

9:3-54.2

LEGISLATIVE HISTORY CHECKLIST

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(Foreign adoptions--criminal history
background checks)

NJSA: 9:3-54.2

LAWS OF: 1997 CHAPTER: 176

BILL NO: A1637

SPONSOR(S): Doria

DATE INTRODUCED: March 4, 1996

COMMITTEE: ASSEMBLY: Community Services

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
First reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 17, 1996

SENATE: June 26, 1997

DATE OF APPROVAL: July 30, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 1637

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1996

By Assemblymen DORIA, BAGGER, Felice,
Senators Inverso and Cafiero

1 AN ACT concerning adoption and amending P.L.1993, c.345.

2

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

5

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

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

14 For the purposes of this section, the ¹[State and]¹ federal criminal
15 history record check conducted by the ¹Immigration and
16 Naturalization Service in the federal Department of Justice¹ on a
17 prospective adoptive parent ¹[whose child's adoption in a foreign
18 country is recognized by the United States government]¹ shall be valid
19 for the prospective adoptive parent in fulfilling the home study
20 requirement for the State.

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

26 (3) The cost of all criminal history record checks conducted
27 pursuant to this section shall be paid by the prospective adoptive

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACO committee amendments adopted June 3, 1996.

1 parent or household member at the time the fingerprint cards are
2 submitted.

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

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

9 (6) The department shall advise the approved agency of
10 information received from State and federal criminal history record
11 checks based upon the fingerprints submitted by the agency.
12 Information provided to the approved agency shall be confidential and
13 not disclosed by the approved agency to any individual or entity
14 without the written permission of the person who is the subject of the
15 record check.

16 (7) The commissioner shall adopt regulations for the use of
17 criminal history record information by approved agencies when
18 determining the suitability of a home for the placement of a child for
19 the purposes of adoption.

20 b. (1) Beginning one year after the effective date of this act, a
21 home study completed by an approved agency shall include a
22 recommendation regarding the suitability of the home for the
23 placement of the child based upon a check for any records which might
24 reveal a history of child abuse or neglect by the proposed adoptive
25 parent or member of the parent's household who is 18 years of age or
26 older.

27 (2) Beginning one year after the effective date, at the request of an
28 approved agency, the commissioner or his designee shall conduct a
29 search of the records of the Division of Youth and Family Services
30 regarding referrals of dispositions of child abuse or neglect matters as
31 to the proposed adoptive parent and any member of the parent's
32 household 18 years of age or older, and, if there is information that
33 would raise a question of the suitability of the proposed adoptive
34 parent or member of the parent's household to have guardianship of a
35 child, shall provide that information to the approved agency for its
36 consideration. Information provided to the approved agency pursuant
37 to this paragraph shall be confidential. The commissioner shall
38 establish penalties for disclosure of this confidential information.

39 (cf: P.L.1993, c.345, s.21)

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41 2. This act shall take effect immediately.

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44

45 Eliminates duplicate requirement of criminal history record check for
46 certain foreign adoptions.

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2 checks based upon the fingerprints submitted by the agency.
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4 not disclosed by the approved agency to any individual or entity
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29 establish penalties for disclosure of this confidential information.

30 (cf: P.L.1993, c.345, s.21)

31

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34

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STATEMENT

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37 This bill amends P.L.1993, c.345 (C.9:3-54.2) by recognizing that
38 the criminal history record fingerprint background check which is
39 conducted on a prospective adoptive parent whose child's adoption in
40 a foreign country is recognized by the United States government, shall
41 be valid for the prospective adoptive parent for fulfilling the home
42 study requirement for New Jersey.

43 This will ensure that prospective adoptive parents do not have to
44 undergo duplicative background checks and will expedite the home
45 study requirement.

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- 2
- 3 Eliminates duplicate requirement of criminal history record check for
- 4 certain foreign adoptions.

ASSEMBLY COMMUNITY SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1637

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 3, 1996

The Assembly Community Services Committee reports favorably Assembly Bill No. 1637 with committee amendments.

As amended by committee, this bill amends P.L.1993, c.345 (C.9:3-54.2) by recognizing that the criminal history record fingerprint background check which is conducted on a prospective adoptive parent whose child's adoption in a foreign country is recognized by the United States government, shall be valid for the prospective adoptive parent for fulfilling the home study requirement for New Jersey.

This will ensure that prospective adoptive parents do not have to undergo duplicative background checks and will expedite the home study requirement.

The committee amendments are technical in nature and clarify that the federal criminal history check conducted by the Immigration and Naturalization Service would be valid for the prospective adoptive parent for fulfilling the home study requirement for New Jersey.