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P.L. 2003, CHAPTER 286, *approved January 14, 2004*
Assembly, No. 2071 (*Second Reprint*)

1 AN ACT concerning domestic violence and amending P.L.1999, c.421
2 and ²[P.L.1993, c.345] P.L. 1977, c.367².

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 1 of P.L.1999, c.421 (C.2C:25-34) is amended to read
8 as follows:

9 1. The Administrative Office of the Courts shall establish and
10 maintain a central registry of all persons who have had domestic
11 violence restraining orders entered against them, all persons who have
12 been charged with a crime or offense involving domestic violence, and
13 all persons who have been charged with a violation of a court order
14 involving domestic violence. All records made pursuant to this section
15 shall be kept confidential and shall be released only to:

16 a. A public agency authorized to investigate a report of domestic
17 violence;

18 b. A police or other law enforcement agency investigating a report
19 of domestic violence, or conducting a background investigation
20 involving a person's application for a firearm permit or employment as
21 a police or law enforcement officer or for any other purpose
22 authorized by law or the Supreme Court of the State of New Jersey;
23 **[or]**

24 c. A court, upon its finding that access to such records may be
25 necessary for determination of an issue before the court; or

26 d. ²[An approved agency as defined in section 2 of P.L.1977,
27 c.367 (C.9:3-38) conducting a home study pursuant to section 21 of
28 P.L.1993, c.345 (C.9:3-54.2)] A surrogate, in that person's official
29 capacity as deputy clerk of the Superior Court, in order to prepare
30 documents that may be necessary for a court to determine an issue in
31 an adoption proceeding².

32 Any individual, agency ², surrogate² or court which receives from
33 the Administrative Office of the Courts the records referred to in this
34 section shall keep such records and reports, or parts thereof,
35 confidential and shall not disseminate or disclose such records and
36 reports, or parts thereof; provided that nothing in this section shall
37 prohibit a receiving individual, agency ², surrogate² or court from
38 disclosing records and reports, or parts thereof, in a manner consistent
39 with and in furtherance of the purpose for which the records 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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AFW committee amendments adopted May 13, 2002.

² Senate floor amendments adopted January 8, 2004.

1 reports or parts thereof were received.

2 Any individual who disseminates or discloses a record or report, or
3 parts thereof, of the central registry, for a purpose other than
4 investigating a report of domestic violence, conducting a background
5 investigation involving a person's application for a firearm permit or
6 employment as a police or law enforcement officer, making a
7 determination of an issue before the court ²[. conducting a home
8 study pursuant to section 21 of P.L.1993, c.345 (C.9:3-54.2)]², or for
9 any other purpose other than that which is authorized by law or the
10 Supreme Court of the State of New Jersey, shall be guilty of a crime
11 of the fourth degree.

12 (cf: P.L.1999, c.421, s.1)

13

14 ²[2. Section 21 of P.L.1993, c.345 (C.9:3-54.2) is amended to
15 read as follows:

16 21. a. (1) In addition to meeting the other requirements established
17 by the Department of Human Services, a home study completed by an
18 approved agency shall include a recommendation regarding the
19 suitability of the home for the placement of a child based upon the
20 results of State and federal criminal history record checks for each
21 prospective adoptive parent and each adult residing in the home.

22 For the purposes of this section, the federal criminal history record
23 check conducted by the Immigration and Naturalization Service in the
24 federal Department of Justice on a prospective adoptive parent shall
25 be valid for the prospective adoptive parent in fulfilling the home study
26 requirement for the State.

27 (2) Each prospective adoptive parent and each member of the
28 prospective adoptive parent's household, age 18 or older, shall submit
29 to the approved agency standard fingerprint cards containing his name,
30 address and fingerprints taken by a State or municipal law enforcement
31 agency.

32 (3) The cost of all criminal history record checks conducted
33 pursuant to this section shall be paid by the prospective adoptive
34 parent or household member at the time the fingerprint cards are
35 submitted.

36 (4) The approved agency shall forward the fingerprint cards and
37 payment to the commissioner.

38 (5) The commissioner is authorized to exchange fingerprint data
39 and receive criminal history record information from the Federal
40 Bureau of Investigation and the Division of State Police for use in
41 making the recommendations provided for in this section.

42 (6) The department shall advise the approved agency of information
43 received from State and federal criminal history record checks based
44 upon the fingerprints submitted by the agency. Information provided
45 to the approved agency shall be confidential and not disclosed by the
46 approved agency to any individual or entity without the written

1 permission of the person who is the subject of the record check.

2 (7) The commissioner shall adopt regulations for the use of
3 criminal history record information by approved agencies when
4 determining the suitability of a home for the placement of a child for
5 the purposes of adoption.

6 b. (1) Beginning one year after the effective date of this act, a
7 home study completed by an approved agency shall include a
8 recommendation regarding the suitability of the home for the
9 placement of the child based upon a check for any records which might
10 reveal a history of child abuse or neglect by the [proposed]
11 prospective adoptive parent or member of the parent's household who
12 is 18 years of age or older.

13 (2) Beginning one year after the effective date, at the request of an
14 approved agency, the commissioner or his designee shall conduct a
15 search of the records of the Division of Youth and Family Services
16 regarding referrals of dispositions of child abuse or neglect matters as
17 to the [proposed] prospective adoptive parent and any member of the
18 parent's household 18 years of age or older, and, if there is information
19 that would raise a question of the suitability of the [proposed]
20 prospective adoptive parent or member of the parent's household to
21 have guardianship of a child, shall provide that information to the
22 approved agency for its consideration. Information provided to the
23 approved agency pursuant to this paragraph shall be confidential. The
24 commissioner shall establish penalties for disclosure of this
25 confidential information.

26 c. (1) A home study completed by an approved agency shall
27 include a recommendation regarding the suitability of the home for the
28 placement of the child based upon a check of any records which might
29 reveal ¹[a history of domestic violence by] ¹that ¹the prospective
30 adoptive parent or member of the parent's home who is 18 years of age
31 or older ¹is or has been a perpetrator of domestic violence¹.

32 (2) At the request of an approved agency, the Director of the
33 Administrative Office of the Courts shall conduct a search of the
34 records of the central registry established pursuant to section 1 of
35 P.L.1999, c.421 (C.2C:25-34) ¹[regarding domestic violence
36 restraining orders, crimes or offenses involving domestic violence and
37 violations of court orders involving domestic violence to determine if
38 any records relate to the prospective adoptive parent and any member
39 of the parent's household 18 years of age or older, and, if there is
40 information that would raise a question of the suitability of the
41 prospective adoptive parent or member of the parent's household to
42 have guardianship of a child,] to determine whether a prospective
43 adoptive parent and any member of the parent's household 18 years of
44 age or older has: (a) had a domestic violence restraining order entered
45 against the parent or member of the parent's household; (b) been
46 charged with a crime or offense involving domestic violence; or (c)
47 been charged with a violation of a court order involving domestic

1 violence, and¹ shall provide that information to the approved agency
2 for its consideration.

3 (cf: P.L.1997, c.176)]²

4

5 ²2. Section 11 of P.L. 1977, c. 367 (C.9:3-47) is amended to read
6 as follows:

7 11. a. When the child to be adopted has been received from an
8 approved agency, the prospective parent shall file with the court a
9 complaint for adoption after the child has been in the home of the
10 prospective parent for at least six months. In the discretion of the
11 approved agency, a complaint may be filed prior to that time and the
12 court may schedule a hearing to resolve all matters except finalization
13 of the adoption. The adoption shall not be finalized under this section
14 unless the child has been in the home of the adoptive parent for at least
15 six months. The complaint shall be accompanied by a consent to the
16 plaintiff's adoption of the child signed and acknowledged by an
17 authorized officer or representative of the approved agency; except
18 that failure or refusal on the part of the approved agency to give
19 consent, or withdrawal of consent on the part of the approved agency,
20 shall not preclude an action for adoption.

21 b. Upon the filing of the complaint, the court shall set a date for
22 the adoption hearing not less than 10 nor more than 30 days from the
23 date of institution of the action unless a longer period shall be required
24 in order to obtain service of notice upon one or more of the people
25 entitled thereto and shall order the approved agency concerned to file
26 at least five days prior to the hearing a written report which shall
27 describe the circumstances surrounding the surrender of the child and
28 shall set forth the results of the agency's evaluation of the child, the
29 plaintiff and any other person residing in the proposed adoptive home;
30 and the agency's assessment of the care being received by the child and
31 the adjustment of the child and the plaintiff as members of a family.

32 Upon the request of a surrogate and not more than 30 days prior to
33 the hearing, the court shall conduct a search of the records of the
34 central registry established pursuant to section 1 of P.L. 1999, c. 421
35 (C.2C:25-34) to determine whether a prospective adoptive parent or
36 any member of the parent's household has:

37 (1) had a domestic violence restraining order entered against them;
38 or

39 (2) been charged with a violation of a court order involving
40 domestic violence.

41 The court shall provide the results of the search to the surrogate for
42 inclusion in the court's adoption file. If the results of the search
43 contain any material findings or recommendations adverse to the
44 plaintiff, the surrogate shall provide the material findings or
45 recommendations to the approved agency.

46 If the agency's report contains or the results of the court's search
47 of the central registry contain any material findings or

1 recommendations adverse to the plaintiff , the agency shall serve a
2 copy of that part of [its] the agency's report or the results of the
3 court's search upon the plaintiff at least five days prior to the hearing
4 and the court shall appoint a guardian ad litem for the child in the
5 adoption proceeding if the court determines that a guardian is
6 necessary to represent the best [interest] interests of the child. If the
7 approved agency that placed the child with the plaintiff has not
8 consented to the adoption, the court may appoint another approved
9 agency to conduct an investigation and make recommendations in the
10 matter. The appointment shall not deprive the placing agency of
11 standing to appear at the hearing and contest the adoption. Personal
12 appearance at the hearing by a representative of the approved agency
13 conducting the investigation may be dispensed with by the court if the
14 agency's report favors the adoption. If an appearance is required, the
15 approved agency shall be entitled to present testimony and to
16 cross-examine witnesses and shall be subject to cross-examination with
17 respect to its report and recommendations in the matter. The
18 appearance of the child to be adopted shall not be required unless
19 ordered by the court or unless the inquiry pursuant to section 13 of
20 P.L.1977, c.367 (C.9:3-49) indicates that the child is opposed to the
21 adoption.

22 c. The adoption hearing shall be held in camera. If a parent of the
23 child has made an objection to the adoption, in accordance with
24 section 10 of P.L.1977, c.367 (C.9:3-46), the court shall take evidence
25 relating to the objection. If the court finds against the objecting parent
26 in accordance with subsection a. of section 10 of P.L.1977, c.367
27 (C.9:3-46), it shall make an order terminating the parental rights of the
28 parent and proceed with the hearing.

29 d. If, based upon the approved agency's report and the evidence
30 presented at the hearing, the court is satisfied that the best interests of
31 the child would be promoted by the adoption, the court shall enter a
32 judgment of adoption. If, based upon the approved agency's report
33 and the evidence presented at the hearing, the court is not satisfied
34 that the best interests of the child would be promoted by the adoption,
35 the court shall deny the adoption and make such further order
36 concerning the custody and guardianship of the child as may be
37 deemed proper in the circumstances.
38 (cf: P.L.1993, c.345, s.10).²

39

40 ²3. Section 12 of P.L. 1977, c. 367 (C.9:3-48) is amended to read
41 as follows:

42 12. a. When the child to be adopted has not been received from an
43 approved agency, the prospective parent shall file with the court a
44 complaint for adoption. Upon receipt of the complaint, the court shall
45 by its order:

46 (1) Declare the child to be a ward of the court and declare that the
47 plaintiff shall have custody of the child subject to further order of the

1 court;

2 (2) Appoint an approved agency to make an investigation and
3 submit a written report to the court which shall include:

4 (a) the facts and circumstances surrounding the surrender of
5 custody by the child's parents and the placement of the child in the
6 home of the plaintiff, including the identity of any intermediary who
7 participated in the placement of the child;

8 (b) an evaluation of the child and of the plaintiff and the spouse of
9 the plaintiff if not the child's parent and any other person residing in
10 the prospective home; and

11 (c) any fees, expenses or costs paid by or on behalf of the adopting
12 parent in connection with the adoption.

13 The agency conducting the investigation shall, if it is able to,
14 contact the birth parent and confirm that counseling, if required by
15 section 18 of P.L.1993, c.345 (C.9:3-39.1), has either been provided
16 or waived by the birth parent. If not previously provided, the agency
17 shall advise the parent of the availability of such counseling through
18 the agency and shall provide such counseling if requested by the birth
19 parent or if the birth parent resides out of State or out of the country,
20 such counseling should be made available by or through an agency
21 approved to provide such counseling in the birth parent's state or
22 country of domicile. The agency shall further confirm that the birth
23 parent has been advised that the decision of the birth parent not to
24 place the child for adoption or the return of the child to the birth
25 parent can not be conditioned upon the repayment of expenses by the
26 birth parent to the adoptive parent.

27 All expenses and fees for the investigation and any counseling
28 provided shall be the responsibility of the plaintiff;

29 (3) Direct the plaintiff to cooperate with the approved agency
30 making the investigation and report; **[and]**

31 (4) Fix a day for a preliminary hearing not less than two or more
32 than three months from the date of the filing of the complaint; except
33 that the hearing may be accelerated upon the application of the
34 approved agency and upon notice to the plaintiff if the agency
35 determines that removal of the child from the plaintiff's home is
36 required, in which case the court shall appoint a guardian ad litem to
37 represent the child at all future proceedings regarding the adoption.

38 Whenever the plaintiff is a stepparent of the child, the court, in its
39 discretion, may dispense with the agency investigation and report and
40 take direct evidence at the preliminary hearing of the facts and
41 circumstances surrounding the filing of the complaint for adoption.

42 Whenever a plaintiff is a brother, sister, grandparent, aunt, uncle,
43 or birth father of the child, the order may limit the investigation to an
44 inquiry concerning the status of the parents of the child and an
45 evaluation of the plaintiff. At least 10 days prior to the day fixed for
46 the preliminary hearing the approved agency shall file its report with
47 the court and serve a copy on the plaintiff; and

1 (5) Conduct a search of the records of the central registry
2 established pursuant to section 1 of P.L.1999, c.421 (C.2C:25-34),
3 upon the request of a surrogate and not more than 30 days prior to the
4 preliminary hearing, to determine whether a prospective adoptive
5 parent or any member of the parent's household has:

6 (a) had a domestic violence restraining order entered against them;
7 or

8 (b) been charged with a violation of a court order involving
9 domestic violence.

10 The court shall provide the results of the search to the surrogate for
11 inclusion in the court's adoption file. If the results of the search
12 contain any material findings or recommendations adverse to the
13 plaintiff, the surrogate shall provide the material findings or
14 recommendations to the approved agency.

15 In a case in which the plaintiff is a stepparent of the child and the
16 court dispenses with the agency investigation and report pursuant to
17 paragraph (4) of this subsection and the results of the court's search
18 contain any material findings or recommendations adverse to the
19 plaintiff, the surrogate shall serve a copy of that part of the results
20 of the search upon the plaintiff at least five days prior to the
21 preliminary hearing.

22 b. The preliminary hearing shall be in camera and shall have for its
23 purpose the determination of the circumstances under which the child
24 was relinquished by his parents and received into the home of the
25 plaintiff, the status of the parental rights of the parents, the fitness of
26 the child for adoption and the fitness of the plaintiff to adopt the child
27 and to provide a suitable home. If the report of the approved agency
28 pursuant to subsection a. of this section contains or the results of the
29 search of the central registry contain material findings or
30 recommendations adverse to the plaintiff, the presence of a
31 representative of the approved agency who has personal knowledge of
32 the investigation shall be required at the preliminary hearing. If in the
33 course of the preliminary hearing the court determines that there is
34 lack of jurisdiction, lack of qualification on the part of the plaintiff or
35 that the best interests of the child would not be promoted by the
36 adoption, the court shall deny the adoption and make such further
37 order concerning the custody and guardianship of the child as may be
38 deemed proper in the circumstances.

39 c. If upon completion of the preliminary hearing the court finds
40 that:

41 (1) The parents of the child do not have rights as to custody of the
42 child by reason of their rights previously having been terminated by
43 court order; or, the parents' objection has been contravened pursuant
44 to subsection a. of section 10 of P.L.1977, c.367 (C.9:3-46);

45 (2) The guardian, if any, should have no further control or authority
46 over the child;

47 (3) The child is fit for adoption; and

1 (4) The plaintiff is fit to adopt the child, the court shall: (a) issue
2 an order stating its findings, declaring that no parent or guardian of the
3 child has a right to custody or guardianship of the child; (b) terminate
4 the parental rights of that person, which order shall be a final order;
5 (c) fix a date for final hearing not less than six nor more than nine
6 months from the date of the preliminary hearing; and (d) appoint an
7 approved agency to supervise and evaluate the continuing placement
8 in accordance with subsection d. of this section. If the plaintiff is a
9 brother, sister, grandparent, aunt, uncle, birth father, stepparent or
10 foster parent of the child, or if the child has been in the home of the
11 plaintiff for at least two years immediately preceding the
12 commencement of the adoption action, and if the court is satisfied that
13 the best interests of the child would be promoted by the adoption, the
14 court may dispense with this evaluation and final hearing and enter a
15 judgment of adoption immediately upon completion of the preliminary
16 hearing.

17 d. The approved agency appointed pursuant to subsection c. of this
18 section shall from time to time visit the home of the plaintiff and make
19 such further inquiry as may be necessary to observe and evaluate the
20 care being received by the child and the adjustment of the child and the
21 plaintiff as members of a family. At least 15 days prior to the final
22 hearing the approved agency shall file with the court a written report
23 of its findings, including a recommendation concerning the adoption,
24 and shall mail a copy of the report to the plaintiff.

25 If at any time following the preliminary hearing the approved
26 agency concludes that the best interests of the child would not be
27 promoted by the adoption, the court shall appoint a guardian ad litem
28 for the child and after a hearing held upon the application of the
29 approved agency and upon notice to the plaintiff, may modify or
30 revoke any order entered in the action and make such further order
31 concerning the custody and guardianship of the child as may be
32 deemed proper in the circumstances.

33 e. At the final hearing the court shall proceed in camera; except
34 that if the approved agency in its report pursuant to subsection d. of
35 this section has recommended that the adoption be granted, the final
36 hearing may be dispensed with and, if the court is satisfied that the
37 best interests of the child would be promoted by the adoption, a
38 judgment of adoption may be entered immediately.

39 The appearance of the approved agency at the final hearing shall not
40 be required unless its recommendations are adverse to the plaintiff or
41 unless ordered by the court. If its appearance is required, the
42 approved agency shall be entitled to present testimony and to
43 cross-examine witnesses and shall be subject to cross-examination with
44 respect to its report and recommendations in the matter.

45 f. If, based upon the report and the evidence presented, the court
46 is satisfied that the best interests of the child would be promoted by
47 the adoption, the court shall enter a judgment of adoption. If, based

1 upon the evidence, the court is not satisfied that the best interests of
2 the child would be promoted by the adoption, the court shall deny the
3 adoption and make such further order concerning the custody and
4 guardianship of the child as may be deemed proper in the
5 circumstances.

6 (cf: P.L. 1998, c.20, s.3).²

7

8 ²[3.] 4.² This act shall take effect immediately.

9

10

11

12

13 _____
14 Allows release of AOC records concerning domestic violence to
surrogate in adoption proceedings.

ASSEMBLY, No. 2071

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MARCH 18, 2002

Sponsored by:

Assemblywoman MARY T. PREVITE

District 6 (Camden)

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

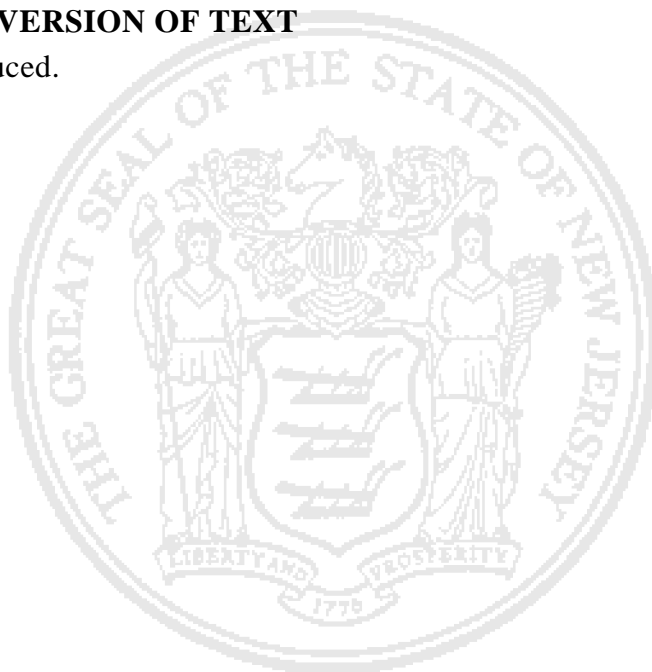
Assemblywoman Heck

SYNOPSIS

Allows release of AOC records concerning domestic violence to adoption agencies conducting home studies of prospective adoptive parents.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/14/2002)

1 AN ACT concerning domestic violence and amending P.L.1999, c.421
2 and P.L.1993, c.345.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1999, c.421 (C.2C:25-34) is amended to read
8 as follows:

9 1. The Administrative Office of the Courts shall establish and
10 maintain a central registry of all persons who have had domestic
11 violence restraining orders entered against them, all persons who have
12 been charged with a crime or offense involving domestic violence, and
13 all persons who have been charged with a violation of a court order
14 involving domestic violence. All records made pursuant to this section
15 shall be kept confidential and shall be released only to:

16 a. A public agency authorized to investigate a report of domestic
17 violence;

18 b. A police or other law enforcement agency investigating a report
19 of domestic violence, or conducting a background investigation
20 involving a person's application for a firearm permit or employment as
21 a police or law enforcement officer or for any other purpose
22 authorized by law or the Supreme Court of the State of New Jersey;
23 [or]

24 c. A court, upon its finding that access to such records may be
25 necessary for determination of an issue before the court; or

26 d. An approved agency as defined in section 2 of P.L.1977, c.367
27 (C.9:3-38) conducting a home study pursuant to section 21 of
28 P.L.1993, c.345 (C.9:3-54.2).

29 Any individual, agency or court which receives from the
30 Administrative Office of the Courts the records referred to in this
31 section shall keep such records and reports, or parts thereof,
32 confidential and shall not disseminate or disclose such records and
33 reports, or parts thereof; provided that nothing in this section shall
34 prohibit a receiving individual, agency or court from disclosing records
35 and reports, or parts thereof, in a manner consistent with and in
36 furtherance of the purpose for which the records and reports or parts
37 thereof were received.

38 Any individual who disseminates or discloses a record or report, or
39 parts thereof, of the central registry, for a purpose other than
40 investigating a report of domestic violence, conducting a background
41 investigation involving a person's application for a firearm permit or
42 employment as a police or law enforcement officer, making a
43 determination of an issue before the court, conducting a home study

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 pursuant to section 21 of P.L.1993, c.345 (C.9:3-54.2), or for any
2 other purpose other than that which is authorized by law or the
3 Supreme Court of the State of New Jersey, shall be guilty of a crime
4 of the fourth degree.

5 (cf: P.L.1999,c.421,s.1)

6
7 2. Section 21 of P.L.1993, c.345 (C.9:3-54.2) is amended to read
8 as follows:

9 21. a. (1) In addition to meeting the other requirements established
10 by the Department of Human Services, a home study completed by an
11 approved agency shall include a recommendation regarding the
12 suitability of the home for the placement of a child based upon the
13 results of State and federal criminal history record checks for each
14 prospective adoptive parent and each adult residing in the home.

15 For the purposes of this section, the federal criminal history record
16 check conducted by the Immigration and Naturalization Service in the
17 federal Department of Justice on a prospective adoptive parent shall
18 be valid for the prospective adoptive parent in fulfilling the home study
19 requirement for the State.

20 (2) Each prospective adoptive parent and each member of the
21 prospective adoptive parent's household, age 18 or older, shall submit
22 to the approved agency standard fingerprint cards containing his name,
23 address and fingerprints taken by a State or municipal law enforcement
24 agency.

25 (3) The cost of all criminal history record checks conducted
26 pursuant to this section shall be paid by the prospective adoptive
27 parent or household member at the time the fingerprint cards are
28 submitted.

29 (4) The approved agency shall forward the fingerprint cards and
30 payment to the commissioner.

31 (5) The commissioner is authorized to exchange fingerprint data
32 and receive criminal history record information from the Federal
33 Bureau of Investigation and the Division of State Police for use in
34 making the recommendations provided for in this section.

35 (6) The department shall advise the approved agency of information
36 received from State and federal criminal history record checks based
37 upon the fingerprints submitted by the agency. Information provided
38 to the approved agency shall be confidential and not disclosed by the
39 approved agency to any individual or entity without the written
40 permission of the person who is the subject of the record check.

41 (7) The commissioner shall adopt regulations for the use of
42 criminal history record information by approved agencies when
43 determining the suitability of a home for the placement of a child for
44 the purposes of adoption.

45 b. (1) Beginning one year after the effective date of this act, a
46 home study completed by an approved agency shall include a

1 recommendation regarding the suitability of the home for the
2 placement of the child based upon a check for any records which might
3 reveal a history of child abuse or neglect by the [proposed]
4 prospective adoptive parent or member of the parent's household who
5 is 18 years of age or older.

6 (2) Beginning one year after the effective date, at the request of an
7 approved agency, the commissioner or his designee shall conduct a
8 search of the records of the Division of Youth and Family Services
9 regarding referrals of dispositions of child abuse or neglect matters as
10 to the [proposed] prospective adoptive parent and any member of the
11 parent's household 18 years of age or older, and, if there is information
12 that would raise a question of the suitability of the [proposed]
13 prospective adoptive parent or member of the parent's household to
14 have guardianship of a child, shall provide that information to the
15 approved agency for its consideration. Information provided to the
16 approved agency pursuant to this paragraph shall be confidential. The
17 commissioner shall establish penalties for disclosure of this
18 confidential information.

19 c. (1) A home study completed by an approved agency shall
20 include a recommendation regarding the suitability of the home for the
21 placement of the child based upon a check of any records which might
22 reveal a history of domestic violence by the prospective adoptive
23 parent or member of the parent's home who is 18 years of age or older.

24 (2) At the request of an approved agency, the Director of the
25 Administrative Office of the Courts shall conduct a search of the
26 records of the central registry established pursuant to section 1 of
27 P.L.1999, c. 421 (C.2C:25-34) regarding domestic violence restraining
28 orders, crimes or offenses involving domestic violence and violations
29 of court orders involving domestic violence to determine if any records
30 relate to the prospective adoptive parent and any member of the
31 parent's household 18 years of age or older, and, if there is information
32 that would raise a question of the suitability of the prospective
33 adoptive parent or member of the parent's household to have
34 guardianship of a child, shall provide that information to the approved
35 agency for its consideration.

36 (cf: P.L.1997, c.176)

37
38 3. This act shall take effect immediately.
39
40

41 STATEMENT
42

43 This bill amends N.J.S.A.2C:25-34 to allow the Administrative
44 Office of the Courts (AOC) to release the records of the central
45 registry concerning domestic violence restraining orders, crimes and
46 offenses involving domestic violence and violations of court orders

1 involving domestic violence to an approved agency for the purpose of
2 determining the suitability of prospective adoptive parents to adopt a
3 child. An approved agency that disseminates or discloses records of
4 the central registry for any purpose other than conducting a home
5 study shall be guilty of a crime of the fourth degree.

6 Under current law, the AOC is allowed to release the records only
7 to:

8 ! a public agency authorized to investigate a report of domestic
9 violence;

10 ! a police or other law enforcement agency investigating a report
11 of domestic violence, or conducting a background investigation
12 involving a person's application for a firearm permit or
13 employment as a police or law enforcement officer or for any
14 other purpose authorized by law or the Supreme Court of the
15 State of New Jersey; or

16 ! a court, if it finds that access to the records may be necessary
17 for determination of an issue before the court.

18 The bill also amends N.J.S.A.9:3-54.2 to provide that a home study
19 completed by an approved agency shall include a recommendation
20 regarding the suitability of an prospective adoptive parent's home for
21 the placement of a child based on a check of any records that might
22 reveal a history of domestic violence by the prospective adoptive
23 parent or a member of the parent's household who is 18 years of age
24 or older.

25 At the request of the approved agency, the Director of the AOC
26 shall conduct a search of the records of the central registry to
27 determine if any records relate to the prospective adoptive parent and
28 any member of the parent's household 18 years of age or older. If
29 there is information that would raise a question of the suitability of the
30 prospective adoptive parent or member of the parent's household for
31 the guardianship of the child, the Director of the AOC shall provide
32 that information to the approved agency for consideration.

33 Currently, a home study conducted by an approved agency
34 includes a State and federal criminal history record background and
35 Division of Youth and Family Services child abuse record information
36 check.

37 Finally the bill amends N.J.S.A.9:3-54.2 to replace references to
38 "proposed" with "prospective."

ASSEMBLY FAMILY, WOMEN AND CHILDREN'S SERVICES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2071

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 2002

The Assembly Family, Women and Children's Services Committee reports favorably and with committee amendments, Assembly Bill No. 2071.

As amended by the committee, this bill amends N.J.S.A.2C:25-34 to allow the Administrative Office of the Courts (AOC) to release the records of the central registry concerning domestic violence restraining orders, crimes and offenses involving domestic violence and violations of court orders involving domestic violence to an approved agency for the purpose of determining the suitability of prospective adoptive parents to adopt a child. An approved agency that disseminates or discloses records of the central registry for any purpose other than conducting a home study shall be guilty of a crime of the fourth degree.

Under current law, the AOC is allowed to release the records only to:

- ! a public agency authorized to investigate a report of domestic violence;
- ! a police or other law enforcement agency investigating a report of domestic violence, or conducting a background investigation involving a person's application for a firearm permit or employment as a police or law enforcement officer or for any other purpose authorized by law or the Supreme Court of the State of New Jersey; or
- ! a court, if it finds that access to the records may be necessary for determination of an issue before the court.

The bill also amends N.J.S.A.9:3-54.2 to provide that a home study completed by an approved agency shall include a recommendation regarding the suitability of a prospective adoptive parent's home for the placement of a child based on a check of any records that might reveal that the prospective adoptive parent or a member of the parent's household who is 18 years of age or older is or has been a perpetrator of domestic violence.

At the request of the approved agency, the Director of the AOC

shall conduct a search of the records of the central registry to determine whether the prospective adoptive parent and any member of the parent's household who is 18 years of age or older has: had a domestic violence restraining order entered against the parent or member of the parent's household; been charged with a crime or offense involving domestic violence; or been charged with a violation of a court order involving domestic violence. The AOC is directed to provide the registry information to the approved agency for consideration.

Currently, a home study conducted by an approved agency includes a State and federal criminal history record background and Division of Youth and Family Services child abuse record information check.

Finally the bill amends N.J.S.A.9:3-54.2 to replace references to "proposed" with "prospective."

COMMITTEE AMENDMENTS

The committee amended the bill to:

- ! provide that a home study completed by an approved agency shall include a recommendation regarding the suitability of a prospective adoptive parent's home for the placement of a child based on a check of any records that might reveal that the prospective adoptive parent or any member of the parents' household 18 years of age or older is or has been a perpetrator of domestic violence;
- ! direct the Director of the AOC to conduct a search of the records of the central registry to determine whether the prospective adoptive parent and any member of the parent's household who is 18 years of age or older has: had a domestic violence restraining order entered against the parent or member of the parent's household; been charged with a crime or offense involving domestic violence; or been charged with a violation of a court order involving domestic violence; and
- ! clarify that the Director of the AOC shall provide the information uncovered by the records check to the approved agency for consideration instead of making a decision on whether the information raises a question of the suitability of the prospective adoptive parent or member of the parent's household to have guardianship of the child, as originally provided.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2071

STATE OF NEW JERSEY

DATED: JANUARY 9, 2003

The Senate Judiciary Committee reports favorably Assembly Bill No. 2071 (1R).

This bill amends N.J.S.A.2C:25-34 to allow the Administrative Office of the Courts (AOC) to release the records of the central registry concerning domestic violence restraining orders, crimes and offenses involving domestic violence and violations of court orders involving domestic violence to an approved agency for the purpose of determining the suitability of prospective adoptive parents to adopt a child. An approved agency that disseminates or discloses records of the central registry for any purpose other than conducting a home study shall be guilty of a crime of the fourth degree.

Under current law, the AOC is allowed to release the records only to:

- ! a public agency authorized to investigate a report of domestic violence;
- ! a police or other law enforcement agency investigating a report of domestic violence, or conducting a background investigation involving a person's application for a firearm permit or employment as a police or law enforcement officer or for any other purpose authorized by law or the Supreme Court of the State of New Jersey; or
- ! a court, if it finds that access to the records may be necessary for determination of an issue before the court.

The bill also amends N.J.S.A.9:3-54.2 to provide that a home study completed by an approved agency shall include a recommendation regarding the suitability of a prospective adoptive parent's home for the placement of a child based on a check of any records that might reveal that the prospective adoptive parent or a member of the parent's household who is 18 years of age or older is or has been a perpetrator of domestic violence.

At the request of the approved agency, the Director of the AOC shall conduct a search of the records of the central registry to determine whether the prospective adoptive parent and any member of the parent's household who is 18 years of age or older has: had a domestic violence restraining order entered against the parent or

member of the parent's household; been charged with a crime or offense involving domestic violence; or been charged with a violation of a court order involving domestic violence. The AOC is directed to provide the registry information to the approved agency for consideration.

This bill is identical to Senate Bill No. 1698.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2071

with Senate Floor Amendments
(Proposed By Senator VITALE)

ADOPTED: JANUARY 8, 2004

These amendments allow the Administrative Office of the Courts (AOC) to release the records of the central registry (established in N.J.S.A.2C:25-34) concerning domestic violence restraining orders, crimes and offenses involving domestic violence and violations of court orders involving domestic violence to a surrogate, in that person's official capacity as deputy clerk of the Superior Court, to prepare documents that may be necessary for a court to determine an issue in an adoption proceeding. The bill, as originally introduced, would have allowed the release of these records directly to an approved adoption agency conducting a home study.

A surrogate who receives the records from the AOC shall keep the records confidential and shall not disseminate or disclose them to the public.

The amendments direct the court, upon a request from a surrogate and not more than 30 days prior to an adoption hearing for a child received by an approved agency or a preliminary hearing for a child not received from an approved agency, to conduct a search of the central registry to determine if any records concerning domestic violence restraining orders and violations of court orders involving domestic violence relate to a prospective adoptive parent or any member of the parent's household.

Finally, the amendments direct the court to provide the results of the search to the surrogate for inclusion in the court's adoption file and, if the results contain any material findings or recommendations adverse to the plaintiff, the court shall provide the results to the approved agency, which shall then serve the results upon the plaintiff. If the plaintiff is a stepparent of the child and the court dispenses with an approved agency investigation and report, the amendments direct the surrogate to serve a copy of the results upon the plaintiff at least five days prior to the preliminary hearing, if the results of the court's search contain any material findings or recommendations adverse to the plaintiff.

These amendments would make this bill identical to Senate Bill No. 1698 (1R).

SENATE, No. 1698

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JUNE 24, 2002

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator BARBARA BUONO

District 18 (Middlesex)

Co-Sponsored by:

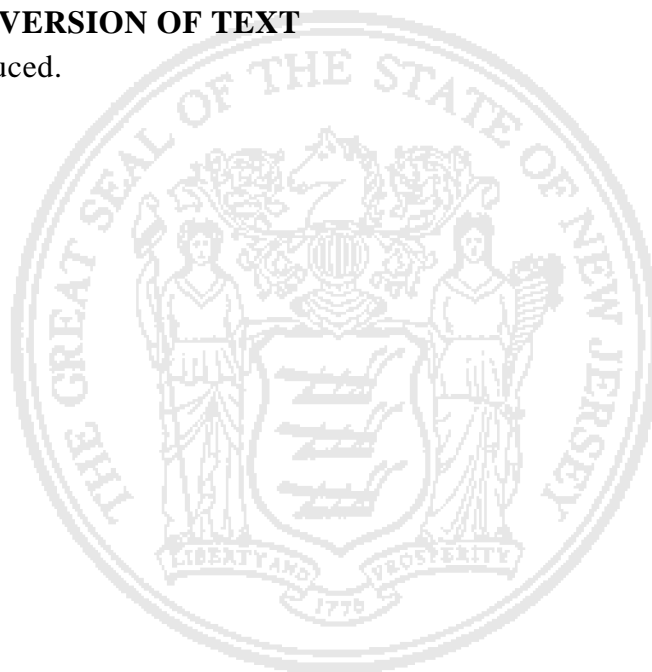
Senator Allen

SYNOPSIS

Allows release of AOC records concerning domestic violence to adoption agencies conducting home studies of prospective adoptive parents.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/13/2004)

1 AN ACT concerning domestic violence and amending P.L.1999, c.421
2 and P.L.1993, c.345.

3

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

6

7 1. Section 1 of P.L.1999, c.421 (C.2C:25-34) is amended to read
8 as follows:

9 1. The Administrative Office of the Courts shall establish and
10 maintain a central registry of all persons who have had domestic
11 violence restraining orders entered against them, all persons who have
12 been charged with a crime or offense involving domestic violence, and
13 all persons who have been charged with a violation of a court order
14 involving domestic violence. All records made pursuant to this section
15 shall be kept confidential and shall be released only to:

16 a. A public agency authorized to investigate a report of domestic
17 violence;

18 b. A police or other law enforcement agency investigating a report
19 of domestic violence, or conducting a background investigation
20 involving a person's application for a firearm permit or employment as
21 a police or law enforcement officer or for any other purpose
22 authorized by law or the Supreme Court of the State of New Jersey;
23 [or]

24 c. A court, upon its finding that access to such records may be
25 necessary for determination of an issue before the court; ~~or~~

26 d. An approved agency as defined in section 2 of P.L.1977, c.367
27 (C.9:3-38) conducting a home study pursuant to section 21 of
28 P.L.1993, c.345 (C.9:3-54.2).

29 Any individual, agency or court which receives from the
30 Administrative Office of the Courts the records referred to in this
31 section shall keep such records and reports, or parts thereof,
32 confidential and shall not disseminate or disclose such records and
33 reports, or parts thereof; provided that nothing in this section shall
34 prohibit a receiving individual, agency or court from disclosing records
35 and reports, or parts thereof, in a manner consistent with and in
36 furtherance of the purpose for which the records and reports or parts
37 thereof were received.

38 Any individual who disseminates or discloses a record or report, or
39 parts thereof, of the central registry, for a purpose other than
40 investigating a report of domestic violence, conducting a background
41 investigation involving a person's application for a firearm permit or
42 employment as a police or law enforcement officer, making a
43 determination of an issue before the court, conducting a home study

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

Matter underlined thus is new matter.

1 pursuant to section 21 of P.L.1993, c.345 (C.9:3-54.2), or for any
2 other purpose other than that which is authorized by law or the
3 Supreme Court of the State of New Jersey, shall be guilty of a crime
4 of the fourth degree.

5 (cf: P.L.1999, c.421, s.1)

6
7 2. Section 21 of P.L.1993, c.345 (C.9:3-54.2) is amended to read
8 as follows:

9 21. a. (1) In addition to meeting the other requirements
10 established by the Department of Human Services, a home study
11 completed by an approved agency shall include a recommendation
12 regarding the suitability of the home for the placement of a child based
13 upon the results of State and federal criminal history record checks for
14 each prospective adoptive parent and each adult residing in the home.

15 For the purposes of this section, the federal criminal history record
16 check conducted by the Immigration and Naturalization Service in the
17 federal Department of Justice on a prospective adoptive parent shall
18 be valid for the prospective adoptive parent in fulfilling the home study
19 requirement for the State.

20 (2) Each prospective adoptive parent and each member of the
21 prospective adoptive parent's household, age 18 or older, shall submit
22 to the approved agency standard fingerprint cards containing his name,
23 address and fingerprints taken by a State or municipal law enforcement
24 agency.

25 (3) The cost of all criminal history record checks conducted
26 pursuant to this section shall be paid by the prospective adoptive
27 parent or household member at the time the fingerprint cards are
28 submitted.

29 (4) The approved agency shall forward the fingerprint cards and
30 payment to the commissioner.

31 (5) The commissioner is authorized to exchange fingerprint data
32 and receive criminal history record information from the Federal
33 Bureau of Investigation and the Division of State Police for use in
34 making the recommendations provided for in this section.

35 (6) The department shall advise the approved agency of
36 information received from State and federal criminal history record
37 checks based upon the fingerprints submitted by the agency.
38 Information provided to the approved agency shall be confidential and
39 not disclosed by the approved agency to any individual or entity
40 without the written permission of the person who is the subject of the
41 record check.

42 (7) The commissioner shall adopt regulations for the use of
43 criminal history record information by approved agencies when
44 determining the suitability of a home for the placement of a child for
45 the purposes of adoption.

46 b. (1) Beginning one year after the effective date of this act, a

1 home study completed by an approved agency shall include a
2 recommendation regarding the suitability of the home for the
3 placement of the child based upon a check for any records which might
4 reveal a history of child abuse or neglect by the [proposed]
5 prospective adoptive parent or member of the parent's household who
6 is 18 years of age or older.

7 (2) Beginning one year after the effective date, at the request of an
8 approved agency, the commissioner or his designee shall conduct a
9 search of the records of the Division of Youth and Family Services
10 regarding referrals of dispositions of child abuse or neglect matters as
11 to the [proposed] prospective adoptive parent and any member of the
12 parent's household 18 years of age or older, and, if there is information
13 that would raise a question of the suitability of the [proposed]
14 prospective adoptive parent or member of the parent's household to
15 have guardianship of a child, shall provide that information to the
16 approved agency for its consideration. Information provided to the
17 approved agency pursuant to this paragraph shall be confidential. The
18 commissioner shall establish penalties for disclosure of this
19 confidential information.

20 c. (1) A home study completed by an approved agency shall
21 include a recommendation regarding the suitability of the home for the
22 placement of the child based upon a check of any records which might
23 reveal that the prospective adoptive parent or member of the parent's
24 home who is 18 years of age or older is or has been a perpetrator of
25 domestic violence.

26 (2) At the request of an approved agency, the Director of the
27 Administrative Office of the Courts shall conduct a search of the
28 records of the central registry established pursuant to section 1 of
29 P.L.1999, c.421 (C.2C:25-34) to determine whether a prospective
30 adoptive parent and any member of the parent's household 18 years of
31 age or older has: (a) had a domestic violence restraining order entered
32 against the parent or member of the parent's household; (b) been
33 charged with a crime or offense involving domestic violence; or (c)
34 been charged with a violation of a court order involving domestic
35 violence, and shall provide that information to the approved agency
36 for its consideration.

37 (cf: P.L.1997, c.176)

38
39 3. This act shall take effect immediately.

40
41
42 STATEMENT

43
44 This bill amends N.J.S.A.2C:25-34 to allow the Administrative
45 Office of the Courts (AOC) to release the records of the central
46 registry concerning domestic violence restraining orders, crimes and

1 offenses involving domestic violence and violations of court orders
2 involving domestic violence to an approved agency for the purpose of
3 determining the suitability of prospective adoptive parents to adopt a
4 child. An approved agency that disseminates or discloses records of
5 the central registry for any purpose other than conducting a home
6 study shall be guilty of a crime of the fourth degree.

7 Under current law, the AOC is allowed to release the records only
8 to:

- 9 ! a public agency authorized to investigate a report of domestic
10 violence;
- 11 ! a police or other law enforcement agency investigating a report
12 of domestic violence, or conducting a background investigation
13 involving a person's application for a firearm permit or
14 employment as a police or law enforcement officer or for any
15 other purpose authorized by law or the Supreme Court of the
16 State of New Jersey; or
- 17 ! a court, if it finds that access to the records may be necessary
18 for determination of an issue before the court.

19 The bill also amends N.J.S.A.9:3-54.2 to provide that a home study
20 completed by an approved agency shall include a recommendation
21 regarding the suitability of a prospective adoptive parent's home for
22 the placement of a child based on a check of any records that might
23 reveal that the prospective adoptive parent or a member of the parent's
24 household who is 18 years of age or older is or has been a perpetrator
25 of domestic violence.

26 At the request of the approved agency, the Director of the AOC
27 shall conduct a search of the records of the central registry to
28 determine whether the prospective adoptive parent and any member of
29 the parent's household who is 18 years of age or older has: had a
30 domestic violence restraining order entered against the parent or
31 member of the parent's household; been charged with a crime or
32 offense involving domestic violence; or been charged with a violation
33 of a court order involving domestic violence. The AOC is directed to
34 provide the registry information to the approved agency for
35 consideration.

36 Currently, a home study conducted by an approved agency includes
37 a State and federal criminal history record background and Division of
38 Youth and Family Services child abuse record information check.

39 Finally the bill amends N.J.S.A.9:3-54.2 to replace references to
40 "proposed" with "prospective."

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1698

STATE OF NEW JERSEY

DATED: JANUARY 9, 2003

The Senate Judiciary Committee reports favorably Senate Bill No. 1698.

This bill amends N.J.S.A.2C:25-34 to allow the Administrative Office of the Courts (AOC) to release the records of the central registry concerning domestic violence restraining orders, crimes and offenses involving domestic violence and violations of court orders involving domestic violence to an approved agency for the purpose of determining the suitability of prospective adoptive parents to adopt a child. An approved agency that disseminates or discloses records of the central registry for any purpose other than conducting a home study shall be guilty of a crime of the fourth degree.

Under current law, the AOC is allowed to release the records only to:

- ! a public agency authorized to investigate a report of domestic violence;
- ! a police or other law enforcement agency investigating a report of domestic violence, or conducting a background investigation involving a person's application for a firearm permit or employment as a police or law enforcement officer or for any other purpose authorized by law or the Supreme Court of the State of New Jersey; or
- ! a court, if it finds that access to the records may be necessary for determination of an issue before the court.

The bill also amends N.J.S.A.9:3-54.2 to provide that a home study completed by an approved agency shall include a recommendation regarding the suitability of a prospective adoptive parent's home for the placement of a child based on a check of any records that might reveal that the prospective adoptive parent or a member of the parent's household who is 18 years of age or older is or has been a perpetrator of domestic violence.

At the request of the approved agency, the Director of the AOC shall conduct a search of the records of the central registry to determine whether the prospective adoptive parent and any member of the parent's household who is 18 years of age or older has: had a domestic violence restraining order entered against the parent or member of the parent's household; been charged with a crime or offense involving domestic violence; or been charged with a violation

of a court order involving domestic violence. The AOC is directed to provide the registry information to the approved agency for consideration.

This bill is identical to Assembly Bill No. 2071 (1R).

STATEMENT TO
SENATE, No. 1698

with Senate Floor Amendments
(Proposed By Senator VITALE)

ADOPTED: JANUARY 8, 2004

These amendments allow the Administrative Office of the Courts (AOC) to release the records of the central registry (established in N.J.S.A.2C:25-34) concerning domestic violence restraining orders, crimes and offenses involving domestic violence and violations of court orders involving domestic violence to a surrogate, in that person's official capacity as deputy clerk of the Superior Court, to prepare documents that may be necessary for a court to determine an issue in an adoption proceeding. The bill, as originally introduced, would have allowed the release of these records directly to an approved adoption agency conducting a home study.

A surrogate who receives the records from the AOC shall keep the records confidential and shall not disseminate or disclose them to the public.

The amendments direct the court, upon a request from a surrogate and not more than 30 days prior to an adoption hearing for a child received by an approved agency or a preliminary hearing for a child not received from an approved agency, to conduct a search of the central registry to determine if any records concerning domestic violence restraining orders and violations of court orders involving domestic violence relate to a prospective adoptive parent or any member of the parent's household.

Finally, the amendments direct the court to provide the results of the search to the surrogate for inclusion in the court's adoption file and, if the results contain any material findings or recommendations adverse to the plaintiff, the court shall provide the results to the approved agency, which shall then serve the results upon the plaintiff. If the plaintiff is a stepparent of the child and the court dispenses with an approved agency investigation and report, the amendments direct the surrogate to serve a copy of the results upon the plaintiff at least five days prior to the preliminary hearing, if the results of the court's search contain any material findings or recommendations adverse to the plaintiff.

These amendments would make this bill identical to Assembly Bill No.2071 (2R).