

NOTICE TO THE BAR
CHANGES TO JUDGMENT OF ADOPTION PROCEDURES
TO CONFORM TO L. 2019, c. 323 – CO-PARENT ADOPTIONS

The Supreme Court by Order dated May 26, 2020 (copy attached) has relaxed and supplemented Rule 5:10 ("Action for Adoption of a Child") so as to conform the provisions of the rule to L. 2019, c. 323 (effective April 1, 2020) with regard to co-parent adoptions.

Specifically, the law authorizes civil union partners or legal parents of a child, when those persons are named as parents on the child's birth certificate, to obtain a judgment of adoption in lieu of pursuing a confirmatory adoption. The law also provides that in order to seek a judgment of adoption from the court, both individuals in the civil union or marriage must be listed on the child's birth certificate as parents. Pursuant to the new law, a natural or legal parent and the current or former spouse or partner in a civil union of the natural or legal parent must jointly file a complaint with the court in the county of residence of the spouses, civil union partners, or one of the parties to the action. The following must be attached to such complaint:

1. Proof of a valid civil union or marriage between the individuals issued prior to the birth of the child;
2. An original birth certificate issued by the State Registrar of Vital Statistics that lists both individuals as parents of the child; and
3. A written declaration signed by both individuals that describes in sufficient detail how the child was conceived and identifies any other involved parties so that the court may determine whether those individuals may have parental rights to the child.

The new law also provides for the following:

1. No home study or background check is required for the adoptive parents;
2. A termination of parental rights in these actions is not necessary because the adoptive parent's name is already set forth on the birth certificate;
3. The process provided by this law shall not be available to the intended parents of a child born to a gestational carrier pursuant to the provisions of the "New Jersey Gestational Carrier Act," L. 2018, c. 18 (N.J.S.A. 9:17-60, et seq.);

4. If the court determines that the parental rights of any other interested individuals have been relinquished or terminated, the court shall issue a judgment of adoption confirming both parties as the legal parents of the child, without the need for an appearance by the parties;
5. If the court determines that another individual may have existing parental rights to the child, the court shall order and conduct a hearing on the matter, providing all parties with notice, before issuing a judgment of adoption;
6. After the judgment of adoption is issued, the parties are considered "co-parents" of the child as defined by this new law. The new law amends the parentage provisions of N.J.S.A. 9:17-39 and -41 to incorporate this new "co-parent" status;
7. The law does not summarily extinguish or terminate the parental rights of any individual nor confer parental rights through a birth certificate; and
8. The law defines "assisted reproduction" as medical procedures to facilitate human reproduction including but not limited to artificial insemination, in vitro fertilization, embryo transfers, and similar procedures.

Questions regarding this notice may be directed to Joanne M. Dietrich, Assistant Director for Family Practice, by telephone at 609-815-2900 ext. 55350 or by email at Joanne.Dietrich@njcourts.gov.


Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: June 24, 2020

SUPREME COURT OF NEW JERSEY

IT IS ORDERED, pursuant to N.J. Const. (1947), Art. VI, sec. 2, par. 3, that effective immediately and until further order, the provisions of Rule 5:10 ("Action for Adoption of a Child") of the Rules Governing the Courts of the State of New Jersey are supplemented and relaxed so as to conform to L. 2019, c.323, specifically so as to modify the process for obtaining a judgment of adoption for civil union partners or spouses of natural or legal parents of children when those persons are named as parents on a child's birth certificate. In such matters the joint application for judgment of adoption must be supported by the following attachments: (1) proof of a valid civil union or marriage between the individuals issued prior to the birth of the child; (2) an original birth certificate issued by the State Registrar of Vital Statistics that lists both individuals as parents of the child; and (3) a written declaration signed by both individuals that (a) describes in sufficient detail how the child was conceived and (b) identifies any other involved individuals so that the court may determine whether those individuals may have parental rights to the child.

The provisions of this order shall remain in effect pending development and adoption of conforming rule amendments.

For the Court,



Chief Justice

Dated: May 26, 2020