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October 25, 2016

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director
Administrative Office of the Courts
Superior Court of New Jersey
P.O. Box 037
Trenton, New Jersey 08625

RE: Report of the Family Practice Committee on Legal
Representation for Indigent Birth Parents in Contested Adoptions

Dear Director Grant:

The Office of the Public Defender’s Office of Parental Representation writes to express concerns with the current forms prepared by the Family Practice Committee for use in private adoption proceedings as published in the October 12, 2016 Notice to the Bar.

As drafted, the forms do not adequately communicate the finality of the adoption proceedings. The issue of the utmost importance in such proceedings is to make clear the permanent severance of all legal ties to the child(ren) involved in the proceedings. Even in the State-initiated termination of parental rights cases in which OPR represents defendant parents, the most troubling question often voiced by our clients involves general confusion as to the finality of an adoption and the legal ramifications that arise in a “closed” adoption state such as New Jersey. This office believes that there needs to be clearer cautionary language as to the finality of the decision to be made within the forms. We suggest the following changes, indicated by underlining the requested changes as such.

Objection to This Adoption

As the parent of this child, if you do not want the child to be adopted, with the result that your parental rights will be severed forever, you have the right to object to the adoption of this child. If you complete the steps below to object to the adoption, the party or parties seeking the adoption must prove that the New Jersey statutory standard for adoption is met. If you do not object to the adoption, the process will go forward, terminating your parental rights to your child forever. Any promises made

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for future contact with, or information about the child, including continued contact after the adoption is finalized, are not legally enforceable in New Jersey.

Voluntary Surrender of Parental Rights and Consent to this Adoption

If you are in agreement with the adoption plan for this child, you may sign a voluntary surrender of your parental rights with the agency no earlier than 72 hours after the birth of the child. Once a voluntary surrender form is signed in the presence of a notary, it is final and irrevocable. A voluntary surrender is the permanent end of the parent-child relationship. It cannot be withdrawn after it is signed. Any assurances or promises made by the agency or adoptive parents for future contact and/or information concerning your child is not legally enforceable after the adoption is finalized.

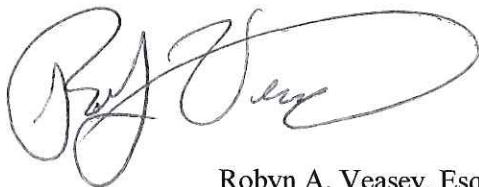
Furthermore, on the private agency form, the "Denial of Parentage" portion is unclear. It does not communicate what the ramifications of a denial of parentage would entail or even if that denial is the final act a party must take. As written, this portion does not adequately notice a party of what rights or responsibilities would follow from the submission and entry of this form.

Denial of Parentage

If you deny that you are a parent of this child, you may sign a denial of parentage form which may be provided by the agency that is handling this adoption. Your signature on the denial of parentage form must be notarized. The denial of paternity shall be deemed a surrender for purposes of allowing the child to be adopted.

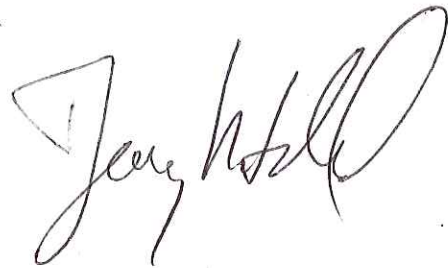
The Office of Parental Representation thanks you and the Court for considering our comments on this very important notice issue.

Respectfully Submitted,



&

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T. Gary Mitchell, Esq.
Deputies Public Defender
Office of Parental Representation



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