

2A: 22-2

LEGISLATIVE HISTORY CHECKLIST

NJSA 2A:22-2

Laws of 1977 Chapter 212 (Adoption of Adults)

Bill No. A541

Sponsor(s) Burstein

Date Introduced Pre-filed

Committee: Assembly Institutions, Health & Welfare

Senate Institutions, Health & Welfare

Amended during passage Yes No Amendments during passage denoted by asterisks

Date of passage: Assembly May 20, 1976
Senate June 27, 1977

Date of approval Sept. 7, 1977

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No
Senate No

Fiscal Note No

Veto message No

Message on signing No

Following were printed:

Reports No

Hearings No

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DEPARTMENT OF TREASURY

2/2 77
9/7/77

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 541

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Assemblyman BURSTEIN

AN ACT concerning the waiver of certain adoption requirements
and amending N. J. S. 2A:22-2.

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

1 1. N. J. S. 2A:22-2 is amended to read as follows:

2 2A:22-2. Such adoption shall not be granted unless the adopting
3 parent or parents are at least **[15]** 10 years older than the person to
4 be adopted and the latter has, in writing acknowledged by him as
5 deeds are required to be acknowledged, requested the adoption and,
6 if desired, the change of name. *The court, upon being satisfied that*
7 *the best interests of the ***[child]*** *person to be adopted* would be*
8 *promoted by granting the adoption, may waive any and all of the*
9 *above requirements. Every such waiver shall be recited in any*
10 *judgment of adoption thereafter entered.*

1 2. This act shall take effect immediately.

**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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7 *the best interests of the child would be promoted by granting the*
8 *adoption, may waive any and all of the above requirements. Every*
9 *such waiver shall be recited in any judgment of adoption thereafter*
10 *entered.*

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STATEMENT

The purpose of this bill is to conform the age differential for the adoption of an adult to that required for the adoption of a minor, as prescribed in P. L. 1953, c. 264 (C. 9:3-22), which is 10 years. This is intended to alleviate the potential conflicts which could arise when the adoptee is close to the age of majority. For example a prospective adopting parent of 26 could adopt a minor of 16, however, 2 years later when the minor is an 18-year-old adult, and the prospective adopting parent is 28, this same person could not be adopted. This bill would also allow the court hearing the petition for adoption to waive the requirements for such adoption when the best interests of the child would be promoted.

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

ASSEMBLY INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 541
with Assembly committee amendment

STATE OF NEW JERSEY

DATED: APRIL 5, 1976

This bill was amended in committee to change the word "child" to the phrase "person to be adopted" since the section of law amended concerns the adoption of adults, not children.

ASSEMBLY INSTITUTIONS, HEALTH AND
WELFARE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 541

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STATE OF NEW JERSEY

DATED: JUNE 20, 1977

This bill amends the law concerning adoption of adults. Under present law persons who are adopting a minor must be at least 10 years older than the minor, but persons who are adopting an adult must be at least 15 years older than the adult. This can result in situations whereby a 27-year-old may adopt a 17-year-old, while a 28-year-old may not adopt an 18-year old.

This bill would require a 10 year age differential between the adoptor and the adoptee regardless of whether the person to be adopted was a minor or an adult.

Furthermore, the court would be allowed discretion in waiving this 10 year differential if it determined that such waiver would be in the best interest of the person being adopted.