

CHAPTER 2
BIRTH CERTIFICATES

Authority

N.J.S.A. 26:8-23.

Source and Effective Date

R.2005 d.209, effective June 6, 2005.
See: 37 N.J.R. 172(b), 37 N.J.R. 2504(a).

Chapter Expiration Date

Chapter 2, Birth Certificates, expires on June 6, 2010.

Chapter Historical Note

Chapter 2, Birth Certificates; Subchapter 1, Administrative Policy, was adopted as R.1972 d.135, effective August 1, 1972. See: 4 N.J.R. 122(b), 4 N.J.R. 186(b).

Subchapter 2, Fees, was adopted as R.1972 d.206, effective December 1, 1972. See: 4 N.J.R. 266(a).

Chapter 2, Birth Certificates, was repealed and Chapter 2, Birth Certificates, was adopted as new rules by R.1993 d.397, effective August 16, 1993. See: 24 N.J.R. 4325(a), 25 N.J.R. 660(a), 25 N.J.R. 3771(a). Pursuant to Executive Order No. 66(1978), Chapter 2 expired on August 16, 1998.

Chapter 2, Birth Certificates, was adopted as new rules by R.1999 d.410, effective December 6, 1999. See: 30 N.J.R. 4107(a), 31 N.J.R. 4042(a).

Chapter 2, Birth Certificates, was readopted as R.2005 d.209, effective June 6, 2005. See: Source and Effective Date. As a part of R.2005 d.209, Subchapter 2, Access to Records of Live Birth, was adopted as new rules and former Subchapter 2, Fees, was recodified as Subchapter 3. See, also, section annotations.

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SUBCHAPTER 1. CREATION OF A RECORD OF LIVE BIRTH AND A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH

8:2-1.1 Purpose and scope

These rules create the record of live birth and the Certificate of Birth Resulting in Stillbirth. The rules also permit the parents, at the time of birth, to choose any name for their child without restrictions, except for names which contain obscenities, numerical characters, or symbols. The rules set forth the options open to a parent in the naming of the child, and in the event of a stillbirth, the option not to name the child, and clarify whom the informant of the birth information should be.

Amended by R.2005 d.209, effective July 5, 2005.
See: 37 N.J.R. 172(b), 37 N.J.R. 2504(a).

Rewrote the section.

8:2-1.2 Definitions

The following words and terms, as used in this chapter, shall have following meanings, unless the context clearly indicates otherwise.

“Certificate of Birth Resulting in Stillbirth” means a certificate created from the information obtained from the fetal death certificate at the request of the parent of a stillborn child where the fetal death has been registered with the Department of Health and Senior Services.

“Certified copy” means a copy of a vital record issued on a special type of safety paper containing a variety of security features and stamped with the raised seal of the State of New Jersey or the seal of the municipality or county where the copies are issued, and verified by the Office of the State Registrar as true and correct.

“Certification” means a document containing information obtained from a vital record made available for informational purposes only. It cannot be used for proof of identity or for legal purposes. It is created on plain bond paper without the raised seal of the State of New Jersey or the seal of the municipality or county where the certifications are issued.

“Commissioner” means the State Commissioner of Health and Senior Services.

“Department” means the New Jersey State Department of Health and Senior Services.

“Fetal death” or “stillbirth” means death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of the pregnancy; the death is indicated by the fact that after such expulsion, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.

"Genealogical records" means vital records traditionally requested for the purpose of obtaining the lineage of a person, family, or group from a family. Records of birth are considered genealogical after 80 years have passed from the date of birth.

"Identify" means to provide, by way of approved application, letter, or facsimile, detailed proof of knowledge of the vital record being requested and must include at a minimum, all information requested on the Vital Statistics and Registration application form.

"Informant" means the name of the individual providing the personal particulars for the preparation of the birth certificate.

"Licensed health care professional" means a physician, physician assistant, advanced practice nurse, registered nurse, licensed practical nurse, or any other health care professional licensed under Title 45 of the New Jersey Statutes or analogous statutes in other states. The licensed health care professional need not be the individual who performed the delivery in order to transmit the parent's written request for a Certificate of Birth Resulting in Stillbirth to the State Registrar pursuant to N.J.A.C. 8:2-1.3.

"Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of the pregnancy, which, after such expulsion or extraction, breathes, or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps."

"Local registrar" or "municipal registrar" means the local registrar of vital statistics of any district.

"State Registrar" means the New Jersey State Registrar of Vital Statistics.

"Surname" means the last complete name on a birth certificate without a hyphen or both names including the hyphen if the last names on the birth certificate are hyphenated.

"Vital record" means the birth, death, fetal death, marriage and domestic partnership records from which vital statistics are produced.

"Vital statistics" means statistics concerning births, deaths, fetal deaths, marriages and domestic partnerships established pursuant to P.L. 2003, c.246 (N.J.S.A. 26:8A-1 et seq.).

Amended by R.2005 d.209, effective July 5, 2005.

See: 37 N.J.R. 172(b), 37 N.J.R. 2504(a).

Added "Certificate of Birth Resulting in Stillbirth", "Certified copy", "Certification", "Fetal death", "Genealogical records", "Licensed health care professional", "Live birth", "Local registrar", "Vital record" and "Vital statistics".

8:2-1.3 Creation of a Certificate of Birth Resulting in Stillbirth: application, issuance, and delayed reports

(a) A Certificate of Birth Resulting in Stillbirth shall be created by the State Registrar upon a parent's written request that has been transmitted to the State Registrar by a licensed health care professional on the parent's behalf. The State Registrar shall create the Certificate of Birth Resulting in Stillbirth based on information obtained from a fetal death certificate already on file with the State Registrar.

1. The written request may be made on the form designed and approved by the State Registrar for creation and issuance of a certified copy of a Certificate of Birth Resulting in Stillbirth or a reasonable facsimile thereof.

2. A copy of the Certificate of Birth Resulting in Stillbirth shall be filed by the State Registrar with the local registrar of the district in which the birth resulting in stillbirth occurred within three days following receipt by the State Registrar of the parent's request for the certificate.

(b) The State Registrar or the local registrar shall provide a certified copy of the Certificate of Birth Resulting in Stillbirth exclusively to the parents on an "as requested" basis following the written request for creation of said certificate. Certificates of Birth Resulting in Stillbirth shall be made available to parents for documented fetal deaths beginning from the year 1969 to the present.

(c) In all cases where a Certificate of Birth Resulting in Stillbirth is not registered within one year after the date of delivery, a certificate marked "delayed" may be filed and registered by the State Registrar, provided that verifiable medical documentation of the stillbirth is provided to the State Registrar.

1. A certified copy of a "delayed" Certificate of Birth Resulting in Stillbirth shall be issued bearing the wording "Delayed Certificate of Birth Resulting in Stillbirth."

(d) Subsequent to the initial issuance to the parent(s) of a Certificate of Birth Resulting in Stillbirth under (a) through (c) above, the State Registrar or the local registrar may only issue a certified copy of a Certificate of Birth Resulting in Stillbirth to a person who satisfies the following requirements:

1. The person is able to identify the record; and

2. The person produces documentation verifying that he or she is the parent of the subject listed on the Certificate of Birth Resulting in Stillbirth.