

9:3-40.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 11
NJSA: 9:3-40.1 (Staff of adoption agencies)
BILL NO: A2685 (Substituted for S1824)
SPONSOR(S): Previte and Friscia
DATE INTRODUCED: September 12, 2002
COMMITTEE: **ASSEMBLY:** Family, Women and Children
 SENATE: Health and Human
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** December 12, 2002
 SENATE: October 31, 2002
DATE OF APPROVAL: January 27, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (2nd reprint enacted)
(Amendments during passage denoted by superscript numbers)

A2685

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)
COMMITTEE STATEMENT: **[ASSEMBLY:](#)** [Yes](#)
 [SENATE:](#) [Yes](#)
FLOOR AMENDMENT STATEMENTS: No
LEGISLATIVE FISCAL ESTIMATE: No

S1824

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)
 Bill and Sponsors Statement identical to A2685
COMMITTEE STATEMENT: **[ASSEMBLY:](#)** No
 [SENATE:](#) [Yes](#)
FLOOR AMENDMENT STATEMENTS: No
LEGISLATIVE FISCAL ESTIMATE: No
VETO MESSAGE: No
GOVERNOR’S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 11, *approved January 27, 2003*
Assembly, No. 2685 (*Second Reprint*)

1 AN ACT concerning adoption agencies and amending and
2 supplementing P.L.1977, c.367.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 4 of P.L.1977, c.367 (C.9:3-40) is amended to read as
8 follows:

9 4. The Commissioner of Human Services shall promulgate rules
10 and regulations relating to the qualification of agencies for approval
11 to make placements for adoption in New Jersey. The rules and
12 regulations shall include, but shall not be limited to, standards of
13 professional training and experience of staff [and], requirements
14 relating to responsibilities and the ¹[moral] ¹character of trustees,
15 officers or other persons supervising or conducting the placement for
16 adoption program, adequacy of facilities, maintenance and
17 confidentiality of casework records and furnishing of reports. The
18 requirements relating to the ¹[moral] ¹character of trustees, officers
19 or other persons supervising or conducting the placement for adoption
20 program at the agency shall include a prohibition on engaging in, or
21 the permitting of, any conduct that is deemed inappropriate to the
22 purposes of the agency. In the selection of adoptive parents the
23 standard shall be the best interests of the child; and an approved
24 agency shall not discriminate with regard to the selection of adoptive
25 parents for any child on the basis of age, sex, race, national origin,
26 religion or marital status provided, however, that these factors may be
27 considered in determining whether the best interests of a child would
28 be served by a particular placement for adoption or adoption.

29 (cf: P.L.1993, c.345, s.2)

30

31 2. (New section) The Department of Human Services ²[shall]
32 may² deny, suspend, revoke or refuse to renew an adoption agency's
33 certificate of approval if the agency is in violation of the requirements
34 relating to the ¹[moral] ¹character of trustees, officers or other
35 persons supervising or conducting a placement for adoption program
36 established pursuant to section 4 of P.L.1977, c.367 (C.9:3-40).

37

38 3. 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.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AFW committee amendments adopted September 30, 2002.

² Senate SHH committee amendments adopted October 17, 2002.

1

2

3 Requires DHS to consider character of staff of adoption agencies as
4 condition of approval to operate.

ASSEMBLY, No. 2685

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED SEPTEMBER 12, 2002

Sponsored by:

Assemblywoman MARY T. PREVITE

District 6 (Camden)

Assemblywoman ARLINE M. FRISCIA

District 19 (Middlesex)

Co-Sponsored by:

Assemblymen Gusciora, Chivukula, Assemblywoman Weinberg,

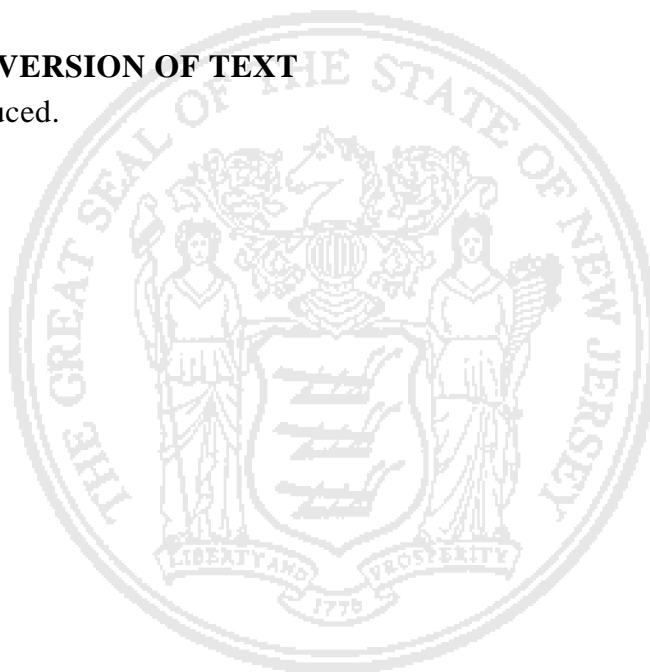
Assemblyman McKeon and Assemblywoman Heck

SYNOPSIS

Requires DHS to consider moral character of staff of adoption agencies as condition of approval to operate.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/1/2002)

A2685 PREVITE, FRISCIA

2

1 AN ACT concerning adoption agencies and amending and
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3

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5 of New Jersey:

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8 follows:

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10 and regulations relating to the qualification of agencies for approval
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12 regulations shall include, but shall not be limited to, standards of
13 professional training and experience of staff [and], requirements
14 relating to responsibilities and the moral character of trustees, officers
15 or other persons supervising or conducting the placement for adoption
16 program, adequacy of facilities, maintenance and confidentiality of
17 casework records and furnishing of reports. The requirements relating
18 to the moral character of trustees, officers or other persons
19 supervising or conducting the placement for adoption program at the
20 agency shall include a prohibition on engaging in, or the permitting of,
21 any conduct that is deemed inappropriate to the purposes of the
22 agency. In the selection of adoptive parents the standard shall be the
23 best interests of the child; and an approved agency shall not
24 discriminate with regard to the selection of adoptive parents for any
25 child on the basis of age, sex, race, national origin, religion or marital
26 status provided, however, that these factors may be considered in
27 determining whether the best interests of a child would be served by
28 a particular placement for adoption or adoption.

29 (cf: P.L.1993, c.345, s.2)

30

31 2. (New section) The Department of Human Services shall deny,
32 suspend, revoke or refuse to renew an adoption agency's certificate of
33 approval if the agency is in violation of the requirements relating to the
34 moral character of trustees, officers or other persons supervising or
35 conducting a placement for adoption program established pursuant to
36 section 4 of P.L.1977, c.367 (C.9:3-40).

37

38 3. This act shall take effect immediately.

39

40

STATEMENT

41

42 This bill amends N.J.S.A.9:3-40 to require the Department of
43 Human Services to adopt rules and regulations governing the

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 underlined thus is new matter.

1 qualification of adoption agencies that include requirements relating
2 to the moral character of trustees, officers or other persons
3 supervising or conducting a placement for adoption program. The
4 requirements shall include a prohibition on engaging in, or the
5 permitting of, any conduct that is deemed inappropriate for the
6 purposes of the adoption agency.

7 The bill also authorizes the Department of Human Services to deny,
8 suspend, revoke or refuse to renew an adoption agency's certificate of
9 approval if the agency is in violation of the requirements relating to the
10 moral character of trustees, officers or other persons supervising or
11 conducting a placement for adoption program.

12 Under current law and regulations governing adoption agencies,
13 the Department of Human Services does not have explicit authority to
14 deny, suspend, revoke or refuse to renew an adoption agency's
15 certificate based on the moral character of a trustee, officer or other
16 person supervising or conducting the agency's adoption program.

ASSEMBLY FAMILY, WOMEN AND CHILDREN'S SERVICES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2685

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 2002

The Assembly Family, Women and Children's Services Committee reports favorably and with committee amendments Assembly Bill No. 2685.

As amended by this committee, this bill amends N.J.S.A.9:3-40 to require the Department of Human Services to adopt rules and regulations governing the qualification of adoption agencies that include requirements relating to the character of trustees, officers or other persons supervising or conducting a placement for adoption program. The requirements shall include a prohibition on engaging in, or the permitting of, any conduct that is deemed inappropriate for the purposes of the adoption agency.

The bill also authorizes the Department of Human Services to deny, suspend, revoke or refuse to renew an adoption agency's certificate of approval if the agency is in violation of the requirements relating to the character of trustees, officers or other persons supervising or conducting a placement for adoption program.

Under current law and regulations governing adoption agencies, the Department of Human Services does not have explicit authority to deny, suspend, revoke or refuse to renew an adoption agency's certificate based on the character of a trustee, officer or other person supervising or conducting the agency's adoption program.

COMMITTEE AMENDMENTS

The committee amended the bill to replace all references to moral character with character.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2685

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 17, 2002

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Assembly Bill No. 2685 (1R).

As amended, this bill amends N.J.S.A.9:3-40 to require the Department of Human Services to adopt rules and regulations governing the qualification of adoption agencies that include requirements relating to the character of trustees, officers or other persons supervising or conducting a placement for adoption program. The requirements shall include a prohibition on engaging in, or the permitting of, any conduct that is deemed inappropriate for the purposes of the adoption agency.

The bill also authorizes the Department of Human Services to deny, suspend, revoke or refuse to renew an adoption agency's certificate of approval if the agency is in violation of the requirements relating to the character of trustees, officers or other persons supervising or conducting a placement for adoption program.

Under current law and regulations governing adoption agencies, the Department of Human Services does not have explicit authority to deny, suspend, revoke or refuse to renew an adoption agency's certificate based on the character of a trustee, officer or other person supervising or conducting the agency's adoption program.

The committee amended the bill to provide that the department may, rather than shall, deny, suspend, revoke or refuse to renew an adoption agency's certificate of approval if the agency is in violation of the requirements relating to the character of trustees, officers or other persons supervising or conducting a placement for adoption program.

This bill is identical to Senate Bill No. 1824 (SCA) (Bucco/Palaia), which was also reported by the committee on this date.

SENATE, No. 1824

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED SEPTEMBER 19, 2002

Sponsored by:

Senator ANTHONY R. BUCCO

District 25 (Morris)

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

SYNOPSIS

Requires DHS to consider moral character of staff of adoption agencies as condition of approval to operate.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/27/2002)

1 AN ACT concerning adoption agencies and amending and
2 supplementing P.L.1977, c.367.

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26 status provided, however, that these factors may be considered in
27 determining whether the best interests of a child would be served by
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33 of approval if the agency is in violation of the requirements relating to
34 the moral character of trustees, officers or other persons supervising
35 or conducting a placement for adoption program established pursuant
36 to section 4 of P.L.1977, c.367 (C.9:3-40).

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SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1824

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 17, 2002

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 1824.

As amended, this bill amends N.J.S.A.9:3-40 to require the Department of Human Services to adopt rules and regulations governing the qualification of adoption agencies that include requirements relating to the character of trustees, officers or other persons supervising or conducting a placement for adoption program. The requirements shall include a prohibition on engaging in, or the permitting of, any conduct that is deemed inappropriate to the purposes of the adoption agency.

The bill also authorizes the Department of Human Services to deny, suspend, revoke or refuse to renew an adoption agency's certificate for approval if the agency is in violation of the requirements relating to the character of trustees, officers or other persons supervising or conducting a placement for adoption program.

Under current law and regulations governing adoption agencies, the Department of Human Services does not have explicit authority to deny, suspend, revoke or refuse to renew an adoption agency's certificate based on the character of a trustee, officer or other person supervising or conducting the agency's adoption program.

The committee amended the bill to:

- C replace all references to moral character with character;
- C provide that the department may, rather than shall, deny, suspend, revoke or refuse to renew an adoption agency's certificate of approval if the agency is in violation of the requirements relating to the character of trustees, officers or other persons supervising or conducting a placement for adoption program; and
- C make a necessary technical correction.

As amended by the committee, this bill is identical to Assembly Bill No. 2685 (1R) (SCA) (Previte/Friscia), which the committee also reported on this date.