

April 28, 2014

**SENATE BILL NO. 873
(First Reprint)**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 873, (First Reprint), which reforms access to birth records, with my recommendations for reconsideration. The questions considered in this bill have been thoughtfully and passionately examined for decades, producing numerous proposals for reform. Advocates on all sides, however, share the view that life is a precious gift, and that the birth of a child is always an occasion for celebration among family, friends, and community. With this in mind, I agree with the sponsors that New Jersey should take a new open approach to adoption records that eliminates the requirement of obtaining a court order to access birth records.

I recognize, of course, that seeking adoptive parents for a child is a profoundly complicated choice. For some, the protections of anonymity may be a consideration. For others, the ability to maintain a life-long relationship with the child is critical. Indeed, as the sincere dialogue surrounding this bill has demonstrated, the nature of adoption has transformed over last half-century from a path of last resort, to a life-affirming partnership between birth parents, adoptive parents, and their children. Adoption is now properly regarded as a natural choice for parents seeking to grow their families, and a supportive and loving pathway for parents who reach the mature decision to provide their child with the opportunities of a new home. Our State's current laws, however, have not been updated to reflect this interactive culture of parenthood. New Jersey has no uniform and objective standards for accessing birth records, or even medical information, and our laws place an often insurmountable barrier between adopted children and their

birth parents. The process of connecting birth parents and their children that requires a difficult resort to the court system is not in the best interests of New Jersey's adopted children, their families, and the ever-expanding culture of life that has taken root in our State.

I commend the sponsors of this bill for their leadership on this critical issue, and their work in bringing forth needed changes. While I share the sponsors' goals, I recommend additional safeguards necessary to balance the needs of adoptees seeking critical records of their identity, with the expectations of birth parents in years past who may wish to remain private. The recommendations here will achieve those goals, while respecting and protecting the interests of adoptees, birth parents and adoptive parents.

Specifically, I recommend the bill be amended to create a suitable transition and implementation period allowing an adoptee to obtain an original birth certificate without involvement from the courts beginning in 2017. For adoptions finalized after August 1, 2015, long-form birth certificates will be available without redaction, and birth parents are permitted to submit an information statement electing their preferred method of personal contact. For adoptions finalized before August 1, 2015, birth parents may choose to file a preference for contact with the State Registrar, selecting from options including direct interaction, contact through an intermediary, or sharing of only medical information with continued privacy. Providing this transition period will permit for appropriate educational campaigns on new open adoptions, and avoid altering the settled expectations of parents and children without notice.

These narrow recommendations strike an appropriate balance that will enhance the lives of adopted children and their parents. I thank the sponsors for their leadership and compromise on this important reform of adoptions. I look forward to swift passage of these recommendations, which will be promptly signed into law.

Accordingly, I herewith return Senate Bill No. 873 (First Reprint) and recommend that it be amended as follows:

- Page 2, Section 2, Line 24: Delete "public"
- Page 5, Section 4, Line 7: Delete ". The State Registrar" and insert "in accordance with the provisions of P.L. , c. (C.)(pending before the Legislature as this bill)."
- Page 5, Section 4, Lines 8-13: Delete in their entirety
- Page 6, Section 5, Line 29: After "birth file." insert new subsection i. to read as follows:
- "i. Notwithstanding the provisions of this section, in the case of a person adopted prior to August 1, 2015, a birth parent may submit a request for redaction of name and other identifying information of the birth parent to the State Registrar on or before December 31, 2016 that provides that the name and other identifying information of the birth parent shall be redacted in response to a request pursuant to R.S. 26:8-40.1, section 4 of P.L. ,c. (C.)(pending before the Legislature as this bill), or this section. At any time following the request for redaction, the birth parent may rescind the redaction request and the State Registrar shall provide the identifying information concerning the birth parent. The State Registrar shall retain a copy of the revised request for redaction and share the information based on the revised request for redaction document in accordance with the provisions of this section."

- Page 6, Section 6, Lines 31-47: Delete in their entirety
- Page 7, Section 6, Lines 1-14: Delete in their entirety
- Page 7, Line 15: Insert new section 6 to read as follows:
- "6. (New section) a. Nothing in this act shall affect regulations adopted by the Department of Children and Families with respect to adoptions facilitated by the Department of Children and Families.
- b. Nothing in this act shall alter the requirement for an approved adoption agency to provide a prospective parent with non-identifying information relevant to the child's development, including the child's developmental and medical history, and the birth parents' complete medical histories, as provided in section 1 of P.L.1979, c.292 (C.9:3-41.1)."
- Page 7, Section 7, Lines 16-30: Delete in their entirety and insert new section 7 to read as follows:
- "7. (New section) In the event that the adopted person was under the care and custody of the Division of Child Protection and Permanency in the Department of Children and Families at the time of the person's adoption, the director of the Division of Child Protection and Permanency shall provide, upon request by an authorized requester, a statement providing summaries of the medical and social characteristics of birth family members, family health histories, the facts and circumstances related to adoptive placement, and summaries of case record material. The director shall not release case records in response to such a request."
- Page 7, Section 8, Lines 31-47: Delete in their entirety

Page 8, Section 8, Lines 1-5:

Delete in their entirety

Page 8, Line 6:

Insert new section 8 to read as follows:

"8. (New section) a. An authorized requester may request the adoption facilitator that placed the child for adoption or conducted an investigation pursuant to section 12 of P.L.1977, c.367 (C.9:3-48) to provide any available non-identifying family medical history information concerning the adopted person contained in that person's confidential case records maintained by the adoption facilitator.

b. Upon receipt of a request pursuant to subsection a. of this section, the adoption facilitator shall provide the requester with a detailed summary of any available non-identifying family medical history information concerning the adopted person contained in that person's confidential case records.

c. If the requester is unable to obtain any available non-identifying family medical history information pursuant to subsection b. of this section because the adoption facilitator is unknown, in order to accommodate the request, the requester may petition the court that granted the adoption to identify the adoption facilitator, if possible."

Page 8, Section 9, Lines 7-20:

Delete in their entirety

Page 8, Line 21:

Insert new section 9 to read as follows:

"9. (New section) a. Notwithstanding the requirements of P.L. , c. (C.) (pending before the Legislature as this bill) to the contrary, in the case of a child who was surrendered pursuant to the "New Jersey Safe Haven Infant Protection Act," P.L.2000, c.58 (C.30:4C-15.5 et seq.) and upon receipt of notification from the Division of Child Protection and Permanency in the

Department of Children and Families in accordance with the provisions of subsection b. of this section, the State Registrar shall not provide any of the birth parent's identifying information recorded on the child's certificate of birth upon receipt of a request from an authorized requester for an uncertified, long-form copy of an adopted person's original certificate of birth in accordance with the provisions of subsection c. of R.S. 26:8-40.1 and section 4 of P.L. , c. (C.) (pending before the Legislature as this bill).

b. The Division of Child Protection and Permanency in the Department of Children and Families shall notify the State Registrar when a child is surrendered pursuant to P.L.2000, c.58 (C.30:4C-15.5 et seq.) to enable the State Registrar to identify the certificate of birth of the child who was so surrendered and deem that the uncertified, long-form copy of the original certificate of birth shall not be provided to the authorized requester.

c. Nothing in this act shall be construed to require the Division of Child Protection and Permanency in the Department of Children and Families to provide any identifying information about the birth parents of a child who was surrendered pursuant to the provisions of P.L.2000, c.58 (C.30:4C-15.5 et seq.)."

Page 8, Section 10, Lines 22-23:

Delete ", in consultation with" and insert "and"

Page 8, Section 10, Line 23:

After "Families," insert "as appropriate,"

Page 8, Section 10, Line 25:

Delete "which shall:" and insert "to carry out the provisions of this act."

Page 8, Section 10, Lines 26-32:

Delete in their entirety

Page 8, Section 11, Line 36:

Delete "shall" and insert "and the Commissioner of Children and Families may"

Page 8, Section 11, Line 37: Delete "commissioner deems" and insert "commissioners deem"

Page 8, Section 11, Line 41: Delete "commissioner" and insert "commissioners"

Page 8, Section 12, Line 45: Delete "sections 3," and insert "section 5 shall take effect on August 1, 2015; and sections 3 and 4 shall take effect on January 1, 2017."

Page 8, Section 12, Line 46: Delete in its entirety

Page 8, Section 12, Line 47: Delete "following the date of enactment."

Page 9, Section 12, Line 2: After "this act" insert ", including allowing a birth parent to submit a document of contact preference prior to August 1, 2015"

[seal]

Respectfully,
/s/ Chris Christie
Governor

Attest:
/s/ Paul B. Matey
Deputy Chief Counsel