

ASSEMBLY, No. 703

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ZISA and Assemblywoman WEINBERG

1 AN ACT concerning child abuse and neglect and amending P.L.1977,  
2 c.102.

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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. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to read  
8 as follows:

9 1. a. All records of child abuse reports made pursuant to section  
10 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained by the  
11 Division of Youth and Family Services in investigating such reports  
12 including reports received pursuant to section 20 of P.L.1974, c.119  
13 (C.9:6-8.40), and all reports of findings forwarded to the central  
14 registry pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11) shall be  
15 kept confidential and [may] shall be disclosed only under the  
16 circumstances expressly authorized under subsection b. herein.

17 b. The division [may] shall release the records and reports referred  
18 to in subsection a., or parts thereof, to:

19 (1) A public or private child protective agency authorized to  
20 investigate a report of child abuse or neglect;

21 (2) A police or other law enforcement agency investigating a report  
22 of child abuse or neglect;

23 (3) A physician who has before him a child whom he reasonably  
24 suspects may be abused or neglected;

25 (4) A physician, a hospital director or his designate, a police officer  
26 or other person authorized to place a child in protective custody when  
27 such person has before him a child whom he reasonably suspects may  
28 be abused or neglected and requires the information in order to  
29 determine whether to place the child in protective custody;

30 (5) An agency authorized to care for, treat, or supervise a child  
31 who is the subject of a child abuse report, or a parent, guardian or  
32 other person who is responsible for the child's welfare, or both, when

**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 the information is needed in connection with the provision of care,  
2 treatment, or supervision to such child or such parent, guardian or  
3 other person;

4 (6) A court, upon its finding that access to such records may be  
5 necessary for determination of an issue before the court, and such  
6 records may be disclosed by the court in whole or in part to the law  
7 guardian, attorney or other appropriate person upon a finding that  
8 such further disclosure is necessary for determination of an issue  
9 before the court;

10 (7) A grand jury upon its determination that access to such records  
11 is necessary in the conduct of its official business;

12 (8) Any appropriate State legislative committee acting in the  
13 course of its official functions, provided, however, that no names or  
14 other information identifying persons named in the report shall be  
15 made available to the legislative committee unless it is absolutely  
16 essential to the legislative purpose;

17 (9) Any person engaged in a bona fide research purpose, provided,  
18 however, that no names or other information identifying persons  
19 named in the report shall be made available to the researcher unless it  
20 is absolutely essential to the research purpose and provided further  
21 that the approval of the director of the Division of Youth and Family  
22 Services shall first have been obtained;

23 (10) A family day care sponsoring organization for the purpose of  
24 providing information on child abuse or neglect allegations involving  
25 prospective or current providers or household members pursuant to  
26 P.L.1993, c.350 (C.30:5B-25.1 et al.) and as necessary, for use in  
27 administrative appeals related to information obtained through a  
28 central registry search.

29 Any individual, agency, court, grand jury or legislative committee  
30 which receives from the division the records and reports referred to in  
31 subsection a., shall keep such records and reports, or parts thereof,  
32 confidential.

33 c. All information obtained by the division during their  
34 investigation of a report of child abuse or neglect shall be forwarded  
35 to the police or law enforcement agency in whose jurisdiction the child  
36 named in the report resides. The police or law enforcement agency  
37 shall keep such information confidential.

38 (cf. P.L.1993, c.350 s.5)

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40 2. This act shall take effect immediately.

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#### STATEMENT

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45 This bill amends section 1 of P.L.1977, c.102 (C.9:6-8.10a) to  
46 require that all reports of child abuse or neglect and all records and

1 information obtained by the Division of Youth and Family Services  
2 (DYFS) during an investigation of a report of child abuse or neglect  
3 be kept confidential, except that DYFS would be required to disclose  
4 the information to all the individuals and agencies authorized under the  
5 law to receive such information. Under current law, DYFS is allowed,  
6 but not required, to disclose the information.

7 The bill also amends the statutes to require that DYFS provide all  
8 the information obtained during their investigation of a report of child  
9 abuse or neglect to the police or law enforcement agency in whose  
10 jurisdiction the child named in the report resides. The police or law  
11 enforcement agency would be required to keep the information  
12 confidential.

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17 Requires DYFS to provide information on child abuse or neglect  
18 investigations to police and law enforcement agencies.