

January 13, 2014

ASSEMBLY BILL NO. 4097

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 4097 without my approval.

This bill revises current standards applicable to the issuance of an amended birth certificate by the State Registrar of Vital Statistics. Specifically, the bill requires issuance of an amended birth certificate on receipt of a form completed by the person's licensed health care provider that indicates that the person has undergone clinically appropriate treatment for the purpose of gender transition, based on contemporary medical standards, or that the person has an intersex condition. The bill also permits a minor to apply for an amended birth certificate if submitted by a parent or guardian on behalf of the minor. In addition, current law requires the State Registrar to place the original certificate of birth and all papers pertaining to the amended certificate of birth under seal, which is not to be broken except by order of a court. The bill permits the seal to be broken on the request of the person, or upon the request of the parent or guardian, if the person is a minor. Finally, the bill clarifies that the amended certificate shall not be marked as amended.

A birth certificate is an important legal document. In many instances, the production of a birth certificate is a prerequisite to obtaining other critical identification documents that factor into decisions concerning employment, financial services, education, and travel. Birth certificates are often required to complete myriad security-related tasks. Accordingly, proposed measures that revise the standards for the issuance of amended birth certificates may result in significant

legal uncertainties and create opportunities for fraud, deception, and abuse, and should therefore be closely scrutinized and sparingly approved.

Unlike many other states, New Jersey already has an administrative process in place to streamline applications to amend birth certificates for gender purposes without court order. Under the proposal before me, however, the sponsors seek to alter the amended birth certificate application process without maintaining appropriate safeguards. Consequently, further consideration is necessary to determine whether to make such significant changes to State law concerning the issuance of vital records.

Accordingly, I herewith return Assembly Bill No. 4097 without my approval.

Respectfully,
/s/ Chris Christie
Governor

[seal]

Attest:

/s/ Christopher S. Porrino
Chief Counsel to the Governor