

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1349

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 1997

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1349.

This bill authorizes criminal background checks for individuals seeking employment as in-home child care givers, defined in the bill as unrelated persons who are over the age of 16 and provide in-home child care services. In-home care givers may or may not live in their employer's home and may, as part of the conditions of their employment, perform housekeeping duties. They are commonly known as au pairs or nannies. For the purposes of this bill, babysitters are not considered in-home care givers.

Under the provisions of the bill, the Division of Consumer Affairs in the Department of Law and Public Safety is directed to establish a registry for agencies engaged in the business of placing in-home care givers in this State. The registry program is permissive; agencies are not required to participate. The bill provides, however, that if these agencies do register with the division, they may request criminal history record background checks for the care givers they are seeking to place in New Jersey homes.

In the case of a prospective care giver who is a resident of this State, the background check is to consist of a review of the records of the Federal Bureau of Investigation, Identification Division, and of the State Bureau of Identification in the State Police.

In the case of a prospective care giver who is not a resident of the State, the agency is authorized to submit comparable evidence, acceptable to the State Police, that the individual has not been convicted of a crime.

The division is directed to provide the registered agency with a certificate for each care giver whose background check does not reveal a criminal past. The certificate, which would certify that the prospective care giver has not been convicted of a crime, would be used by the agency in procuring employment for that individual.

The bill provides an appeal procedure for individuals who question the accuracy of the information set forth on the records consulted by the investigatory agencies and those who have a criminal past, but

claim they have been rehabilitated.

The bill also directs the division to develop and undertake a public education program designed to publicize the bill's provisions. The program is to inform prospective employers of the availability of care givers who have undergone criminal history checks and to encourage them to hire individuals who have been certified by the division as not having criminal pasts.

Finally, the bill provides that the costs associated with the implementation of this program be assessed to the registered agencies through a fee schedule.

The committee amendments are technical in nature; they correct internal references to sections of the bill.