

[First Reprint]

**SENATE, No. 611**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator DIANE B. ALLEN**

**District 7 (Burlington and Camden)**

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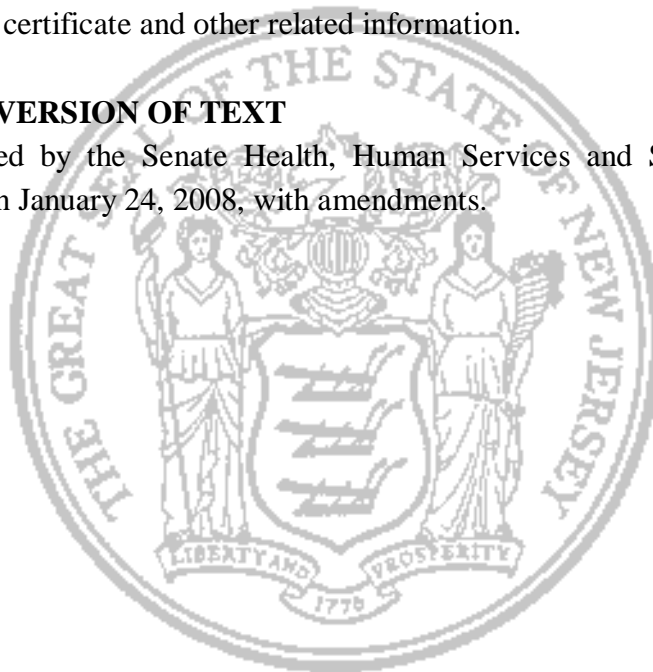
**Senators Singer, Buono, Adler, Weinberg, Ciesla, Cunningham and Van Drew**

**SYNOPSIS**

Permits adopted person and certain others access to adopted person's original birth certificate and other related information.

**CURRENT VERSION OF TEXT**

As reported by the Senate Health, Human Services and Senior Citizens Committee on January 24, 2008, with amendments.



**(Sponsorship Updated As Of: 3/4/2008)**

1 AN ACT concerning adoptees, amending R.S.26:8-40.1, <sup>1</sup>and<sup>1</sup>  
2 supplementing Titles 9 and 26 of the Revised Statutes <sup>1</sup>[and  
3 making an appropriation]<sup>1</sup>.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

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

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

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

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

43 The State Registrar may file such a new certificate:

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>**Senate SHH committee amendments adopted January 24, 2008.**

1       **[a.]** (1) for any foundling, for any child born in any state, and  
2 for any child for whom an original birth report cannot be located,  
3 who has been adopted in New Jersey; provided that there is attached  
4 to the decree or judgment of the court in such adoption proceeding  
5 or is submitted to the State Registrar a certified copy of the original  
6 birth record or acceptable evidence of birth. In the case of a  
7 foundling, the date and place of birth **[may]** shall be decided **[by**  
8 the adopting parent or parents if not decided by the court before  
9 which the adoption proceedings were conducted**]** by a court of  
10 competent jurisdiction; and

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

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

33       When a new certificate of birth is made, the State Registrar shall  
34 notify the local registrar of vital statistics of the place in which the  
35 birth occurred, if applicable, who shall enter the new certificate in  
36 his local record and place his copy of the original record under seal  
37 with the State Registrar.

38       b. The State Registrar shall cause to be placed under seal the  
39 original certificate of birth and all papers pertaining to the new  
40 certificate of birth. Such seal shall not be broken except by:

41       (1) order of a court of competent jurisdiction; or

42       (2) a written, notarized request for an uncertified, long-form  
43 copy of the adopted person's original certificate of birth, which  
44 complies with existing statutory and executive orders to allow the  
45 identification of the requested information, submitted by:

46       (a) the adopted person 18 years of age or older,

47       (b) a direct descendant 18 years of age or older of the adopted

1 person if the adopted person is deceased, or  
2 (c) the adoptive parent or guardian of a minor adopted person.  
3 c. Thereafter whenever a certification or certified copy of a  
4 certificate of birth of such person is issued, it shall be made from  
5 the new certificate of birth except when an order of a court of  
6 competent jurisdiction shall require the issuance of [a] an  
7 uncertified, long-form copy of the original certificate of birth, or  
8 upon a written, notarized request for an uncertified, long-form copy  
9 of the adopted person's original certificate of birth, as provided in  
10 subsection b. of this section, excluding any statistical data gathered  
11 solely for the use of the State.  
12 (cf: P.L.2005, c.81, s.3)  
13  
14 2. (New section) a. During the 12-month period beginning on  
15 the date of adoption of regulations by the Department of Health and  
16 Senior Services to carry out the purposes of this act, a birth parent  
17 of a person adopted prior to the date of enactment of this act may  
18 submit to the State Registrar a written, notarized request for  
19 nondisclosure or may make such a request to the State Registrar in  
20 person. The request for nondisclosure shall prohibit the State  
21 Registrar from providing the birth parent's name and home address,  
22 as recorded on the adopted person's birth certificate, upon receipt of  
23 a written, notarized request for an uncertified, long-form copy of  
24 the adopted person's original certificate of birth pursuant to  
25 subsection b. of R.S.26:8-40.1 from an adopted person, direct  
26 descendant or adoptive parent or guardian authorized by that statute  
27 to make such a request.  
28 b. The State Registrar shall acknowledge, by mail, or if the  
29 request is made in person, at the time the request is made, receipt of  
30 the request for nondisclosure and shall enclose with the receipt a  
31 family history form requesting medical, cultural and social history  
32 regarding the birth parent, which the State Registrar shall require  
33 the birth parent to complete to the best of the parent's knowledge  
34 and return to the State Registrar within 60 days. The birth parent  
35 may update the family history form, as necessary. Failure of a birth  
36 parent to complete the form and return it within 60 days, upon  
37 requesting nondisclosure, shall nullify the birth parent's request for  
38 nondisclosure.  
39 c. At any time following the request for nondisclosure, the  
40 birth parent may rescind the request and the State Registrar shall  
41 provide the identifying information concerning the birth parent to  
42 the adopted person, direct descendant or adoptive parent or  
43 guardian, upon request.  
44 d. The State Registrar shall match the request for nondisclosure  
45 and family history form with the adopted person's original  
46 certificate of birth and retain the documents in the adopted person's  
47 original certificate of birth file.

1 e. Notwithstanding the requirements of this section to the  
2 contrary, in the case of a child who was surrendered pursuant to  
3 P.L.2000, c.58 (C.30:4C-15.5 et seq.) and upon receipt of  
4 notification from the Division of Youth and Family Services in the  
5 Department of Children and Families pursuant to subsection f. of  
6 this section, the State Registrar shall deem that the birth parent of  
7 the child has requested nondisclosure and shall not provide the birth  
8 parent's name or home address, if the name or address is recorded  
9 on the child's birth certificate, upon receipt of a written, notarized  
10 request for an uncertified, long-form copy of the adopted person's  
11 original certificate of birth pursuant to R.S.26:8-40.1.

12 f. The Division of Youth and Family Services in the  
13 Department of Children and Families shall notify the State Registrar  
14 when a child is surrendered pursuant to P.L.2000, c.58 (C.30:4C-  
15 15.5 et seq.) to enable the Registrar to identify the certificate of  
16 birth of the child who was so surrendered and deem that the birth  
17 parent of the child has requested nondisclosure, as provided in  
18 subsection e. of this section.

19

20 3. (New section) a. Upon receipt of a written, notarized  
21 request pursuant to subsection b. of R.S.26:8-40.1, the State  
22 Registrar shall provide the authorized requester with an uncertified,  
23 long-form copy of the adopted person's original certificate of birth.  
24 The State Registrar shall include with the copy of the certificate of  
25 birth a statement recommending that the requester contact the  
26 approved agency or attorney who facilitated the adoption prior to  
27 seeking contact with the adopted person's birth parent, and such  
28 other information as specified in sections 4 and 6 of P.L. ,  
29 c. (C. ) (pending before the Legislature as this bill).

30 b. If the birth parent of the adopted person has submitted a  
31 request for nondisclosure pursuant to section 2 of P.L. ,  
32 c. (C. )(pending before the Legislature as this bill), the State  
33 Registrar shall delete the name and home address of the birth parent  
34 from the uncertified, long form copy of the original certificate of  
35 birth, and provide a copy of the family history form submitted by  
36 the birth parent with the certificate of birth.

37 c. The fee for the uncertified, original long-form certificate of  
38 birth preceding an adoption shall be established by the  
39 Commissioner of Health and Senior Services, by regulation.

40

41 4. (New section) a. A birth parent of an adopted person may  
42 submit a document of contact preference to the State Registrar  
43 indicating the birth parent's preference regarding contact with the  
44 adopted person. The birth parent may change his preference at any  
45 time by submitting a revised document of contact preference to the  
46 State Registrar.

47 b. The document of contact preference shall be established by  
48 the State Registrar, who shall provide a copy of the document to a

1 birth parent, upon request. The State Registrar shall also make the  
2 document available for downloading from the official website of the  
3 Department of Health and Senior Services.

4 c. The State Registrar shall require a birth parent who submits  
5 a document of contact preference pursuant to this section to  
6 complete a form providing updated family history information,  
7 which includes medical, cultural and social history information  
8 regarding the birth parent.

9 d. The document of contact preference shall provide the birth  
10 parent with the following options from which the parent may select  
11 one:

12 (1) "I would like to be contacted directly. I have completed a  
13 document of contact preference and an updated family history form  
14 and am submitting them to the State Registrar as set forth in this  
15 document";

16 (2) "I would prefer to be contacted only through an intermediary.  
17 I have completed a document of contact preference and an updated  
18 family history form and am submitting them to the State Registrar  
19 as set forth in this document. I would like the following named  
20 individual to act as an intermediary \_\_\_\_\_"; or

21 (3) "I would prefer not to be contacted at this time. If I decide  
22 later that I would like to be contacted, I will submit a revised  
23 document of contact preference to the State Registrar. I have  
24 completed a document of contact preference and an updated family  
25 history form and am submitting them to the State Registrar as set  
26 forth in this document."

27 e. The State Registrar shall request a birth parent who indicates  
28 a preference for no contact by the adopted person to update the  
29 family history information every 10 years until the birth parent  
30 reaches the age of 40, and every five years thereafter.

31 f. The State Registrar shall match the completed document of  
32 contact preference and family history form with the adopted  
33 person's original certificate of birth and retain the documents in the  
34 adopted person's original certificate of birth file.

35 g. Upon written, notarized request for an uncertified long-form  
36 copy of an adopted person's original certificate of birth pursuant to  
37 subsection b. of R.S.26:8-40.1, the State Registrar shall also provide  
38 the authorized requester with a copy of the birth parent's document  
39 of contact preference and the updated family history information, if  
40 such a document or information has been submitted to the State  
41 Registrar pursuant to this section.

42

43 5. (New section) a. An adopted person 18 years of age or  
44 older, a direct descendant 18 years of age or older of the adopted  
45 person if the adopted person is deceased, or the adoptive parent or  
46 guardian of a minor adopted person may obtain from an approved  
47 agency or the attorney who facilitated the adoption any family  
48 history information concerning the adopted person that is contained

1 in that person's adoption file, upon submission of a written,  
2 notarized request to the agency or attorney.

3 Prior to providing any identifying information about a birth  
4 parent or the parent's family, the agency or attorney, as applicable,  
5 shall contact the State Registrar to receive written notification if the  
6 birth parent has submitted a request for nondisclosure. If such a  
7 request has been submitted, the agency or attorney shall not  
8 disclose any identifying information about the birth parent or the  
9 parent's family.

10 As used in this section, "family history information" includes  
11 medical, cultural and social history information provided by the  
12 adopted person's birth parent and maintained by an approved  
13 agency or attorney who facilitated an adoption.

14 b. In the event that the adopted person was under the custody  
15 of the Division of Youth and Family Services in the Department of  
16 Children and Families at the time of the person's adoption, the  
17 person may request from the director of the division a statement,  
18 based on the division's case file, that summarizes the circumstances  
19 under which parental rights for the child were terminated.

20 c. Nothing in this act shall be construed to require the Division  
21 of Youth and Family Services in the Department of Children and  
22 Families to provide any identifying information about the birth  
23 parents of a child who was surrendered pursuant to the provisions of  
24 the "New Jersey Safe Haven Protection Act," P.L.2000, c.58  
25 (C.30:4C-15.5 et seq.).

26  
27 6. (New section) a. The State Registrar, through the  
28 Department of Health and Senior Services, shall prepare  
29 information regarding counseling resources and the use of an  
30 intermediary for the purpose of enabling an adopted person to make  
31 contact with a birth parent. The information shall also include the  
32 procedure for contacting the Director of the Division of Youth and  
33 Family Services as provided in subsection b. of section 5 of P.L. ,  
34 c. (C. )(pending before the Legislature as this bill).

35 b. The State Registrar shall provide the information prepared  
36 pursuant to subsection a. of this section to a person who requests an  
37 uncertified, long-form copy of a birth certificate pursuant to  
38 subsection b. of R.S.26:8-40.1 or the document of contact  
39 preference.

40 c. The State Registrar shall make the information prepared  
41 pursuant to subsection a. of this section available on the official  
42 website of the Department of Health and Senior Services.

43  
44 7. (New section) a. A person, firm, partnership, corporation,  
45 association or agency that has placed a child for adoption shall not  
46 be liable in any civil or criminal action for damages resulting from  
47 information provided by the State Registrar pursuant to this act.

1       b. An employee, agent or officer of the Department of Health  
2 and Senior Services who is authorized by the Commissioner of  
3 Health and Senior Services to disclose information relating to the  
4 certification of birth pursuant to this act, shall not be liable for:

5       (1) disclosing information based on a written, notarized request  
6 submitted in accordance with this act; and

7       (2) any error or inaccuracy in the information that is disclosed  
8 after receipt of a written, notarized request submitted in accordance  
9 with this act, and any consequence of that error or inaccuracy.

10  
11       8. (New section) Within two years after the date of enactment  
12 of this act, the Commissioner of Health and Senior Services, in  
13 consultation with the Commissioner of Children and Families, shall  
14 provide to the Legislature in accordance with section 2 of P.L.1991,  
15 c.164 (C.52:14-19.1), and make available to the public, a report on  
16 the development and administration of the initiatives established  
17 pursuant to sections 2 through 6 of this act. The report shall  
18 include, but not be limited to, statistical, non-identifying data  
19 regarding:

20       a. the number of uncertified, long-form copies of original birth  
21 certificates that were provided to adopted persons, the direct  
22 descendants of deceased adopted persons, and the adoptive parents  
23 or guardians of minor adopted persons;

24       b. the number of requests for nondisclosure submitted by birth  
25 parents;

26       c. the number of requests submitted by birth parents, through  
27 the document of contact preference, for direct contact, contact by  
28 an intermediary, and no contact, respectively; and

29       d. the number of family history forms submitted by birth  
30 parents.

31       The report shall also make recommendations for any needed  
32 changes in the requirements, regulations or State policy concerning  
33 the initiatives established by this act.

34  
35       9. (New section) The Commissioner of Health and Senior  
36 Services, in consultation with the Commissioner of Children and  
37 Families, shall adopt rules and regulations pursuant to the  
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
39 seq.), which shall:

40       a. establish required information and procedures for the request  
41 for nondisclosure and the document of contact preference;

42       b. establish required information and procedures for the family  
43 history form and the form to update family history information; and

44       c. establish a nominal fee for services provided under this act,  
45 to meet the costs of implementing this act.

46  
47       10. (New section) The Department of Health and Senior  
48 Services shall contract with media outlets throughout the country to



1 produce and distribute national public service messages to increase  
2 public awareness of and encourage participation in the initiatives  
3 established pursuant to this act. The public service messages shall  
4 inform the public of the procedures for: obtaining a long-form copy  
5 of an adopted person's birth certificate; requesting nondisclosure;  
6 submitting a document of contact preference; and submitting family  
7 history information.

8

9       <sup>1</sup>[11. There is appropriated \$90,000 from the General Fund to  
10 the Department of Health and Senior Services for the purpose of  
11 providing public service messages pursuant to section 10 of this  
12 act.]<sup>1</sup>

13

14       <sup>1</sup>[12.] 11.<sup>1</sup> This act shall take effect immediately, except that  
15 sections 1, 3, 4, 5 and 6 shall take effect one year after the date of  
16 enactment, but the Commissioner of Health and Senior Services  
17 may take such administrative action in advance of the effective date  
18 as shall be necessary for the implementation of the act.