



June 13, 2014

## **NEW JERSEY ADOPTEES GAIN ACCESS TO ORIGINAL BIRTH CERTIFICATES**

By: Meghan V. Hoppe, Esq.

On May 27, 2014, Governor Chris Christie signed into law a bill<sup>1</sup> that allows adoptees access to their original birth certificates and the opportunity to gain vital medical and genealogical information. The New Jersey Assembly joined the Senate in approving the revised bill earlier in the month, after coming to a compromise with Governor Christie, who had conditionally vetoed it twice.

This legislation amends New Jersey's vital records law and allows an adopted adult, an adoptive parent on a child's behalf, a direct descendent, sibling, or spouse of an adoptee or a government agency to request the adoptee's original birth certificate from the New Jersey Department of Health. Under the compromise with the Governor, the New Jersey Legislature has pushed back the effective date of the law until January 1, 2017, in order to give birth parents ample time to have their names removed from an adopted child's birth certificate. This transition period will avoid altering birth parents previous expectations of privacy and also provide time to educate the public on new open adoptions.

For adoptions finalized prior to August 1, 2015, birth parents will have until the end of 2016 to ask that their names be removed from an adopted child's birth certificate. Those who request that their names are redacted will be asked to anonymously provide family history information, which will include medical, cultural, and social information regarding the birth parent. Birth parents of children adopted after August 1, 2015, will not have the option of removing their names from a child's birth certificate. Instead, birth parents will be allowed to indicate their preference for contact: 1) direct contact, 2) contact through a confidential intermediary, or 3) no contact. A birth parent that chooses 'no contact' will be asked to provide

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<sup>1</sup> S. 873, 2014 Leg., 216<sup>th</sup> Sess. (N.J. 2014), approved P.L.2014, c.9.

and update family history information every 10 years until he or she reaches the age of 40, and every 5 years thereafter. Birth parents can opt to change their contact preference at any time.

This groundbreaking legislation will give New Jersey adoptees access to birth certificates that have been sealed since 1940. With the law's enactment, New Jersey joins Alabama, Alaska, Kansas, Maine, New Hampshire, Oregon, Rhode Island, and Tennessee as states that provide unrestricted access to adoptees' original birth certificates.

Should you have any questions about this matter please do not hesitate to contact one of the health care attorneys at Schenck, Price, Smith & King, LLP.

**DISCLAIMER:** This Client Alert is designed to keep you aware of recent developments in the law. It is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of the client. If someone you know would like to receive this Client Alert, please send a message to Meghan V. Hoppe, Esq. an associate in the Health Care Practice Group at [mvh@spsk.com](mailto:mvh@spsk.com).

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