

ASSEMBLY, No. 3649

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED APRIL 14, 2016

Sponsored by:

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District 30 (Monmouth and Ocean)

Assemblyman DAVID P. RIBLE

District 30 (Monmouth and Ocean)

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District 33 (Hudson)

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SYNOPSIS

Allows filing of birth certificate to be delayed for religious reasons, for up to 15 days after birth, in order to allow for naming of child.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/17/2016)

1 AN ACT concerning the filing of birth certificates and amending
2 R.S.26:8-28.

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.26:8-28 is amended to read as follows:

8 26:8-28. a. **[Within]** Except as provided by subsection e. of this
9 section, within five days after each birth, there shall be filed with
10 the local registrar of the district in which the birth occurred a
11 certificate of the birth filled out with durable black or blue ink in a
12 legible manner. The name of the father shall be included on the
13 record of birth of the child of unmarried parents only if the father
14 and mother have signed a voluntary acknowledgment of paternity;
15 or a court or an administrative agency of competent jurisdiction has
16 issued an adjudication of paternity.

17 Nothing in this section shall preclude the State IV-D agency
18 from obtaining an admission of paternity from the father for
19 submission in a judicial or administrative proceeding, or prohibit
20 the issuance of an order in a judicial or administrative proceeding
21 which bases a legal finding of paternity on an admission of
22 paternity by the father and any other additional showing required by
23 State law.

24 b. As part of the birth record, all information required by the
25 State IV-D agency pursuant to section 7 of P.L.1994, c.164 (C.26:8-
26 28.1) shall be recorded on a separate form provided or approved by
27 the State registrar pursuant to subsection c. of R.S.26:8-24, and
28 filed with the State IV-D agency pursuant to R.S.26:8-30 and
29 R.S.26:8-31 for the establishment and enforcement of child support
30 matters in the State. For the purposes of this subsection, "State IV-
31 D agency" means the agency in the Department of Human Services
32 designated to administer the Title IV-D Child Support Program.

33 c. The State registrar shall require each parent to provide his
34 Social Security number in accordance with procedures established
35 by the State registrar. The Social Security numbers furnished
36 pursuant to this section shall be used exclusively for child support
37 enforcement purposes.

38 d. The certificate of birth shall include the blood type of the
39 child.

40 e. Notwithstanding the provisions of subsection a. of this
41 section to the contrary, the filing of a child's birth certificate may
42 be delayed, based on the parent's religious beliefs, until such time
43 as the child is named; however, no such delay shall result in the
44 filing of the birth certificate more than 15 days after the child's date
45 of birth. Any parent whose religious beliefs necessitate a delay in

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 the filing of a birth certificate pursuant to this subsection, shall: (1)
2 provide notice of the religious need for a filing delay, within five
3 days after the child's date of birth, to the person who is responsible
4 for filing the birth certificate, as provided by R.S.26:8-30 or
5 R.S.26:8-31, except that, if the parent is responsible for such filing,
6 no such notice shall be required; and (2) file the child's birth
7 certificate, or authorize such filing by the person responsible
8 therefor, as soon as possible after the child is named, but in no case
9 more than 15 days after the child's birth. If a child is not named
10 within the 15-day extended timeframe provided by this subsection,
11 the child's birth certificate shall be filed, and the naming procedure
12 outlined in R.S.26:8-24 shall be applied.

13 (cf: P.L.1998, c.1, s.42)

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15 2. This act shall take effect immediately.

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STATEMENT

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20 This bill would authorize the filing of a child's birth certificate to
21 be delayed on the basis of the parent's religious beliefs. Current
22 law requires a birth certificate to be filed within five days after the
23 child's date of birth. However, in the Jewish faith, the naming of a
24 child does not occur until a bris is performed, and a bris is normally
25 performed on the eighth day following birth. Thus, under existing
26 law, a birth certificate must be filed prior to the time when a Jewish
27 child is named. This bill, therefore, would provide for an extension
28 of the ordinary five-day timeframe in those cases where such
29 extension is necessary, for religious reasons, to allow for the
30 naming of the child.

31 In particular, the bill would provide that, notwithstanding the
32 provisions of existing law to the contrary, the filing of a child's
33 birth certificate may be delayed, based on the parent's religious
34 beliefs, until such time as the child is named. However, the bill
35 would specify that no such delay may result in the filing of the birth
36 certificate more than 15 days after the child's date of birth.

37 Any parent whose religious beliefs necessitate a delay in the
38 filing of a birth certificate pursuant to the bills' provisions, would
39 be required to: (1) provide notice of the religious need for a filing
40 delay, within five days after the child's date of birth, to the person
41 who is responsible for filing the birth certificate, unless the parent is
42 responsible for such filing, in which case, no such notice would be
43 required; and (2) file the child's birth certificate, or authorize such
44 filing by the person responsible therefor, as soon as possible after
45 the child is named, but in no case more than 15 days after the
46 child's birth. If the child is not named by the conclusion of this 15-
47 day extended timeframe, the bill would require the birth certificate
48 to be filed nonetheless, and the naming procedure outlined in

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- 1 R.S.26:8-24 to be applied. That naming procedure requires the
- 2 local registrar to provide the parents with a special blank for the
- 3 supplemental report of the child's given name.