

30:4C-46 to 49

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4C-46 to 30:4C-49 (Adoptions - subsidized - revise statutes)

LAWS OF: 1983

CHAPTER: 484

Bill No: S1143

Sponsor(s): Orechio

Date Introduced: March 1, 1982

Committee: Assembly: _____

Senate: Institutions, Health and Welfare

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly: January 5, 1984

Senate: December 12, 1983

Date of Approval: January 17, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes 3-15-82 & 12-1-83

Fiscal Note: Yes

Veto Message: No

Message on Signing: ~~No~~ Yes

Following were printed:

Reports: Yes

Hearings: No

(over)

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1143

STATE OF NEW JERSEY

INTRODUCED MARCH 1, 1982

By Senator ORECHIO

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend "An act concerning subsidized adoption of certain children and supplementing '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)," approved April 12, 1973 (P. L. 1973, c. 81).

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

1 1. Section 2 of P. L. 1973, c. 81 (C. 30:4C-46) is amended to read
2 as follows:

3 2. The [Bureau of Children's Services or its successor, the]
4 Division of Youth and Family Services *[may]* *shall* make pay-
5 ments to adoptive parents on behalf of a child placed for adoption
6 by the [bureau] division **[or an approved New Jersey adoption
7 agency]** whenever:

8 a. The child because of physical or mental condition, race, age,
9 or membership in a sibling group, or for any other reason falls into
10 the category of a child hard to place for adoption; *[and]*

11 b. The adoptive family is capable of providing the permanent
12 family relationships needed by the child **[in all respects other
13 than financial]** *[, and the needs of the child are beyond the
14 economic ability and resources of the family; but no financial means
15 test shall apply to prospective adoptive parents of a child with a
16 severe, permanent physical or mental handicap which existed or was
17 identified prior to the date of the entry of the judgment of adop-
18 tion.]* *; and*

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 March 15, 1982.

**—Senate committee amendments adopted December 8, 1983.

19 **c. Except in situations involving adoption by a child's foster*
 20 *parent, there has been a reasonable effort to place the child in an*
 21 *adoptive setting without providing a subsidy.**

22 ***Payments shall be made on behalf of a child placed for adoption*
 23 *by the Division of Youth and Family Services except that whenever*
 24 *a child who would otherwise be eligible for subsidy payment is in the*
 25 *care of an approved New Jersey adoption agency pursuant to P. L.*
 26 *1977, C. 367 (C. 9:3-37 et seq.) a child shall, upon application by the*
 27 *agency and satisfaction of the regular requirements of the adoption*
 28 *subsidy program, be approved for participation in the adoption*
 29 *subsidy program. In any case the division may approve payment in*
 30 *subsidization of adoption for a child without legal transfer of care*
 31 *or custody of the child to the division. The division shall adopt*
 32 *regulations for administration of this program with respect to these*
 33 *children, except that all children are evaluated for eligibility in the*
 34 *same manner as children already under the care, custody or*
 35 *guardianship of the division.***

1 2. Section 3 of P. L. 1973, c. 81 (C. 30:4C-47) is amended to read
 2 as follows:

3 3. Payments in subsidization of adoption **[may]** *shall include*
 4 *but are not limited to the maintenance costs, medical and surgical*
 5 *expenses, and other costs incidental to the care, training and educa-*
 6 *tion of the child ***[***, including all medical costs for any child in con-
 7 *nection with any physical or mental condition]* **[***which existed
 8 *prior to the date of entry of the judgment of adoption**]**. Such*
 9 *payments **[***for maintenance costs**]** may not exceed **[80% of]** the
 10 *cost of providing comparable assistance in foster care and shall*
 11 *not be made after the adoptive child becomes 18 years of age,*
 12 *except that payments not to exceed 80% of the costs shall be made*
 13 *until the child becomes 21 years of age when it is determined by*
 14 *the Division of Youth and Family Services that the needs of the*
 15 *child cannot be adequately met without the payments.*

1 3. Section 4 of P. L. 1973, c. 81 (C. 30:4C-48) is amended to
 2 read as follows:

3 4. Qualification for payments in subsidization of adoption shall
 4 be determined and approved by **[the bureau or its successor,]** the
 5 Division of Youth and Family Services**[,]** prior to the completion
 6 of the adoption proceeding, and ****[shall]**** ****may**** be redeter-
 7 mined annually thereafter. ***[Only children who were born in the**
 8 *State or who have resided in the State for at least one year shall*
 9 *qualify for these payments.]** ***No payments shall be made for any**
 10 *child who the division has determined was brought into this State*

11 *for the sole purpose of qualifying for an adoption subsidy pursuant*
12 *to P. L. 1973, c. 81 (C. 30:4C-45 et seq.).**

1 4. Section 5 of P. L. 1973, c. 81 (C. 30:4C-49) is amended to
2 read as follows:

3 5. The [bureau or its successor, the] Division of Youth and
4 Family Services shall make all necessary rules and regulations for
5 administering the program for payments in subsidization of
6 adoptions.

1 5. This act shall take effect immediately.

SENATE, No. 1143

STATE OF NEW JERSEY

INTRODUCED MARCH 1, 1982

By Senator ORECHIO

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend "An act concerning subsidized adoption of certain children and supplementing '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)," approved April 12, 1973 (P. L. 1973, c. 81).

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2 *of New Jersey:*

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2 as follows:

3 2. The **[Bureau of Children's Services or its successor, the]**
4 Division of Youth and Family Services may make payments to
5 adoptive parents on behalf of a child placed for adoption by the
6 **[bureau]** *division or an approved New Jersey adoption agency*
7 whenever:

8 a. The child because of physical or mental condition, race, age,
9 or membership in a sibling group, or for any other reason falls into
10 the category of a child hard to place for adoption; and

11 b. The adoptive family is capable of providing the permanent
12 family relationships needed by the child in all respects other than
13 financial, and the needs of the child are beyond the economic ability
14 and resources of the family; *but no financial means test shall*
15 *apply to prospective adoptive parents of a child with a severe,*
16 *permanent physical or mental handicap which existed or was*
17 *identified prior to the date of the entry of the judgment of adoption.*

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

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4 but are not limited to the maintenance costs, medical and surgical
5 expenses, and other costs incidental to the care, training and
6 education of the child, including all medical costs for any child in
7 connection with any physical or mental condition [which existed
8 prior to the date of entry of the judgment of adoption]. Such
9 payments [for maintenance costs] may not exceed [80% of] the
10 cost of providing comparable assistance in foster care and shall
11 not be made after the adoptive child becomes 18 years of age,
12 *except that payments not to exceed 80% of the costs shall be made*
13 *until the child becomes 21 years of age when it is determined by*
14 *the Division of Youth and Family Services that the needs of the*
15 *child cannot be adequately met without the payments.*

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4 be determined and approved by [the bureau or its successor,] the
5 Division of Youth and Family Services[,] prior to the completion
6 of the adoption proceeding, and shall be redetermined annually
7 thereafter. *Only children who were born in the State or who have*
8 *resided in the State for at least 1 year shall qualify for these*
9 *payments.*

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4 Family Services shall make all necessary rules and regulations for
5 administering the program for payments in subsidization of
6 adoptions.

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STATEMENT

This bill would change the subsidized adoption program in four major ways to enable more children to benefit from a permanent adoptive home.

The first change would allow subsidies to go to children placed by approved private adoption agencies. In the past the custody of such hard-to-place children would have been transferred from the private agency to the Division of Youth and Family Services solely to secure the adoption subsidy. This additional administrative burden could be avoided by the enactment of this bill.

The second change is directed toward securing homes for children with severe, irreversible physical handicaps. The financial burden associated with raising such special needs children can be extraordinary. The adoption of children with severe disabilities should be subsidized regardless of the income of the prospective adoptive parent. To limit eligibility of such adoptive parents also limits the possibility of a permanent home for children who would almost certainly be wards of the State without special consideration.

The third change concerns the continuation of Medicaid coverage for children who move from foster care status to subsidized adoption status. It is felt that more foster parents would take advantage of the adoption subsidy program if they were assured that Medicaid coverage would continue for unforeseen medical problems. As the program now exists, the foster parent must give up Medicaid coverage for the child upon adoption except in those instances in which the medical problem existed before the adoption.

The final amendment would raise the adoption subsidy from 80% of the regular foster care rate to the full rate. There is no doubt that some prospective adoptive parents of limited means do not adopt because they need the full amount of the foster care rate. A foster family having two foster children, ages 9 and 15, would lose approximately \$50.00 per month income if they were to adopt under the present 80% rule.

All of the amendments proposed in this bill have one goal: to secure permanent homes for children who are available for adoption but whose prospects for adoption are poor because they have a handicap, are older, are of mixed race, have brothers or sisters from whom they should not be separated, or are otherwise considered "hard to adopt".

[OFFICIAL COPY REPRINT]

SENATE, No. 1143

STATE OF NEW JERSEY

INTRODUCED MARCH 1, 1982

By Senator ORECHIO

Referred to Committee on Institutions, Health and Welfare

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5 ments to adoptive parents on behalf of a child placed for adoption
6 by the [bureau] *division or an approved New Jersey adoption*
7 *agency* whenever:

8 a. The child because of physical or mental condition, race, age,
9 or membership in a sibling group, or for any other reason falls into
10 the category of a child hard to place for adoption; * [and] *

11 b. The adoptive family is capable of providing the permanent
12 family relationships needed by the child in all respects other than
13 financial * [, and the needs of the child are beyond the economic
14 ability and resources of the family; *but no financial means test shall*
15 *apply to prospective adoptive parents of a child with a severe,*
16 *permanent physical or mental handicap which existed or was*
17 *identified prior to the date of the entry of the judgment of adop-*
18 *tion.* * * ; *and* *

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*—Senate committee amendments adopted March 15, 1982.

19 *c. Except in situations involving adoption by a child's foster
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 21 adoptive setting without providing a subsidy.*

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 6 of the adoption proceeding, and shall be redetermined annually
 7 thereafter. * [Only children who were born in the State or who
 8 have resided in the State for at least 1 year shall qualify for these
 9 payments.] * No payments shall be made for any child who the
 10 division has determined was brought into this State for the sole
 11 purpose of qualifying for an adoption subsidy pursuant to P. L.
 12 1973, c. 81 (C. 30:4C-45 et seq.).*

1 4. Section 5 of P. L. 1973, c. 81 (C. 30:4C-49) is amended to
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3 5. The [bureau or its successor, the] Division of Youth and
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 5 administering the program for payments in subsidization of
 6 adoptions.

1 5. This act shall take effect immediately.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 1143

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 15, 1982

This bill changes the subsidized adoption program (N. J. S. A. 30:4C-45 et seq.) to enable more children to benefit from adoption.

As amended by committee this bill provides that: subsidy payments may be made for any child placed for adoption by an approved adoption agency, as well as the Division of Youth and Family Services; subsidy payments shall include maintenance, all medical and surgical expenses and other incidental costs; payments not exceeding 80% of the costs of foster care may be continued until the child is age 21, if necessary, and until age 18, payments shall be at the comparable foster care rate; and no subsidy payments shall be made for children who were brought in this State for the sole purpose of qualifying for the adoption subsidy program.

At the request of the sponsor, the committee made the following substantive amendments: the provision that the Division of Youth and Family Services may make subsidy payments was changed from being permissive to mandatory; the provision prohibiting a financial means test for prospective adoptive parents of a child with a severe permanent handicap was deleted; an additional condition requiring that a reasonable effort be made to place the child for adoption without a subsidy was added; and the residency requirement for the child was deleted and in its place, a provision prohibiting payments to any child brought into the State for the sole purpose of qualifying for an adoption was added.

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
SENATE, No. 1143

[OFFICIAL COPY REPRINT]
with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 1, 1983

Senate Bill No. 1143 OCR makes adoption payments mandatory whenever:

- A child falls into the category of hard to place for adoption;
- The adoptive parents can provide the family relationship needed by the child; and
- Except in cases involving adoption by a child's foster parents, there has been a reasonable effort to have the child adopted without a subsidy.

The payments may not exceed comparable cost assistance payments for a child under foster care up to age 18. The payments are to include maintenance, medical and surgical expenses and other incidental costs. From age 18 to 21, payments equal to 80 percent of comparable foster care costs shall be made if the Division of Youth and Family Services determines that the payments are necessary.

Lastly, payments are prohibited if it is determined that a child was brought into New Jersey for the sole purpose of qualifying for subsidy payments.

Committee amendments provide procedural specificity regarding subsidized adoptions of children in the custody of approved New Jersey adoption agencies. They also give the division flexibility in reviewing the qualifications for subsidy payments by providing a discretionary time period for review, rather than an annual review. The committee understands that elimination of the needs test will qualify this program for Federal Title IV-E funds if all other conditions are met, which the committee further understands is the case. The federal match is approximately 50% of costs.

FISCAL NOTE TO
SENATE, No. 1143
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STATE OF NEW JERSEY

DATED: NOVEMBER 1, 1982

Senate Bill No. 1143 OCR, of 1982, would revise the statute concerning subsidized adoption of certain children. It would provide that subsidy payments may be made for any child placed for adoption by an approved adoption agency, as well as DYFS; subsidy payments shall include maintenance, all medical and surgical expenses and other incidental costs; payments not exceeding 80% of the cost of foster care may be continued until age 21, if necessary, and until age 18, payments shall be at the comparable foster care rate, and that no subsidy payments shall be made for children who were brought into this State for the sole purpose of qualifying for the adoption subsidy program.

The Department of Human Services indicates fiscal impact as follows:

	1st year	2nd year	3rd year
Net Cost: State	\$1,827,839	\$2,102,015	\$2,417,317
Local	\$ 323,160	\$ 371,634	\$ 427,379

The costs will increase as caseload and inflation increase.

The Office of Legislative Services concurs.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1980, c. 67.

S-1791 SIGNED, ET AL.

PAGE THREE

JANUARY 17, 1984

S-537, sponsored by State Senator John H. Dorsey, R-Morris, which makes it a third degree crime to destroy or damage facilities of public utilities in a manner which would threaten the release of radioactive materials or ionizing radiation. A third degree crime carries a prison sentence of between five and ten years.

S-3133, sponsored by State Senator Frank X. Graves, D-Passaic, which amends the motor vehicle statutes to allow only a person who has completed a driver education course to retain and use a special learner's permit.

S-3366, sponsored by State Senator John F. Russo, D-Ocean, which repeals statutes authorizing municipalities to enter into certain contracts and to appropriate funds, borrow money and issue negotiable notes. These provisions have been superceded by provisions of the "Local Budget Law" and are accordingly no longer necessary.

S-3792, sponsored by State Senator Joseph Hirkala, D-Passaic, which appropriates \$500,000 in Federal funds to the Department of Labor for dislocated worker programs.

S-618, sponsored by State Senator Carmen A. Orechio, D-Essex, which provides reimbursement for registered professional nurses under Blue Shield insurance contracts if the nurse is not being paid a salary by a hospital or health care provider.

S-1143, also sponsored by Senator Orechio, which expands the subsidized adoption program to include all "hard to place" children.