

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 1637

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# STATE OF NEW JERSEY

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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.

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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 <sup>1</sup>[State and]<sup>1</sup> federal criminal  
15 history record check conducted by the <sup>1</sup>Immigration and  
16 Naturalization Service in the federal Department of Justice<sup>1</sup> on a  
17 prospective adoptive parent <sup>1</sup>[whose child's adoption in a foreign  
18 country is recognized by the United States government]<sup>1</sup> 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:**

<sup>1</sup> 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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45 Eliminates duplicate requirement of criminal history record check for  
46 certain foreign adoptions.