

P.L. 1997, CHAPTER 176, *approved July 31, 1997*  
Assembly, No. 1637 (*First Reprint*)

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  
28 parent or household member at the time the fingerprint cards are  
29 submitted.

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

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

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

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

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

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

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

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37 2. This act shall take effect immediately.

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42 Eliminates duplicate requirement of criminal history record check for  
43 certain foreign adoptions.