

# ASSEMBLY COMMUNITY SERVICES COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1534**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 5, 1997

The Assembly Community Services Committee favorably reports Assembly Bill No. 1534 with committee amendments.

As amended by committee, the purpose of this bill is to secure permanence in adoption placements by requiring certain unmarried parents to acknowledge parentage of a child in order to be entitled to notice of adoption. Because the law provides that those who are entitled to notice may object to an adoption, objections should occur at an early point in the child's life. If there is an objection, the bill provides that the standard to be used in resolving the dispute shall be the best interest of the child, which requires a parent to affirmatively assume the role of parent. In addition, to provide notice to the public of the new requirement to acknowledge parentage, the bill requires publicizing the requirement throughout the State.

Specifically, in order to be entitled to notice of an adoption, the bill amends section 9 of P.L.1977, c.367 (C.9:3-45) by requiring a person who:

- is presumed to be the natural father of the child pursuant to paragraph (2) of subsection a. of section 6 of P.L.1983, c.17 (C.9:17-43) but who, prior to or within six months of the birth of the child, has not acknowledged paternity, or has not filed an action for paternity in court, to amend the original birth certificate record of the child filed with the local registrar's office in the municipality of birth of the child who is the subject of the adoption proceeding.
- has been named as a parent on the original certificate of birth filed with the local registrar of the municipality of birth of the child, to amend the original certificate certificate of birth within six months of the birth of the child.

The bill provides that if, within six months of the birth of the child, the identity of a parent cannot be determined or where the known parent is unable or refuses to identify the other parent, service on that parent is waived by the court.

The bill further provides that when there is an objection to an adoption, pursuant to section 10 of P.L.1977, c.367 (C.9:3-46), the time period for filing the objection is 20 days after the filing of the

complaint for adoption for a State resident and 35 days after the filing for a nonresident. In resolving the dispute, the standard shall be the best interest of the child. Under current law, the parent first must be found to have substantially failed to perform or be unable to perform regular and expected parental functions. The bill provides that the best interest of the child requires that each parent affirmatively assume the role of being a parent. Factors to be considered are whether that parent has fulfilled financial obligations for the birth and care of the child, demonstrated continued interest in the child, demonstrated a genuine effort to maintain communication with the child and demonstrated the establishment and maintenance of a place of importance in the child's life.

Further amendments to section 10 of P.L.1977, c.367 (C.9:3-46) include a six-month time period prior to the placement of the child for adoption as the time frame on which the court shall focus when determining whether a parent has substantially failed to perform or is unable to perform regular and expected parental functions. In the case where the objecting parent is incarcerated, the amendments codify factors that the New Jersey Supreme Court considered in Matter of LAS, 134 N.J.127 (1993), namely, the extent of the relationship which existed between the parent and child prior to incarceration, the efforts to continue a relationship, the ability to communicate and visit with the child, and the effect of the communication and visitation on the child's development.

The committee amended the bill to remove the provisions of the bill that required a natural father of a child who is the subject of an adoption proceeding to execute a Certificate of Parentage, prior to or within six months of the child's birth, in order to receive notice of that adoption in accordance with section 9 of P.L. 1977, c.367 (C.9:3-45). Under the provisions of the committee amendments, in order for the father to receive notice of the adoption, he would be required to amend the child's original birth certificate filed with the local registrar in the municipality of the child's birth.

The committee also amended the bill to allow that the notice of adoption be waived by the court if a person named as a parent on an original certificate of birth filed with the local registrar of the municipality of birth of a child who is the subject of an adoption proceeding has not amended the original certificate of birth within six months of the child's birth.

The bill was also amended to require that a man place his name on a child's original certificate of birth filed with the local registrar, in order to be presumed a child's natural father, in accordance with section 6 of P.L. 1983, c. 17 (C.9:17-43).

The committee amended the bill to delete the requirement that the State IV-D agency or the personnel of a hospital or birthing facility inform parents that failure to sign a Certificate of Parentage prior to or within six months of the birth of a child constitutes a waiver of the right to notice of an adoption.