

SENATE, No. 2209

STATE OF NEW JERSEY

INTRODUCED JUNE 16, 1997

By Senator DiFRANCESCO

1 AN ACT concerning child abuse and neglect and revising parts of the
2 statutory law.

3

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

6

7 1. (New section) This act shall be known as and may be cited as
8 the "Comprehensive Child Abuse Prevention and Treatment Act."

9

10 2. (New section) As used in this act:

11 "Board" means the Child Fatality and Near Fatality Review Board
12 established under P.L. , c. (C.)(pending before the Legislature
13 as this bill).

14 "Child" means any person under the age of 18.

15 "Commissioner" means the Commissioner of Human Services.

16 "Diligent efforts" means reasonable attempts by an agency
17 authorized by the Division of Youth and Family Services to assist the
18 parents in remedying the circumstances and conditions that led to the
19 placement of the child and in reinforcing the family structure, as
20 defined in section 7 of P.L.1991, c.275 (C.30:4C-15.1).

21 "Division" means the Division of Youth and Family Services in the
22 Department of Human Services.

23 "Near fatality" means a case in which a child is in serious or critical
24 condition, as certified by a physician.

25 "Panel" means a citizen review panel as established under P.L. c,
26 (C.)(pending before the Legislature as this bill).

27 "Parent or guardian" means a person defined pursuant to section 1
28 of P.L.1974, c.119 (C.9:6-8.21) who has the responsibility for the
29 care, custody or control of a child or upon whom there is a legal duty
30 for such care.

31 "Sexual abuse" means contacts or actions between a child and a
32 parent or caretaker for the purpose of sexual stimulation of either that
33 person or another person. Sexual abuse includes:

34 a. the employment, use, persuasion, inducement, enticement or

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 coercion of any child to engage in, or assist any other person to
2 engage in, any sexually explicit conduct or simulation of such
3 conduct; or

4 b. sexual conduct including molestation, prostitution, other forms
5 of sexual exploitation of children or incest.

6 "Significant bodily injury" means a temporary loss of the
7 functioning of any bodily member or organ or temporary loss of any
8 one of the five senses.

9 "Withholding of medically indicated treatment" means the failure to
10 respond to an infant's life-threatening conditions by providing
11 treatment, including appropriate nutrition, hydration, and medication
12 which, in the treating physician's reasonable judgment, will most likely
13 be effective in ameliorating or correcting all such conditions. The term
14 does not include the failure to provide treatment, other than
15 appropriate nutrition, hydration, or medication to an infant when, in
16 the treating physician's reasonable medical judgment:

17 a. the infant is chronically and irreversibly comatose;

18 b. the provision of such treatment would merely prolong dying, not
19 be effective in ameliorating or correcting all of the infant's life-
20 threatening conditions, or otherwise be futile in terms of the survival
21 of the infant; or

22 c. the provision of such treatment would be virtually futile in terms
23 of the survival of the infant and the treatment itself under such
24 circumstances would be inhumane.

25

26 3. (New section) The commissioner shall establish procedures for
27 responding to the reporting of medical neglect, including instances of
28 withholding of medically indicated treatment from disabled infants with
29 life-threatening conditions, to provide for: a. coordination and
30 consultation with persons designated by and within appropriate health
31 care facilities, and b. prompt notification by these persons of cases of
32 suspected medical neglect, including withholding of medically
33 indicated treatment from disabled infants with life-threatening
34 conditions.

35

36 4. (New section) The division may pursue any legal remedies,
37 including the initiation of legal proceedings in a court of competent
38 jurisdiction, as may be necessary to: a. prevent the withholding of
39 medically indicated treatment from disabled infants with life-
40 threatening conditions, or b. provide medical care or treatment for a
41 child when such care or treatment is necessary to prevent or remedy
42 serious harm to the child or to prevent the withholding of medically
43 indicated treatment from disabled infants with life-threatening
44 conditions.

45

46 5. (New section) In any case in which the division accepts a child

1 in care or custody, including placement, the division shall not be
2 required to provide diligent efforts to reunify the child with a parent
3 who has been found by a court of competent jurisdiction to have
4 committed murder, aggravated manslaughter or manslaughter of
5 another child of the parent; to have aided or abetted, attempted,
6 conspired or solicited to commit the murder, aggravated manslaughter
7 or manslaughter of the child or another child of the parent; or to have
8 committed an assault that resulted in the significant bodily injury to
9 the child or another child of the parent; or attempted to commit an
10 assault against the child or another child of the parent.

11

12 6. (New section) There is established the Child Fatality and Near
13 Fatality Review Board. For the purposes of complying with the
14 provisions of Article V, Section IV, paragraph 1 of the New Jersey
15 Constitution, the board is established within the Department of Human
16 Services, but notwithstanding the establishment, the board shall be
17 independent of any supervision or control by the department or any
18 board or officer thereof.

19 The purpose of the board is to review fatalities and near fatalities
20 of children in New Jersey in order to identify their causes, their
21 relationship to governmental support systems, and methods of
22 prevention. The board shall describe trends and patterns of child
23 fatalities and near fatalities in New Jersey; identify risk factors and
24 their prevalence in these populations of children; evaluate the
25 responses of governmental systems to children in families who are
26 considered to be at high risk and to offer recommendations for
27 improvement in those responses; characterize high risk groups in terms
28 that are compatible with the development of public policy; improve the
29 sources of data collection by developing protocols for autopsies, death
30 investigations, and complete recording of cause of death on the death
31 certificate; and provide case consultation to individuals or agencies
32 represented by the board.

33

34 7. (New section) a. The board shall consist of 13 members as
35 follows: the Commissioner of Human Services, the Commissioner of
36 Health and Senior Services, the Director of the Division of Youth and
37 Family Services in the Department of Human Services, the Attorney
38 General, the Superintendent of the State Police, or their designees, the
39 State Medical Examiner, and the Chairperson or Executive Director
40 of the New Jersey Task Force on Child Abuse and Neglect, who shall
41 serve ex officio; and six public members appointed by the Governor,
42 one of whom shall be a representative of the New Jersey Prosecutors'
43 Association, one of whom shall be a Law Guardian, one of whom shall
44 be a pediatrician with expertise in child abuse and neglect, one of
45 whom shall be a psychologist with expertise in child abuse and neglect,
46 one of whom shall be a social work educator with experience and

1 expertise in the area of child abuse or a related field and one of whom
2 shall have expertise in substance abuse.

3 b. The public members of the board shall serve for three year
4 terms. Of the public members first appointed, three shall serve for a
5 period of two years, and three shall serve for a term of three years.
6 They shall serve without compensation but shall be eligible for
7 reimbursement for necessary and reasonable expenses incurred in the
8 performance of their official duties and within the limits of funds
9 appropriated for this purpose. Vacancies in the membership of the
10 board shall be filled in the same manner as the original appointments
11 were made.

12 c. The Commissioner of Human Services shall be the chairperson
13 of the board who shall be responsible for the coordination of all
14 activities of the board and who shall provide the technical assistance
15 needed to execute the duties of the board.

16 d. The board is entitled to call to its assistance and avail itself of
17 the services of employees of any State, county or municipal
18 department, board, bureau, commission or agency as it may require
19 and as may be available for the purposes of reviewing a case pursuant
20 to the provisions of P.L. , c. (C.)(pending before the Legislature
21 as this bill). The board may also seek the advice of experts, such as
22 persons specializing in the fields of pediatric, radiological,
23 neurological, psychiatric, orthopedic and forensic medicine; nursing;
24 psychology; social work; education; law enforcement; family law;
25 substance abuse; child advocacy or other related fields, if the facts of
26 a case warrant additional expertise.

27

28 8. (New section) The board shall:

29 a. Identify the fatalities of children due to unusual circumstances
30 according to the following criteria:

31 (1) The cause of death is undetermined;

32 (2) Death where substance abuse may have been a contributing
33 factor;

34 (3) Homicide, child abuse or neglect;

35 (4) Death where child abuse or neglect may have been a
36 contributing factor;

37 (5) Malnutrition, dehydration, or medical neglect or failure to
38 thrive;

39 (6) Sexual abuse;

40 (7) Head trauma, fractures or blunt force trauma without obvious
41 innocent reason such as auto accidents;

42 (8) Suffocation or asphyxia;

43 (9) Burns without obvious innocent reason such as auto accident or
44 house fire; and

45 (10) Suicide.

46 b. Identify fatalities and near fatalities among children whose

1 family, currently or within the last 12 months, were receiving services
2 from the division.

3

4 9. (New section) a. The board shall determine which fatalities
5 shall receive full review. The board may establish local or regional
6 community-based teams to review information regarding children
7 identified by the board. At least one team shall be designated to
8 review information regarding child fatalities due to unusual
9 circumstances. At least one team shall be designated to review child
10 fatalities and near fatalities identified pursuant to subsection b. of
11 section 8 of P.L. , c. (C.)(pending before the Legislature as this
12 bill) as well as child fatalities where information available to the board
13 indicates that child abuse or neglect may have been a contributing
14 factor.

15 b. Each team shall include, at a minimum, a person experienced in
16 prosecution, a person experienced in local law enforcement
17 investigation, a medical examiner, a public health advocate, a
18 physician, preferably a pediatrician, and a casework supervisor from
19 a division field office. As necessary to perform its functions, each
20 team may add additional members or seek the advice of experts in
21 other fields if the facts of a case warrant additional expertise.

22 c. Each team shall submit to the board chairperson a report of its
23 findings and recommendations based upon its review of information
24 regarding each child fatality or near fatality.

25

26 10. (New section) a. The board shall record the name, age, date
27 of birth, place of death or pronouncement of death, date and time of
28 death, and circumstances surrounding the death in a confidential
29 master file. Similar information shall be recorded for each near fatality
30 reviewed by the board. The file shall serve as the minimum record of
31 the case and shall be the only file that contains the name of the child
32 and shall not be subject to discovery, but may be used by the
33 chairperson of the board to refer an individual case, including the
34 board's deliberations and conclusions, to the extent necessary for an
35 appropriate agency to investigate or to provide services.

36 b. Except as provided in subsection a. of this section, the
37 deliberations and conclusions of the board and of its teams, related to
38 a specific case, shall be confidential. Summary records that are
39 prepared by the board and the teams on each reported case shall be
40 free of information that would identify the child.

41 c. The summary reports, deliberations and conclusions of the board
42 or its teams shall not supersede or replace the conclusions or opinions
43 of the agencies that contribute information from their own records.

44 d. The board shall review the reports submitted by each team and
45 issue an annual report to the Governor and the Legislature which
46 includes the number of cases reviewed and specific non-identifying

1 information regarding cases of particular significance. The board shall
2 also include in the report recommendations for achieving better
3 coordination and collaboration among State and local agencies and
4 recommendations for system-wide improvements in services to prevent
5 fatalities and near fatalities among children.

6
7 11. (New section) a. The board may subpoena and review records
8 that pertain to the child, except as provided in any statute, regulation
9 or Executive Order relating to the confidentiality of criminal
10 investigations and criminal investigative files. The records subject to
11 subpoena and review shall include, but are not limited to, private
12 medical and hospital records, school records, mental health records,
13 and other records which may be deemed pertinent to the review
14 process and necessary for the formulation of a conclusion by the
15 board.

16 b. Records obtained by the board pursuant to subsection a. of this
17 section shall not be subject to subpoena.

18 c. If, at the time of initial notification or during the subsequent
19 review, the board has reasonable cause to believe that the death is the
20 result of child abuse or neglect, or has reasonable cause to believe that
21 the death is the result of an on-going hazard to other members of the
22 household, then the board shall notify or shall verify that notification
23 has been made to the county prosecutor of the county wherein the
24 death occurred or was pronounced, and to the division.

25
26 12. (New section) A member of the board shall not be liable for
27 any civil damages as a result of providing in good faith any reports,
28 records, opinions or recommendations pursuant to P.L. , c.
29 (C.)(pending before the Legislature as this bill).

30
31 13. (New section) The board may solicit and receive grants and
32 other funds made available from a governmental, public, private,
33 nonprofit, or for-profit agency, including funds made available under
34 any federal or State law, regulation or program.

35
36 14. (New section) The board shall adopt regulations pursuant to
37 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
38 seq.) concerning the operation of the board, procedures for conducting
39 reviews of cases involving child fatalities and near fatalities, and other
40 matters necessary to effectuate the purposes of this act.

41
42 15. (New section) a. The commissioner shall designate three
43 citizen review panels for the purpose of examining the policies and
44 procedures of State and local agencies and, as appropriate, specific
45 cases, and evaluating the extent to which the agencies are effectively
46 discharging their child protection responsibilities.

1 b. The commissioner may designate as panels for the purposes of
2 P.L. , c. (C.)(pending before the Legislature as this bill), one or
3 more existing entities established under federal or State law, if such
4 entities have the capacity to satisfy the requirements of this act.

5 c. Each panel shall be composed of volunteer members who are
6 broadly representative of the community in which the panel is
7 established, including members who have expertise in the prevention
8 and treatment of child abuse and neglect.

9 d. Each panel shall meet not less than once every three months.

10 e. The members of the panels:

11 (1) shall not disclose to any person or government official any
12 identifying information about a specific child protection case with
13 respect to which the panel is provided information; and

14 (2) shall not make public other information unless authorized by
15 State statute.

16 f. Each panel shall have access to information as necessary to carry
17 out its functions. Each panel is entitled to call to its assistance and
18 avail itself of the services of employees of any State, county or
19 municipal department, board, bureau, commission or agency as it may
20 require and as may be available for the purposes of effectuating the
21 provisions of P.L. , c. (C.)(pending before the Legislature as this
22 bill). This subsection shall not be construed to permit access to
23 information which may compromise the integrity of a division
24 investigation or a civil or criminal investigation or judicial proceeding.

25 g. Each panel shall prepare and make available to the public on an
26 annual basis, a report containing a summary of its activities.

27 h. A member of the panel shall not be liable for any civil damages
28 as a result of providing, in good faith, a report, record, opinion or
29 recommendation pursuant to P.L. , c. (C.)(pending before the
30 Legislature as this bill).

31 i. A panel may receive grants and other funds made available from
32 any governmental, public, private, nonprofit or for-profit agency,
33 including funds made available under any federal or State law,
34 regulation or program.

35
36 16. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to read
37 as follows:

38 1. a. All records of child abuse reports made pursuant to section
39 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained by the
40 Division of Youth and Family Services in investigating such reports
41 including reports received pursuant to section 20 of P.L.1974, c.119
42 (C.9:6-8.40), and all reports of findings forwarded to the central
43 registry pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11) shall be
44 kept confidential and may be disclosed only under the circumstances
45 expressly authorized under [subsection] subsections b. , c., d. and e.
46 herein. The division shall disclose information only as authorized

1 under subsections b., c., d. and e. of this section that is relevant to the
2 purpose for which the information is required, provided, however, that
3 nothing may be disclosed which would likely endanger the life, safety,
4 or physical or emotional well-being of a child or the life or safety of
5 any other person or which may compromise the integrity of a division
6 investigation or a civil or criminal investigation or judicial proceeding.
7 If the division denies access to specific information on this basis, the
8 requesting entity may seek disclosure through the Chancery Division
9 of the Superior Court. This section shall not be construed to prohibit
10 disclosure pursuant to paragraphs (2) and (7) of subsection b. of this
11 section.

12 Nothing in this act shall be construed to permit the disclosure of
13 any information deemed confidential by federal or State law.

14 b. The division may and upon written request, shall release the
15 records and reports referred to in subsection a., or parts thereof,
16 consistent with the provisions of P.L. , c. (C.)(pending before the
17 Legislature as this bill) to:

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

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

22 (3) A physician who has before him a child whom he reasonably
23 suspects may be abused or neglected or an authorized member of the
24 staff of a duly designated regional child abuse diagnostic and treatment
25 center which is involved with a particular child who is the subject of
26 the request;

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

32 (5) An agency , whether public or private, including any other
33 division or unit in the Department of Human Services, authorized to
34 care for, treat, or supervise a child who is the subject of a child abuse
35 report, or a parent, guardian or other person who is responsible for the
36 child's welfare, or both, when the information is needed in connection
37 with the provision of care, treatment, or supervision to such child or
38 such parent, guardian or other person;

39 (6) A court or the Office of Administrative Law, upon its finding
40 that access to such records may be necessary for determination of an
41 issue before it, and such records may be disclosed by the court or the
42 Office of Administrative Law in whole or in part to the law guardian,
43 attorney or other appropriate person upon a finding that such further
44 disclosure is necessary for determination of an issue before the court
45 or the Office of Administrative Law;

46 (7) A grand jury upon its determination that access to such records

1 is necessary in the conduct of its official business;

2 (8) Any appropriate State legislative committee acting in the
3 course of its official functions, provided, however, that no names or
4 other information identifying persons named in the report shall be
5 made available to the legislative committee unless it is absolutely
6 essential to the legislative purpose;

7 (9) [Any person engaged in a bona fide research purpose,
8 provided, however, that no names or other information identifying
9 persons named in the report shall be made available to the researcher
10 unless it is absolutely essential to the research purpose and provided
11 further that the approval of the director of the Division of Youth and
12 Family Services shall first have been obtained;](Deleted by
13 amendment, P.L. , c. .)(pending before the Legislature as this bill).

14 (10) A family day care sponsoring organization for the purpose of
15 providing information on child abuse or neglect allegations involving
16 prospective or current providers or household members pursuant to
17 [P.L.1993, c.350 (C.30:5B-25.1 et al.)] P.L.1993, c.350 (C.30:5B-
18 25.1 et seq. and as necessary, for use in administrative appeals related
19 to information obtained through a central registry search;

20 (11) The Victims of Crime Compensation Board, for the purpose
21 of providing services available pursuant to the "Criminal Injuries
22 Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) to
23 a child victim who is the subject of such report;

24 (12) Any person appealing a division service or status action or a
25 substantiated finding of child abuse or neglect and his attorney or
26 authorized lay representative upon a determination by the division or
27 the presiding Administrative Law Judge that such disclosure is
28 necessary for a determination of the issue on appeal;

29 (13) Any person or entity mandated by statute to consider child
30 abuse or neglect information when conducting a background check or
31 employment-related screening of an individual employed by or seeking
32 employment with an agency or organization providing services to
33 children;

34 (14) Any person or entity conducting a disciplinary, administrative
35 or judicial proceeding to determine terms of employment or continued
36 employment of an officer, employee, or volunteer with an agency or
37 organization providing services for children. The information may be
38 disclosed in whole or in part to the appellant or other appropriate
39 person only upon a determination by the person or entity conducting
40 the proceeding that the disclosure is necessary to make a
41 determination.

42 (15) The members of a county multi-disciplinary team, established
43 in accordance with State guidelines, for the purpose of coordinating
44 the activities of agencies handling alleged cases of child abuse and
45 neglect;

46 (16) A person being evaluated by the division or the court as a

1 potential care-giver to determine whether that person is willing and
2 able to provide the care and support required by the child;

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

7 (18) A person who has filed a report of suspected child abuse or
8 neglect for the purpose of providing that person with only the
9 disposition of the investigation;

10 (19) A parent or legal guardian when the information is needed in
11 a division matter in which that parent or guardian is directly involved.
12 The information may be released only to the extent necessary for the
13 requesting parent or guardian to discuss services or the basis for the
14 division's involvement or to develop, discuss, or implement a case plan
15 for the child;

16 (20) A federal, State or local government entity, to the extent
17 necessary for such entity to carry out its responsibilities under law to
18 protect children from abuse and neglect;

19 (21) Citizen review panels designated by the State in compliance
20 with the federal "Child Abuse Prevention and Treatment Act
21 Amendments of 1996," Pub.L.104-235;

22 (22) Child Fatality and Near Fatality Review Board established
23 pursuant to P.L. , c. (C.)(pending before the Legislature as this
24 bill).

25 Any individual, agency, board, court, grand jury [or], legislative
26 committee , or other entity, which receives from the division the
27 records and reports referred to in subsection a., shall keep such
28 records and reports, or parts thereof, confidential and shall not
29 disclose such records and reports or parts thereof except as authorized
30 by law .

31 c. The division may share information with a child who is the
32 subject of a child abuse or neglect report, as appropriate to the child's
33 age or condition, to enable the child to understand the basis for the
34 division's involvement and to participate in the development,
35 discussion, or implementation of a case plan for the child.

36 d. The division may release the records and reports referred to in
37 subsection a. of this section to any person engaged in a bona fide
38 research purpose, provided, however, that no names or other
39 information identifying persons named in the report shall be made
40 available to the researcher unless it is absolutely essential to the
41 research purpose and provided further that the approval of the
42 Director of the Division of Youth and Family Services shall first have
43 been obtained.

44 e. The division may disclose to the public the findings or
45 information about a case of child abuse or neglect which has resulted
46 in a child fatality or near fatality. Nothing may be disclosed which

1 would likely endanger the life, safety, or physical or emotional well-
2 being of a child or the life or safety of any other person or which may
3 compromise the integrity of a division investigation or a civil or
4 criminal investigation or judicial proceeding. If the division denies
5 access to specific information on this basis, the requesting entity may
6 seek disclosure of the information through the Chancery Division of
7 the Superior Court. No information may be disclosed which is deemed
8 confidential by federal or State law. The name or any other
9 information identifying the person or entity who referred the child to
10 the division shall not be released to the public.

11 (cf: P.L.1996, c.32, s.1)

12

13 17. Section 15 of P.L.1951, c.138 (C.30:4C-15) is amended to
14 read as follows:

15 15. Whenever (a) it appears that a court wherein a complaint has
16 been proffered as provided in chapter 6 of Title 9 of the Revised
17 Statutes, has entered a conviction against the parent or parents,
18 guardian, or person having custody and control of any child because
19 of abuse, abandonment, neglect of or cruelty to such child; or (b)
20 (Deleted by amendment, P.L.1991, c.275); (c) it appears that the best
21 interests of any child under the care or custody of the Division of
22 Youth and Family Services require that he be placed under
23 guardianship; or (d) it appears that a parent or guardian of a child,
24 following the acceptance of such child by the division pursuant to
25 section 11 or 12 of P.L.1951, c.138 (C.30:4C-11 or 12), or following
26 the placement or commitment of such child in the care of an
27 authorized agency, whether in an institution or in a foster home, and
28 notwithstanding the diligent efforts of such agency to encourage and
29 strengthen the parental relationship, has failed for a period of one year
30 to remove the circumstances or conditions that led to the removal or
31 placement of the child, although physically and financially able to do
32 so, notwithstanding the division's diligent efforts to assist the parent
33 or guardian in remedying the conditions; [or] (e) the parent has
34 abandoned the child; or (f) the parent of a child has been found by a
35 court of competent jurisdiction to have committed murder, aggravated
36 manslaughter or manslaughter of another child of the parent; to have
37 aided or abetted, attempted, conspired, or solicited to commit such
38 murder, aggravated manslaughter or manslaughter of the child or
39 another child of the parent; or to have committed an assault that
40 resulted in the significant bodily injury to the child or another child of
41 the parent; or attempted to commit an assault against the child or
42 another child of the parent; a petition, setting forth the facts in the
43 case, may be filed with the Family Part of the Chancery Division of the
44 Superior Court in the county where such child may be at the time of
45 the filing of such petition. A petition as provided in this section may
46 be filed by any person or any association or agency, interested in such

1 child, or by the division in the circumstances set forth in items (c),(d)
2 [and], (e) and (f) hereof.
3 (cf: P.L.1995, c.416, s.2)

4

5 18. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to
6 read as follows:

7 7. a. The division shall initiate a petition to terminate parental
8 rights on the grounds of the "best interests of the child" pursuant to
9 subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the
10 following standards are met:

11 (1) The child's health and development have been or will continue
12 to be endangered by the parental relationship;

13 (2) The parent is unwilling or unable to eliminate the harm facing
14 the child or is unable or unwilling to provide a safe and stable home
15 for the child and the delay of permanent placement will add to the
16 harm. Such harm may include evidence that separating the child from
17 his foster parents would cause serious and enduring emotional or
18 psychological harm to the child;

19 (3) The division has made diligent efforts to provide services to
20 help the parent correct the circumstances which led to the child's
21 placement outside the home and the court has considered alternatives
22 to termination of parental rights; and

23 (4) Termination of parental rights will not do more harm than
24 good.

25 b. The division shall initiate a petition to terminate parental rights
26 on the ground that the "parent has abandoned the child" pursuant to
27 subsection (e) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the
28 following standards are met:

29 (1) a court finds that for a period of six or more months:

30 (a) the parent, although able to have contact, has had no contact
31 with the child, the child's foster parent or the division; and

32 (b) the parent's whereabouts are unknown, notwithstanding the
33 division's diligent efforts to locate the parent; or

34 (2) where the identities of the parents are unknown and the
35 division has exhausted all reasonable methods of attempting
36 identification, the division may immediately file for termination of
37 parental rights upon the completion of the law enforcement
38 investigation.

39 c. As used in this section and in section 15 of P.L.1951, c.138
40 (C.30:4C-15) "diligent efforts" mean reasonable attempts by an agency
41 authorized by the division to assist the parents in remedying the
42 circumstances and conditions that led to the placement of the child and
43 in reinforcing the family structure, including, but not limited to:

44 (1) consultation and cooperation with the parent in developing a
45 plan for appropriate services;

46 (2) providing services that have been agreed upon, to the family,

1 in order to further the goal of family reunification;

2 (3) informing the parent at appropriate intervals of the child's
3 progress, development and health; and

4 (4) facilitating appropriate visitation.

5 d. The division shall not be required to provide "diligent efforts"
6 as defined in subsection c. of this section prior to filing a petition for
7 the termination of parental rights pursuant to (f) of section 15 of
8 P.L.1951, c.138 (C.30:4C-15).

9 (cf: P.L.1995, c.416, s.3)

10

11 19. The Department of Human Services shall adopt rules and
12 regulations pursuant to the "Administrative Procedure Act,"
13 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this
14 act.

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16 20. This act shall take effect immediately.

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STATEMENT

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21 This bill is designed to enable the State to comply with the federal
22 "Child Abuse Prevention and Treatment Act Amendments of 1996."
23 It amends New Jersey's confidentiality statute and lists those who may
24 access child abuse records and allows for public disclosure of child
25 abuse findings or information in child fatality and near fatality cases.
26 It also defines sexual abuse and establishes procedures for responding
27 to the reports of suspected medical neglect. It also will not require
28 reunification of children when a court has found a parent committed
29 certain criminal offenses. It makes a conviction for those offenses
30 grounds for termination of parental rights.

31 The bill establishes in the Department of Human Services a board
32 to review information regarding the deaths of children due to unusual
33 circumstances as well as fatalities and near fatalities among children
34 known to the Division of Youth and Family Services. The bill requires
35 the Commissioner of Human Services to designate three citizen review
36 panels to examine policies and procedures of State and local agencies
37 to evaluate interagency coordination and compliance with State and
38 federal mandates for the protection of children.

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"Comprehensive Child Abuse Prevention and Treatment Act."