  
45 to the requester, the confidential intermediary must obtain a written,  
46 notarized consent to release on a form prescribed by DOH. The  
47 State Registrar would provide the uncertified, long-form copy of the

1 original certificate of birth to the requester upon payment of any  
2 applicable fee.

3 If, as a result of the search, a birth parent is located but does not  
4 consent to the release of the uncertified, long-form copy of the  
5 original certificate of birth of the adopted person, the confidential  
6 intermediary must request that the birth parent submit family  
7 medical history information on a form prescribed by DOH and  
8 update that form, as appropriate. The State Registrar would retain  
9 the initial and any updated forms in the adopted person's birth file.  
10 Upon receipt of an initial family medical history information form,  
11 the State Registrar would provide a copy of the initial form to the  
12 requester with all identifying information redacted upon payment of  
13 any applicable fee. The confidential intermediary would advise the  
14 birth parent that if the birth parent wishes to consent to the release  
15 of the uncertified, long-form copy of the original certificate of birth  
16 to the requester, in the future, the birth parent may complete and  
17 submit a consent form to the State Registrar.

18 If the confidential intermediary is unable to locate either or both  
19 birth parents within 12 months after the commencement of the  
20 diligent search, the confidential intermediary would advise the State  
21 Registrar on a form prescribed by DOH. The State Registrar would  
22 retain the form in the adopted person's birth file and provide an  
23 uncertified, long-form copy of the original certificate of birth of the  
24 adopted person to the requester upon payment of any applicable fee.

25 If the search reveals that the birth parents are deceased, the  
26 confidential intermediary would advise the State Registrar on a  
27 form prescribed by DOH. The State Registrar would retain the  
28 form in the birth file and provide the uncertified, long-form copy of  
29 the original certificate of birth of the adopted person to the  
30 requester upon payment of any applicable fee.

31 If the search reveals that a birth parent is unable to complete a  
32 consent form because the birth parent is an incapacitated individual  
33 as defined in N.J.S.3B:1-2, the confidential intermediary must  
34 attempt to obtain a written, notarized consent from the legal  
35 guardian of the birth parent, on a form prescribed by DOH. Upon  
36 receipt of the consent, the State Registrar would retain the form in  
37 the adopted person's birth file and provide the uncertified, long-  
38 form copy of the original certificate of birth of the adopted person  
39 to the requester. If the confidential intermediary is unable to obtain  
40 consent, the uncertified, long-form copy of the original certificate  
41 of birth would not be provided.

42 If the search reveals that one birth parent consents to the release  
43 of the uncertified, long-form copy of the original certificate of birth  
44 of the adopted person to the requester and one birth parent, or the  
45 legal guardian of a birth parent who is an incapacitated individual,  
46 does not consent, the State Registrar would redact the name of the  
47 birth parent who does not consent to the release from the  
48 uncertified, long-form copy of the original certificate of birth, and

1 provide the redacted copy to the requester upon payment of any  
2 applicable fee.

3 If the search reveals that one birth parent is deceased and the  
4 surviving birth parent does not consent to the release of the  
5 uncertified, long-form copy of the original certificate of birth of the  
6 adopted person to the requester, the State Registrar would redact the  
7 name of the surviving birth parent from the uncertified, long-form  
8 copy of the original certificate of birth, and provide the redacted  
9 copy to the requester upon payment of any applicable fee.

10 If the search reveals that one birth parent cannot be located  
11 within 12 months after commencement of the search, the State  
12 Registrar would provide the uncertified, long-form copy of the  
13 original certificate of birth of the adopted person, including  
14 information concerning the birth parent that cannot be located, to  
15 the requester upon payment of any applicable fee. The State  
16 Registrar would provide information related to the other birth  
17 parent based on the results of the search in accordance with the  
18 provisions of the bill.

19 In the case of adoptions that take place on or after the effective  
20 date of section 4 of the bill, a birth parent would submit to the  
21 adoption facilitator, a birth parent information statement on a form  
22 prescribed by DCF. The adoption facilitator would inform both  
23 birth parents of the procedures for submitting a birth parent  
24 information statement in accordance with procedures established by  
25 DCF.

26 As defined in the bill, an adoption facilitator is the adoption  
27 agency that facilitates an adoption, an attorney that represents a  
28 party in the adoption, or, in the case of a private adoption, the  
29 approved agency assigned by the court to conduct the home study  
30 that precedes the adoption.

31 The birth parent information statement would be provided to an  
32 authorized requester upon submission to the State Registrar of a  
33 written, notarized request for an uncertified, long-form copy of the  
34 original certificate of birth of an adopted person, and upon payment  
35 of any applicable fee. The birth parent may submit a revised or  
36 updated statement to the adoption facilitator which would be  
37 maintained in accordance with the provisions of the bill.

38 A birth parent information statement submitted by a birth parent  
39 would specify the following options: "Complete information  
40 sharing," which would allow for the release of an uncertified, long-  
41 form copy of the original certificate of birth of the adopted person  
42 to the requester, including the birth parent's name, last known  
43 address, and telephone number, if available, and unredacted family  
44 medical history information submitted by the birth parent;  
45 "Intermediary information sharing only," which would prohibit the  
46 release of the uncertified, long-form copy of the original certificate  
47 of birth of the adopted person to the requester but would allow for  
48 communication with the requester through a confidential

1 intermediary or another third party designated by the birth parent on  
2 the statement; or "Medical information sharing only," which would  
3 prohibit the release of the uncertified, long-form copy of the  
4 original certificate of birth of the adopted person to the requester  
5 and would limit communication with the requester to the sharing of  
6 non-identifying family medical history information through a  
7 confidential intermediary or another third party designated by the  
8 birth parent on the statement.

9 If a birth parent does not submit a birth parent information  
10 statement, the birth parent is deemed to have selected the "medical  
11 information sharing only" option. The bill also requires that the  
12 adoption facilitator transmit the completed statement to the State  
13 Registrar, who would retain the statement in the adopted person's  
14 birth file.

15 In the case of a person adopted on or after the effective date of  
16 section 5 of the bill, an authorized requester may submit to the State  
17 Registrar a written, notarized request for an uncertified long-form  
18 copy of the original certificate of birth of an adopted person. Upon  
19 receipt of a request, the State Registrar would review the adopted  
20 person's original certificate of birth file.

21 If the birth parent submitted a birth parent information statement  
22 specifying: "complete information sharing," the State Registrar  
23 would provide the uncertified, long-form copy of the original  
24 certificate of birth of the adopted person, including the birth  
25 parent's name, last known address, and telephone number, if  
26 available, and unredacted family medical history information,  
27 submitted by the birth parent, to the requester, upon payment of any  
28 applicable fee; "intermediary information sharing only," the State  
29 Registrar would inform the requester of the birth's parent's wish to  
30 communicate with the requester through a confidential intermediary  
31 or another third party designated by the birth parent on the  
32 statement; or "medical information sharing only," the State  
33 Registrar would inform the requester of the birth parent's wish for  
34 communication limited to the sharing of non-identifying family  
35 medical history information through a confidential intermediary or  
36 another third party designated by the birth parent on the statement.

37 If both birth parents have not submitted birth parent information  
38 statements specifying "complete information sharing," the State  
39 Registrar would: redact the name and other identifying information  
40 of the birth parent who has not specified "complete information  
41 sharing" from the uncertified, long-form copy of the original  
42 certificate of birth; and, upon payment of any applicable fee,  
43 provide the redacted copy to the requester and share other  
44 information based on the statements.

45 If a birth parent submits a revised statement to the adoption  
46 facilitator, the adoption facilitator would retain a copy of the  
47 revised statement in the adopted person's confidential case records

1 and forward the revised statement to the State Registrar, who would  
2 share information with the requester based on the revised statement.

3 The bill stipulates that in the event that an adopted person was  
4 under the care and custody of the Division of Child Protection and  
5 Permanency (DCPP) in DCF at the time of the person's adoption,  
6 the director of DCPP would provide, upon request by an authorized  
7 requester, a statement providing summaries of the medical and  
8 social characteristics of birth family members, family health  
9 histories, the facts and circumstances related to the adoptive  
10 placement, and summaries of case record material. The director  
11 would not release confidential case records maintained by the  
12 adoption facilitator in response to the request.

13 The bill also allows an authorized requester to request the  
14 adoption facilitator that placed a child for adoption or conducted an  
15 investigation pursuant to section 12 of P.L.1977, c.367 (C.9:3-48)  
16 to provide any available non-identifying family medical history  
17 information concerning the adopted person contained in that  
18 person's confidential case records. Upon receipt of the request, the  
19 adoption facilitator would provide the requester with a detailed  
20 summary of the information contained in the adopted person's  
21 confidential case records.

22 If the requester is unable to obtain any available non-identifying  
23 family medical history information because the adoption facilitator  
24 is unknown, in order to accommodate the request, the requester  
25 would be allowed to petition the court that granted the adoption to  
26 identify the adoption facilitator, if possible.

27 The bill also includes language to allow for searches conducted  
28 pursuant to DCF regulations. In addition, the bill specifies that it  
29 does not alter the requirement for an approved adoption agency to  
30 provide a prospective adoptive parent with non-identifying  
31 information, relevant to the child's development, including the  
32 child's developmental and medical history, and the birth parents'  
33 complete medical histories, as provided in section 1 of P.L.1979,  
34 c.292 (C.9:3-41.1).

35 The bill also stipulates that the State Registrar would not provide  
36 an authorized requester with an uncertified, long-form copy of the  
37 original certificate of birth of a child who was surrendered pursuant  
38 to the "New Jersey Safe Haven Infant Protection Act," P.L.2000,  
39 c.58 (C.30:4C-15.5 et seq.).

40 With regard to fees for conducting diligent searches, the bill  
41 provides that fees would be charged to an authorized requester  
42 according to a graduated fee schedule established by DOH  
43 regulation.

44 Finally, the bill permits the Commissioners of Health and  
45 Children and Families to adopt rules and regulations to carry out the  
46 provisions of the bill, and also provides for the adoption of  
47 emergency regulations that would be effective for a period not to  
48 exceed 12 months and would, thereafter, be amended, adopted, or

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1 readopted in accordance with the requirements of the  
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
3 seq.).