

9:3-41.1

LEGISLATIVE HISTORY CHECKLIST

WJSA 9:3-41.1 (Adoptions - Complete medical record of child to adopting parents)

LAWS OF 1979 CHAPTER 292

Bill No. A1323

Sponsor(s) Hardwick and others

Date Introduced May 1, 1978

Committee: Assembly Institutions, Health and Welfare

Senate Institutions, Health and Welfare

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly Dec. 11, 1978

Senate Sept. 10, 1979

Date of approval Jan. 14, 1980

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly Yes

Senate Yes

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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ASSEMBLY, No. 1323

STATE OF NEW JERSEY

INTRODUCED MAY 1, 1978

By Assemblymen HARDWICK, BASSANO, VISOTCKY, Assemblywoman GARVIN, Assemblymen DiFRANCESCO, SNEDEKER, CHINNICI and HURLEY

Referred to Committee on Institutions, Health and Welfare

A SUPPLEMENT to "An act concerning the adoption of children and revising and repealing various parts of the law relating to adoption," approved February 6, 1978 (P. L. 1977, c. 367, C. 9:3-37 et seq.).

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

1 1. ***[a.** No judgment of adoption shall be entered unless the court
2 is satisfied that the**]** * *Any* approved agency making an investiga-
3 tion of the facts and circumstances surrounding the surrender of a
4 child ***[has provided the adoptive parents]** * *shall provide a*
4A *prospective parent* ****[who has filed a complaint for adoption, here-**
4B *inafter referred to as the plaintiff,]** with all available informa-
5 tion relevant to the child's development, including his developmental
6 and medical history, personality and temperament, ***[and]*** the
7 parent's complete medical histories ****[with particular emphasis**
7A **on]**** **, *including*** conditions or diseases which are believed to
7B be hereditary, ***[and]*** ****[including]**** any drugs or medications
8 taken during pregnancy *and any other conditions of the parent's*
8A *health which may be a factor influencing the child's present or*
8B *or future health**. ***Such information shall be made available to*
9 *the prospective parent prior to the actual adoptive placement in*
9A *the case of a placement made by an approved agency, or upon the*
9B *completion of an investigation conducted by an approved agency*
9C *pursuant to section 12 of P. L. 1977, c. 367 (C. 9:3-48).****

10 b. The available information required of an approved agency by
11 subsection a. of this section shall be presented to the adoptive
12 parents on standardized forms prepared by the Commissioner of
13 Human Services.

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

14 ***[c. The child's and parent's complete medical histories required**
15 **by subsection a. of this section to be presented to the adoptive**
16 **parents shall be gathered, and confirmed in writing, by a physician**
17 **or physicians, who, in the case of a parent or parents, except when**
18 **unknown, will endeavor to identify any pre-existing condition of**
19 **the parent's or parents' health which may be a factor influencing**
20 **the child's health.]***

1 2. This act shall take effect 30 days after enactment but it shall
2 not apply to any action for adoption commenced prior to such
3 effective date.

STATEMENT

This bill would require agencies approved for the purpose of placing children for adoption in New Jersey to provide to the adoptive parents all available information relevant to the child's development, including his developmental and medical history, personality and temperament, family medical history with special emphasis on hereditary diseases or conditions which could influence the child's health and drugs or medication taken during pregnancy. The available information would have to be presented on standardized forms prepared by the Commissioner of Human Services. The information presented would have to be gathered and confirmed in writing by a physician or physicians, who, in the case of a parent or parents, except when unknown, will endeavor to identify any pre-existing condition of the parent's or parents' health which may be a factor influencing the child's health. While the adoptive parents are now required by rules promulgated by the Commissioner of Human Services to be provided with this information, this bill would prohibit a judgment of adoption from being entered unless the court is satisfied that the adoptive parents have all such available information.

A. 1323 (1979)

ASSEMBLY INSTITUTIONS, HEALTH AND
WELFARE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1323
with Assembly committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 4, 1978

This bill would require approved adoption agencies to provide prospective adoptive parents with all available information relevant to the health and development of the child under consideration for adoption. During the investigation of the facts and circumstances surrounding the surrender of a child for adoption, the agency would collect information on the medical history of the child and the natural parents, with special emphasis on “. . . conditions or diseases which are believed to be hereditary, including any drugs or medications taken during pregnancy, and any other conditions of the parent's health which may be a factor influencing the child's present or future health.” This information would be collected on a standardized form to be prepared by the Commissioner of Human Services to insure State-wide uniformity.

The committee amended the bill to remove the language which stipulated that a court could refuse to enter a judgment of adoption if the investigation of the child's health was not satisfactory. It was felt that an adoption proceeding should not be held up because of this factor. Furthermore, the requirement that a child's and parent's medical history be secured by a physician was also deleted by amendment. The committee heard testimony which indicated that appropriately trained social workers could satisfactorily obtain such histories and, therefore, amended the bill accordingly.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1323

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with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 7, 1979

This bill requires adoption agencies to provide prospective adoptive parents with all available information concerning the medical and developmental history of the child they are considering for adoption, as well as the medical histories of the child's natural parents. The information would be recorded on standardized forms prepared by the Department of Human Services. The purpose of the bill is to require in the law what is now required, with less specificity, by Department of Human Services regulations.

The committee amended the bill to distinguish between two classes of adoptive parents for whom an agency would provide background information. The first class consists of parents who receive a child placed by the agency itself. In these cases, information should be provided at the time of the placement, not much later when the parents are ready to finalize the adoption in court. The second class consists of parents who adopt privately but, pursuant to State law, must await an agency background investigation of the case before the court finalizes the adoption. In these cases, background medical and developmental information cannot be supplied until a court asks an agency to prepare it pursuant to section 12 of P. L. 1977, c. 367.

The committee also amended the bill's provision requiring that medical histories put "particular emphasis on" hereditary diseases. Information on hereditary disorders is important, but requiring it to be emphasized may lead to neglect of other important medical information.