

Adoption

Following are *pro se* forms to submit to the Cumberland County Surrogate's Office when filing for certain adoption matters. There are forms for a Private Adoption (Verified Complaint and Order for Hearing) and a StepParent Adoption (Verified Complaint and Order for Hearing); also included is a Proof of Service that may be used for both types of adoption.

When using the forms you will see words italicized and underlined and blank spaces. Anywhere you see these they are for you to fill in. This allows the documents to be made specific and personal to your situation and for the matter you are filing for. Please remove the italicized words and insert your specifics there.

Included within this section are the Rules of Civil Practice and New Jersey Statutes that apply for the above listed correspondence with the court. These inclusions are not meant to be a comprehensive list, but merely to highlight the most pertinent rules.

If you have any questions regarding the filling in or filing of these forms, please feel free to contact the Cumberland County Surrogate's Office at (856) 453-4800.

New Jersey Statutes Annotated (N.J.S.A.) 9:3-37. Liberal Construction of Act; due regard to rights of all persons affected

This act shall be liberally construed to the end that the best interests of children be promoted and that the safety of children be of paramount concern. Due regard shall be given to the rights of all persons affected by an adoption.

N.J.S.A. 9:3-38. Definitions

For the purposes of this act:

(a) Approved Agency means a nonprofit corporation, association or agency, including any public agency, approved by the Department of Human Services for the purpose of placing children for adoption in New Jersey.

(b) Child means a person under 18 years of age

(c) Custody means the general right to exercise continuing control over the person of a child derived from court order or otherwise

(d) Guardianship means the right to exercise continuing control over the person or property or both of a child which includes any specific right of control over an aspect of the child's upbringing derived from court order

(e) Guardian ad litem means a qualified person, not necessarily an attorney, appointed by the court under the provisions of this act or at the discretion of the court to represent the interests of the child whether or not the child is a named party in the action

(f) Parent means a birth parent or parents, including the birth father of a child born out of wedlock who has acknowledged the child or to whom the court has ordered notice to be given, or a parent or parents by adoption

(g) Placement for adoption means the transfer of custody of a child to a person for the purpose of adoption by that person

(h) Plaintiff means a prospective parent or parents who have filed a complaint for adoption

(i) Legal services means the provision of counseling or advice related to the law and procedure for adoption of a child, preparation of legal documents, or representation of any person before a court or administrative agency

(j) Surrender means a voluntary relinquishment of all parental right by a birth parent, previous adoptive parent, or other person or agency authorized to exercise these rights by law, court order or otherwise, for purposes of allowing a child to be adopted

(k) Home study means an approved agency's formal assessment of the capacity and readiness of prospective adoptive parents to adopt a child, including the agency's written report and recommendations conducted in accordance with rules and regulations promulgated by the Director of the Division of Youth and Family Services

(l) Intermediary means any person, firm, partnership, corporation, association or agency, which is not an approved agency as defined in this section, who acts for or between any parent and any prospective parent or acts on behalf of either in connection with placement of the parent's child for adoption in the State or in any other state or country. An intermediary in any other state or country shall not receive money or other valuable consideration in connection with the placement of a child for adoption in this State. An intermediary in this State shall not receive money or other valuable consideration in connection with the placement of a child for adoption in this State or in any other state or country. The provisions of this subsection shall not be construed to prohibit the receipt of money or other valuable consideration.

N.J.S.A. 9:3-39.1. Placement of Adoptive Children

- (a)** A person, firm, partnership, corporation, association or agency shall not place, offer to place, or materially assist in the placement of any child for adoption in New Jersey unless:
- (1)** the person is the parent or guardian of the child, or
 - (2)** the firm, partnership, corporation, association or agency is an approved agency to act as agent, finder or to otherwise materially assist in the placement of any child for adoption in this state, or
 - (3)** the placement for adoption is with a brother, sister, aunt, uncle, grandparent, birth father or stepparent of the child, or
 - (4)** the placement is through an intermediary

N.J.S.A. 9:3-40. Qualifications of Agencies for Approval

The Commissioner of Human Services shall promulgate rules and regulations relating to the qualification of agencies for approval to make placements for adoption in New Jersey.

N.J.S.A. 9:3-41. Surrender of Child

- (a)** Surrender of a child to an approved agency for the purpose of adoption, shall be a signed instrument acknowledged by the person executing the instrument before an officer authorized to take acknowledgments or proofs in the state in which the instrument is executed
- (b)** Any approved agency may accept custody of a child by a duly executed instrument of surrender from a parent or guardian of the child or from another approved agency or any agency for the care and protection of children approved by any other state, by the United States or by any foreign country, which has duly obtained the authority to place the child for adoption.
- (c)** A surrender executed in another state or foreign country by a domiciliary of that state or country and valid where executed shall be deemed a valid surrender in this State if taken more than 72 hours after the birth of the child.
- (d)** At the request of a parent of the child, an approved agency authorized to receive surrenders, may receive that parent's surrender of his child for purposes of having the child adopted by a person specified by the surrendering parent.
- (e)** A surrender of a child shall not be valid if taken prior to the birth of the child who is the subject of the surrender.

N.J.S.A. 9:3-41.1. Provision of available information on child's development to prospective parent

- (a)** An approved agency making an investigation of the facts and circumstances surrounding the surrender of a child shall provide a prospective parent with all available information, other than information which would identify or permit the identification of the birth parent of the child, relevant to the child's development, including his developmental and medical history, personality and temperament, the parent's complete medical histories, including conditions or diseases which are believed to be hereditary, any drugs or medications taken during pregnancy and any other conditions of the parent's health which may be a factor influencing the child's present or future health. This information shall be

made available to the prospective parent prior to the actual adoptive placement to the extent available and supplemented upon the completion of an investigation conducted by an approved agency.

N.J.S.A. 9:3-42. Venue

An action for adoption shall be instituted in the Superior Court, Chancery Division, Family Part of the county in which the prospective parent resides, or in the county where the child resided immediately prior to placement for adoption, or if the child is less than three months of age, the county in which the child was born; except that whenever the child to be adopted has been received into the home of a prospective parent from an approved agency, the action may be instituted in the Superior Court, Chancery Division, Family Part of any county in which the approved agency has an office.

N.J.S.A. 9:3-43. Who may Institute Action

- (a) Any person may institute an action for adoption except that a married person may do so only with the written consent of his spouse or jointly with his spouse in the same action or if living separate and apart from his spouse.
- (b) A plaintiff, at the time of the institution of the action, shall have attained the age of 18 years and shall be at least 10 years older than the child to be adopted, except that the court for good cause may waive either requirement, which waiver shall be recited in any judgment of adoption thereafter entered.

N.J.S.A. 9:3-43.1. Adoption of Child Born in Another Country

- (a) Notwithstanding the provisions of N.J.S.A. 9:3-37 et. seq. or any other law to the contrary, an adopting parent shall not be required to petition a court in this State for adoption of a child if:
 - (1) the child was adopted under the laws of a jurisdiction or country other than the United States; and
 - (2) the validity of the foreign adoption has been verified by the granting of IR-3 immigrant visa, or a successor immigrant visa, for the child by the United States Citizenship and Immigration Services.
- (b) If an adopting parent chooses to file a petition for adoption in this State, a court may grant a judgment of adoption without requiring the consent of a parent otherwise required pursuant to N.J.S.A. 9:3-41 if the petitioner files with the petition a judgment of adoption, guardianship or termination of parental rights granted by a judicial, administrative or executive body of a jurisdiction or country other than the United States that is in compliance with the laws of that country.

N.J.S.A. 9:3-43.2. Force and effect of final judgment granted in another country

A final judgment of adoption granted by a judicial, administrative or executive body of a jurisdiction or country other than the United States shall have the same force and effect in this State as that given to a judgment of adoption entered by another state, without additional proceedings or documentation if:

- (a) the adopting parent is a resident of this State; and
- (b) the validity of the foreign adoption has been verified by the granting of an IR-3 immigrant visa, or a successor visa, for the child by the United States Citizenship and Immigration Services.

N.J.S.A. 9:3-44. Promptness in institution of action after child received in home

Whenever a person receives a child into his home for the purpose of adoption other than from an approved agency, a complaint for adoption shall be filed within 45 days after receipt of the child. Whenever a person receives a child into his home for purposes other than adoption and it is later determined that an adoption shall be sought, a complaint for adoption shall be instituted with reasonable promptness following the determination. Failure to file the complaint in a timely manner shall not be a sole basis for refusal of the adoption but the failure shall require the filing, with the complaint, of an affidavit setting forth the reasons for the delay.

N.J.S.A. 9:3-46. Objection by Parent

- (a) A person who is entitled to notice pursuant to N.J.S.A. 9:3-45 shall have the right to object to the adoption of his child within 20 days after the filing of the complaint for adoption for a State resident and 35 days for a nonresident. Failure to object within that time period constitutes a waiver of the right to object.

In a contest between a person who is entitled to notice pursuant to N.J.S.A. 9:3-45 objecting to the adoption and the prospective adoptive parent, *the standard shall be the best interest of the child.*

- (b) The guardian of a child to be adopted who has not executed a surrender pursuant to N.J.S.A. 9:3-41 and any other person who has provided primary care and supervision in his home for the child for a period of six months or one half of the life of the child, whichever is less, in the two years prior to the complaint shall be given notice of the action and in accordance with the Rules of Court shall have standing to object to the adoption, which objection shall be given due consideration by the court in determining whether the best interests of the child would be promoted by the adoption

N.J.S.A. 9:3-47. Action on Complaint for Adoption; Child received from Approved Agency

- (a) When the child to be adopted has been received from an approved agency, the prospective parent shall file with the court a complaint for adoption after the child has been in the home of the prospective parent for at least six months. The complaint shall be accompanied by a consent to the plaintiff's adoption of the child signed and acknowledged by an authorized officer or representative of the approved agency; except that failure or refusal on the part of the approved agency to give consent, or withdrawal of consent on the part of the approved agency, shall not preclude an action for adoption.
- (b) Upon the filing of the complaint, the court shall set a date for the adoption hearing not less than 10 or more than 30 days from the date of institution of the action unless a longer period shall be required in order to obtain service of notice upon one or more of the people entitled thereto and shall order the approved agency concerned to file at least five days prior to the hearing a written report which shall describe the circumstances surrounding the surrender of the child and shall set forth the results of the agency's evaluation of the child.

Upon the request of a surrogate and not more than 30 days prior to the hearing, the court shall conduct a search of the records of the central registry established pursuant to N.J.S.A. 2C:25-34 to determine whether a prospective adoptive parent or any member of the parent's household has:

- (1) had a domestic violence restraining order entered against them; or
- (2) been charged with a violation of a court order involving domestic violence.

The court shall provide the results of the search to the surrogate for inclusion in the court's adoption file. If the results of the search contain any material findings or recommendations adverse to the plaintiff, the surrogate shall provide the material findings or recommendations to the approved agency.

If the agency's report contains or the results of the court's search of the central registry contain any material findings or recommendations adverse to the plaintiff the agency shall serve a copy of that part of the agency's report or the results of the court's search upon the plaintiff at least 5 days prior to the hearing and the court shall appoint a guardian ad litem for the child in the adoption proceeding if the court determines that a guardian is necessary to represent the best interests of the child.

- (c) If a parent of the child has made an objection to the adoption and the court finds against the objecting parent in accordance with N.J.S.A. 9:3-46, it shall make an order terminating the parental rights of the parent and proceed with the hearing.
- (d) If, based upon the approved agency's report and the evidence presented at the hearing, the court is satisfied that the best interests of the child would be promoted by the adoption, the court shall enter a judgment of adoption.

N.J.S.A. 9:3-49. Child to be adopted over 10; appearance at hearing; consideration of child's wishes

If the child sought to be adopted is of the age of 10 years or over, the appearance of the child shall be required at the final adoption hearing, unless waived by the court for good cause shown, and the child's wishes concerning the adoption shall be solicited by the court and given consideration if the child is of sufficient capacity to form an intelligent preference regarding the adoption.

Rule 4:5-1. General Requirements for Pleadings

(b)(2) Notice of Other Actions and Potentially Liable Persons. Each party shall include with the first pleading a certification as to whether the matter in controversy is the subject of any other action pending in any court or of a pending arbitration proceeding, or whether any other action or arbitration proceeding is contemplated; ... each party shall disclose in the certification the names of any non-party who should be joined in the action pursuant to R. 4:28 or who is subject to joinder pursuant to R. 4:29-1(b) because of potential liability to any party on the basis of the same transactional facts. Each party shall have a continuing obligation during the course of the litigation to file and serve on all other parties and with the court an amended certification if there is a change in the facts stated in the original certification.

Rule 4:28-1. Joinder of Parties; Joinder of Persons needed for Just Adjudication

(a) Persons to be joined if feasible. A person who is subject to service of process shall be joined as a party to the action if (1) in the person's absence complete relief cannot be accorded among those already parties, or (2) the person claims an interest in the subject of the action and is so situated that the disposition of the action in the person's absence may either (i) as a practical matter impair or impede the person's ability to protect that interest or (ii) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or other inconsistent obligations by reason of the claimed interest.

Rule 4:29-1. Joinder of Multiple Parties; Permissive Joinder

(b) Joinder by Order of the Court. The court on its own motion may order the joinder of any person subject to service of process whose existence was disclosed by the notice required by R. 4:5-1(b)(2) or by any other means who may be liable to any party on the basis of the same transactional facts. The court shall not order such joinder unless it finds for specific reasons stated on the record that the interests of judicial economy and of non-parties which would be served by such joinder substantially outweigh the interests of the named parties in not joining additional parties.

SAMPLE PRIVATE ADOPTION COMPLAINT

*LARRY LAWYER, ESQUIRE
123 Main Street
Anytown, USA 12345
(555) 123-4567
Attorney for Plaintiffs
**(if you are filing pro se [for
yourself without an attorney],
this is where your information
should be listed)***

IN THE MATTER OF THE : SUPERIOR COURT OF NEW JERSEY
: CHANCERY DIVISION-PROBATE PART
: CUMBERLAND COUNTY

ADOPTION OF A CHILD BY : DOCKET NO. *COURT FILLS IN*
:
ADOPTER'S NAME : CIVIL ACTION
:
: VERIFIED COMPLAINT FOR
ADOPTION
:
_____:

 Adopter's Name , residing at *Adopter's Address* , City of ,
 , County of Cumberland and State of New Jersey, by way of complaint says:

1. Plaintiff, *Adopter's Name* , is years old, a citizen of the United States and resides at *Adopter's Address* , New Jersey.
2. The child to be adopted is *Adoptee's Name* who was born in *Place of Birth* on *Date of Birth* and is years old.
3. The plaintiff is *state marital status and any other children [For Example: not married and has no other children].*
4. The plaintiff received the child to be adopted by *state how adoptee came to live with adopter [For Example: his sister, Ruth Roe, natural mother of William Roe, due to her being ill and unable to care for her son].*
5. The child came under the continuous care of the plaintiff in or about *Month, Year* and has continued thereunder until the date of the commencement of this action. The complaint has not been filed prior to this time pending time child had to be in plaintiff's care, namely at least six months.

VERIFICATION

STATE OF NEW JERSEY)
COUNTY OF CUMBERLAND) ss:

_____ *Adopter's Name* _____, Plaintiff in the annexed complaint, being duly sworn on his oath, according to law, deposes and says that the contents of the annexed Complaint are true to the best of my knowledge and belief.

Signature
Plaintiff/Adopter/Filer's Name

Sworn and Subscribed to
Before me this day
Of , 20 .

*This document must be notarized
By a Notary Public.*

Rule 4:83-5. Verification

All Complaints shall be verified by the plaintiff upon oath that the allegations thereof are true to the best of the plaintiff's knowledge and belief.

The Verified Complaint can be notarized by one of the notaries in the Surrogate's Office. Do not sign the Complaint until you are in front of one of them. They are verifying your signature and must actually see you sign.

N.J.S.A. 9:3-45. Notice of Complaint & Hearing to parent; service; contents; when notice not required

- (a) Notice of the complaint may not be waived and a notice of hearing shall be served in accordance with the Rules of Court on each parent. The notice shall inform each parent of the purpose of the action and of the parent's right to file written objections to the adoption within 20 days after notice is given in the case of a resident and 35 days in the case of a nonresident.
- (b) Notice pursuant to subsection (a) of this section shall not be served on a parent:
 - (1) Who has executed a valid surrender to an approved agency;
 - (2) Whose parental rights have been terminated in a separate judicial proceeding by court order;
 - (3) Who has, prior to the placement of the child for adoption, received notice of the intention to place the child, which notice shall inform the parent of the purpose of the placement, that failure to respond to the notice will prevent the person receiving the notice from objecting to any future adoption of the child, and that the parent has a right to file ... written objections to the proposed placement within 20 days after notice is given, in the case of a resident, and 35 days in the case of a nonresident. Failure to respond to this notice and object to the placement of the child for adoption shall constitute a waiver of all notice of any subsequent proceedings;
 - (4) Who has given the child for adoption to the adopting parent, and the Superior Court, Chancery Division, Family Part, has determined that the surrender was voluntary and proper;
 - (5) Whose child has been made available for adoption in a foreign state or country if the United States Immigration and Naturalization Service has determined that the child has been approved for adoptive placement
- (c) If personal service of the notice cannot be effected because the whereabouts of a birth parent of the child to be adopted are unknown, the court shall determine that an adequate effort has been made to serve notice upon the parent if the plaintiff
 - (1) Sent the notice by regular mail and be certified mail return receipt requested, to the parent's last known address;
 - (2) Made a discreet inquiry as to the whereabouts of the missing parent among any known relations, friends and current or former employers of the parent;
 - (3) Unless otherwise restricted by law, made direct inquiries, using the party's name and last known or suspected address, to the local post office, the Division of Motor Vehicles, county welfare agency, the municipal police department, the Division of State Police, etc. ... Failure to receive a response to the inquiries within 45 days shall be a negative response.
- (d) In any case where, within 120 days of the birth of the child or prior to the date of the preliminary hearing, whichever occurs first, the identity of a birth parent cannot be determined ... service on that parent shall be waived by the court.
- (e) In conducting the hearing required by paragraph (4) of subsection (b) of this section, the court shall determine that the surrender is voluntary and that the birth parent knows (1) that the hearing is to surrender birth rights; (2) that the hearing is to permanently end the relationship and all contact between parent and child; (3) that such action is a relinquishment and termination of parental rights and consent on the part of the birth parent to the adoption; (4) that no further notice of the adoption proceedings shall be provided to the birth parent if the surrender is accepted by the court.

N.J.S.A. 9:3-45.1. Adoption of rules and regulations relating to time limits on fathers right to object to adoption

Necessity for a father, within 120 days of the birth of a child or prior to the date of the preliminary hearing, whichever occurs first, to acknowledge paternity by amending the original birth certificate record with the local registrar's office in the municipality of birth of the child who is the subject of the adoption or by filing a paternity action in court in order to be entitled to notice of an adoption pursuant to N.J.S.A. 9:3-45.

N.J.S.A. 9:3-45.2. Notice and Opportunity to be heard

In any case in which the Division of Youth and Family Services accepts a child in its care or custody, the child's resource family parent, or relative providing care for the child, as applicable, shall receive written notice of and an opportunity to be heard at any review or hearing held with respect to the

child, but they shall not be made a party to the review or hearing solely on the basis of the notice and opportunity to be heard.

N.J.S.A. 9:3-48. Action on complaint for adoption; child not received from approved agency

- (a) When the child to be adopted has not been received from an approved agency, the prospective parent shall file with the court a complaint for adoption. Upon receipt of the complaint, the court shall be in order:
- (1) Declare the child to be a ward of the court and declare that the plaintiff shall have custody of the child subject to further order of the court;
 - (2) Appoint an approved agency to make an investigation and submit a written report to the court which shall include:
 - (a) the facts and circumstances surrounding the surrender of custody by the child's parents and the placement of the child in the home of the plaintiff, including the identity of any intermediary who participated in the placement of the child;
 - (b) an evaluation of the child and of the plaintiff and the spouse of the plaintiff if not the child's parent and any other person residing in the prospective home; and
 - (c) any fees, expenses or costs paid by or on behalf of the adopting parent in connection with the adoption.
 - (3) Direct the plaintiff to cooperate with the approved agency making the investigation and report; and
 - (4) Fix a day for a preliminary hearing not less than two or more than three months from the date of the filing of the complaint
- (b) The preliminary hearing shall have for its purpose the determination of the circumstances under which the child was relinquished by his parents and received into the home of the plaintiff, the status of the parental rights of the parents, the fitness of the child for adoption and the fitness of the plaintiff to adopt the child and to provide a suitable home.
- (c) If upon completion of the preliminary hearing the court finds that:
- (1) the parents of the child do not have rights as to custody of the child by reason of their rights previously having been terminated by court order; or, the parents' objection has been contravened pursuant to N.J.S.A. 9:3-46.
 - (2) The guardian, if any, should have no further control or authority over the child;
 - (3) The child is fit for adoption; and
 - (4) The plaintiff is fit to adopt the child, the court shall: (a) issue an order stating its findings, declaring that no parent or guardian of the child has a right to custody or guardianship of the child; (b) terminate the parental rights of that person, which order shall be a final order; (c) fix a date for a final hearing not less than six nor more than nine months from the date of the preliminary hearing; and (d) appoint an approved agency to supervise and evaluate the continuing placement in accordance with subsection (d) of this section.
- (d) The approved agency appointed pursuant to subsection (c) of this section shall from time to time visit the home of the plaintiff and make sure such further inquiry as may be necessary to observe and evaluate the care being received by the child and the adjustment of the child and the plaintiff as members of a family. At least 15 days prior to the final hearing the approved agency shall file with the court a written report of its findings, including a recommendation concerning the adoption, and shall mail a copy of the report to the plaintiff.
- (e) see N.J.S.A. if desired
- (f) If, based upon the report and the evidence presented, the court is satisfied that the best interests of the child would be promoted by the adoption, the court shall enter a judgment of adoption.

*Per the New Jersey Supreme Court all **Stepparent** adoptions require a CHRI → Criminal History Record Information check; CARI → Child Abuse Record Information check; and DV → a domestic violence check. These checks are performed on each adoptive parent applicant and all persons residing in the adoptive applicant's home who is 18 years of age or older. If anything comes up the court may order an agency investigation and report. N.J.S.A. 9:3-48 deals in part with this: "When the child to be adopted has not been received from an approved agency, the prospective parent shall file with the court a complaint for adoption. Upon receipt of the complaint, the court shall by its order: ... (2) Appoint an approved agency to make an investigation and submit a written report to the court ... Whenever the plaintiff is a stepparent of the child, the court, in its discretion, may dispense with the agency investigation and report*

and take direct evidence at the preliminary hearing of the facts and circumstances surrounding the filing of the complaint for adoption.” This process affords the children protection without a significant delay in the proceedings. The court may still order full investigation at any time regardless of results if they feel it necessary. The CHRI and CARI checks must be as current as possible in all adoptions (done in 12 months or less of the filing). The court with an agency will conduct a name check of the DV registry (domestic violence), PROMIS-GAVEL (criminal) and DYFS SIS (child abuse). These are updated at the time of the hearing and the plaintiff must pay for them.

SAMPLE PRIVATE ADOPTION ORDER FIXING DATE FOR HEARING

LARRY LAWYER, ESQUIRE
 123 Main Street
 Anytown, USA 12345
 (555) 123-4567
 Attorney for Plaintiffs

| | | |
|------------------------|---|--------------------------------|
| _____ | : | SUPERIOR COURT OF NEW JERSEY |
| IN THE MATTER OF THE | : | CHANCERY DIVISION-PROBATE PART |
| | : | CUMBERLAND COUNTY |
| ADOPTION OF A CHILD BY | : | DOCKET NO. COURT FILLS IN |
| | : | CIVIL ACTION |
| ADOPTER'S NAME | : | ORDER FIXING DATE FOR HEARING |
| _____ | | |

THIS MATTER, having been opened to the Court by _____ *Adopter's Name* _____, upon a duly Verified Complaint in the above matter by the said plaintiff, _____ *Adopter's Name* _____, applying for the adoption of a child, _____ *Adoptee's Name* _____, in accordance with the provisions of the statute, and it appearing that said child is under the custody and control of _____ *Adopter's Name* _____, and the consent of the child's natural *mother/father* being annexed to the said Complaint; and

IT FURTHER APPEARING from the said surrender executed by the natural *mother/father* of the minor child, that *she/he* has surrendered parental rights and consented to said adoption; and

IT IS, on this _____ *court fills in* _____ day of _____ *court fills in* _____, 20 _____,

ORDERED that the final hearing in the above matter be set down for the _____ *court fills in* _____ day of _____ *court fills in* _____, 20 _____, at _____:_____ AM/PM or as soon thereafter as counsel may be heard, before the Judge then sitting in the Family Part of the Superior Court, Chancery Division for Cumberland County, at the Courthouse, Bridgeton, New Jersey; and

IT IS FURTHER ORDERED that court fills in [agency] shall be appointed to conduct an investigation of the Plaintiff's home and to provide a report to the Court prior to return date required by N.J.S.A. 9:3-48 and the plaintiff shall assist to the fullest extent in making of such an investigation and report; and

IT IS FURTHER ORDERED that pursuant to N.J.S.A. 9:3-45, notice to the birth *mother/father* is waived based upon the surrender of parental rights by the birth *mother/father* to the plaintiff; and

IT IS FURTHER OIRDERED that a copy of this Order shall be mailed to the birth *mother/father* within five days of the date of this Order.

Signature

Arthur J. Marchand
Surrogate and Deputy Clerk
Superior Court

SAMPLE STEP-PARENT ADOPTION COMPLAINT

LARRY LAWYER, ESQUIRE
123 Main Street
Anytown, USA 12345
(555) 123-4567
Attorney for Plaintiffs
(if you are filing pro se [for yourself without an attorney], this is where your information should be listed)

IN THE MATTER OF THE : SUPERIOR COURT OF NEW JERSEY
: CHANCERY DIVISION-PROBATE PART
: CUMBERLAND COUNTY

ADOPTION OF A CHILD BY : DOCKET NO. COURT FILLS IN

ADOPTER'S NAME : CIVIL ACTION
: VERIFIED COMPLAINT FOR
ADOPTION
_____:

The plaintiff Adopter's Name whose place of residence is Adopter's Address
in the City of _____, County of Cumberland and State of New Jersey, says:

1. Plaintiff Adopter's Name was born on date of birth in place of birth. He/She is _____ years of age. He/She is a citizen of the United States of America. His/Her social security number is _____. The plaintiff is the *stepfather/stepmother* of Adoptee's Name, the child to be adopted, being the *husband/wife* of Name of child's Natural Parent, the natural *mother/father* of the child to be adopted.

2. The plaintiff was married to Name of Natural Parent on date of marriage and the child to be adopted has resided with *him/her* since date child began to live with adopter.

3. The natural mother of the child to be adopted is Natural Mother's Name who was born on date of birth and is _____ years of age. Her social security number is _____. The natural mother of the child to be adopted was state Natural Mother's marital status at the time of Adoptee's birth. Attached is a consent by Natural Mother's Name to this adoption. (An example is given at the end of the Complaint form.)

4. The natural father of the child to be adopted is Natural Father's Name who resides at Natural Father's Address.

5. (In Paragraph 5, list any other children the Adopter may have. Following is an example.) One other child has been born to the plaintiff and Susan Moore (now Sutton) the natural mother of the child to be adopted, Jake Sutton, born on May 25, 2005 who is 1 year of age.

6. The child to be adopted is Adoptee's Name; born on date of birth in place of birth. She/He is _____ years of age. Her social security number is _____.

7. The child to be adopted Adoptee's Name has resided with the plaintiff since date child began to live with Adopter and after his/her marriage to Natural Parent's Name on date of marriage.

8. Attached hereto and made a part hereof is the consent of Natural Parent's Name to the adoption of Adoptee's Name by Adopter's Name.

9. The child to be adopted Adoptee's Name is not possessed of any assets. (Should the child have any assets, list them here).

10. The child to be adopted will be known as Name Child will be known by after adoption.

11. The plaintiff, Adopter's Name, is presently employed job title and place of employment in city, state. The plaintiff has been and is able to support the child to be adopted.

WHEREFORE, plaintiff Adopter's Name demands judgment granting the adoption of Adoptee's Name by the plaintiff and changing the child's name to Name Child will be known by after adoption.

Dated:

Signature
Plaintiff/Adopter/Filer's Name

SAMPLE CONSENT OF A NATURAL PARENT

STATE OF NEW JERSEY)
COUNTY OF CUMBERLAND) ss:

_____ *Natural Parent's Name* _____, of full age, being duly sworn according to law, upon her/his oath, deposes and says:

1. I reside at _____ *Natural Parent's Address* _____.

2. I am the natural mother/father of _____ *Adoptee's Name* _____ who was born on _____ *Adoptee's date of birth* _____ in _____ *Adoptee's place of birth* _____. The natural father/mother of _____ *Adoptee's Name* _____ is _____ *Applicable Natural Parent's Name* _____.

3. My husband/wife _____ *Adopter's Name* _____, now seeks to adopt my daughter/son _____ *Adoptee's Name* _____ and I hereby give my consent to said adoption of my daughter/son by my husband/wife and consent to her/his being known as _____ *Name Child will be known by after adoption* _____.

Signature
Natural Parent's Name

Sworn and Subscribed to
Before me this day
Of , 20 .

*This document must be notarized
By a Notary Public.*

Natural Parent must sign in front of a notary. This can be done in the Surrogate's Office

N.J.S.A. 9:3-48. Action on complaint for adoption; child not received from approved agency

- (a) When the child to be adopted has not been received from an approved agency, the prospective parent shall file with the court a complaint for adoption. Upon receipt of the complaint, the court shall be its order:
- (1) Declare the child to be a ward of the court and declare that the plaintiff shall have custody of the child subject to further order of the court;
 - (2) Appoint an approved agency to make an investigation and submit a written report to the court which shall include:
 - (a) the facts and circumstances surrounding the surrender of custody by the child's parents and the placement of the child in the home of the plaintiff, including the identity of any intermediary who participated in the placement of the child;
 - (b) an evaluation of the child and of the plaintiff and the spouse of the plaintiff if not the child's parent and any other person residing in the prospective home; and
 - (c) any fees, expenses or costs paid by or on behalf of the adopting parent in connection with the adoption.
 - (3) Direct the plaintiff to cooperate with the approved agency making the investigation and report; and
 - (4) Fix a day for a preliminary hearing not less than two or more than three months from the date of the filing of the complaint
 - (a) The preliminary hearing shall have for its purpose the determination of the circumstances under which the child was relinquished by his parents and received into the home of the plaintiff, the status of the parental rights of the parents, the fitness of the child for adoption and the fitness of the plaintiff to adopt the child and to provide a suitable home.
 - (b) If upon completion of the preliminary hearing the court finds that:
 - (5) the parents of the child do not have rights as to custody of the child by reason of their rights previously having been terminated by court order; or, the parents' objection has been contravened pursuant to N.J.S.A. 9:3-46.
 - (6) The guardian, if any, should have no further control or authority over the child;
 - (7) The child is fit for adoption; and
 - (8) The plaintiff is fit to adopt the child, the court shall: (a) issue an order stating its findings, declaring that no parent or guardian of the child has a right to custody or guardianship of the child; (b) terminate the parental rights of that person, which order shall be a final order; (c) fix a date for a final hearing not less than six nor more than nine months from the date of the preliminary hearing; and (d) appoint an approved agency to supervise and evaluate the continuing placement in accordance with subsection (d) of this section.
 - (a) The approved agency appointed pursuant to subsection (c) of this section shall from time to time visit the home of the plaintiff and make sure such further inquiry as may be necessary to observe and evaluate the care being received by the child and the adjustment of the child and the plaintiff as members of a family. At least 15 days prior to the final hearing the approved agency shall file with the court a written report of its findings, including a recommendation concerning the adoption, and shall mail a copy of the report to the plaintiff.
 - (b) see N.J.S.A. if desired
 - (c) If, based upon the report and the evidence presented, the court is satisfied that the best interests of the child would be promoted by the adoption, the court shall enter a judgment of adoption.

*Per the New Jersey Supreme Court all **Stepparent** adoptions require a CHRI → Criminal History Record Information check; CARI → Child Abuse Record Information check; and DV → a domestic violence check. These checks are performed on each adoptive parent applicant and all persons residing in the adoptive applicant's home who is 18 years of age or older. If anything comes up the court may order an agency investigation and report. N.J.S.A. 9:3-48 deals in part with this: "When the child to be adopted has not been received from an approved agency, the prospective parent shall file with the court a complaint for adoption. Upon receipt of the complaint, the court shall by its order: ... (2) Appoint an approved agency to make an investigation and submit a written report to the court ... Whenever the plaintiff is a stepparent of the child, the court, in its discretion, may dispense with the agency investigation and report and take direct evidence at the preliminary hearing of the facts and circumstances surrounding the filing of the complaint for adoption." This process affords the children protection without a significant delay in*

the proceedings. The court may still order full investigation at any time regardless of results if they feel it necessary. The CHRI and CARI checks must be as current as possible in all adoptions (done in 12 months or less of the filing). The court with an agency will conduct a name check of the DV registry (domestic violence), PROMIS-GAVEL (criminal) and DYFS SIS (child abuse). These are updated at the time of the hearing and the plaintiff must pay for them.

SAMPLE STEP-PARENT ADOPTION ORDER FIXING DATE FOR HEARING

*LARRY LAWYER, ESQUIRE
123 Main Street
Anytown, USA 12345
(555) 123-4567
Attorney for Plaintiffs*

| | | |
|------------------------|---|----------------------------------|
| | : | SUPERIOR COURT OF NEW JERSEY |
| IN THE MATTER OF THE | : | CHANCERY DIVISION-PROBATE PART |
| | : | CUMBERLAND COUNTY |
| ADOPTION OF A CHILD BY | : | DOCKET NO. <i>COURT FILLS IN</i> |
| | : | CIVIL ACTION |
| <i>ADOPTER'S NAME</i> | : | ORDER FIXING DATE FOR |
| | : | PRELIMINARY AND FINAL HEARING |
| | : | |

THE VERIFIED COMPLAINT having been presented to the Court by *Adopter's Name*, pro se, for a judgment of adoption of *Adoptee's Name* by the plaintiff in accordance with the provisions of the statute;

IT IS on this *court fills in* day of *court fills in*, 20 ORDERED:

1. That *court fills in*, 20 at o'clock in the *AM/PM* or as soon thereafter as counsel can be heard, at the Cumberland County Courthouse, Broad and Fayette Streets, Bridgeton, New Jersey, be fixed as the time and place for the preliminary and final hearing on said application and of any objections that may be made thereto;

2. That *court fills in [agency]* is hereby appointed to make the investigation and written report required by N.J.S.A. 9:3-48 and the plaintiff shall assist to the fullest extent in the making of such an investigation and report.

Signature
Arthur J. Marchand
Surrogate and Deputy Clerk
Superior Court

SAMPLE PROOF OF SERVICE

*LARRY LAWYER, ESQUIRE
 123 Main Street
 Anytown, USA 12345
 (555) 123-4567
 Attorney for Plaintiffs*

| | | |
|------------------------|---|----------------------------------|
| | : | SUPERIOR COURT OF NEW JERSEY |
| IN THE MATTER OF THE | : | CHANCERY DIVISION-PROBATE PART |
| | : | CUMBERLAND COUNTY |
| ADOPTION OF A CHILD BY | : | DOCKET NO. <i>COURT FILLS IN</i> |
| | : | CIVIL ACTION |
| <i>ADOPTER'S NAME</i> | : | PROOF OF SERVICE |
| | | |

I certify that on date of mailing, I caused to be mailed to the birth father/mother Name of Birth Parent who resides at Birth Parent's Address, by method of mailing (for example: UPS International Express; Federal Express; United States Postal Service; Registered mail, certified, return receipt requested) a copy of the Verified Complaint for Adoption and the Order Fixing Date for Preliminary and Final Hearing.

I certify the foregoing statement made by me is true and correct. I am aware if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signature
 Plaintiff/Adopter/Filer's Name

N.J.S.A. 9:3-50. Effect of Adoption; relationships of parent and child; rights of inheritance

- (a) deleted by amendment
- (b) The entry of the judgment of adoption shall establish the same relationships, rights, and responsibilities between the child and the adopting parent as if the child were born to the adopting parent in lawful wedlock.
- (c) The entry of a judgment of adoption shall:
 - (1) terminate all parental rights and responsibilities of the parent towards the adoptive child except for a parent who is the spouse of the petitioner and except those rights that have vested prior to entry of the judgment of adoption;
 - (2) terminate all rights of inheritance under intestacy from or through the parent unless that parent is the spouse of the petitioner or that parent or other relative had died prior to the judgment of adoption; and
 - (3) terminate all rights of inheritance under intestacy from or through the child which existed prior to the adoption.
- (d) The court may order counseling for the adopting parents.

N.J.S.A. 9:3-51. Judgment of adoption; filing; alphabetical index; records; sealing; accessibility

The clerk of the Superior Court, Chancery Division, Family Part shall promptly file all judgments of adoption and shall maintain an alphabetical index of all judgments of adoption entered each year pursuant to N.J.S.A. 9:3-37 et seq.*, all of which records shall be sealed and thereafter shall be made accessible only by court order.

N.J.S.A. 9:3-52. Records of proceedings; filing under seal; inspection; change of birth record

- (a) All records of proceedings relating to adoption, including the complaint, judgment and all petitions, affidavits, testimony, reports, briefs, orders and other relevant documents, shall be filed under seal by the clerk of the court and shall at no time be open to inspection or copying unless the court, upon good cause shown, shall otherwise order. An index to all adoption proceedings shall be maintained by the clerk of the court, but no index of adoption proceedings shall be open to inspection or copying or be made public except upon order of the court.
- (b) Upon entry of a judgment of adoption, the clerk of the court shall certify to the State Registrar, any successor agency or any similar agency in the State or country of the child's birth, the date of entry of the judgment, the names of the adopting parent or parents, the name of the child, the date and place of birth of the child and the new name of the child if changed by the judgment of adoption.

N.J.S.A. 9:3-53. Costs of proceedings; payment by plaintiff

The costs of all proceedings pursuant to N.J.S.A. 9:3-37 et seq. shall be borne by the plaintiff, including the costs incurred by an approved agency acting pursuant to an order of the court; except that the approved agency may waive part or all costs. Payment of costs shall not be a condition precedent to entry of judgment. The costs shall not include the provision of counsel for any person, other than the plaintiff, entitled to the appointment of counsel pursuant to N.J.S.A. 9:3-37 et seq.

N.J.S.A. 9:3-54.2. Study regarding suitability of the home for placement; fingerprints; criminal history and abuse and neglect records investigated; exchange of information between federal and state agencies; confidentiality; penalties for improper disclosure

- (a)
 - (1) A home study completed by an approved agency shall include a recommendation regarding the suitability of the home for the placement of a child based upon the results of State and federal criminal history record checks for each prospective adoptive parent and each adult residing in the home.
 - (2) Each prospective adoptive parent and each member of the prospective adoptive parent's household, age 18 or older, shall submit to the approved agency standard fingerprint cards containing his name, address and fingerprints taken by a State or municipal law enforcement agency.
 - (3) The cost of all criminal history record checks conducted pursuant to this section shall be paid by the prospective adoptive parent or household member at the time the fingerprint cards are submitted.
 - (4) The approved agency shall forward the fingerprint cards and payment to the commissioner.

(5)The commissioner is authorized to exchange fingerprint data and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the recommendations provided for in this section.

(6)The department shall advise the approved agency of information received from State and federal criminal history record checks based upon the fingerprints submitted by the agency. Information provided to the approved agency shall be confidential and not disclosed by the approved agency to any individual or entity without the written permission of the person who is the subject of the record check.

(7)The commissioner shall adopt regulations for the use of criminal history record information by approved agencies when determining the suitability of a home for the placement of a child for the purposes of adoption.

N.J.S.A. 9:3-55. Report by prospective parent; disclosure of valuable consideration paid, given or agreed to be given in connection with adoption; referral of suspected violations of act for prosecution

(a) A prospective parent who is not a brother, sister, aunt, uncle, grandparent, resource family parent, birth father or stepparent of the child to be adopted shall file before the complaint is heard, in accordance with court rules, a detailed report which shall be signed and verified by each prospective parent and shall disclose all sums of money or other valuable consideration paid, given or agreed to be given to any person, firm, partnership, corporation, association or agency by or on behalf of the prospective parent in connection with the adoption, and the names and addresses of each person, firm, partnership, corporation, association or agency to whom the consideration was given or promised. The report ... shall include but not be limited to expenses incurred or to be incurred by or on behalf of a prospective parent in connection with:

- (1) The birth of the child;
- (2) The placement for adoption of the child with the prospective parent;
- (3) Medical or hospital care received by the mother or the child during the mother's pre-and postnatal period
- (4) Services relating to the adoption or to the placement for adoption, including legal services, which were rendered or are to be rendered to or for the benefit of the prospective parent, either parent of the child or any other person or agency.

(b) Whenever based upon a report filed pursuant to this section it appears to the court that any person may have violated N.J.S.A. 9:3-39.1 the court or the division may refer the matter to the appropriate county prosecutor.

* et seq. → an abbreviation for *et sequentes* or *et sequentia*, "and the following".