

SENATE, No. 1210

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

Sponsored by:

Senator ANTHONY R. BUCCO
District 25 (Morris and Somerset)

Co-Sponsored by:

Senator Oroho

SYNOPSIS

Requires certain employees and candidates for public school employment or service and youth camp employees to undergo child abuse record information check.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/6/2016)

1 AN ACT concerning child abuse record checks and supplementing
2 P.L.1986, c.116 (C.18A:6-7.1 et seq.), P.L.1989, c.104
3 (C.18A:39-19.1), and P.L.1973, c.375 (C.26:12-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. A candidate for employment with a school district or an
9 employee of a contracted service provider who is required to
10 undergo a criminal history record check pursuant to P.L.1986, c.116
11 (C.18A:6-7.1 et seq.), shall also be subject to a child abuse record
12 information check conducted by the Department of Children and
13 Families.

14 The candidate for employment or service shall provide prior
15 written consent for the department to conduct the child abuse record
16 information check, and shall bear the cost of the check, including
17 all costs for administering and processing the check.

18 b. If the Department of Children and Families determines upon a
19 search of its child abuse registry that an allegation of child abuse or
20 neglect has been substantiated, pursuant to section 4 of P.L.1971,
21 c.437 (C.9:6-8.11), against the candidate, the candidate shall be
22 permanently disqualified from employment or service with a school
23 district.

24 c. Notwithstanding the provisions of this section, an individual
25 shall not be disqualified from employment or service under this
26 section on the basis of any information disclosed by a child abuse
27 record information check performed pursuant to this section without
28 an opportunity to challenge the accuracy of the disqualifying child
29 abuse record.
30

31 2. a. An employee of a school district or a contracted service
32 provider who is employed on the effective date of P.L. ,
33 c. (C.) (pending before the Legislature as this bill) in a
34 position that requires a criminal history record check under section
35 1 of P.L.1986, c.116 (C.18A:6-7.1), shall be subject to a child abuse
36 record information check.

37 The employee shall provide prior written consent for the
38 Department of Children and Families to conduct the child abuse
39 record information check, and shall bear the cost of the check,
40 including all costs for administering and processing the check.

41 b. The Department of Children and Families shall establish a
42 schedule for conducting the child abuse record information checks
43 required by subsection a. of this section. The schedule shall
44 provide for the completion of the record checks within five years of
45 the effective date of P.L. , c. (C.) (pending before the
46 Legislature as this bill).

47 c. If the Department of Children and Families determines upon
48 a search of its child abuse registry that an allegation of child abuse

1 or neglect has been substantiated, pursuant to section 4 of P.L.1971,
2 c.437 (C.9:6-8.11), against the employee, the employee shall not be
3 eligible for continued employment or service with the school
4 district and shall be permanently disqualified from employment or
5 service with a school district.

6 d. Notwithstanding the provisions of this section, an individual
7 shall not be disqualified from employment or service under this
8 section on the basis of any information disclosed by a child abuse
9 record information check performed pursuant to this section without
10 an opportunity to challenge the accuracy of the disqualifying child
11 abuse record.

12

13 3. a. Prior to employment as a school bus driver, and upon
14 application for renewal of a school bus driver's license, an
15 individual employed by a school district or a contracted service
16 provider who is required to undergo a criminal history record check
17 pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1), shall also
18 be subject to a child abuse record information check conducted by
19 the Department of Children and Families.

20 The individual shall provide prior written consent for the
21 department to conduct the child abuse record information check,
22 and shall bear the cost of the check, including all costs for
23 administering and processing the check.

24 b. If the Department of Children and Families determines upon a
25 search of its child abuse registry that an allegation of child abuse or
26 neglect has been substantiated, pursuant to section 4 of P.L.1971,
27 c.437 (C.9:6-8.11), against the individual, the individual shall be
28 permanently disqualified from employment or service, and shall not
29 be eligible to operate a school bus.

30 c. Notwithstanding the provisions of this section, an individual
31 shall not be disqualified from employment or service under this
32 section on the basis of any information disclosed by a child abuse
33 record information check performed pursuant to this section without
34 an opportunity to challenge the accuracy of the disqualifying child
35 abuse record.

36

37 4. a. An employee of a youth camp or candidate for
38 employment with a youth camp shall be subject to a child abuse
39 record information check conducted by the Department of Children
40 and Families.

41 The employee or candidate shall provide prior written consent
42 for the department to conduct the child abuse record information
43 check, and shall bear the cost of the check, including all costs for
44 administering and processing the check.

45 b. If the Department of Children and Families determines upon a
46 search of its child abuse registry that an allegation of child abuse or
47 neglect has been substantiated, pursuant to section 4 of P.L.1971,
48 c.437 (C.9:6-8.11), against the employee or candidate, the employee

1 or candidate shall be permanently disqualified from employment
2 with a youth camp.

3 c. Notwithstanding the provisions of this section, an individual
4 shall not be disqualified from employment under this section on the
5 basis of any information disclosed by a child abuse record
6 information check performed pursuant to this section without an
7 opportunity to challenge the accuracy of the disqualifying child
8 abuse record.

9

10 5. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 Under this bill, candidates for employment with a school district
16 and employees of a contracted service provider, including school
17 bus drivers, who are required under current law to undergo a
18 criminal history record check also will be required to undergo a
19 child abuse record information check. The child abuse record
20 information check will be conducted by the Department of Children
21 and Families, which maintains the State's child abuse registry
22 pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11). The bill
23 requires the candidate for employment or service to provide prior
24 written consent for the child abuse record information check and to
25 pay for the cost of the check. In the case of a school bus driver, the
26 child abuse record information check will be required prior to initial
27 employment and upon application for renewal of a school bus
28 driver's license.

29 If the Department of Children and Families determines upon a
30 search of its child abuse registry that an allegation of child abuse or
31 neglect has been substantiated against the candidate, the candidate
32 will be permanently disqualified from employment or service with a
33 school district. In the case of a school bus driver, the individual
34 would also be ineligible to operate a school bus.

35 In addition, the bill will require child abuse record information
36 checks for employees of a school district or a contracted service
37 provider who are already employed on the effective date of the bill
38 in positions that require a criminal history record check as a
39 condition of employment. The Department of Children and
40 Families will establish a schedule for conducting the child abuse
41 record information checks of current employees and will complete
42 the checks within five years of the bill's effective date. If the
43 department determines upon a search of its child abuse registry that
44 an allegation of child abuse or neglect has been substantiated
45 against a current employee, the employee will not be eligible for
46 continued employment, and will be permanently disqualified from
47 employment or service with a school district.

1 The bill will also require youth camp employees and candidates
2 for employment with a youth camp to undergo a child abuse record
3 information check conducted by the Department of Children and
4 Families. The youth camp employee or candidate must provide
5 prior written consent for the check and pay for the cost of the check.
6 If the department determines upon a search of its child abuse
7 registry that an allegation of child abuse or neglect has been
8 substantiated against the employee or candidate, the individual will
9 be permanently disqualified from employment with a youth camp.