

NEW JERSEY MAKES IT EASIER TO PROTECT YOUR FAMILY

This January, New Jersey passed a significant new law which benefits all non-genetic parents. It is described below. Even if this law does not affect you or your family, I urge you to scroll down to page 4 to see what 40 years of activism can produce.

Present Law

The New Jersey Supreme Court has held that there are only three ways one can be a legal, recognized parent:

- (1) gestate the child,
- (2) provide genetic material, or
- (3) obtain an adoption or parentage order.

A birth certificate alone does not confer or create parentage; nor does it terminate parentage.

How this Law affects our families

All non-genetic parents need to obtain a judicial order confirming their parentage. This includes couples who used gametes from a third party, many same-sex couples, and couples who had other fertility issues.

New Jersey already recognizes the parentage of the non-genetic parent based on the marital presumption. But, in order to

protect your family when you travel, move out of state, or are applying for government benefits, I always recommend obtaining a confirmatory adoption.

Every state must recognize that Order. Additionally, when traveling abroad, that Order should satisfy any questions as to who the parents are. Adoptions are recognized world-wide.

In the past, petitioners seeking such an Order have been required to undergo a home study, conduct background checks, and appear before a judge.

The New Law

On Monday, January 13, 2020, Governor Murphy signed a bill sponsored by Senator Nicholas Scutari which streamlines the process for all non-genetic parents. I am a proud co-author.

The new law affects couples who

- (1) currently are or were married or in a civil union at the time of the child's birth,
- (2) have used donor material where the donor's parental rights have been terminated by operation of law, and
- (3) where the adoption parent is on the child's birth certificate.

The petitioners will need to file a joint complaint providing:

- (a) certified copy of their marriage license;

- (b) certified copy of child's birth certificate; and
- (c) an affidavit or certification by both parties that describes in sufficient detail how the child was conceived and which identifies any other involved parties so that the court may determine whether those individuals have parental rights to the child.

There is no requirement for a home study, background check, or a court hearing.

Once approved, the court will issue a Judgment of Adoption. This abbreviated process will save money, time and will alleviate aggravation and unnecessary intrusion.

February Informational Meeting

On February 25, 2020, the Union County Board of Chosen Freeholders will host a free, informational meeting covering New Jersey's new confirmatory adoption law and other LGBTQ family planning concerns. All are invited.

The meeting is scheduled for Tuesday, February 25 at 6:30 p.m. at the Hamilton Stage in Rahway (360 Hamilton Street, Rahway). Seating is limited for the free seminar. Preregistration is required online at ucnj.org/lgbtq.

I will be one of the speakers.

A Reason to Cheer

What 40 years of activism can produce. Less than 10 years ago, the New Jersey Legislature rejected marriage equality. The relative ease of passing this law to protect our families demonstrates how far we have come.

In its introductory reasoning for passing the new law, the Legislature made the following findings which are part of the law.

The Legislature finds and declares that:

a. Modern medical advances have made parenthood possible for many couples that would not otherwise be able to have their own child, thanks to the availability of assisted reproduction procedures.

b. These procedures have enabled same-sex couples, opposite-sex couples dealing with infertility, and transgender and non-binary individuals, to become parents.

c. Societal recognition of the rights of lesbian, gay, bisexual, transgender, and non-

binary individuals, in combination with advances in assisted reproduction, has outpaced changes in the law concerning processes for establishing legal parentage.

d. A spouse or partner in civil union who may not be genetically related to the child or who may not have gestated the child born to the couple through assisted reproduction is required to go through the lengthy and expensive process of adopting the child in order to confirm legal parentage.

e. By streamlining the process by which couples in this situation can legally confirm that both spouses in a marriage or both partners in civil union are parents of the child, this act reflects the current reality of many families in New Jersey, while ensuring that the rights of any other individuals who may have parental rights to the child are addressed.

f. In order to ensure that couples who have used assisted reproduction may have a non-genetic parent's rights afforded full faith and credit in all states, as guaranteed by the United States Constitution, this bill establishes a process to obtain a judgement of adoption from the court that optimizes judicial efficiency and use of court personnel.

This strong statement of inclusion and recognition affirms our community. Congratulations to all of us!

Best regards,
Bill