

ASSEMBLY, No. 1637

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1996

By Assemblymen DORIA and BAGGER

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

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

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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 State and federal criminal  
15 history record check conducted on a prospective adoptive parent  
16 whose child's adoption in a foreign country is recognized by the United  
17 States government shall be valid for the prospective adoptive parent  
18 in fulfilling the home study requirement for the State.

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

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

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

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

34 (6) The department shall advise the approved agency of

**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 information received from State and federal criminal history record  
2 checks based upon the fingerprints submitted by the agency.  
3 Information provided to the approved agency shall be confidential and  
4 not disclosed by the approved agency to any individual or entity  
5 without the written permission of the person who is the subject of the  
6 record check.

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

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

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

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

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32 2. This act shall take effect immediately.

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