

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1243

STATE OF NEW JERSEY

DATED: JANUARY 23, 1997

The Assembly Judiciary Committee reports an Assembly Committee Substitute for Assembly Bill No. 1243.

The substitute provides that staff members employed at child care centers must undergo a check by DYFS to determine if an incident of child abuse or neglect has been substantiated against them. The division shall not issue a regular license or approval to a center until the division determines that no staff member at the center has a record of substantiated child abuse or neglect. The division shall deny, revoke or refuse to renew the center's license or approval if the division determines that an incident of child abuse or neglect by an owner or sponsor of a center has been substantiated.

A staff member shall provide prior written consent for the division to conduct a check of its child abuse records.

Within two weeks after a new staff member's employment, the owner or sponsor of a center shall notify the division to conduct a check of its child abuse records to determine if an incident of child abuse or neglect has been substantiated against the staff member. Until the results of the child abuse record information check on a new staff member have been received by the center owner or sponsor, the staff member shall not be left alone at the center caring for children.

The division shall complete the child abuse record information check within 45 days after receiving the request for the check.

The division shall consider any incidents of child abuse or neglect that were substantiated on or after June 29, 1995, to ensure that perpetrators have had an opportunity to appeal a substantiated finding of abuse or neglect; except that the division may consider substantiated incidents prior to that date if the division, in its judgment, determines that the individual poses a risk of harm to children in a child care center. In cases involving incidents substantiated prior to June 29, 1995, the division shall offer the individual an opportunity for a hearing. According to the Department, the significance of the date is that on or after June 29, 1995 the department by regulation provides for a hearing in substantiated cases.

The substitute provides rule-making authority to the Department. It also provides that the Commissioner of Human Services shall report

to the Governor and the Legislature no later than three years from the effective date of this act on the effectiveness of the child abuse record information checks in screening staff members and sponsors of child care centers.

A staff member shall be charged a fee established by the Department not to exceed \$10.00. Child care centers may reimburse their employees if they choose.

The committee considered permitting the Department to change the fee for the background check by regulation after three years but decided to leave the language at "a fee not to exceed \$10.00." When the Department reports back to the Legislature in three years a recommendation as to the fee may be included at that time.