

ASSEMBLY, No. 1700

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1996

By Assemblyman ZISA

1 AN ACT concerning child abuse and amending and supplementing
2 P.L.1974, c.119.

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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 31 of P.L.1974, c.119 (C.9:6-8.51) is amended to read
8 as follows:

9 31. a. At the conclusion of a dispositional hearing under this act,
10 the court shall enter an order of disposition: (1) suspending judgment
11 in accord with section 32 hereof; (2) releasing the child to the custody
12 of his parents or guardian in accord with section 33 hereof; (3)
13 placing the child in accord with section 34 hereof; (4) making an
14 order of protection in accord with section 35 hereof; (5) placing the
15 respondent on probation in accord with section 36 hereof; (6)
16 requiring that an individual found to have abused or neglected a child
17 accept therapeutic services, and this order may be carried out in
18 conjunction with any other order of disposition.

19 b. The order of disposition shall also mandate that an individual
20 found to have abused or neglected a child receive professional
21 counseling, perform 250 hours of community service and shall be
22 subject to a civil penalty of \$5,000.

23 c. The court shall state the grounds for any disposition made under
24 this section.

25 (cf. P.L.1974, c.119, s.31)

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27 2. Section 35 of P.L.1974, c.119 (C.9:6-8.55) is amended to read
28 as follows:

29 35. The court may make an order of protection in assistance or as
30 a condition of any other order made under this act. The order of
31 protection may set forth reasonable conditions of behavior to be
32 observed for a specified time by a person who is before the court and
33 is a parent or guardian responsible for the child's care or the spouse
34 of the parent or guardian, or both. Such an order may require any

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 such person: a. To stay away from the home, the other spouse or the
2 child; b. To permit a parent to visit the child at stated periods; c. To
3 abstain from offensive conduct against the child or against the other
4 parent or against any person to whom custody of the child is awarded;
5 d. To give proper attention to the care of the home; and e. To refrain
6 from acts of commission or omission that tend to make the home not
7 a proper place for the child. The order shall also mandate that the
8 person who is before the court receive professional counseling,
9 perform 250 hours of community service and shall be subject to a civil
10 penalty of \$5,000.

11 The court may also award custody of the child, during the term of
12 the order of protection to either parent or to an appropriate relative;
13 however, nothing in this section shall be construed to give the court
14 power to place or board out any child or to commit a child to the
15 custody of an institution or agency. In making orders of protection,
16 the court shall so act as to insure that in the care, protection,
17 discipline and guardianship of the child, his religious faith shall be
18 preserved and protected.

19 (cf. P.L.1974, c.119, s.35)

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21 3. Section 38 of P.L.1974, c.119 (C.9:6-8.58) is amended to read
22 as follows:

23 38. In cases where, in the opinion of the court, an individual found
24 to have abused or neglected a child appears to be in need of
25 therapeutic services, the court may order the individual to accept such
26 services or evaluation for such services, including, but not limited to,
27 homemaker services, functional education[,] and group self-help
28 programs[, and professional therapy]; provided, however, that the
29 court may not commit any person to any residential mental health
30 facility without the consent of such person or after a hearing held
31 pursuant to the requirements of R.S.30:4-23 et seq. The court shall
32 determine the ability to pay and the method of payment for the care,
33 as it orders.

34 (cf. P.L.1974, c.119, s.38)

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36 4. (New section) If an individual found to have abused or
37 neglected a child, willfully and without just cause fails to pay a civil
38 penalty levied according to the terms and conditions of an order of
39 disposition issued under section 31 of P.L.1974, c.119 (C.9:6-8.51),
40 or an order of protection issued under section 35 of P.L.1974, c.119
41 (C.9:6-8.55), the court shall place a continuing lien on all the property
42 and assets of the individual until the penalty is paid in full.

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44 5. (New section) All proceeds from fines levied against an
45 individual found to have abused or neglected a child shall be deposited

1 into the "Children's Trust Fund" pursuant to section 2 of P.L.1985,
2 c.97 (C.54A:9-25.4).

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4 6. This act shall take effect immediately.

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STATEMENT

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9 Child abuse is a serious problem and it is the State's duty to assure
10 that the lives of children at risk of abuse or neglect are properly
11 safeguarded and to ensure that the individuals responsible for abusing
12 children are dealt with in the appropriate manner.

13 This bill amends various sections of P.L.1974, c.119 (C.9:6-8.21
14 et seq.) to require that the Family Court, when adjudicating a case of
15 child abuse or neglect, order an individual found to have abused or
16 neglected a child to receive professional counseling, perform 250
17 hours of community service and be subject to a penalty of \$5,000.
18 The proceeds from the penalties would be deposited in the State's
19 "Children's Trust Fund."

20 The bill would also require the court to place a continuing lien on
21 the property and assets of any individual who, willfully and without
22 just cause, fails to pay the civil penalty levied against them through an
23 order of protection or an order of disposition.

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28 Requires the court to require individuals found to have abused or
29 neglected a child to receive professional counseling, perform
30 community service and be subject to a penalty.