

SENATE, No. 3161

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Requires certain proof be provided by civil union partners or spouses of natural or legal parents of children when filing joint complaints for judgments of adoption.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the filing of certain complaints for judgments
2 of adoption and amending P.L.2019, c.323.

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.2019, c.323 (C.9:17-71) is amended to read
8 as follows:

9 3. a. A natural parent or person treated in State law as a legal
10 parent of the child, and the current or former partner in civil union
11 or the current or former spouse of the natural parent or person
12 treated in State law as a legal parent may jointly file a complaint for
13 a **[judgement]** judgment of adoption with the Superior Court,
14 Chancery Division, Family Part of the county of residence of the
15 spouse, civil union partners, or one of the parties to the action, or, if
16 the child is less than three months of age, of the county in which the
17 child was born.

18 b. Attached to the complaint shall be:

19 (1) proof of a valid civil union or marriage between the natural
20 or legal parent and that person's partner in civil union or spouse **[**,
21 issued **]** that occurred prior to the birth of the child;

22 (2) an original birth certificate issued by the State Registrar of
23 Vital Statistics on which both partners in civil union or spouses are
24 listed as parents of the child or a copy thereof certified to be true by
25 an attorney of this State; and

26 (3) a written declaration signed by both parties to the action that
27 describes in sufficient detail how the child was conceived and
28 identifies any other involved parties so that the court may determine
29 whether those individuals have parental rights to the child.

30 c. The court shall, if it determines that the parental rights of
31 any other interested individual have been relinquished or
32 terminated, issue a **[judgement]** judgment of adoption confirming
33 both parties to the action as the legal parents of the child, without
34 the need for an appearance by the parties.

35 d. The court shall, if it determines that another individual may
36 have existing parental rights to the child, order and conduct a
37 hearing on the matter, providing notice to all parties, before issuing
38 a judgement of adoption.

39 e. No home study or background check shall be required by the
40 court in order to issue a judgement of adoption pursuant to this act.

41 f. The process provided by this section shall not be available to
42 the intended parents of a child born to a gestational carrier pursuant
43 to the provisions of the "New Jersey Gestational Carrier Act,"
44 P.L.2018, c.18 (C.9:17-60 et al.).

45 g. Nothing in this act shall be deemed to summarily extinguish
46 or terminate the parental rights of any individual.

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.

i. The Supreme Court may establish court rules as necessary to effectuate the provisions of this act.
(cf: P.L.2019, c.323, s.3)

STATEMENT

Current law requires that a copy of an original birth certificate issued by the State Registrar of Vital Statistics on which both partners in civil union or spouses are listed as parents of the child can be attached to a complaint for a judgement for adoption. The law does not allow for a copy of a birth certificate listing partners in civil union or spouses as parents of the child, certified by an attorney, to be attached to the complaint.