

30:4C-26.8

LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 30:4C-26.8 (Foster parents--require investigation of all applicants)

**LAWS OF:** 1985 **CHAPTER:** 396

**BILL NO:** A1119

**Sponsor(s):** Flynn and Walker

**Date Introduced:** February 6, 1984

**Committee: Assembly:** Corrections, Health and Human Services  
**Senate:** Institutions, Health and Welfare

**Amended during passage:** Yes Amendments during passage denoted by asterisks.

**Date of Passage: Assembly:** December 6, 1984  
**Senate:** September 9, 1985

**Date of Approval:** January 2, 1986

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee statement: Assembly** Yes  
**Senate** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** Yes

**Following were printed:**

**Reports:** No

**Hearings:** No

S3031 (1982-83)--attached.

[OFFICIAL COPY REPRINT]  
ASSEMBLY, No. 1119

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 6, 1984

By Assemblyman FLYNN and Assemblywoman WALKER

A SUPPLEMENT to "An act concerning the care, custody, guardianship, maintenance and supervision of dependent and neglected children, promoting home life therefor, providing for the financing thereof, and repealing certain statutes relating thereto," approved May 31, 1951 (P. L. 1951, c. 138; C. 30:4C-1 et seq.).

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

1 1. A person, in addition to meeting other requirements as may  
2 be established by the Department of Human Services, shall become  
3 a foster parent or eligible to adopt a child only upon the comple-  
4 tion of an investigation to ascertain if there is a *\*State or federal\**  
5 record of criminal history for the *\*[name of the person sub-*  
6 *mitted]\** *\*prospective foster or adoptive parent or any other*  
7 *adult residing in the prospective parent's home\**. The investigation  
8 shall be conducted by the Division of State Police in the Depart-  
9 ment of Law and Public Safety *\*and shall include an examination*  
10 *of its own files and the obtaining of a similar examination by fed-*  
11 *eral authorities\**.

12 If the *\*[person]\** *\*prospective foster or adoptive parent or any*  
13 *adult residing in the prospective parent's home\** has a record of  
14 criminal history, the Department of Human Services shall review  
15 the record with respect to the type and date of the criminal offense  
16 and make a determination as to the suitability of the person to

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

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted June 20, 1985.

17 become a foster parent or adoptive parent *\*or the suitability of*  
18 *placing a child in that person's home\**, as the case may be.

1 2. This act shall take effect immediately \* but shall remain  
2 inoperative until the enactment into law of P. L. . . . ., c. . . .  
3 (C. . . . .) (now pending before the Legislature as Senate  
4 Bill No. 788 of 1984)\*.

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ASSEMBLY, No. 1119

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STATE OF NEW JERSEY

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2 be established by the Department of Human Services, shall become  
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4 tion of an investigation to ascertain if there is a record of criminal  
5 history for the name of the person submitted. The investigation  
6 shall be conducted by the Division of State Police in the Depart-  
7 ment of Law and Public Safety.

8 If the person has a record of criminal history, the Department  
9 of Human Services shall review the record with respect to the type  
10 and date of the criminal offense and make a determination as to the  
11 suitability of the person to become a foster parent or adoptive  
12 parent, as the case may be.

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2 tive until the enactment into law of P. L. . . . , c. . . . (C. . . . .)  
3 (now pending before the Legislature as Senate Bill No. 788 of 1984).

## STATEMENT

This bill provides that no person shall become a foster parent or be eligible to adopt a child unless that person has been investigated by the Division of State Police to determine whether the person has a criminal record. If the person has a record of criminal history, the Department of Human Services shall consider the type and date of the criminal offense in reviewing the record to determine whether the person is suitable to be a foster parent or adoptive parent, as the case may be.

H1119(1985)

ASSEMBLY CORRECTIONS, HEALTH AND  
HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1119

STATE OF NEW JERSEY

DATED: SEPTEMBER 20, 1984

This bill provides that no person shall become a foster parent or be eligible to adopt a child unless that person has been investigated by the Division of State Police to determine whether the person has a criminal record. If the person has a record of criminal history, the Department of Human Services shall consider the type and date of the criminal offense in reviewing the record to determine whether the person is suitable to be a foster parent or adoptive parent, as the case may be.

This bill is similar to S-3031 of 1983 (Orechio) which was released by the committee in the last session (1983) and was conditionally vetoed by the Governor.

This bill would only become operational upon the enactment of S-788 (Orechio), thereby addressing the Governor's concern and recommendation as presented in his veto message. S-788 would provide the Division of State Police with the funding necessary to carry out the provisions of A-1119. S-788 establishes a user fee for processing criminal history record background checks through the files of the State Bureau of Investigation in noncriminal matters and a fee for processing a federal criminal records check.

The committee reported the bill favorably without amendments.

SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

PROPOSED STATEMENT TO  
**ASSEMBLY, No. 1119**  
with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: JUNE 20, 1985

As amended by committee, this bill requires all prospective foster and adoptive parents and adult members of their households to undergo State and federal criminal history record background investigations before they are approved as foster or adoptive parents or a child is placed in their home. The Division of State Police shall conduct the investigation by reviewing its files and obtaining a similar review from federal officials.

Under the provisions of P. L. 1985, c. 69 (C. 53:1-20.5 et seq.), formerly Senate Bill No. 788 (Orechio), the Division of State Police is authorized to exempt from payment of the background check user fee, persons who volunteer for a service, such as foster parents. The law also directs that the user fee (approximately \$20.00 per background check) be paid by the State agency which benefits from the volunteer's service, in this case, the Department of Human Services.

The committee amended the bill at the request of the sponsor to include adult members of a prospective foster or adoptive parent's home in the requirement for background checks and to clarify that both State and federal criminal history background checks shall be conducted on each person.



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# OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: CARL GOLDEN  
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TRENTON, N.J. 08625

Release: THURS., JAN. 2, 1986

Governor Thomas H. Kean today signed legislation to require that prospective foster or adoptive parents undergo a State Police background investigation prior to being approved.

The legislation, A-1119, was sponsored by Assemblyman William Flynn, D-Middlesex. It requires that the background check be conducted on the prospective parents, as well as any other adults living in the person's home.

"This program is yet another step in our ongoing efforts to assure that youngsters placed in foster or adoptive homes will be safe, secure and protected," Kean said. "All of us have read or heard of tragic instances in which children were abused or harmed by adoptive or foster parents whose backgrounds held evidence of such abusive behavior.

"With this new law, New Jersey will be in a position to head off such potential tragedies," the Governor said. "The Division of Youth and Family Services which places youngsters in foster homes will now have an additional safeguard at its disposal to assure that the children are receiving the highest degree of protection."

Kean also signed legislation to provide for a study to establish an Advanced Technology Center in Polymer Processing and Surface Modification.

The bill, A-2127, was sponsored by Assemblyman Robert Ranieri, D-Hudson. Kean signed it after reducing the expenditure for the study from \$100,000 to \$20,000. The study will be conducted by the New Jersey Commission on Science and Technology.

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