

# ASSEMBLY, No. 742

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## STATE OF NEW JERSEY

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Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman JONES

1   **AN ACT** concerning adoptees and amending and supplementing Title  
2   26 of the Revised Statutes.

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

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

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

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

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

Matter underlined thus is new matter.

1       Upon receipt of [such application,]a certification or a certified copy  
2       of the decree or judgment of a court in an adoption proceeding, the  
3       State Registrar shall make a new certificate of birth containing the  
4       information referred to in the preceding paragraph. The fee for such  
5       service shall be \$6.00 which includes the issuance of a certified copy  
6       of the new certificate.

7       The State Registrar may file such a new certificate for any  
8       foundling, for any child born in any state or country, and for any child  
9       for whom an original birth report cannot be located, who has been  
10      adopted in New Jersey; provided that there is attached to the decree  
11      or judgment of the court in such adoption proceeding or is submitted  
12      to the State Registrar a certified copy of the original birth record or  
13      acceptable evidence of birth. In the case of a foundling, the date and  
14      place of birth [may] shall be decided [by the adopting parent or  
15      parents if not decided by the court before which the adoption  
16      proceedings were conducted] by a court of competent jurisdiction.  
17      Such certificate for any child who is not a citizen of the United States  
18      shall bear the notation "by adoption," which shall also be shown upon  
19      any copy of the certificate issued; such notation may be removed at  
20      any subsequent date upon submission of acceptable proof that the child  
21      has become a citizen of the United States.

22      When a new certificate of birth is made the State Registrar shall  
23      notify the local registrar of vital statistics of the place in which the  
24      birth occurred who shall enter the new certificate in his local record  
25      and place his copy of the original record under seal.

26      The State Registrar shall cause to be placed under seal the original  
27      certificate of birth and all papers pertaining to the new certificate of  
28      birth. Such seal shall not be broken except by order of a court of  
29      competent jurisdiction, or upon a written, notarized request by the  
30      adopted person 18 years of age or older for an uncertified copy of his  
31      original certificate of birth. Thereafter whenever a certificate of birth  
32      of such person is issued, it shall be made from the new certificate of  
33      birth except when an order of a court of competent jurisdiction shall  
34      require the issuance of a copy of the original certificate of birth, or  
35      upon a written, notarized request by the adopted person 18 years or  
36      older for an uncertified copy of his original certificate of birth,  
37      excluding any statistical data gathered solely for the use of the State.

38      (cf: P.L.1983, c.275, s.13)

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40      2. (New section) a. For 12 months after the effective date of  
41      P.L....., c..... (C.....) (now pending before the Legislature as this bill),  
42      a birth parent of a person adopted prior to the date of enactment of  
43      P.L....., c.... (C.....) (now pending before the Legislature as this bill),  
44      may submit to the State Registrar a written, notarized request for  
45      confidentiality. The request shall prohibit the State Registrar from  
46      providing the name of the birth parent to the adopted person 18 years

1 of age or older, if the adopted person submits a written, notarized  
2 request for a copy of an uncertified copy of his original certificate of  
3 birth pursuant to the provisions of R.S.26:8-40.1.

4       b. The State Registrar shall acknowledge, by mail, receipt of the  
5 request for confidentiality and shall enclose with the receipt a family  
6 medical history form, which the State Registrar shall ask the birth  
7 parent to complete. In addition to the medical history form, the birth  
8 parent may submit cultural and social history information. Any family  
9 medical, cultural and social history information which is submitted by  
10 the birth parent to the State Registrar shall be disclosed to the adopted  
11 person upon request pursuant to R.S.26:8-40.1.

12       c. At any time following the request for confidentiality, the birth  
13 parent may rescind the request and the State Registrar shall provide  
14 the name of the birth parent to the adopted person, upon request.

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16       3. (New section) Beginning 12 months after the effective date of  
17 P.L....., c..... (C.....) (now pending before Legislature as this bill),  
18 upon receipt of a written, notarized request by an adopted person 18  
19 years of age or older pursuant to R.S.26:8-40.1, the State Registrar  
20 shall provide the adopted person with an uncertified copy of his  
21 original certificate of birth. If the birth parent of the adopted person  
22 has submitted a request for confidentiality, the State Registrar shall  
23 delete the name of the birth parent from the copy of the certificate of  
24 birth.

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26       4. (New section) a. An adopted person 18 years or older may  
27 submit to the State Registrar a notice of his current name or address.  
28 The State Registrar shall maintain the information as part of the  
29 original certificate of birth file of the adopted person.

30       b. Upon receipt of a written, notarized request from a member of  
31 an adopted person's immediate birth family, the State Registrar shall  
32 provide the family member with the adopted person's current name and  
33 address.

34       c. Any member of the adopted person's birth family may submit to  
35 the State Registrar a notice of his name and current address or family  
36 medical, cultural and social history information. This information shall  
37 be disclosed to the adopted person if he submits a written, notarized  
38 request for such information to the State Registrar.

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40       5. (New section) The Commissioner of Health, in consultation  
41 with the Commissioner of Human Services, shall promulgate rules and  
42 regulations pursuant to the "Administrative Procedure Act," P.L.1968,  
43 c.410 (C.52:14B-1 et seq.) which shall ensure the accuracy and  
44 safeguard the confidentiality of the information provided by the State  
45 Registrar pursuant to this act. Such regulations shall include the  
46 establishment of a nominal service fee to meet the costs of

1 implementing the provisions of P.L....., c..... (C.....) (now pending  
2 before the Legislature as this bill).

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4 6. (New section) As fiscal and administrative resources permit, the  
5 Department of Human Services shall implement activities, such as  
6 promoting public service messages in the media and contacting private  
7 adoption agencies in the State and human services agencies and private  
8 adoption agencies in other states, to increase public awareness of and  
9 encourage participation in the initiatives established pursuant to  
10 P.L....., c..... (C.....) (now pending before the Legislature as this bill).

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12 7. (New section) Within two years following enactment, the  
13 Department of Health, in consultation with the Department of Human  
14 Services, shall provide to the Legislature and make available to the  
15 public, a report on the development and administration of the  
16 initiatives established pursuant P.L....., c..... (C.....) (now pending  
17 before the Legislature as this bill). The report shall include statistical,  
18 non-identifying data regarding:

19 a. The number of requests for confidentiality submitted by birth  
20 parents;

21 b. The number of uncertified copies of original birth certificates  
22 provided to adopted persons;

23 c. The number of adopted persons and birth family members who  
24 submitted current names and addresses and family history information;  
25 and

26 d. The number of adopted persons and birth family members with  
27 whom such information was shared.

28 The report shall also make recommendations for any needed  
29 changes in the requirements, regulations or State policy concerning the  
30 initiatives established by P.L....., c..... (C.....) (now pending before the  
31 Legislature as this bill).

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33 8. This act shall take effect immediately.

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## 36 STATEMENT

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38 This bill amends R.S26:8-40.1 to eliminate language that allows the  
39 court, before which an adoption proceeding has taken place, to order  
40 that the residence of the adopting parents replace the place of the birth  
41 on the birth certificate of an adopted child. In the case of a foundling,  
42 the bill would require a court of competent jurisdiction to designate  
43 the date and place of birth recorded on the original birth certificate.

44 The provisions of the bill also amend R.S.26:8-40.1 to allow an  
45 adopted person, 18 years of age or older, to obtain an uncertified copy  
46 of his original birth certificate, if he submits a written notarized

1 request to the State Registrar. Under present law, the original birth  
2 certificate of an adopted person is placed under seal which cannot be  
3 broken except by order of a court of competent jurisdiction.

4 Another provision of the bill would give birth parents a time-limited  
5 (12-months from the effective date of the bill) opportunity to request  
6 that their names not be disclosed on the uncertified birth certificate  
7 copy provided to the adopted person.

8 If confidentiality is requested, the State Registrar will ask the birth  
9 parents to complete a family medical history form and submit it with  
10 any cultural and social history information the birth parents may want  
11 to provide to the State Registrar. This information shall be disclosed  
12 to the adopted person upon request pursuant to R.S.26:8-40.1.

13 The bill also establishes a voluntary information exchange  
14 mechanism to permit adopted adults and members of their birth  
15 families to record and share their current names, addresses and  
16 medical, cultural and social history information.

17 The bill directs the Department of Health, in consultation with the  
18 Department of Human Services, to establish rules and regulations  
19 ensuring the accuracy and confidentiality of the information provided  
20 to adoptees and their birth family members. It also requires the  
21 departments to report to the Legislature, and to make that report  
22 available to the public, on the development and administration of the  
23 initiatives established pursuant to the bill. The report would include  
24 information concerning:

25 a. The number of requests for confidentiality submitted by birth  
26 parents;

27 b. The number of uncertified copies of original birth certificates  
28 provided to adopted persons;

29 c. The number of adopted persons and birth family members who  
30 submitted current names and addresses and family history information;  
31 and

32 d. The number of adopted persons and birth family members with  
33 whom such information was shared.

34 Finally, the bill requires the Department of Human Services to  
35 implement activities, such as promoting public service messages in the  
36 media and contacting private adoption agencies in the State and human  
37 services agencies and private adoption agencies in other states, to  
38 increase public awareness of and encourage participation in the  
39 initiatives established in this bill.

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44 Allows an adopted person 18 years of age or older access to his  
45 original birth certificate and other related information.