

ASSEMBLY, No. 971

STATE OF NEW JERSEY

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
33 the information is needed in connection with the provision of care,
34 treatment, or supervision to such child or such parent, guardian or

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 other person;

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

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

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

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

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

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

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

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

42 (14) Any person or entity conducting a disciplinary, administrative
43 or judicial proceeding to determine terms of employment or continued
44 employment of an officer, employee, or volunteer with an agency or
45 organization providing services for children. The information may be
46 disclosed in whole or in part to the appellant or other appropriate

1 person only upon a determination by the person or entity conducting
2 the proceeding that the disclosure is necessary to make a
3 determination.

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

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

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10 2. This act shall take effect immediately.

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