

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY
SERVICES COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 236 and 237

STATE OF NEW JERSEY

DATED: JANUARY 23, 1997

The Senate Women's Issues, Children and Family Services Committee favorably reports a Senate Committee Substitute for Senate Bill Nos. 236 and 237.

This Senate Committee Substitute establishes a Child Death and Critical Incident Review Board in, but not of, the Department of Human Services. The board would investigate any situation involving children currently or formerly under the supervision of the Division of Youth and Family Services (DYFS) who:

1. are or were the subject of a critical incident, resulting in death;
2. are or were the subject of a critical incident, not resulting in death but whose circumstances have been identified by the board as raising issues that could result in recommendations for policy, legislative or regulatory changes in departmental or divisional procedures; or
3. have died and whose deaths were not due to an act of child abuse or neglect, but who died under circumstances that have been identified by the board as raising issues which could result in recommendations for policy, legislative or regulatory changes in departmental or divisional procedures.

The board would also be required to receive and investigate complaints about DYFS concerning the death or serious injury of a child; examine ways to achieve better coordination and collaboration among State and local agencies to ensure maximum effectiveness in the prevention of the death and serious injury of children under the State's care; and submit an annual report to the Governor and the Legislature on the number of cases reviewed, a summary of the circumstances surrounding each case, the outcome of each internal review and the follow-up action taken by the board concerning each case.

The substitute also amends section 1 of P.L.1977, c.102 (C.9:6-8.10a) to require that all reports of the board's reviews be kept confidential, except that the board may, and upon written request, shall, release a report to the parents or guardian of a child who is the subject of a review. The provisions of the substitute would also allow

a parent or guardian to release the contents of the report to the public if it is determined that the disclosure is necessary to identify needed policy, regulatory or legislative changes in departmental or divisional procedures. The substitute specifies, however, that no identifying information contained in the report shall be made public.

Under the provisions of the substitute the Division of Youth and Family Services would be able to disclose information, concerning a child under its care and supervision to the public, only if the information is relevant to the purpose for which it is sought. DYFS could not disclose the information if the disclosure would be likely to endanger the life, safety, or emotional well-being of the child or another person named in the report.

The substitute specifies that the disclosure of any information deemed confidential under State and federal law would be prohibited.

The substitute also amends this section of law to expand the list of individuals or entities allowed access to records of child abuse reports to include:

1. An authorized member of a duly designated regional child abuse diagnostic center which is involved with a particular child who is the subject of the request;

- 2 An agency, whether public or private, including any other division or unit in the Department of Human Services, authorized to care for, treat, or supervise a child who is the subject of a child abuse report when the information is needed in connection with the provision of care, treatment, or supervision to such child or such parent, guardian or other person;

3. The members of a county multi-disciplinary team, established in accordance with State guidelines, for the purpose of coordinating the activities of agencies handling alleged cases of child abuse and neglect;

4. A person being evaluated by the division or the court as a potential care giver to determine whether that person is willing and able to provide the care and support required by the child;

5. The legal counsel of a child, parent or guardian, whether court-appointed or retained, when information is needed to discuss the case with the division in order to make decisions relating to or concerning the child;

6. A person who has filed a report of suspected child abuse or neglect for the purpose of providing that person with the disposition of the investigation;

7. A parent or guardian, when the information is needed in a division matter in which the parent or guardian is directly involved. The information may only be released when it is necessary for the requesting parent or guardian to discuss services or the basis for the division's involvement or to develop, discuss or implement a case plan for the child; or

8. A chief executive officer of a municipality or township, with a need for the information in order to carry out his responsibilities under the law to protect children from abuse and neglect.

The substitute also requires DYFS to provide the identity of persons alleged to have committed child abuse or neglect and victims of child abuse or neglect, their addresses, the nature of the allegations, the disposition of the cases and other relevant information, including, but not limited to, prior reports of child abuse or neglect and names of siblings, obtained by the division during its investigation of a report of child abuse or neglect to the police or law enforcement agency in whose jurisdiction the child named in the report resides. The police or law enforcement agency would be required to keep the information confidential.

The provisions of the substitute would also require that a report prepared by DYFS, disclosing information concerning the death of a child under the care and supervision of the division or who was the subject of a child abuse or neglect investigation shall contain the following information:

1. The cause of death of the child;
2. Any extraordinary or pertinent circumstances surrounding the child's death;
3. The services provided or actions taken by the division relating to the child and his family prior to the child's death;
4. Any further investigation conducted or action taken by the division since the child's death; and
5. Any recommendations for regulatory or statutory changes concerning policies and procedures relating to the protection of children.

Lastly, the substitute would require that a report released to the public would not contain any names or other information identifying the child, the child's siblings, the child's parent or legal guardian or care giver, any other members of the child's household or the person named as perpetrator of an incident of child abuse or neglect, or the person or entity who referred the child to the division. The report would also not include any information relating to psychological, psychiatric, therapeutic, clinical or medical reports or evaluations regarding the child, the child's siblings, the child's parents, or legal guardian or care giver, any other members of the child's household, or the person named as perpetrator of an incident of child abuse or neglect.

This Senate Committee Substitute for Senate Bill Nos. 236 & 237 is identical to the Assembly Committee Substitute for Assembly Bill Nos. 698, 703, 1389 and 1390 (1R) SCA, sponsored by Assemblymen Zisa, DeSopa and Pascrell, which was released by this committee on January 23, 1997.