

ASSEMBLY, No. 1390

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman PASCRELL

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

3

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, upon written request,** be disclosed
16 only under the circumstances expressly authorized under subsection b.
17 herein.

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

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

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

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

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

31 (5) An agency authorized to care for, treat, or supervise a child
32 who is the subject of a child abuse report, or a parent, guardian or
33 other person who is responsible for the child's welfare, or both, when
34 the information is needed in connection with the provision of care,

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 treatment, or supervision to such child or such parent, guardian or
2 other person;

3 (6) A court, upon its finding that access to such records may be
4 necessary for determination of an issue before the court, and such
5 records may be disclosed by the court in whole or in part to the law
6 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;

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.30:58B-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) A county or local governmental entity or any agent of the
33 entity, including, but not limited to, a chief executive officer of a
34 municipality or township, with a need for the information in order to
35 carry out its responsibilities under the law to protect children from
36 abuse and neglect.

37 Any individual, agency, board, court, grand jury or legislative
38 committee which receives from the division the records and reports
39 referred to in subsection a., shall keep such records and reports, or
40 parts thereof, confidential.

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

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43 2. This act shall take effect immediately.

