

ASSEMBLY, No. 5589

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 5, 2026

Sponsored by:

Assemblyman ALEX SAUICKIE

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Establishes presumption of legal parentage under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning parentage of a child, amending P.L.2018, c.18
2 and P.L.2019, c.323, and supplementing Title 9 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 4 of P.L.2018, c.18 (C.9:17-63) is amended to read
9 as follows:

10 4. Rights of Parentage.

11 a. Provided that the gestational carrier and the intended parent
12 satisfy the eligibility requirements set forth in section 5 of
13 P.L.2018, c.18 (C.9:17-64) and the gestational carrier agreement
14 satisfies the requirements set forth in section 6 of P.L.2018, c.18
15 (C.9:17-65), immediately upon the birth of the child:

16 (1) The intended parent shall be the legal parent of the child;

17 (2) In the case of an intended parent who is a spouse or partner
18 in a civil union or domestic partnership, both spouses or partners
19 shall be the legal parents of the child; and

20 (3) Neither the gestational carrier nor her spouse or partner, if
21 any, shall be the legal parent of the child.

22 b. In the event of a medical or laboratory error in which the
23 resulting child is not genetically related to an intended parent whose
24 gamete was intended to be used under the agreement, the intended
25 parent shall be the legal parent of the child where the gestational
26 carrier agreement satisfies the requirements set forth in section 6 of
27 P.L.2018, c.18 (C.9:17-65), unless otherwise determined by a court
28 of competent jurisdiction pursuant to a complaint challenging
29 parentage filed by a genetic parent within 120 days of birth.

30 (cf: P.L.2018, c.18, s.4)

31

32 2. Section 3 of P.L.2019, c.323 (C.9:17-71) is amended to read
33 as follows:

34 3. a. A natural parent or person treated in State law as a legal
35 parent of the child, and the current or former partner in civil union
36 or the current or former spouse of the natural parent or person
37 treated in State law as a legal parent may jointly file a complaint for
38 a judgement of adoption with the Superior Court, Chancery
39 Division, Family Part of the county of residence of the spouse, civil
40 union partners, or one of the parties to the action.

41 b. Attached to the complaint shall be:

42 (1) proof of a valid civil union or marriage between the natural
43 or legal parent and that person's partner in civil union or spouse,
44 issued prior to the birth of the child;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (2) an original birth certificate issued by the State Registrar of
2 Vital Statistics on which both partners in civil union or spouses are
3 listed as parents of the child; and

4 (3) a written declaration signed by both parties to the action that
5 describes in sufficient detail how the child was conceived and
6 identifies any other involved parties so that the court may determine
7 whether those individuals have parental rights to the child.

8 c. The court shall, if it determines that the parental rights of
9 any other interested individual have been relinquished or
10 terminated, issue a judgement of adoption confirming both parties
11 to the action as the legal parents of the child, without the need for
12 an appearance by the parties.

13 d. The court shall, if it determines that another individual may
14 have existing parental rights to the child, order and conduct a
15 hearing on the matter, providing notice to all parties, before issuing
16 a judgement of adoption.

17 e. No home study or background check shall be required by the
18 court in order to issue a judgement of adoption pursuant to this act.

19 f. The process provided by this section shall not **[be available]**
20 apply to the intended parents of a child born to a gestational carrier
21 pursuant to the provisions of the “New Jersey Gestational Carrier
22 Act,” P.L.2018, c.18 (C.9:17-60 et al.) , the spouse or partner in a
23 civil union of a woman who is inseminated artificially with semen
24 donated by a man not her spouse or partner pursuant to section 7 of
25 P.L.1983, c.17 (C.9:17-44), or any other parent when the
26 presumption of parentage established pursuant to section 3 of P.L.
27 , c. (C.) (pending before the Legislature as this bill) is
28 established.

29 g. **[Nothing in this act shall be deemed to summarily**
30 **extinguish or terminate the parental rights of any individual.]**
31 (Deleted by amendment P.L. , c.)(pending before the
32 Legislature as this bill)

33 h. **[Nothing in this act shall be deemed to confer parental rights**
34 **through a birth certificate.]** (Deleted by amendment
35 P.L. , c.)(pending before the Legislature as this bill)

36 i. The Supreme Court may establish court rules as necessary to
37 effectuate the provisions of this act.

38 (cf: P.L.2019, c.323, s.3)

39
40 3. (New section) a. As used in this section:

41 “Intended parent” shall have the same meaning as defined in
42 section 3 of P.L.2018, c.18 (C.9:17-62).

43 b. A natural parent or the intended parent and the spouse or
44 partner in a civil union of the natural parent or an intended parent
45 shall be presumed to be the legal parents of a child born to a
46 gestational carrier agreement pursuant to the provisions of the “New
47 Jersey Gestational Carrier Act,” P.L.2018, c.18 (C.9:17-60 et al.) or

1 born as a result of artificial insemination pursuant to section 7 of
2 P.L.1983, c.17 (C.9:17-44) if:

3 (1) the natural parent or the intended parent and the spouse or
4 partner in a civil union have a valid civil union or marriage
5 certificate which was issued prior to the birth of the child; and

6 (2) the natural parent or the intended parent and the spouse or
7 partner in a civil union are listed as the parents on an original birth
8 certificate issued by the State Registrar of Vital Statistics.

9
10 4. This act shall take effect immediately.

11
12
13 STATEMENT

14
15 This bill establishes a presumption of legal parentage under
16 certain circumstances.

17 Under the bill, when a natural parent or an intended parent and
18 the spouse of, or the partner in a civil union with, such parent
19 appear on the child's birth certificate and possess a marriage or civil
20 union certificate issued prior to the child's birth there is established
21 a presumption that both persons are the legal parents of the child.

22 Under current law, as established by the "Legal Parentage Act,"
23 P.L.2019, c.323, a natural parent or person treated in State law as a
24 legal parent of the child and the current or former partner in a civil
25 union or the current or former spouse of the natural parent or person
26 treated in State law as a legal parent may jointly file a complaint for
27 a judgement of adoption. As part of such complaint, the parties
28 must submit proof of a valid civil union or marriage certificate
29 issued prior to the birth of the child, an original birth certificate
30 with both names appearing, and a written declaration signed by both
31 parties detailing how the child was conceived and identifying any
32 other parties involved so that the court may determine whether
33 those individuals have parental rights.

34 This bill would remove such requirements to obtain an order of
35 adoption when the child's birth is a result of a gestational carrier
36 agreement or artificial insemination, if: the couple was married or
37 entered into a civil union prior to the child's birth; and both names
38 appear on the birth certificate.

39 The presumption of legal parentage established under this bill is
40 intended to confer legal parental rights to parents who are married
41 or have entered into a civil union and have conceived children
42 through a gestational carrier agreement or artificial insemination by
43 virtue of a birth certificate and to summarily extinguish or terminate
44 the parental rights of any other individual.