

ASSEMBLY, No. 742

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman JONES, BAGGER, Assemblywoman Weinberg,  
Assemblymen Bateman, Garcia, Bucco, Barnes,  
Assemblywoman Buono, Assemblyman Felice, Assemblywoman  
Myers, Assemblymen O'Toole, T. Smith, Steele and Zisa

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

3

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

**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 parents were residents of this State at the time of said adoption.]

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

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

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

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

39 (cf: P.L.1983, c.275, s.13)

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

1 providing the name of the birth parent to the adopted person 18 years  
2 of age or older, if the adopted person submits a written, notarized  
3 request for a copy of an uncertified copy of his original certificate of  
4 birth pursuant to the provisions of R.S.26:8-40.1.

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

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

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

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

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

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

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

1 establishment of a nominal service fee to meet the costs of  
2 implementing the provisions of P.L....., c..... (C.....) (now pending  
3 before the Legislature as this bill).

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

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

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

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

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

26 and

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

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

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34 8. This act shall take effect immediately.

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