

§§1-9
C. 30:5B-6.1
To
30:5B-6.9
§10
Note To §§1-9

P.L. 1997, CHAPTER 254, *approved September 17, 1997*
Assembly Committee Substitute (*First Reprint*) for
Assembly, No. 1243

1 **AN ACT** requiring child abuse record information checks for staff
2 members of child care centers and supplementing Title 30 of the
3 Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. As used in this act:

9 "Department" means the Department of Human Services.

10 "Division" means the Division of Youth and Family Services in the
11 Department of Human Services.

12 "Staff member" means any owner, sponsor, director or person
13 employed by or working at a child care center on a regularly scheduled
14 basis during the center's operating hours, including full-time, part-time,
15 voluntary, contract, consulting, and substitute staff, whether
16 compensated or not.

17 "Child care center" or "Center" means any facility which is
18 maintained for the care, development or supervision of six or more
19 children under 13 years of age who attend the facility for less than 24
20 hours a day, and which is subject to State licensure or life-safety
21 approval, pursuant to the provisions of the "Child Care Licensing
22 Act," P.L. 1983, c.492 (C.30:5B-1 to 30:5B-15) .

23

24 2. a. As a condition of securing a new or renewal license or
25 approval, the division shall conduct a check of the division's child
26 abuse records to determine if an incident of child abuse or neglect has

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted March 20, 1997.

- 1 been substantiated pursuant to section 4 of P.L. 1971, c.437 (C.9:6-
2 8.11), against any staff member of a child care center.
- 3 b. The division shall not issue a regular license or approval to a
4 center until the division determines that no staff member employed by
5 or working at the center has a record of substantiated child abuse or
6 neglect.
- 7 c. The division shall deny, revoke or refuse to renew the center's
8 license or approval, as appropriate, if the division determines that an
9 incident of child abuse or neglect by an owner or sponsor of a center
10 has been substantiated.
- 11
- 12 3. a. The staff member shall provide prior written consent for the
13 division to conduct a check of its child abuse records.
- 14 b. If the owner or sponsor of the center refuses to consent to, or
15 cooperate in, the securing of a division child abuse record information
16 check, the division shall suspend, deny, revoke or refuse to renew the
17 center's license or approval, as appropriate.
- 18 c. If a staff member of a center, other than the owner or sponsor,
19 refuses to consent to, or cooperate in, the securing of a division child
20 abuse record information check, the person shall be immediately
21 terminated from employment at the center.
- 22
- 23 4. a. Within two weeks after a new staff member's employment,
24 the owner or sponsor of a center shall notify the division to conduct
25 a check of its child abuse records to determine if an incident of child
26 abuse or neglect has been substantiated against the staff member.
- 27 b. Until the results of the child abuse record information check on
28 a new staff member have been received by the center owner or
29 sponsor, the staff member shall not be left alone at the center caring
30 for children.
- 31 c. If the division determines that an incident of child abuse or
32 neglect by the staff member has been substantiated, the division shall
33 advise the center owner or sponsor of the results of the child abuse
34 record information check and the center shall immediately terminate
35 the person from employment at the center.
- 36
- 37 5. The division shall complete the child abuse record information
38 check within 45 days after receiving the request for the check.
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- 40 6. The division shall consider, for the purposes of this act, any
41 incidents of child abuse or neglect that were substantiated on or after
42 June 29, 1995, to ensure that perpetrators have had an opportunity to
43 appeal a substantiated finding of abuse or neglect; except that the
44 division may consider substantiated incidents prior to that date if the
45 division, in its judgment, determines that the individual poses a risk of
46 harm to children in a child care center. In cases involving incidents

1 substantiated prior to June 29, 1995, the division shall offer the
2 individual an opportunity for a hearing to contest its action restricting
3 the individual from employment in a child care center.

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5 7. In accordance with the "Administrative Procedure Act,"
6 P.L.1968, c.410 (C.52:14B-1 et seq.), the Department shall adopt
7 rules and regulations necessary to implement the provisions of this act,
8 including but not limited to:

9 a. Procedures for centers to follow in submitting requests for child
10 abuse record information checks on staff members;

11 b. Implementation of an appeals process to be used in the case of
12 a suspension, denial, revocation, or refusal to renew a license or
13 approval based on a finding of substantiated child abuse or neglect;
14 and

15 c. Establishment of procedures for conducting a child abuse
16 record information check and providing the center with the results of
17 the check.

18
19 8. The Commissioner of Human Services shall report to the
20 Governor and the Legislature no later than three years from the
21 effective date of this act on the effectiveness of the child abuse record
22 information checks in screening staff members and sponsors of child
23 care centers. The Commissioner shall include in the report
24 recommendations for modifying the provisions of this act which he
25 believes to be necessary and appropriate.

26
27 9. a. Notwithstanding the provisions of P.L.1985, c.69 (C.53:1-
28 20.6), a staff member subject to this act shall be charged a fee
29 established by the Department ¹[not to exceed \$10.00]¹ to help defray
30 the cost to the State of the division's child abuse record information
31 check. The center may use its own discretion in offering to pay or
32 reimburse the staff member for the cost of the child abuse record
33 information check.

34 b. The money collected by the division for child abuse record
35 information checks shall be deposited in a special fund and shall
36 constitute dedicated revenues to be used as necessary by the division
37 to effectuate the purpose of this act.

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39 10. This act shall take effect on the 180th day after enactment.

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42 _____
43
44 Requires DYFS child abuse record information checks on employees
45 of licensed or life-safety approved child care centers.