

ASSEMBLY, No. 72

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman KAVANAUGH

1 AN ACT concerning certain children's records and supplementing Title
2 9 of the Revised Statutes.

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

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7 1. a. Notwithstanding any other provision of law to the contrary,
8 every parent shall have access to records and information pertaining
9 to his or her minor child, including, but not limited to, medical, dental,
10 insurance, child care and educational records, whether or not the child
11 resides with the parent, unless that access is found by the court to be
12 not in the best interest of the child or the access is found by the court
13 to be sought for the purpose of causing detriment to the other parent.

14 b. The place of residence of either parent shall not appear on any
15 records or information released pursuant to the provisions of this
16 section.

17 c. Any parent may petition the court to have the other parent's
18 access to the records limited. If the court, after a hearing, finds that
19 the parent's access to the record is not in the best interest of the child
20 or that the access sought is for the purpose of causing detriment to the
21 other parent, the court may order that access to the records be limited.

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23 2. The Department of Education shall promulgate rules and
24 regulations pursuant to the "Administrative Procedure Act," P.L.
25 1968, c. 410 (C.52:14B-1 et seq.) to effectuate the purposes of this
26 act.

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28 3. This act shall take effect immediately.

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31 STATEMENT

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33 This bill would guarantee all parents equal access to their children's
34 medical, dental, insurance, child care and school records. The bill
35 would provide that the place of residence or other identifying

1 information about either parent would not appear on any records
2 distributed. The bill would also authorize the court to deny access to
3 the records if it finds that it is not in the best interest of the child or if
4 the access is sought only for the purpose of causing the other parent
5 to suffer a detriment.

6 The bill would also grant rule making powers to the Department of
7 Education to establish guidelines and procedures for distributing
8 records to the parents.

9 This bill embodies recommendation number 7 of the report of the
10 Commission to Study the Law of Divorce, issued April 18, 1995.

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15 Provides divorced parents access to children's records.