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N.J. adoptees could obtain birth certificate, but might have to wait 12 months to do so

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Christie agreed to release the records of adopted people but rejected controversial provisions that would have denied mothers who place a child for adoption the promise of anonymity

TRENTON — The 30-year battle for adopted people to obtain their birth certificates in New Jersey all but ended today, as Gov. Chris Christie agreed to release the records but rejected controversial provisions that would have denied mothers who place a child for adoption the promise of anonymity.

The governor issued a "conditional" or partial veto of the bill that passed the legislature in May, and instead rewrote the measure to put the responsibility of the search for a birth parent in the hands of a confidential intermediary, employed by an adoption agency. The intermediary would approach birth parents on behalf of their long-ago surrendered children to arrange contact. If the birth parent declines contact, the intermediary shall request the parent complete a medical history form.

But if after 12 months of a "diligent" search, the intermediary cannot find the birth parent, "the state may release the original birth certificate to the adoptee if desired," according to the governor's veto statement.

Christie's version of the law, if accepted by the legislature, supports the arguments made by opponents that women who placed children for adoption long ago were promised anonymity. Adoption records have been sealed for about 70 years, and can only be released by a court order.

"...I believe that additional safeguards are needed to best balance the needs of adoptees seeking the identity of their biological parents with the expectations of birth parents who may wish for their identities to remain private," according to Christie's statement.

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Adopted people have fought for decades to convince lawmakers that denying them information about their identity violated their civil rights. A vocal group of women who gave birth before abortion was legal have also fought for the bill, insisting adoption agencies never promised them confidentiality. They've also said the vast majority of birth mothers want to meet their children.

The legislation the governor rejected, (S799/A1406) would have given women who surrendered a child before the law passed a year to file a notarized letter with the state expressing their desire to remain anonymous. They also would have to submit a form providing family medical and cultural history once before the mother turns 40, and every five years after her 40th birthday. Those who did not comply with the submit the form would forfeit their privacy.

Women who surrendered a child after the law's enactment would not have a guarantee of privacy, under the rejected bill. They would have had to submit a "preference" form stating their wish to be contacted directly, contacted through an intermediary or not contacted at all. But the state would still

furnish upon the adopted person's request the complete birth certificate bearing the parents' names, leaving it up to the adoptee to decide whether to honor the birth parent's request.

Open record advocates had hoped Christie would be an ally because his sister is adopted . The bill's opponents, meanwhile, had hoped the governor's Catholic background and his opposition to abortion rights would weigh in their favor. New Jersey Right to Life has warned mothers might consider abortion more seriously if they knew their child could someday find them and reveal a secret from their past.

The issue has raged for 30 years, but most intensely in the last decade as the New Jersey State Bar Association and the state chapter of the American Civil Liberties Union joined with the bill's long-time opponents, the Catholic Conference and New Jersey Right to Life.

"There is no perfect bill on this topic, when you are trying to balance the rights" of both adopted people and their biological parents, said Deborah Jacobs, executive director of the ACLU in New Jersey, said before the governor's statement was released today. "It is a fair and balanced compromise and puts an end to this issue in New Jersey to the benefit of the vast majority of adoptees."

Jacobs said she agrees with open record advocates that most birth parents want to be found. But the minority of birth mothers who never revealed this secret deserve protection. "Those who sacrificed so much in placing a child for adoption can maintain their privacy" she said.

Assemblyman Vincent Prieto (D-Hudson), one of the sponsors of the original bill, said he was "concerned about the potential consequences of the Governor's conditional veto," and did not know whether he would support it.

"Knowledge of family medical history is paramount for individuals faced with a health crisis and adoptees are no exception. This legislation would have granted them access to information they are denied at no fault of their own," Prieto said.

Marie Tasy of New Jersey Right to Life said the governor's compromise strikes the right balance.

"It provides the ability to obtain an original birth certificate when all parties mutually consent. It also allows the means to obtain medical history information while also respecting the privacy of birth parents who need and desire it," Tasy said. "We hope the Legislature will adopt the Governor's recommendations."

Christie praised the sponsors' "courageous leadership on this important landmark proposal that will transform the adoption law in this state."

"The decision of any biological parent to seek adoptive parents for a child is an enormously complicated choice and the protections of anonymity can be a significant consideration when choosing adoption," the governor wrote. "Yet I also strongly empathize with the adopted child, and adoptive parents, who may long to know the identity of the birth parents."

In future adoptions, the governor said, mothers will be asked to complete a form that states their future contact preferences - "complete information sharing, sharing via an intermediary, or sharing only non-identifying medical information," according to the veto statement.

"After closely studying the bill, and listening to the many sound and sincere ideas for reform, I agree with the sponsors that it is time for a new approach to adoption records in New Jersey that eliminates the burdensome requirement of obtaining a court order to access basic familial information. While the goals of their legislation are laudable, I do believe the administrative structure used to implement those reforms must be carefully constructed to avoid any unwanted breaches of privacy, and the potential chilling effect on adoptions," according to Christie's statement.

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