

R.S. 9:3-32

July 8, 1971

LEGISLATIVE HISTORY OF R.S.9:3-32
(Cost of Adoption Proceedings)

Similar Bills 1964 - 1971

1970 - S-988

Dec.7 - Introduced by Rinaldo and 17 others.
Dec.7 - Institutions and Welfare Committee.
Bill had no Statement.
No hearings or Reports located.

L.1953 - Chapter 264 - S-235

For Legislative History see Legislative History of
R.S.9:3-17

AGD/EH
Encl.

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R.S. 9:3-17

July 8, 1971

LEGISLATIVE HISTORY OF R.S.9:3-17
(Adoption)

Similar Bills - 1961 - 1971

1961 - A-236

Jan.30 - Introduced by Werner, Meloni.

Jan.30 - Institutions, Public Health and Welfare
Committee.

May 15 - Reported, 2nd reading.

June 1 - Public hearing held (copy enclosed).

Nov.20 - Recommitted.

Bill had sponsor's statement (enclosed).

974.90 Public hearing - Assembly Committee on
C536 Institutions, Public Health and Welfare
1961

G.C. Yes

L.1963 - Chapter 264 - S-235.

March 16 - Introduced by Mr. Clapp (copy enclosed).

May 25 - Passed Senate, amended.

First official copy reprint, 2nd official copy
reprint, third official copy reprint (enclosed).

June 25 - Passed in Assembly.

July 23 - Approved, Chapter 264.

Bill had sponsor's statement (enclosed).

Hearings and Reports

974.90 N.J. Legislature. Senate Committee on
C536 Institutions and Agencies.
1953a

Public hearing on S-235

974.90 N.J. Adoption Advisory Council Report
C536
1953c

G.C. Yes

AGD/EH
Encl.

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9:3-17 et seq.

LEGISLATIVE NOTES ON R.S. 9:3-17 et seq
(Adoption)

- L. 1953, Chapter 264 - S 235
Introduced March 16, by Mr. Clapp.
Bill had statement (copy enclosed)
Bill was amended in Senate.

The following hearing and report bear on this legislation:

974.90 N.J. Legislature. Senate. Committee on
C536 Institutions and Agencies.
1953a Public hearing on S235.

974.90 N.J. Adoption Advisory Council.
C536 Report.
1953c

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SENATE, No. 235

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1953

By Mr. CLAPP

Referred to Committee on Institutions and Agencies

AN ACT concerning the adoption of children, their custody, control and rights of inheritance, and repealing subtitle two of Title 9 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Public policy. This act shall be administered so as to give effect to
2 the public policy of this State to provide for the welfare of children requir-
3 ing placement for adoption and so as to promote policies and procedures
4 which are socially necessary and desirable for the protection of such children,
5 their natural parents and their adopting parents. To that end, it is necessary
6 and desirable

7 (a) to protect the child from unnecessary separation from his natural
8 parents, from adoption by persons unfit for such responsibility, and from
9 interference by his natural parents after he has been established in an adop-
10 tive home;

11 (b) to protect the natural parents from hurried or abrupt decisions to
12 give up the child; and

13 (c) to protect the adopting parents from assuming responsibility for a
14 child without sufficient knowledge of the child's heredity and capacity for
15 physical and mental development, and, having accepted a child for adoption,
16 from later disturbance of their relationships to the child by the natural
17 parents.

1 2. Definitions. For the purposes of this act, the following words and
2 phrases, unless otherwise indicated, shall be deemed to have the following
3 meanings:

4 (a) The phrase "approved agency" means a legally constituted agency
5 having its principal office within or without this State, which has been
6 approved, pursuant to the provisions of this act, to place children in New
7 Jersey for purposes of adoption.

8 (b) The word "child" means any person under twenty-one years of age.

9-10 (c) The word "custody" means continuing control and authority over
11 the person of a child, established by natural parenthood, by order or judg-
12 ment of a court of competent jurisdiction, or by written surrender to an
13 approved agency pursuant to law.

14 (d) The phrase "forsaken parental obligations" means willful and con-
15 tinuous neglect or failure to perform the natural and regular obligations of
16 care and support of a child.

17 (e) The phrase "mentally incompetent" means inability to understand
18 and discharge the natural and regular obligations of care and support of
19 a child by reason of mental disease, feebleness of mind, or habitual
20 intemperance.

21 (f) The word "parent," when not otherwise described by the context,
22 means a natural parent or parent by previous adoption, but the word parent
23 shall not include the father of an illegitimate child.

24 (g) The word "may" shall be construed to be permissive and the word
25 "shall" shall be construed to be mandatory.

1 3. Placing children in New Jersey for adoption.

2 A. No person, firm, corporation, association or agency shall place, offer
3 to place, or assist in the placement of any child in New Jersey for the pur-
4 pose of adoption, unless such person, firm, corporation, association or agency
5 shall be the natural or adopting parent of the child or shall have been ap-
6 proved for such purpose by the Department of Institutions and Agencies and
7 such approval shall not have been rescinded at the time of placement or offer

8 for placement; *provided, however*, that this prohibition shall not apply to
9 the placement of a child for the purpose of adoption with a brother, sister,
10 aunt, uncle, grandparent or stepparent of such child. The Superior Court,
11 in an action by the Commissioner of the Department of Institutions and
12 Agencies, shall restrain any party found by the court to have violated this
13 subsection A from any further violation of this subsection.

14 B. The Department of Institutions and Agencies shall promulgate and
15 file with the Secretary of State rules and regulations relating to the qualifica-
16 tions of agencies for approval to place children in New Jersey for purposes
17 of adoption. Such rules and regulations shall include standards of profes-
18 sional training, experience and practices, and requirements relating to the
19 moral responsibility of the trustees, officers or other persons supervising or
20 conducting the placement program, the adequacy of the facilities, the main-
21 tenance of case-work records, and the furnishing of reports.

1 4. Court in which action shall be instituted. An action for adoption
2 shall be instituted in the Superior Court; or it may be instituted in the
3 County Court of the county in which the plaintiff is domiciled, except that
4 (a) whenever the child to be adopted has been received into the plaintiff's
5 home from or with the approval of an approved agency, the action may be
6 instituted in the County Court of the county in which such approved agency
7 has its principal office in New Jersey; and (b) whenever a parent of the
8 child to be adopted was granted a divorce from the other parent by the
9 Superior Court, the action shall be instituted in the Superior Court, unless
10 such court previously shall have awarded custody of the child to an ap-
11 proved agency or shall have consented to the institution of the action in a
12 County Court.

1 5. Who may institute action; when instituted.

2 A. A husband and wife jointly, a husband with his wife's consent, a
3 wife with her husband's consent, or an unmarried person may institute an
4 action for adoption.

8 (3) that at least one year prior to the institution of the action the cus-
9 tody of the child had been surrendered to such approved agency by each
10 parent or other person having custody of the child, and that by the terms
11 of such surrender the approved agency had been authorized to place the
12 child for adoption; or that an order or judgment had been entered by a court
13 of competent jurisdiction terminating parental rights and transferring cus-
14 tody of the child to such approved agency or granting guardianship of the
15 child to such approved agency; and

16 (4) that such child has been living continuously in the home of the
17 plaintiff for not less than six months prior to the institution of the action;
18 the court by its order shall (a) declare that the child sought to be adopted
19 shall be a ward of the court and that the custody of such child shall be sub-
20 ject to the further order of the court; (b) appoint, with due regard for the
21 religious background of the child, an approved agency having its principal
22 office in New Jersey to make an investigation and written report to the
23 court concerning the circumstances under which the child was received into
24 the home of the plaintiff, the status of the parents of the child, the potential
25 fitness of the child for adoption, and the potential fitness of the plaintiff to
26 adopt the child and to provide a home suitable for his rearing; (c) direct
27 that the plaintiff shall assist to the fullest extent in the making of such in-
28 vestigation and report; and (d) fix a day for preliminary hearing as pro-
29 vided in section eight, which day shall be not less than sixty nor more than
30 ninety days from the date of the institution of the action. Notice of the
31 preliminary hearing shall be served personally within or without the State
32 upon each person having custody of the child. Whenever the plaintiff is
33 related to the child as a brother, sister, aunt, uncle, grandparent or step-
34 parent, the order may limit the investigation provided by this subsection to
35 an inquiry concerning the status of the parents of the child. At least five
36 days prior to the day fixed for the preliminary hearing the approved agency
37 shall file its report with the court and mail a copy thereof to the plaintiff.

38 B. Whenever it appears that all of provisions (1)-(4) of subsection A
39 have been fully satisfied, the final hearing shall be not less than ten nor more
40 than thirty days from the date of the institution of the action, and the ap-
41 proved agency concerned shall file at the hearing a written report as to all
42 circumstances of the case which will enable the court to make a proper de-
43 cision in the matter.

1 8. Preliminary hearing.

2 A. A preliminary hearing, when required by subsection A of section
3 seven, shall be in camera, and shall have for its purpose the determination
4 of: (1) the circumstances under which the child was received into the home
5 of the plaintiff; (2) the status of the parents of the child with respect to
6 further rights as to custody of the child; (3) the potential fitness of the
7 child for adoption; and (4) the potential fitness of the plaintiff to adopt
8 the child and to provide a home suitable for his rearing.

9 B. If in the course of the preliminary hearing the court shall deter-
10 mine that there is lack of jurisdiction, or that there is lack of qualification
11 on the part of a plaintiff, or that the child is in the custody of an approved
12 agency and such agency has not consented to the adoption, the action shall
13 be dismissed forthwith.

14 C. If the court shall determine, from the report of the approved
15 agency and the evidence presented at the preliminary hearing, that a par-
16 ent of the child sought to be adopted is dead, or mentally incompetent, or
17 has forsaken parental obligations, or has been divorced by the other parent
18 on grounds of adultery or desertion or extreme cruelty, the court may de-
19 clare that such parent has no further right to custody of the child. If the
20 court shall determine that the child sought to be adopted is illegitimate, the
21 court shall declare that the father, and the husband of the mother if she
22 be married, has no right as to custody of the child. If the court shall de-
23 termine that a custodian or guardian has been appointed for the child
24 sought to be adopted, but that such custodian or guardian has willfully
25 and continuously neglected or failed to discharge the responsibilities of

26 such appointment, the court may declare that such custodian or guardian
27 has no further control and authority over the person of the child.

28 D. If in the course of the preliminary hearing the court shall deter-
29 mine that there has not been a personal appearance by or personal service
30 upon each person having custody of the child as required by subsection A
31 of section seven hereof, or that the best interests of the child would not
32 be promoted by the adoption, the court shall deny the adoption and make
33 such further order concerning the custody of the child as may be deemed
34 proper in the circumstances.

1 9. Appointment of next friend.

2 A. If upon completion of a preliminary hearing the court is satisfied
3 (1) that the parents of the child should have no further right as to cus-
4 tody of the child; (2) that the custodian or guardian, if any, should have no
5 further control and authority over the person of the child; (3) that the child
6 is potentially fit for adoption; and (4) that the plaintiff has the potential
7 fitness to adopt the child and to provide a home suitable for the rearing of
8 the child, it shall fix a day for final hearing not less than one year from the
8A date of the institution of the action and shall appoint, with due regard
9 for the religious background of the child, an approved agency, having
10 its principal office in New Jersey, as next friend; *provided, however,* that
11 whenever the plaintiff is related to the child, as a brother, sister, aunt,
12 uncle, grandparent or stepparent, the court may dispense with the appoint-
13 ment of a next friend and proceed immediately with final hearing pursuant
14 to section eleven of this act. Except for good cause, the approved agency
15 appointed as next friend shall be the agency which made the investigation
16 and report pursuant to subsections A and B of section seven.

17 B. If the child to be adopted has been living continuously with the
18 plaintiff prior to January first, one thousand nine hundred and fifty-four, then,
19 except as provided by section B. of section seven, the final hearing may be less
20 than one year from the date of the institution of the action but not less than
21 six months from the date when the child first lived with the plaintiff.

1 10. Duties of next friend; report and recommendations.

2 A. The next friend appointed as provided in section nine from time to
3 time shall visit the home of the plaintiff and shall make such further in-
4 quiry as may be necessary to observe and determine the care being received
5 by the child and the adjustment of the child and the plaintiff as members
6 of a family.

7 B. At least fifteen days prior to the final hearing, the next friend shall file
8 with the court a written report of its findings since the preliminary hear-
9 ing, including a recommendation as to the adoption. If the recommenda-
10 tion does not favor the adoption, the next friend shall deliver a copy of its
11 report to the plaintiff at least ten days prior to the final hearing. If the
12 recommendation favors the entry of a judgment, the next friend shall an-
13 nex to its report a written consent to the adoption.

14 C. If at any time following the preliminary hearing, the next friend
15 shall find that the best interests of the child would not be promoted by the
16 adoption, the court may on the application of such next friend, modify or
17 revoke any order entered in the action and make such further order con-
18 cerning the custody of the child as may be deemed proper in the circum-
19 stances.

1 11. Final hearing; judgment of adoption.

2 A. Upon the final hearing, the court shall proceed in camera; *provided*,
3 *however*, that if there has been a preliminary hearing and the next friend
4 shall have recommended the adoption, the final hearing may be dispensed
5 with and judgment may be entered forthwith.

6 B. If a next friend shall have been appointed pursuant to subsection A
7 of section nine, such next friend shall be a necessary party at the final hear-
8 ing, shall be entitled to present testimony and to cross-examine witnesses,
9 and shall be subject to examination with respect to its report and recom-
10 mendations in the matter. If the child sought to be adopted is of the age of
11 ten years or over, the appearance of such child shall be required at the final
12 hearing.

13 C. If, from the report and the evidence presented, the court shall be
14 satisfied that the best interests of the child would be promoted by the adop-
15 tion, the court shall enter a judgment of adoption.

16 D. If, from the evidence presented, the court shall be satisfied that the
17 best interests of the child would not be promoted by the adoption, the court
18 shall enter a judgment denying the adoption. If the child is not in the
19 custody of an approved agency, such judgment shall contain such further
20 provisions concerning the custody of the child as may be proper in the
21 circumstances.

22 E. The Clerk of each County Court shall promptly file with the Superior
23 Court a copy of each judgment of adoption entered pursuant to this act. The
24 Clerk of the Superior Court shall docket the copies of such judgments and
25 shall maintain an alphabetical index of all judgments of adoption entered
26 each year pursuant to this act in the County Courts and the Superior
27 Court of this State.

1 12. Inquiry as to child over ten. If the child sought to be adopted is of
2 the age of ten years or over, each report of an approved agency made to the
3 court pursuant to this act shall indicate the understanding and wishes of
4 such child with respect to the proceeding.

1 13. Orders concerning custody. Whenever under this act the court is
2 empowered to make an order concerning the custody of a child, such order
3 may direct that the child be committed, for the term of minority, to the
4 custody of an approved agency willing to accept the same.

1 14. Effect of adoption; relationships of parent and child; rights of
2 inheritance.

3 A. The entry of a judgment of adoption shall terminate all relation-
4 ships between the child and his parents, and shall terminate all rights,
5 duties, and obligations of any person which are founded upon such relation-
6 ships, including rights of inheritance under the intestate laws of this State;
7 *provided, however,* that when the adopting parent is a stepfather or step-
8 mother, and the adoption is consummated with the consent and approval of

9 the mother or father, respectively, such adoption shall not affect or terminate
10 any relationships between the child and such mother or father.

11 B. The entry of a judgment of adoption shall establish the same relation-
12 ships, rights, duties and obligations between the child and the adopting
13 parent as if such child were born to such adopting parent in lawful wedlock.
14 In applying the intestate laws of this State, an adopted child shall have the
15 same rights of inheritance as if born to the adopting parent in lawful
16 wedlock. In the construction of any testamentary or other document executed
17 subsequent to the effective date of this act, an adopted child shall be deemed
18 lawful issue of the adopting parent unless such document shall otherwise
19 provide.

1 15. Record of proceedings; change of birth record.

2 A. All records of proceedings relating to adoption, including the com-
3 plaint, the judgment and all petitions, affidavits, testimony, reports, briefs,
4 orders and other documents filed in such proceedings, shall be filed under
5 seal by the clerk of the court and shall at no time be open to inspection,
6 unless the court, upon good cause shown, shall otherwise order. An index to
7 all adoption proceedings shall be maintained by the clerk of the court, but no
8 index of adoption proceedings shall be open to inspection or be given out
9 for publication except upon order of the court.

10 B. Upon application of the adopting parent, the clerk of the court shall
11 certify to the State Bureau of Vital Statistics the date of entry of the
12 judgment; the names of the natural parent or parents of the child, if the same
13 appear in the record of the proceedings; the names of the adopting parent
14 or parents; the prior name of the child; the date and place of birth of the
15 child; and the new name of the child as changed by the judgment of adoption.

1 16. Costs of proceedings; allowances to approved agencies. The costs of
2 all proceedings pursuant to this act shall be borne by the plaintiff, including
3 the costs incurred by an approved agency acting pursuant to an order or
4 orders of the court. Unless otherwise paid or provided for, the costs of an
5 approved agency shall be presented to and allowed by the court upon the

6 entry of judgment. Whenever such costs are paid or allowed to an approved
7 public agency, the moneys resulting therefrom shall be appropriated to the
8 use of such approved public agency in the administration of this act.

1 17. Liberal construction. This act shall be given a liberal construction to
2 give effect to the public policy expressed in section one.

1 18. Repeal of prior law. Subtitle two of Title 9 of the Revised Statutes,
2 as amended and supplemented, is repealed, but nothing in this act shall be
3 deemed to invalidate or otherwise affect any adoption granted or any right or
4 duty vested or established under any law heretofore in effect.

1 19. Act not to affect pending proceedings. With respect to proceedings
2 for the adoption of children commenced prior to the effective date of this act,
3 chapter three of Title 9 of the Revised Statutes shall continue applicable
4 thereafter until the completion of such proceedings.

1 20. Effective date. This act shall take effect January first, one thousand
2 nine hundred and fifty-four.

RS 9:3-17 et seq

SENATE, No. 235

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1953

By Mr. CLAPP

Referred to Committee on Institutions and Agencies

AN ACT concerning the adoption of children, their custody, control and rights of inheritance, and repealing subtitle two of Title 9 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Public policy. This act shall be administered so as to give effect to
2 the public policy of this State to provide for the welfare of children requir-
3 ing placement for adoption and so as to promote policies and procedures
4 which are socially necessary and desirable for the protection of such children,
5 their natural parents and their adopting parents. To that end, it is necessary
6 and desirable

7 (a) to protect the child from unnecessary separation from his natural
8 parents, from adoption by persons unfit for such responsibility, and from
9 interference by his natural parents after he has been established in an adop-
10 tive home;

11 (b) to protect the natural parents from hurried or abrupt decisions to
12 give up the child; and

13 (c) to protect the adopting parents from assuming responsibility for a
14 child without sufficient knowledge of the child's heredity and capacity for
15 physical and mental development, and, having accepted a child for adoption,
16 from later disturbance of their relationships to the child by the natural
17 parents.

1 2. Definitions. For the purposes of this act, the following words and
2 phrases, unless otherwise indicated, shall be deemed to have the following
3 meanings:

4 (a) The phrase "approved agency" means a legally constituted agency
5 having its principal office within or without this State, which has been
6 approved, pursuant to the provisions of this act, to place children in New
7 Jersey for purposes of adoption.

8 (b) The word "child" means any person under twenty-one years of age.

9-10 (c) The word "custody" means continuing control and authority over
11 the person of a child, established by natural parenthood, by order or judg-
12 ment of a court of competent jurisdiction, or by written surrender to an
13 approved agency pursuant to law.

14 (d) The phrase "forsaken parental obligations" means willful and con-
15 tinuous neglect or failure to perform the natural and regular obligations of
16 care and support of a child.

17 (e) The phrase "mentally incompetent" means inability to understand
18 and discharge the natural and regular obligations of care and support of
19 a child by reason of mental disease, feebleness of mind, or habitual
20 intemperance.

21 (f) The word "parent," when not otherwise described by the context,
22 means a natural parent or parent by previous adoption, but the word parent
23 shall not include the father of an illegitimate child.

24 (g) The word "may" shall be construed to be permissive and the word
25 "shall" shall be construed to be mandatory.

1 3. Placing children in New Jersey for adoption.

2 A. No person, firm, corporation, association or agency shall place, offer
3 to place, or assist in the placement of his or her child or any other child in
4 New Jersey for the purpose of adoption, unless such person, firm, corporation,
5 association or agency shall have been approved for such purpose by the De-
6 partment of Institutions and Agencies and such approval shall not have been
7 rescinded at the time of placement or offer for placement; *provided, however,*

8 that this prohibition shall not apply to the placement of a child for the
9 purpose of adoption with a brother, sister, aunt, uncle, grandparent or step-
10 parent of such child. The Superior Court, in an action by the Commissioner
11 of the Department of Institutions and Agencies, shall restrain any party
12 found by the court to have violated this subsection A from any further viola-
13 tion of this subsection.

14 B. The Department of Institutions and Agencies shall promulgate and
15 file with the Secretary of State rules and regulations relating to the qualifica-
16 tions of agencies for approval to place children in New Jersey for purposes
17 of adoption. Such rules and regulations shall include standards of profes-
18 sional training, experience and practices, and requirements relating to the
19 moral responsibility of the trustees, officers or other persons supervising or
20 conducting the placement program, the adequacy of the facilities, the main-
21 tenance of case-work records, and the furnishing of reports.

1 4. Court in which action shall be instituted. An action for adoption
2 shall be instituted in the Superior Court; or it may be instituted in the
3 County Court of the county in which the plaintiff is domiciled, except that
4 (a) whenever the child to be adopted has been received into the plaintiff's
5 home from or with the approval of an approved agency, the action may be
6 instituted in the County Court of the county in which such approved agency
7 has its principal office in New Jersey; and (b) whenever a parent of the
8 child to be adopted was granted a divorce from the other parent by the
9 Superior Court, the action shall be instituted in the Superior Court, unless
10 such court previously shall have awarded custody of the child to an ap-
11 proved agency or shall have consented to the institution of the action in a
12 County Court.

1 5. Who may institute action; when instituted.

2 A. A husband and wife jointly, a husband with his wife's consent, a
3 wife with her husband's consent, or an unmarried person may institute an
4 action for adoption.

5 B. Whenever any person, other than a relative as provided in subsection
6 C hereof, shall receive a child into his home for the purpose of adoption and
7 such child has not been so received from or with the approval of an ap-
8 proved agency, an action for adoption shall be instituted pursuant to this
9 act with reasonable promptness. Whenever any person, other than a rela-
10 tive as provided in subsection C hereof, shall receive a child into his home
11 for purposes other than adoption, and it is later determined that adoption
12 shall be sought, an action for adoption shall be instituted pursuant to this
13 act with reasonable promptness following such determination, unless such
14 determination has been approved by an approved agency.

15 C. Whenever the child sought to be adopted has been received into the
16 home of the plaintiff from or with the approval of an approved agency, or
17 whenever the plaintiff is related to the child sought to be adopted as a
18 brother, sister, aunt, uncle, grandparent or stepparent, and action for adop-
19 tion may be instituted pursuant to this act at any time after such child has
20 lived in the home of the plaintiff continuously for a minimum period of six
21 months.

1 6. Qualifications of plaintiff. Each plaintiff, at the time of the institu-
2 tion of the action, shall have attained twenty-one years of age, shall be at
3 least ten years older than the child to be adopted, and shall be a citizen of
4 the United States or shall have officially declared his or her intention of be-
5 coming a citizen.

1 7. Action on complaint.

2 A. Unless it shall appear in the action

3 (1) that the child sought to be adopted has been received into the
4 home of the plaintiff from or with the approval of an approved agency;

5 (2) that such approved agency has, by written document signed and
6 acknowledged by its authorized officer or representative, consented to the
7 adoption;

8 (3) that at least one year prior to the institution of the action the cus-
9 tody of the child had been surrendered to such approved agency by each
10 parent or other person having custody of the child, and that by the terms
11 of such surrender the approved agency had been authorized to place the
12 child for adoption; or that an order or judgment had been entered by a court
13 of competent jurisdiction terminating parental rights and transferring cus-
14 tody of the child to such approved agency or granting guardianship of the
15 child to such approved agency; and

16 (4) that such child has been living continuously in the home of the
17 plaintiff for not less than six months prior to the institution of the action;
18 the court by its order shall (a) declare that the child sought to be adopted
19 shall be a ward of the court and that the custody of such child shall be sub-
20 ject to the further order of the court; (b) appoint, with due regard for the
21 religious background of the child, an approved agency having its principal
22 office in New Jersey to make an investigation and written report to the
23 court concerning the circumstances under which the child was received into
24 the home of the plaintiff, the status of the parents of the child, the potential
25 fitness of the child for adoption, and the potential fitness of the plaintiff to
26 adopt the child and to provide a home suitable for his rearing; (c) direct
27 that the plaintiff shall assist to the fullest extent in the making of such in-
28 vestigation and report; and (d) fix a day for preliminary hearing as pro-
29 vided in section eight, which day shall be not less than sixty nor more than
30 ninety days from the date of the institution of the action. Notice of the
31 preliminary hearing shall be served personally within or without the State
32 upon each person having custody of the child. Whenever the plaintiff is
33 related to the child as a brother, sister, aunt, uncle, grandparent or step-
34 parent, the order may limit the investigation provided by this subsection to
35 an inquiry concerning the status of the parents of the child. At least five
36 days prior to the day fixed for the preliminary hearing the approved agency
37 shall file its report with the court and mail a copy thereof to the plaintiff.

38 B. Whenever it appears that all of provisions (1)-(4) of subsection A
39 have been fully satisfied, the final hearing shall be not less than ten nor more
40 than thirty days from the date of the institution of the action, and the ap-
41 proved agency concerned shall file at the hearing a written report as to all
42 circumstances of the case which will enable the court to make a proper de-
43 cision in the matter.

1 8. Preliminary hearing.

2 A. A preliminary hearing, when required by subsection A of section
3 seven, shall be in camera, and shall have for its purpose the determination
4 of: (1) the circumstances under which the child was received into the home
5 of the plaintiff; (2) the status of the parents of the child with respect to
6 further rights as to custody of the child; (3) the potential fitness of the
7 child for adoption; and (4) the potential fitness of the plaintiff to adopt
8 the child and to provide a home suitable for his rearing.

9 B. If in the course of the preliminary hearing the court shall deter-
10 mine that there is lack of jurisdiction, or that there is lack of qualification
11 on the part of a plaintiff, or that the child is in the custody of an approved
12 agency and such agency has not consented to the adoption, the action shall
13 be dismissed forthwith.

14 C. If the court shall determine, from the report of the approved
15 agency and the evidence presented at the preliminary hearing, that a par-
16 ent of the child sought to be adopted is dead, or mentally incompetent, or
17 has forsaken parental obligations, or has been divorced by the other parent
18 on grounds of adultery or desertion or extreme cruelty, the court may de-
19 clare that such parent has no further right to custody of the child. If the
20 court shall determine that the child sought to be adopted is illegitimate, the
21 court shall declare that the father, and the husband of the mother if she
22 be married, has no right as to custody of the child. If the court shall de-
23 termine that a custodian or guardian has been appointed for the child
24 sought to be adopted, but that such custodian or guardian has willfully
25 and continuously neglected or failed to discharge the responsibilities of

26 such appointment, the court may declare that such custodian or guardian
27 has no further control and authority over the person of the child.

28 D. If in the course of the preliminary hearing the court shall deter-
29 mine that there has not been a personal appearance by or personal service
30 upon each person having custody of the child as required by subsection A
31 of section seven hereof, or that the best interests of the child would not
32 be promoted by the adoption, the court shall deny the adoption and make
33 such further order concerning the custody of the child as may be deemed
34 proper in the circumstances.

1 9. Appointment of next friend.

2 A. If upon completion of a preliminary hearing the court is satisfied
3 (1) that the parents of the child should have no further right as to cus-
4 tody of the child; (2) that the custodian or guardian, if any, should have no
5 further control and authority over the person of the child; (3) that the child
6 is potentially fit for adoption; and (4) that the plaintiff has the potential
7 fitness to adopt the child and to provide a home suitable for the rearing of
8 the child, it shall fix a day for final hearing and shall appoint, with due re-
9 gard for the religious background of the child, an approved agency, having
10 its principal office in New Jersey, as next friend; *provided, however,* that
11 whenever the plaintiff is related to the child, as a brother, sister, aunt,
12 uncle, grandparent or stepparent, the court may dispense with the appoint-
13 ment of a next friend and proceed immediately with final hearing pursuant
14 to section eleven of this act. Except for good cause, the approved agency
15 appointed as next friend shall be the agency which made the investigation
16 and report pursuant to subsections A and B of section seven.

17 B. The final hearing shall be not less than one year from the date of
18 the institution of the action, except that if the child to be adopted has been
19 living with the plaintiff prior to July first, one thousand nine hundred and
20 fifty-three, and the action is instituted prior to January first, one thousand
21 nine hundred and fifty-four, the final hearing shall be less than one year but
22 not less than six months from the date of the institution of the action.

1 10. Duties of next friend; report and recom.....

2 A. The next friend appointed as provided in section nine from time to
3 time shall visit the home of the plaintiff and shall make such further in-
4 quiry as may be necessary to observe and determine the care being received
5 by the child and the adjustment of the child and the plaintiff as members
6 of a family.

7 B. At least fifteen days prior to the final hearing, the next friend shall file
8 with the court a written report of its findings since the preliminary hear-
9 ing, including a recommendation as to the adoption. If the recommenda-
10 tion does not favor the adoption, the next friend shall deliver a copy of its
11 report to the plaintiff at least ten days prior to the final hearing. If the
12 recommendation favors the entry of a judgment, the next friend shall an-
13 nex to its report a written consent to the adoption.

14 C. If at any time following the preliminary hearing, the next friend
15 shall find that the best interests of the child would not be promoted by the
16 adoption, the court may on the application of such next friend, modify or
17 revoke any order entered in the action and make such further order con-
18 cerning the custody of the child as may be deemed proper in the circum-
19 stances.

1 11. Final hearing; judgment of adoption.

2 A. Upon the final hearing, the court shall proceed in camera; *provided*,
3 *however*, that if there has been a preliminary hearing and the next friend
4 shall have recommended the adoption, the final hearing may be dispensed
5 with and judgment may be entered forthwith.

6 B. If a next friend shall have been appointed pursuant to subsection A
7 of section nine, such next friend shall be a necessary party at the final hear-
8 ing, shall be entitled to present testimony and to cross-examine witnesses,
9 and shall be subject to examination with respect to its report and recom-
10 mendations in the matter. If the child sought to be adopted is of the age of
11 ten years or over, the appearance of such child shall be required at the final
12 hearing.

13 C. If, from the report and the evidence presented, the court shall be
 14 satisfied that the best interests of the child would be promoted by the adop-
 15 tion, the court shall enter a judgment of adoption.

16 D. If, from the evidence presented, the court shall be satisfied that the
 17 best interests of the child would not be promoted by the adoption, the court
 18 shall enter a judgment denying the adoption. If the child is not in the
 19 custody of an approved agency, such judgment shall contain such further
 20 provisions concerning the custody of the child as may be proper in the
 21 circumstances.

22 E. The Clerk of each County Court shall promptly file with the Superior
 23 Court a copy of each judgment of adoption entered pursuant to this act. The
 24 Clerk of the Superior Court shall docket the copies of such judgments and
 25 shall maintain an alphabetical index of all judgments of adoption entered
 26 each year pursuant to this act in the County Courts and the Superior
 27 Court of this State.

1 12. Inquiry as to child over ten. If the child sought to be adopted is of
 2 the age of ten years or over, each report of an approved agency made to the
 3 court pursuant to this act shall indicate the understanding and wishes of
 4 such child with respect to the proceeding.

1 13. Orders concerning custody. Whenever under this act the court is
 2 empowered to make an order concerning the custody of a child, such order
 3 may direct that the child be committed, for the term of minority, to the
 4 custody of an approved agency willing to accept the same.

1 14. Effect of adoption; relationships of parent and child; rights of
 2 inheritance.

3 A. The entry of a judgment of adoption shall terminate all relation-
 4 ships between the child and his parents, and shall terminate all rights,
 5 duties, and obligations of any person which are founded upon such relation-
 6 ships, including rights of inheritance under the intestate laws of this State;
 7 *provided, however,* that when the adopting parent is a stepfather or step-
 8 mother, and the adoption is consummated with the consent and approval of

9 the mother or father, respectively, such adoption shall not affect or terminate
10 any relationships between the child and such mother or father.

11 B. The entry of a judgment of adoption shall establish the same relation-
12 ships, rights, duties and obligations between the child and the adopting
13 parent as if such child were born to such adopting parent in lawful wedlock.
14 In applying the intestate laws of this State, an adopted child shall have the
15 same rights of inheritance as if born to the adopting parent in lawful
16 wedlock. In the construction of any testamentary or other document executed
17 subsequent to the effective date of this act, an adopted child shall be deemed
18 lawful issue of the adopting parent unless such document shall otherwise
19 provide.

1 15. Record of proceedings; change of birth record.

2 A. All records of proceedings relating to adoption, including the com-
3 plaint, the judgment and all petitions, affidavits; testimony, reports, briefs,
4 orders and other documents filed in such proceedings, shall be filed under
5 seal by the clerk of the court and shall at no time be open to inspection,
6 unless the court, upon good cause shown, shall otherwise order. An index to
7 all adoption proceedings shall be maintained by the clerk of the court, but no
8 index of adoption proceedings shall be open to inspection or be given out
9 for publication except upon order of the court.

10 B. Upon application of the adopting parent, the clerk of the court shall
11 certify to the State Bureau of Vital Statistics the date of entry of the
12 judgment; the names of the natural parent or parents of the child, if the same
13 appear in the record of the proceedings; the names of the adopting parent
14 or parents; the prior name of the child; the date and place of birth of the
15 child; and the new name of the child as changed by the judgment of adoption.

1 16. Costs of proceedings; allowances to approved agencies. The costs of
2 all proceedings pursuant to this act shall be borne by the plaintiff, including
3 the costs incurred by an approved agency acting pursuant to an order or
4 orders of the court. Unless otherwise paid or provided for, the costs of an
5 approved agency shall be presented to and allowed by the court upon the

6 entry of judgment. Whenever such costs are paid or allowed to an approved
7 public agency, the moneys resulting therefrom shall be appropriated to the
8 use of such approved public agency in the administration of this act.

1 17. Liberal construction. This act shall be given a liberal construction to
2 give effect to the public policy expressed in section one.

1 18. Repeal of prior law. Subtitle two of Title 9 of the Revised Statutes,
2 as amended and supplemented, is repealed, but nothing in this act shall be
3 deemed to invalidate or otherwise affect any adoption granted or any right or
4 duty vested or established under any law heretofore in effect.

1 19. Act not to affect pending proceedings. With respect to proceedings
2 for the adoption of children commenced prior to the effective date of this act,
3 chapter three of Title 9 of the Revised Statutes shall continue applicable
4 thereafter until the completion of such proceedings.

1 20. Effective date. This act shall take effect July first, one thousand nine
2 hundred and fifty-three.

STATEMENT

This bill revises the child adoption act of New Jersey (Chapter 3 of Title 9 of the Revised Statutes) and repeals Chapter 4 of Title 9 as obsolete.

The bill was prepared over a three-year period by a legal advisory committee appointed for such purpose by the Adoption Advisory Council, a group composed of representatives of all New Jersey agencies approved for placement of children for adoption in New Jersey. It has the endorsement of the Department of Institutions and Agencies and of substantially all persons, organizations, religious bodies and agencies in New Jersey concerned with child welfare and adoption practices. It has received their approval after several months of interpretation, study and modification, prior to its introduction in the Legislature.

The following are the principal changes in the present adoption practices proposed by this bill:

(1) A statement of public policy concerning the needs of the child to be adopted, its natural parents and its adopting parents has been provided, with the requirements that the statute be liberally construed.

(2) Placement of children for adoption, other than with close relatives, has been prohibited to any person, corporation or agency which has not been approved for that purpose by the Department of Institutions and Agencies. The department is authorized to obtain injunctive relief from statutory violations.

(3) The principles affecting approval of adoption agencies by the Department of Institutions and Agencies have been clarified and developed.

(4) Adoptions by nonresidents have been eliminated except for approved agency placements, and the statute has been clarified with respect to provisions for venue. The statute authorizes adoption proceedings in the County Courts or in the Superior Court, and requires that they be brought in the Superior Court if the natural parents of the child have been divorced in New Jersey. Venue would lie where the adopting family lives or where the principal office of the placing agency is located.

(5) When placement for adoption is made by an approved agency, or when the adopting parent is a close relative, the complaint may be filed after the child has lived with the adopting parent or parents for at least six months. In any other case the complaint must be filed promptly following the placement for adoption in order that the court may make an early inquiry into the circumstances.

(6) Consents to adoption have been supplanted by investigation and report of an approved agency and review by the court at a preliminary hearing held to consider the entry of an interlocutory order. In the case of adoption by close relatives, such inquiry may be limited to consideration of the rights of custody of the natural parents. Adequate notice to all interested parties is provided, with the rights of custody of natural parents being determined early at the preliminary hearing.

(7) In a case where a period of study in the adoption home seems warranted, and in every case where placement has not been made by an approved agency or

with a close relative, the court is authorized to appoint an approved agency as next friend. A full period of one year has been provided for study by the next friend of the adjustment of the child in the adoptive home, with a report to be filed before consideration of final judgment.

(8) If a judgment of adoption is denied, the court may make further provision for the custody of the child.

(9) Inheritance from and by the natural parents of an adopted child has been eliminated, the child being given the rights of inheritance of a natural child in relation to the adoptive parents and their other children.

(10) Secrecy has been provided for preliminary and final hearings and for court records, without prejudice to a full opportunity for interested parties to have access to agency reports and other pertinent material in the event of litigation. A central index for all judgments for adoption in the State has been provided in the Superior Court.

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1953

By Mr. CLAPP

Referred to Committee on Institutions and Agencies

AN ACT concerning the adoption of children, their custody, control and rights of inheritance, and repealing subtitle two of Title 9 of the Revised Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State of New
2 Jersey:

1 1. Public policy. This act shall be administered so as to give effect to
2 the public policy of this State to provide for the welfare of children requir-
3 ing placement for adoption and so as to promote policies and procedures
4 which are socially necessary and desirable for the protection of such children,
5 their natural parents and their adopting parents. To that end, it is necessary
6 and desirable

7 (a) to protect the child from unnecessary separation from his natural
8 parents, from adoption by persons unfit for such responsibility, and from
9 interference by his natural parents after he has been established in an adop-
10 tive home;

11 (b) to protect the natural parents from hurried or abrupt decisions to
12 give up the child; and

13 (c) to protect the adopting parents from assuming responsibility for a
14 child without sufficient knowledge of the child's heredity and capacity for
15 physical and mental development, and, having accepted a child for adoption,
16 from later disturbance of their relationships to the child by the natural
17 parents.

1 2. Definitions. For the purposes of this act, the following words and
2 phrases, unless otherwise indicated, shall be deemed to have the following
3 meanings:

4 (a) The phrase "approved agency" means a legally constituted agency
5 having its principal office within or without this State, which has been
6 approved, pursuant to the provisions of this act, to place children in New
7 Jersey for purposes of adoption.

8 (b) The word "child" means any person under twenty-one years of age.

9-10 (c) The word "custody" means continuing control and authority over
11 the person of a child, established by natural parenthood, by order or judg-
12 ment of a court of competent jurisdiction, or by written surrender to an
13 approved agency pursuant to law.

14 (d) The phrase "forsaken parental obligations" means willful and con-
15 tinuous neglect or failure to perform the natural and regular obligations of
16 care and support of a child.

17 (e) The phrase "mentally incompetent" means inability to understand
18 and discharge the natural and regular obligations of care and support of
19 a child by reason of mental disease, feebleness of mind, or habitual
20 intemperance.

21 (f) The word "parent," when not otherwise described by the context,
22 means a natural parent or parent by previous adoption, but the word parent
23 shall not include the father of an illegitimate child.

24 (g) The word "may" shall be construed to be permissive and the word
25 "shall" shall be construed to be mandatory.

1 3. Placing children in New Jersey for adoption.

2 A. No person, firm, corporation, association or agency shall place, offer
3 to place, or assist in the placement of his or her child or any other child in
4 New Jersey for the purpose of adoption, unless such person, firm, corporation,
5 association or agency shall have been approved for such purpose by the De-
6 partment of Institutions and Agencies and such approval shall not have been
7 rescinded at the time of placement or offer for placement; *provided, however,*

8 that this prohibition shall not apply to the placement of a child for the
9 purpose of adoption with a brother, sister, aunt, uncle, grandparent or step-
10 parent of such child. The Superior Court, in an action by the Commissioner
11 of the Department of Institutions and Agencies, shall restrain any party
12 found by the court to have violated this subsection A from any further viola-
13 tion of this subsection.

14 B. The Department of Institutions and Agencies shall promulgate and
15 file with the Secretary of State rules and regulations relating to the qualifica-
16 tions of agencies for approval to place children in New Jersey for purposes
17 of adoption. Such rules and regulations shall include standards of profes-
18 sional training, experience and practices, and requirements relating to the
19 moral responsibility of the trustees, officers or other persons supervising or
20 conducting the placement program, the adequacy of the facilities, the main-
21 tenance of case-work records, and the furnishing of reports.

1 4. Court in which action shall be instituted. An action for adoption
2 shall be instituted in the Superior Court; or it may be instituted in the
3 County Court of the county in which the plaintiff is domiciled, except that
4 (a) whenever the child to be adopted has been received into the plaintiff's
5 home from or with the approval of an approved agency, the action may be
6 instituted in the County Court of the county in which such approved agency
7 has its principal office in New Jersey; and (b) whenever a parent of the
8 child to be adopted was granted a divorce from the other parent by the
9 Superior Court, the action shall be instituted in the Superior Court, unless
10 such court previously shall have awarded custody of the child to an ap-
11 proved agency or shall have consented to the institution of the action in a
12 County Court.

1 5. Who may institute action; when instituted.

2 A. A husband and wife jointly, a husband with his wife's consent, a
3 wife with her husband's consent, or an unmarried person may institute an
4 action for adoption.

5 B. Whenever any person, other than a relative as provided in subsection
6 C hereof, shall receive a child into his home for the purpose of adoption and
7 such child has not been so received from or with the approval of an ap-
8 proved agency, an action for adoption shall be instituted pursuant to this
9 act with reasonable promptness. Whenever any person, other than a rela-
10 tive as provided in subsection C hereof, shall receive a child into his home
11 for purposes other than adoption, and it is later determined that adoption
12 shall be sought, an action for adoption shall be instituted pursuant to this
13 act with reasonable promptness following such determination, unless such
14 determination has been approved by an approved agency.

15 C. Whenever the child sought to be adopted has been received into the
16 home of the plaintiff from or with the approval of an approved agency, or
17 whenever the plaintiff is related to the child sought to be adopted as a
18 brother, sister, aunt, uncle, grandparent or stepparent, and action for adop-
19 tion may be instituted pursuant to this act at any time after such child has
20 lived in the home of the plaintiff continuously for a minimum period of six
21 months.

1 6. Qualifications of plaintiff. Each plaintiff, at the time of the institu-
2 tion of the action, shall have attained twenty-one years of age, shall be at
3 least ten years older than the child to be adopted, and shall be a citizen of
4 the United States or shall have officially declared his or her intention of be-
5 coming a citizen.

1 7. Action on complaint.

2 A. Unless it shall appear in the action

3 (1) that the child sought to be adopted has been received into the
4 home of the plaintiff from or with the approval of an approved agency;

5 (2) that such approved agency has, by written document signed and
6 acknowledged by its authorized officer or representative, consented to the
7 adoption;

8 (3) that at least one year prior to the institution of the action the cus-
9 tody of the child had been surrendered to such approved agency by each
10 parent or other person having custody of the child, and that by the terms
11 of such surrender the approved agency had been authorized to place the
12 child for adoption; or that an order or judgment had been entered by a court
13 of competent jurisdiction terminating parental rights and transferring cus-
14 tody of the child to such approved agency or granting guardianship of the
15 child to such approved agency; and

16 (4) that such child has been living continuously in the home of the
17 plaintiff for not less than six months prior to the institution of the action;
18 the court by its order shall (a) declare that the child sought to be adopted
19 shall be a ward of the court and that the custody of such child shall be sub-
20 ject to the further order of the court; (b) appoint, with due regard for the
21 religious background of the child, an approved agency having its principal
22 office in New Jersey to make an investigation and written report to the
23 court concerning the circumstances under which the child was received into
24 the home of the plaintiff, the status of the parents of the child, the potential
25 fitness of the child for adoption, and the potential fitness of the plaintiff to
26 adopt the child and to provide a home suitable for his rearing; (c) direct
27 that the plaintiff shall assist to the fullest extent in the making of such in-
28 vestigation and report; and (d) fix a day for preliminary hearing as pro-
29 vided in section eight, which day shall be not less than sixty nor more than
30 ninety days from the date of the institution of the action. Notice of the
31 preliminary hearing shall be served personally within or without the State
32 upon each person having custody of the child. Whenever the plaintiff is
33 related to the child as a brother, sister, aunt, uncle, grandparent or step-
34 parent, the order may limit the investigation provided by this subsection to
35 an inquiry concerning the status of the parents of the child. At least five
36 days prior to the day fixed for the preliminary hearing the approved agency
37 shall file its report with the court and mail a copy thereof to the plaintiff.

38 B. Whenever it appears that all of provisions (1)-(4) of subsection A
39 have been fully satisfied, the final hearing shall be not less than ten nor more
40 than thirty days from the date of the institution of the action, and the ap-
41 proved agency concerned shall file at the hearing a written report as to all
42 circumstances of the case which will enable the court to make a proper de-
43 cision in the matter.

1 8. Preliminary hearing.

2 A. A preliminary hearing, when required by subsection A of section
3 seven, shall be in camera, and shall have for its purpose the determination
4 of: (1) the circumstances under which the child was received into the home
5 of the plaintiff; (2) the status of the parents of the child with respect to
6 further rights as to custody of the child; (3) the potential fitness of the
7 child for adoption; and (4) the potential fitness of the plaintiff to adopt
8 the child and to provide a home suitable for his rearing.

9 B. If in the course of the preliminary hearing the court shall deter-
10 mine that there is lack of jurisdiction, or that there is lack of qualification
11 on the part of a plaintiff, or that the child is in the custody of an approved
12 agency and such agency has not consented to the adoption, the action shall
13 be dismissed forthwith.

14 C. If the court shall determine, from the report of the approved
15 agency and the evidence presented at the preliminary hearing, that a par-
16 ent of the child sought to be adopted is dead, or mentally incompetent, or
17 has forsaken parental obligations, or has been divorced by the other parent
18 on grounds of adultery or desertion or extreme cruelty, the court may de-
19 clare that such parent has no further right to custody of the child. If the
20 court shall determine that the child sought to be adopted is illegitimate, the
21 court shall declare that the father, and the husband of the mother if she
22 be married, has no right as to custody of the child. If the court shall de-
23 termine that a custodian or guardian has been appointed for the child
24 sought to be adopted, but that such custodian or guardian has willfully
25 and continuously neglected or failed to discharge the responsibilities of

26 such appointment, the court may declare that such custodian or guardian
27 has no further control and authority over the person of the child.

28 D. If in the course of the preliminary hearing the court shall deter-
29 mine that there has not been a personal appearance by or personal service
30 upon each person having custody of the child as required by subsection A
31 of section seven hereof, or that the best interests of the child would not
32 be promoted by the adoption, the court shall deny the adoption and make
33 such further order concerning the custody of the child as may be deemed
34 proper in the circumstances.

1 9. Appointment of next friend.

2 A. If upon completion of a preliminary hearing the court is satisfied
3 (1) that the parents of the child should have no further right as to cus-
4 tody of the child; (2) that the custodian or guardian, if any, should have no
5 further control and authority over the person of the child; (3) that the child
6 is potentially fit for adoption; and (4) that the plaintiff has the potential
7 fitness to adopt the child and to provide a home suitable for the rearing of
8 the child, it shall fix a day for final hearing and shall appoint, with due re-
9 gard for the religious background of the child, an approved agency, having
10 its principal office in New Jersey, as next friend; *provided, however,* that
11 whenever the plaintiff is related to the child, as a brother, sister, aunt,
12 uncle, grandparent or stepparent, the court may dispense with the appoint-
13 ment of a next friend and proceed immediately with final hearing pursuant
14 to section eleven of this act. Except for good cause, the approved agency
15 appointed as next friend shall be the agency which made the investigation
16 and report pursuant to subsections A and B of section seven.

17 B. The final hearing shall be not less than one year from the date of
18 the institution of the action, except that if the child to be adopted has been
19 living with the plaintiff prior to July first, one thousand nine hundred and
20 fifty-three, and the action is instituted prior to January first, one thousand
21 nine hundred and fifty-four, the final hearing shall be less than one year but
22 not less than six months from the date of the institution of the action.

1 10. Duties of next friend; report and recommendations.

2 A. The next friend appointed as provided in section nine from time to
3 time shall visit the home of the plaintiff and shall make such further in-
4 quiry as may be necessary to observe and determine the care being received
5 by the child and the adjustment of the child and the plaintiff as members
6 of a family.

7 B. At least fifteen days prior to the final hearing, the next friend shall file
8 with the court a written report of its findings since the preliminary hear-
9 ing, including a recommendation as to the adoption. If the recommenda-
10 tion does not favor the adoption, the next friend shall deliver a copy of its
11 report to the plaintiff at least ten days prior to the final hearing. If the
12 recommendation favors the entry of a judgment, the next friend shall an-
13 nex to its report a written consent to the adoption.

14 C. If at any time following the preliminary hearing, the next friend
15 shall find that the best interests of the child would not be promoted by the
16 adoption, the court may on the application of such next friend, modify or
17 revoke any order entered in the action and make such further order con-
18 cerning the custody of the child as may be deemed proper in the circum-
19 stances.

1 11. Final hearing; judgment of adoption.

2 A. Upon the final hearing, the court shall proceed in camera; *provided,*
3 *however,* that if there has been a preliminary hearing and the next friend
4 shall have recommended the adoption, the final hearing may be dispensed
5 with and judgment may be entered forthwith.

6 B. If a next friend shall have been appointed pursuant to subsection A
7 of section nine, such next friend shall be a necessary party at the final hear-
8 ing, shall be entitled to present testimony and to cross-examine witnesses,
9 and shall be subject to examination with respect to its report and recom-
10 mendations in the matter. If the child sought to be adopted is of the age of
11 ten years or over, the appearance of such child shall be required at the final
12 hearing.

13 C. If, from the report and the evidence presented, the court shall be
 14 satisfied that the best interests of the child would be promoted by the adop-
 15 tion, the court shall enter a judgment of adoption.

16 D. If, from the evidence presented, the court shall be satisfied that the
 17 best interests of the child would not be promoted by the adoption, the court
 18 shall enter a judgment denying the adoption. If the child is not in the
 19 custody of an approved agency, such judgment shall contain such further
 20 provisions concerning the custody of the child as may be proper in the
 21 circumstances.

22 E. The Clerk of each County Court shall promptly file with the Superior
 23 Court a copy of each judgment of adoption entered pursuant to this act. The
 24 Clerk of the Superior Court shall docket the copies of such judgments and
 25 shall maintain an alphabetical index of all judgments of adoption entered
 26 each year pursuant to this act in the County Courts and the Superior
 27 Court of this State.

1 12. Inquiry as to child over ten. If the child sought to be adopted is of
 2 the age of ten years or over, each report of an approved agency made to the
 3 court pursuant to this act shall indicate the understanding and wishes of
 4 such child with respect to the proceeding.

1 13. Orders concerning custody. Whenever under this act the court is
 2 empowered to make an order concerning the custody of a child, such order
 3 may direct that the child be committed, for the term of minority, to the
 4 custody of an approved agency willing to accept the same.

1 14. Effect of adoption; relationships of parent and child; rights of
 2 inheritance.

3 A. The entry of a judgment of adoption shall terminate all relation-
 4 ships between the child and his parents, and shall terminate all rights,
 5 duties, and obligations of any person which are founded upon such relation-
 6 ships, including rights of inheritance under the intestate laws of this State;
 7 provided, however, that when the adopting parent is a stepfather or step-
 8 mother, and the adoption is consummated with the consent and approval of

9 the mother or father, respectively, such adoption shall not affect or terminate
10 any relationships between the child and such mother or father.

11 B. The entry of a judgment of adoption shall establish the same relation-
12 ships, rights, duties and obligations between the child and the adopting
13 parent as if such child were born to such adopting parent in lawful wedlock.
14 In applying the intestate laws of this State, an adopted child shall have the
15 same rights of inheritance as if born to the adopting parent in lawful
16 wedlock. In the construction of any testamentary or other document executed
17 subsequent to the effective date of this act, an adopted child shall be deemed
18 lawful issue of the adopting parent unless such document shall otherwise
19 provide.

1 15. Record of proceedings; change of birth record.

2 A. All records of proceedings relating to adoption, including the com-
3 plaint, the judgment and all petitions, affidavits, testimony, reports, briefs,
4 orders and other documents filed in such proceedings, shall be filed under
5 seal by the clerk of the court and shall at no time be open to inspection,
6 unless the court, upon good cause shown, shall otherwise order. An index to
7 all adoption proceedings shall be maintained by the clerk of the court, but no
8 index of adoption proceedings shall be open to inspection or be given out
9 for publication except upon order of the court.

10 B. Upon application of the adopting parent, the clerk of the court shall
11 certify to the State Bureau of Vital Statistics the date of entry of the
12 judgment; the names of the natural parent or parents of the child, if the same
13 appear in the record of the proceedings; the names of the adopting parent
14 or parents; the prior name of the child; the date and place of birth of the
15 child; and the new name of the child as changed by the judgment of adoption.

1 16. Costs of proceedings; allowances to approved agencies. The costs of
2 all proceedings pursuant to this act shall be borne by the plaintiff, including
3 the costs incurred by an approved agency acting pursuant to an order or
4 orders of the court. Unless otherwise paid or provided for, the costs of an
5 approved agency shall be presented to and allowed by the court upon the

6 entry of judgment. Whenever such costs are paid or allowed to an approved
7 public agency, the moneys resulting therefrom shall be appropriated to the
8 use of such approved public agency in the administration of this act.

1 17. Liberal construction. This act shall be given a liberal construction to
2 give effect to the public policy expressed in section one.

1 18. Repeal of prior law. Subtitle two of Title 9 of the Revised Statutes,
2 as amended and supplemented, is repealed, but nothing in this act shall be
3 deemed to invalidate or otherwise affect any adoption granted or any right or
4 duty vested or established under any law heretofore in effect.

1 19. Act not to affect pending proceedings. With respect to proceedings
2 for the adoption of children commenced prior to the effective date of this act,
3 chapter three of Title 9 of the Revised Statutes shall continue applicable
4 thereafter until the completion of such proceedings.

1 20. Effective date. This act shall take effect July first, one thousand nine
2 hundred and fifty-three.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 235

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1953

By Mr. CLAPP

Referred to Committee on Institutions and Agencies

AN ACT concerning the adoption of children, their custody, control and rights of inheritance, and repealing subtitle two of Title 9 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Public policy. This act shall be administered so as to give effect to
2 the public policy of this State to provide for the welfare of children requir-
3 ing placement for adoption and so as to promote policies and procedures
4 which are socially necessary and desirable for the protection of such children,
5 their natural parents and their adopting parents. To that end, it is necessary
6 and desirable

7 (a) to protect the child from unnecessary separation from his natural
8 parents, from adoption by persons unfit for such responsibility, and from
9 interference by his natural parents after he has been established in an adop-
10 tive home;

11 (b) to protect the natural parents from hurried or abrupt decisions to
12 give up the child; and

13 (c) to protect the adopting parents from assuming responsibility for a
14 child without sufficient knowledge of the child's heredity and capacity for
15 physical and mental development, and, having accepted a child for adoption,
16 from later disturbance of their relationships to the child by the natural
17 parents.

1 2. Definitions. For the purposes of this act, the following words and
2 phrases, unless otherwise indicated, shall be deemed to have the following
3 meanings:

4 (a) The phrase "approved agency" means a legally constituted agency
5 having its principal office within or without this State, which has been
6 approved, pursuant to the provisions of this act, to place children in New
7 Jersey for purposes of adoption.

8 (b) The word "child" means any person under twenty-one years of age.

9-10 (c) The word "custody" means continuing control and authority over
11 the person of a child, established by natural parenthood, by order or judg-
12 ment of a court of competent jurisdiction, or by written surrender to an
13 approved agency pursuant to law.

14 (d) The phrase "forsaken parental obligations" means willful and con-
15 tinuous neglect or failure to perform the natural and regular obligations of
16 care and support of a child.

17 (e) The phrase "mentally incompetent" means inability to understand
18 and discharge the natural and regular obligations of care and support of
19 a child by reason of mental disease, feebleness of mind, or habitual
20 intemperance.

21 (f) The word "parent," when not otherwise described by the context,
22 means a natural parent or parent by previous adoption, but the word parent
23 shall not include the father of an illegitimate child.

24 (g) The word "may" shall be construed to be permissive and the word
25 "shall" shall be construed to be mandatory.

1 3. Placing children in New Jersey for adoption.

2 A. No person, firm, corporation, association or agency shall place, offer
3 to place, or assist in the placement of his or her child or any other child in
4 New Jersey for the purpose of adoption, unless such person, firm, corporation,
5 association or agency shall have been approved for such purpose by the De-
6 partment of Institutions and Agencies and such approval shall not have been
7 rescinded at the time of placement or offer for placement; *provided, however,*

8 that this prohibition shall not apply to the placement of a child for the
9 purpose of adoption with a brother, sister, aunt, uncle, grandparent or step-
10 parent of such child. The Superior Court, in an action by the Commissioner
11 of the Department of Institutions and Agencies, shall restrain any party
12 found by the court to have violated this subsection A from any further viola-
13 tion of this subsection.

14 B. The Department of Institutions and Agencies shall promulgate and
15 file with the Secretary of State rules and regulations relating to the qualifica-
16 tions of agencies for approval to place children in New Jersey for purposes
17 of adoption. Such rules and regulations shall include standards of profes-
18 sional training, experience and practices, and requirements relating to the
19 moral responsibility of the trustees, officers or other persons supervising or
20 conducting the placement program, the adequacy of the facilities, the main-
21 tenance of case-work records, and the furnishing of reports.

1 4. Court in which action shall be instituted. An action for adoption
2 shall be instituted in the Superior Court; or it may be instituted in the
3 County Court of the county in which the plaintiff is domiciled, except that
4 (a) whenever the child to be adopted has been received into the plaintiff's
5 home from or with the approval of an approved agency, the action may be
6 instituted in the County Court of the county in which such approved agency
7 has its principal office in New Jersey; and (b) whenever a parent of the
8 child to be adopted was granted a divorce from the other parent by the
9 Superior Court, the action shall be instituted in the Superior Court, unless
10 such court previously shall have awarded custody of the child to an ap-
11 proved agency or shall have consented to the institution of the action in a
12 County Court.

1 5. Who may institute action; when instituted.

2 A. A husband and wife jointly, a husband with his wife's consent, a
3 wife with her husband's consent, or an unmarried person may institute an
4 action for adoption.

5 B. Whenever any person, other than a relative as provided in subsection
6 C hereof, shall receive a child into his home for the purpose of adoption and
7 such child has not been so received from or with the approval of an ap-
8 proved agency, an action for adoption shall be instituted pursuant to this
9 act with reasonable promptness. Whenever any person, other than a rela-
10 tive as provided in subsection C hereof, shall receive a child into his home
11 for purposes other than adoption, and it is later determined that adoption
12 shall be sought, an action for adoption shall be instituted pursuant to this
13 act with reasonable promptness following such determination, unless such
14 determination has been approved by an approved agency.

15 C. Whenever the child sought to be adopted has been received into the
16 home of the plaintiff from or with the approval of an approved agency, or
17 whenever the plaintiff is related to the child sought to be adopted as a
18 brother, sister, aunt, uncle, grandparent or stepparent, and action for adop-
19 tion may be instituted pursuant to this act at any time after such child has
20 lived in the home of the plaintiff continuously for a minimum period of six
21 months.

1 6. Qualifications of plaintiff. Each plaintiff, at the time of the institu-
2 tion of the action, shall have attained twenty-one years of age, shall be at
3 least ten years older than the child to be adopted, and shall be a citizen of
4 the United States or shall have officially declared his or her intention of be-
5 coming a citizen.

1 7. Action on complaint.

2 A. Unless it shall appear in the action

3 (1) that the child sought to be adopted has been received into the
4 home of the plaintiff from or with the approval of an approved agency;

5 (2) that such approved agency has, by written document signed and
6 acknowledged by its authorized officer or representative, consented to the
7 adoption;

8 (3) that at least one year prior to the institution of the action the cus-
9 tody of the child had been surrendered to such approved agency by each
10 parent or other person having custody of the child, and that by the terms
11 of such surrender the approved agency had been authorized to place the
12 child for adoption; or that an order or judgment had been entered by a court
13 of competent jurisdiction terminating parental rights and transferring cus-
14 tody of the child to such approved agency or granting guardianship of the
15 child to such approved agency; and

16 (4) that such child has been living continuously in the home of the
17 plaintiff for not less than six months prior to the institution of the action;
18 the court by its order shall (a) declare that the child sought to be adopted
19 shall be a ward of the court and that the custody of such child shall be sub-
20 ject to the further order of the court; (b) appoint, with due regard for the
21 religious background of the child, an approved agency having its principal
22 office in New Jersey to make an investigation and written report to the
23 court concerning the circumstances under which the child was received into
24 the home of the plaintiff, the status of the parents of the child, the potential
25 fitness of the child for adoption, and the potential fitness of the plaintiff to
26 adopt the child and to provide a home suitable for his rearing; (c) direct
27 that the plaintiff shall assist to the fullest extent in the making of such in-
28 vestigation and report; and (d) fix a day for preliminary hearing as pro-
29 vided in section eight, which day shall be not less than sixty nor more than
30 ninety days from the date of the institution of the action. Notice of the
31 preliminary hearing shall be served personally within or without the State
32 upon each person having custody of the child. Whenever the plaintiff is
33 related to the child as a brother, sister, aunt, uncle, grandparent or step-
34 parent, the order may limit the investigation provided by this subsection to
35 an inquiry concerning the status of the parents of the child. At least five
36 days prior to the day fixed for the preliminary hearing the approved agency
37 shall file its report with the court and mail a copy thereof to the plaintiff.

38 B. Whenever it appears that all of provisions (1)-(4) of subsection A
39 have been fully satisfied, the final hearing shall be not less than ten nor more
40 than thirty days from the date of the institution of the action, and the ap-
41 proved agency concerned shall file at the hearing a written report as to all
42 circumstances of the case which will enable the court to make a proper de-
43 cision in the matter.

1 8. Preliminary hearing.

2 A. A preliminary hearing, when required by subsection A of section
3 seven, shall be in camera, and shall have for its purpose the determination
4 of: (1) the circumstances under which the child was received into the home
5 of the plaintiff; (2) the status of the parents of the child with respect to
6 further rights as to custody of the child; (3) the potential fitness of the
7 child for adoption; and (4) the potential fitness of the plaintiff to adopt
8 the child and to provide a home suitable for his rearing.

9 B. If in the course of the preliminary hearing the court shall deter-
10 mine that there is lack of jurisdiction, or that there is lack of qualification
11 on the part of a plaintiff, or that the child is in the custody of an approved
12 agency and such agency has not consented to the adoption, the action shall
13 be dismissed forthwith.

14 C. If the court shall determine, from the report of the approved
15 agency and the evidence presented at the preliminary hearing, that a par-
16 ent of the child sought to be adopted is dead, or mentally incompetent, or
17 has forsaken parental obligations, or has been divorced by the other parent
18 on grounds of adultery or desertion or extreme cruelty, the court may de-
19 clare that such parent has no further right to custody of the child. If the
20 court shall determine that the child sought to be adopted is illegitimate, the
21 court shall declare that the father, and the husband of the mother if she
22 be married, has no right as to custody of the child. If the court shall de-
23 termine that a custodian or guardian has been appointed for the child
24 sought to be adopted, but that such custodian or guardian has willfully
25 and continuously neglected or failed to discharge the responsibilities of

26 such appointment, the court may declare that such custodian or guardian
27 has no further control and authority over the person of the child.

28 D. If in the course of the preliminary hearing the court shall deter-
29 mine that there has not been a personal appearance by or personal service
30 upon each person having custody of the child as required by subsection A
31 of section seven hereof, or that the best interests of the child would not
32 be promoted by the adoption, the court shall deny the adoption and make
33 such further order concerning the custody of the child as may be deemed
34 proper in the circumstances.

1 9. Appointment of next friend.

2 A. If upon completion of a preliminary hearing the court is satisfied
3 (1) that the parents of the child should have no further right as to cus-
4 tody of the child; (2) that the custodian or guardian, if any, should have no
5 further control and authority over the person of the child; (3) that the child
6 is potentially fit for adoption; and (4) that the plaintiff has the potential
7 fitness to adopt the child and to provide a home suitable for the rearing of
8 the child, it shall fix a day for final hearing not less than one year from the
8a date of the institution of the action and shall appoint, with due regard
9 for the religious background of the child, an approved agency, having
10 its principal office in New Jersey, as next friend; *provided, however,* that
11 whenever the plaintiff is related to the child, as a brother, sister, aunt,
12 uncle, grandparent or stepparent, the court may dispense with the appoint-
13 ment of a next friend and proceed immediately with final hearing pursuant
14 to section eleven of this act. Except for good cause, the approved agency
15 appointed as next friend shall be the agency which made the investigation
16 and report pursuant to subsections A and B of section seven.

17 B. If the child to be adopted has been living continuously with the
18 plaintiff prior to January first, one thousand nine hundred and fifty-four, then,
19 except as provided by section B. of section seven, the final hearing may be less
20 than one year from the date of the institution of the action but not less than
21 six months from the date when the child first lived with the plaintiff.

1 10. Duties of next friend; report and recommendations.

2 A. The next friend appointed as provided in section nine from time to
3 time shall visit the home of the plaintiff and shall make such further in-
4 quiry as may be necessary to observe and determine the care being received
5 by the child and the adjustment of the child and the plaintiff as members
6 of a family.

7 B. At least fifteen days prior to the final hearing, the next friend shall file
8 with the court a written report of its findings since the preliminary hear-
9 ing, including a recommendation as to the adoption. If the recommenda-
10 tion does not favor the adoption, the next friend shall deliver a copy of its
11 report to the plaintiff at least ten days prior to the final hearing. If the
12 recommendation favors the entry of a judgment, the next friend shall an-
13 nex to its report a written consent to the adoption.

14 C. If at any time following the preliminary hearing, the next friend
15 shall find that the best interests of the child would not be promoted by the
16 adoption, the court may on the application of such next friend, modify or
17 revoke any order entered in the action and make such further order con-
18 cerning the custody of the child as may be deemed proper in the circum-
19 stances.

1 11. Final hearing; judgment of adoption.

2 A. Upon the final hearing, the court shall proceed in camera; *provided*,
3 *however*, that if there has been a preliminary hearing and the next friend
4 shall have recommended the adoption, the final hearing may be dispensed
5 with and judgment may be entered forthwith.

6 B. If a next friend shall have been appointed pursuant to subsection A
7 of section nine, such next friend shall be a necessary party at the final hear-
8 ing, shall be entitled to present testimony and to cross-examine witnesses,
9 and shall be subject to examination with respect to its report and recom-
10 mendations in the matter. If the child sought to be adopted is of the age of
11 ten years or over, the appearance of such child shall be required at the final
12 hearing.

13 C. If, from the report and the evidence presented, the court shall be
 14 satisfied that the best interests of the child would be promoted by the adop-
 15 tion, the court shall enter a judgment of adoption.

16 D. If, from the evidence presented, the court shall be satisfied that the
 17 best interests of the child would not be promoted by the adoption, the court
 18 shall enter a judgment denying the adoption. If the child is not in the
 19 custody of an approved agency, such judgment shall contain such further
 20 provisions concerning the custody of the child as may be proper in the
 21 circumstances.

22 E. The Clerk of each County Court shall promptly file with the Superior
 23 Court a copy of each judgment of adoption entered pursuant to this act. The
 24 Clerk of the Superior Court shall docket the copies of such judgments and
 25 shall maintain an alphabetical index of all judgments of adoption entered
 26 each year pursuant to this act in the County Courts and the Superior
 27 Court of this State.

1 12. Inquiry as to child over ten. If the child sought to be adopted is of
 2 the age of ten years or over, each report of an approved agency made to the
 3 court pursuant to this act shall indicate the understanding and wishes of
 4 such child with respect to the proceeding.

1 13. Orders concerning custody. Whenever under this act the court is
 2 empowered to make an order concerning the custody of a child, such order
 3 may direct that the child be committed, for the term of minority, to the
 4 custody of an approved agency willing to accept the same.

1 14. Effect of adoption; relationships of parent and child; rights of
 2 inheritance.

3 A. The entry of a judgment of adoption shall terminate all relation-
 4 ships between the child and his parents, and shall terminate all rights,
 5 duties, and obligations of any person which are founded upon such relation-
 6 ships, including rights of inheritance under the intestate laws of this State;
 7 provided, however, that when the adopting parent is a stepfather or step-
 8 mother, and the adoption is not intended to sever all parental and child

9 the mother or father, respectively, such adoption shall not affect or terminate
10 any relationships between the child and such mother or father.

11 B. The entry of a judgment of adoption shall establish the same relation-
12 ships, rights, duties and obligations between the child and the adopting
13 parent as if such child were born to such adopting parent in lawful wedlock.
14 In applying the intestate laws of this State, an adopted child shall have the
15 same rights of inheritance as if born to the adopting parent in lawful
16 wedlock. In the construction of any testamentary or other document executed
17 subsequent to the effective date of this act, an adopted child shall be deemed
18 lawful issue of the adopting parent unless such document shall otherwise
19 provide.

1 15. Record of proceedings; change of birth record.

2 A. All records of proceedings relating to adoption, including the com-
3 plaint, the judgment and all petitions, affidavits, testimony, reports, briefs,
4 orders and other documents filed in such proceedings, shall be filed under
5 seal by the clerk of the court and shall at no time be open to inspection,
6 unless the court, upon good cause shown, shall otherwise order. An index to
7 all adoption proceedings shall be maintained by the clerk of the court, but no
8 index of adoption proceedings shall be open to inspection or be given out
9 for publication except upon order of the court.

10 B. Upon application of the adopting parent, the clerk of the court shall
11 certify to the State Bureau of Vital Statistics the date of entry of the
12 judgment; the names of the natural parent or parents of the child, if the same
13 appear in the record of the proceedings; the names of the adopting parent
14 or parents; the prior name of the child; the date and place of birth of the
15 child; and the new name of the child as changed by the judgment of adoption.

1 16. Costs of proceedings; allowances to approved agencies. The costs of
2 all proceedings pursuant to this act shall be borne by the plaintiff, including
3 the costs incurred by an approved agency acting pursuant to an order or
4 orders of the court. Unless otherwise paid or provided for, the costs of an
5 approved agency shall be presented to and allowed by the court upon the

6 entry of judgment. Whenever such costs are paid or allowed to an approved
7 public agency, the moneys resulting therefrom shall be appropriated to the
8 use of such approved public agency in the administration of this act.

1 17. Liberal construction. This act shall be given a liberal construction to
2 give effect to the public policy expressed in section one.

1 18. Repeal of prior law. Subtitle two of Title 9 of the Revised Statutes,
2 as amended and supplemented, is repealed, but nothing in this act shall be
3 deemed to invalidate or otherwise affect any adoption granted or any right or
4 duty vested or established under any law heretofore in effect.

1 19. Act not to affect pending proceedings. With respect to proceedings
2 for the adoption of children commenced prior to the effective date of this act,
3 chapter three of Title 9 of the Revised Statutes shall continue applicable
4 thereafter until the completion of such proceedings.

1 20. Effective date. This act shall take effect January first, one thousand
2 nine hundred and fifty-four.

The following committee amendment to Senate Bill No. 304 was read and upon the motion of Mr. Littell, the committee amendment was adopted.

Proposed amendment to Senate Bill No. 304:

Amend page 2, section 3, line 2, after "agriculture" add "if and when there shall be any available funds for said purposes,".

Mr. Bodine, Chairman of the Committee on Institutions and Agencies, reported

Senate Bill No. 235,

Favorably, with amendment.

Signed—Samuel L. Bodine, David Van Alstyne, Jr., Malcolm S. Forbes, W. Howard Sharp.

The following committee amendments to Senate Bill/No. 235 were read and upon the motion of Mr. Bodine, the committee amendments were adopted.

Proposed amendments to Senate Bill No. 235:

Amend page 7, section 9, line 8, after "hearing" insert "not less than one year from the date of the institution of the action?."

Amend page 7, section 9, lines 17 to 22, inclusive, strike out entire lines and substitute the following:

"B. If the child to be adopted has been living continuously with the plaintiff prior to January first, one thousand nine hundred and fifty-four, then, except as provided by section B. of section seven, the final hearing may be less than one year from the date of the institution of the action but not less than six months from the date when the child first lived with the plaintiff."

Amend page 11, section 20, line 1, delete "July" substitute "January".

Amend page 11, section 20, line 2, delete "fifty-three" substitute "fifty-four".