

ASSEMBLY, No. 971

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen ASSELTA and GIBSON

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 be disclosed only under the circumstances
16 expressly authorized under subsection b. herein.

17 b. The division may release the records and reports referred to in
18 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 or the Office of Administrative Law, upon its finding
5 that access to such records may be necessary for determination of an
6 issue before [the court] it, and such records may be disclosed by the
7 court or the Office of Administrative Law in whole or in part to the
8 law guardian, attorney or other appropriate person upon a finding that
9 such further disclosure is necessary for determination of an issue
10 before the court or the Office of Administrative Law;

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

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

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

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

30 (11) The Victims of Crime Compensation Board, for the purpose
31 of providing services available pursuant to the "Criminal Injuries
32 Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) to
33 a child victim who is the subject of such report;

34 (12) Any person appealing a division service or status action or a
35 substantiated finding of child abuse or neglect and his attorney or
36 authorized lay representative upon a determination by the division or
37 the presiding Administrative Law Judge that such disclosure is
38 necessary for a determination of the issue on appeal;

39 (13) Any person or entity mandated by statute to consider child
40 abuse or neglect information when conducting a background check or
41 employment-related screening of an individual employed by or seeking
42 employment with an agency or organization providing services to
43 children;

44 (14) Any person or entity conducting a disciplinary, administrative
45 or judicial proceeding to determine terms of employment or continued
46 employment of an officer, employee, or volunteer with an agency or

1 organization providing services for children. The information may be
2 disclosed in whole or in part to the appellant or other appropriate
3 person only upon a determination by the person or entity conducting
4 the proceeding that the disclosure is necessary to make a
5 determination.

6 Any individual, agency, board, court, grand jury or legislative
7 committee which receives from the division the records and reports
8 referred to in subsection a., shall keep such records and reports, or
9 parts thereof, confidential.

10 (cf. P.L.1995, c.135 s.9)

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12 2. This act shall take effect immediately.

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STATEMENT

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17 This bill amends section 1 of P.L.1977, c.102 (C.9:6-8.10a) to
18 allow the disclosure of records of child abuse reports to:

19 1. The Office of the Administrative Law, if access to such records
20 is necessary to make a determination of an issue before the office;

21 2. An individual appealing a division service or status action or a
22 substantiated finding of child abuse or neglect and his attorney or
23 authorized lay representative, if access to the records is necessary for
24 a determination of the issue on appeal;

25 3. A person or entity required to conduct a background check or
26 employment-related screening of an individual employed or seeking
27 employment with an agency or organization providing services to
28 children; and

29 4. A person or entity conducting a disciplinary, administrative, or
30 judicial proceeding to determine terms of employment or continued
31 employment of an officer, employee, or volunteer with an agency or
32 organization providing services for children. The information found
33 in the records may be disclosed, if access to the information is
34 necessary for the person or entity conducting the proceeding to make
35 a determination.

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41 Allows certain individuals or entities access to records of child abuse reports.