

# STATEMENT TO

[First Reprint]

## **SENATE, No. 56**

with Assembly Floor Amendments  
(Proposed By Assemblyman BATEMAN)

ADOPTED: MARCH 16, 1998

These floor amendments extend the time period within which a person who is entitled to notice of the complaint in an adoption proceeding, pursuant to P.L.1977, c.367 (C.9:3-37 et seq.), has the right to object to the adoption, from 60 days to 120 days or prior to the date of the preliminary hearing, whichever occurs first.

The amendments additionally delete the provision of the bill which waived the requirement of notice of the complaint in an adoption proceeding in the case where a person has been named as a parent on the original certificate of birth, but the named person has not amended the original certificate of birth of the child within 60 days of the birth of the child.

In regard to the presumption that a man is the biological father of a child, pursuant to section 6 of P.L.1983, c.17 (C.9:17-43), the amendments add a rebuttable presumption that a man has knowledge of his paternity and the birth of a child if he had sexual intercourse with the biological mother within 300 days of the child's birth. This presumption may be rebutted only by clear and convincing evidence in an appropriate action based on fraud, duress, or misrepresentation by the biological mother concerning the paternity or birth of the child. This claim of fraud, duress, or misrepresentation must be asserted prior to the finalization of the adoption.