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REPORTS:

No

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No

NEWSPAPER ARTICLES:

Yes

"Law toughens child-welfare rules" 1-18-2004 Home News & Tribune

§1,3,5 -
C.2C:44-6.2
to 2C:44-6.4
§§2,4 -
C.9:6-8.10c
& 9:6-8.10d
§6 - Note to §§1-5

P.L. 2003, CHAPTER 301, *approved January 14, 2004*
Assembly, No. 3172 (*Third Reprint*)

1 AN ACT concerning criminal defendants and supplementing Title 2A
2 of the New Jersey Statutes and Title 9 of the Revised Statutes.

3

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

6

7 ²[1. In any case where a person has been convicted of a crime or
8 offense for which the person will be incarcerated, the ¹[county
9 prosecutor of the county where the crime or offense occurred] court¹
10 shall:

11 a. determine whether the person ¹[has custody] is the sole
12 caretaker¹ of a minor child and, if so, who will assume responsibility
13 for the child's care and custody during the period the person is
14 incarcerated; and

15 b. provide the Division of Youth and Family Services in the
16 Department of Human Services with the name of the child and ¹, as
17 applicable, the¹ name and address of the person who will be
18 responsible for the child's care and custody during the period of
19 incarceration.]²

20

21 ²[2. Upon receipt of the information provided by the ¹[county
22 prosecutor] court¹ pursuant to subsection b. of section 1 of P.L. ,
23 c. (C.) (pending before the Legislature as this bill), the
24 Division of Youth and Family Services in the Department of Human
25 Services shall conduct a home visit to verify that:

26 a. the home of the person who will assume responsibility for the
27 care and custody of the incarcerated person's minor child does not
28 pose an immediate threat to the safety of the ¹[children] child¹; and

29 b. the child's emotional, physical, health care and educational needs
30 will be met during the period of]²

31

32 ²1. a. In any case in which a person has been convicted of a crime
33 for which the person will be incarcerated, the court shall order, as part
34 of the presence investigation required pursuant to N.J.S.2C:44-6.

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 AFW committee amendments adopted January 23, 2003.

² Senate SHH committee amendments adopted June 23, 2003.

³ Assembly floor amendments adopted December 15, 2003.

1 that a determination be made as to whether the person is the sole
2 caretaker of a minor child and, if so, who will assume responsibility for
3 the child's care and custody during the period the person is
4 incarcerated.

5 b. If the determination is made that the person is the sole caretaker
6 of the child, the presentence investigation shall also include:

7 (1) verification that the person who will be responsible for the
8 child's care and custody during the period of incarceration has agreed
9 to assume responsibility for the child's care and custody;

10 (2) an inquiry as to the willingness of the person to assume
11 responsibility for the child's care and custody during the period of
12 incarceration; and

13 (3) a PROMIS/GAVEL network check, juvenile central registry
14 check and domestic violence central registry check on the person who
15 will be responsible for the child's care and custody during the period
16 of incarceration and on any adult and juvenile over 12 years of age in
17 the person's household.

18 c. The court shall provide the information compiled pursuant to
19 subsection b. of this section, from the presentence investigation, to the
20 Division of Youth and Family Services in the Department of Human
21 Services.²

22
23 ²2. a. Upon receiving the presentencing investigation information
24 from the court pursuant to section 1 of P.L. , c. (C.)(pending
25 before the Legislature as this bill) concerning a sole caretaker of a
26 child who will be incarcerated and the person who will assume care
27 and custody of the child during the period of incarceration, the
28 Division of Youth and Family Services in the Department of Human
29 Services shall conduct a child abuse record information check of its
30 child abuse records to determine if an incident of child abuse or
31 neglect has been substantiated against the person who will be
32 responsible for the child's care and custody or any adult and juvenile
33 over 12 years of age in the person's household.

34 b. If, based on the information provided by the court and the check
35 of its child abuse records, the division determines that the incarcerated
36 person's minor child may be at risk for abuse or neglect or the child's
37 emotional, physical, health care and educational needs will not be met
38 during the period of incarceration, the division shall take appropriate
39 action to ensure the safety of the child.²

40
41 ²3. a. In any case in which a person has been convicted of a crime
42 enumerated in subsection b. of this section and:

43 (1) the victim of the crime was a person under the age of 18 at the
44 time of the commission of the crime; ³[or] and³

45 (2) the person convicted of the crime resides in a household with
46 other minor children or is a parent of a minor child.

1 the court, based on an interview with the defendant, shall make a
2 referral to the Division of Youth and Family Services in the
3 Department of Human Services and provide the division with the name
4 and address of the person convicted of the crime, information on the
5 person's criminal history and the name and address of each child
6 referred to in paragraph (2) of this subsection.

7 b. For purposes of this section, "crime" includes any of the
8 following:

9 (1) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant to
10 N.J.S.2C:11-4;

11 (2) simple assault or aggravated assault pursuant to N.J.S.2C:12-1;

12 (3) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

13 (4) terrorist threats pursuant to N.J.S.2C:12-3;

14 (5) kidnaping and related offenses including criminal restraint; false
15 imprisonment; interference with custody; criminal coercion; or enticing
16 a child into a motor vehicle, structure, or isolated area pursuant to
17 N.J.S.2C:13-1 through 2C:13-6;

18 (6) sexual assault, criminal sexual contact or lewdness pursuant to
19 N.J.S.2C:14-2 through N.J.S.2C:14-4;

20 (7) arson pursuant to N.J.S.2C:17-1, or causing or risking
21 widespread injury or damage which would constitute a crime of the
22 second degree pursuant to N.J.S.2C:17-2;

23 (8) a crime against a child, including endangering the welfare of a
24 child and child pornography pursuant to N.J.S.2C:24-4; or child abuse,
25 neglect, or abandonment pursuant to R.S.9:6-3;

26 (9) endangering the welfare of an incompetent person pursuant to
27 N.J.S.2C:24-7 or endangering the welfare of an elderly or disabled
28 person pursuant to N.J.S.2C:24-8;

29 (10) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et
30 seq.); or

31 (11) an attempt or conspiracy to commit an offense listed in
32 paragraphs (1) through (10) of this subsection.²

33
34 ²4. The Commissioner of Human Services shall adopt rules and
35 regulations pursuant to the "Administrative Procedure Act," P.L.1968,
36 c.410 (C.52:14B-1 et seq.) to carry out the purposes of sections 2 and
37 3 of this act.²

38
39 ²[3.] ² ¹[Pursuant to the "Administrative Procedure Act,"
40 P.L.1968, c.410 (C.52:14B-1 et seq.), the Department of Human
41 Services, in consultation with the Department of Law and Public
42 Safety, shall adopt rules and regulations necessary to effectuate the
43 purposes of this act] The Supreme Court of the State of New Jersey
44 may adopt Rules of Court appropriate or necessary to effectuate the
45 purposes of ²sections 1 and 3 of ²this act¹.

1 ²[4.] 6.² This act shall take effect ²[immediately] on the 90th day
2 after enactment².

3

4

5

6

7 Establishes procedures for court and DYFS to determine safety of
8 minor child whose child's caretaker is incarcerated.

ASSEMBLY, No. 3172

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JANUARY 16, 2003

Sponsored by:

Assemblywoman MARY T. PREVITE

District 6 (Camden)

Assemblyman GARY L. GUEAR, SR.

District 14 (Mercer and Middlesex)

Assemblyman WILFREDO CARABALLO

District 29 (Essex and Union)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

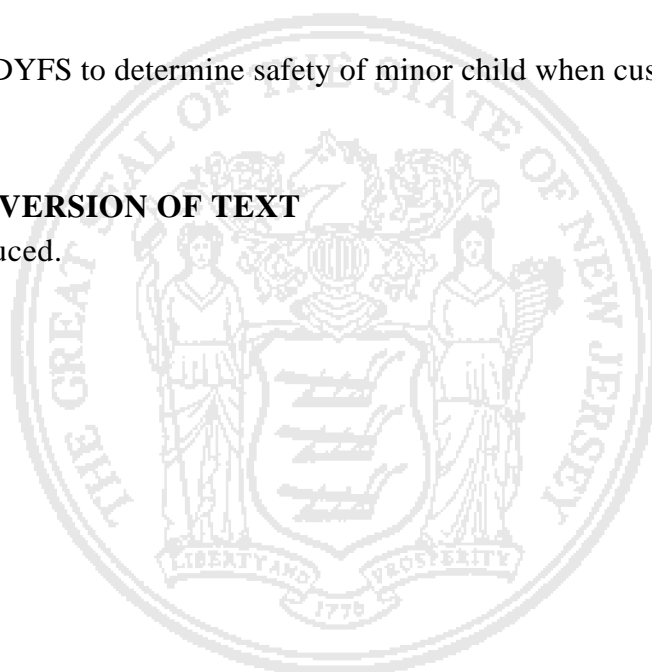
Assemblywoman Greenstein

SYNOPSIS

Requires DYFS to determine safety of minor child when custodial parent is incarcerated.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning criminal defendants and supplementing Title 2A
2 of the New Jersey Statutes and Title 9 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. In any case where a person has been convicted of a crime or
8 offense for which the person will be incarcerated, the county
9 prosecutor of the county where the crime or offense occurred shall:

10 a. determine whether the person has custody of a minor child and,
11 if so, who will assume responsibility for the child's care and custody
12 during the period the person is incarcerated; and

13 b. provide the Division of Youth and Family Services in the
14 Department of Human Services with the name of the child and name
15 and address of the person who will be responsible for the child's care
16 and custody during the period of incarceration.

17
18 2. Upon receipt of the information provided by the county
19 prosecutor pursuant to subsection b. of section 1 of P.L. , c.
20 (C.) (pending before the Legislature as this bill), the Division
21 of Youth and Family Services in the Department of Human Services
22 shall conduct a home visit to verify that:

23 a. the home of the person who will assume responsibility for the
24 care and custody of the incarcerated person's minor child does not
25 pose an immediate threat to the safety of the children; and

26 b. the child's emotional, physical, health care and educational needs
27 will be met during the period of incarceration.

28
29 3. Pursuant to the "Administrative Procedure Act," P.L.1968,
30 c.410 (C.52:14B-1 et seq.), the Department of Human Services, in
31 consultation with the Department of Law and Public Safety, shall
32 adopt rules and regulations necessary to effectuate the purposes of this
33 act.

34
35 4. This act shall take effect immediately.

36
37
38 **STATEMENT**

39
40 This bill directs a county prosecutor, in the case of a person who
41 has been convicted of a crime or offense for which the person will be
42 incarcerated, to:

43 ! determine whether the person has custody of any minor child
44 and, if so, who will assume responsibility for the child's care
45 and custody during the period the person is incarcerated; and

A3172 PREVITE, GUEAR

1 **!** provide the Division of Youth and Family Services (DYFS)
2 with the name of the child and name and address of the person
3 who will be responsible for the child care's and custody during
4 the period of incarceration.

5 Under the provisions of the bill, upon receipt of the information
6 provided by the county prosecutor, DYFS shall conduct a home visit
7 to verify that: the home of the person who will assume responsibility
8 for the care and custody of the incarcerated person's minor child does
9 not pose a threat to the child's safety; and the child's emotional,
10 physical, health care and educational needs will be met during the
11 period of incarceration.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3172

STATE OF NEW JERSEY

DATED: JANUARY 23, 2003

The Assembly Health and Human Services Committee reports favorably Assembly Bill No. 3172 (1R).

This bill is intended to ensure that the courts and the Division of Youth and Family Services (DYFS) in the Department of Human Services follow certain procedures to assure the safety of a minor child whose sole caretaker has been incarcerated.

Specifically, the bill requires that, in any case where a person has been convicted of a crime or offense for which the person will be incarcerated, the court is to:

- C determine whether the person is the sole caretaker of a minor child and, if so, who will assume responsibility for the child's care and custody during the period the person is incarcerated; and
- C provide DYFS with the name of the child and, as applicable, the name and address of the person who will be responsible for the child's care and custody during the period of incarceration.

The bill further requires that DYFS, upon receipt of the information provided by the court pursuant to the bill, conduct a home visit to verify that:

- C the home of the person who will assume responsibility for the care and custody of the incarcerated person's minor child does not pose an immediate threat to the safety of the child; and
- C the child's emotional, physical, health care and educational needs will be met during the period of incarceration.

Finally, the bill directs the Supreme Court to adopt Rules of Court appropriate or necessary to effectuate the purposes of the bill.

ASSEMBLY FAMILY, WOMEN AND CHILDREN'S SERVICES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3172

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 23, 2003

The Assembly Family, Women and Children's Services Committee reports favorably and with committee amendments Assembly Bill No. 3172.

As amended by the committee, this bill directs the court, in the case of a person who has been convicted of a crime or offense for which the person will be incarcerated, to:

- ! determine whether the person is the sole caretaker of any minor child and, if so, who will assume responsibility for the child's care and custody during the period the person is incarcerated; and
- ! provide the Division of Youth and Family Services (DYFS) with the name of the child and, as applicable, the name and address of the person who will be responsible for the child care's and custody during the period of incarceration.

Under the provisions of the bill, upon receipt of the information provided by the court, DYFS shall conduct a home visit to verify that: the home of the person who will assume responsibility for the care and custody of the incarcerated person's minor child does not pose a threat to the child's safety; and the child's emotional, physical, health care and educational needs will be met during the period of incarceration.

COMMITTEE AMENDMENTS:

The committee adopted amendments to:

- ! require that the court, rather than the county prosecutor, determine whether a person who will be incarcerated is the sole caretaker of a child;
- ! clarify that the court shall determine whether an incarcerated person is the sole caretaker of a minor child, instead of determining whether the person has custody of the child, as originally provided in the bill;
- ! clarify that the court shall provide DYFS, as applicable, with the name and address of the person who will be responsible for the child's care during the parent's incarceration;

- ! permit the Supreme Court to adopt Rules of Court necessary to effectuate the purposes of the bill; and
- ! replace a reference to "children" with "child" in section 2 of the bill.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3172

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2003

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Assembly Bill No. 3172 (1R).

As amended by the committee, this bill provides that in the case of a person who has been convicted of a crime for which the person will be incarcerated, as part of the presentence investigation required pursuant to N.J.S.A.2C:44-6, this bill directs the court to order that a determination be made as to whether the person is the sole caretaker of any minor child and, if so, who will assume responsibility for the child's care and custody during the period the person is incarcerated.

If the determination is made that the person is the sole caretaker of the child, the presentence investigation shall also include:

(1) verification that the person who will be responsible for the child's care and custody during the period of incarceration has agreed to assume responsibility for the child's care and custody;

(2) an inquiry as to the willingness of the person to assume responsibility for the child's care and custody during the period of incarceration; and

(3) a PROMIS/GAVEL network check, juvenile central registry check and domestic violence central registry check on the person who will be responsible for the child's care and custody during the period of incarceration and on any adult member and juvenile who is more than 12 years of age in the person's household.

The bill provides that the court shall provide the information from the presentence investigation to the Division of Youth and Family Services in the Department of Human Services.

Upon receiving the presentencing investigation information from the court, the Division of Youth and Family Services (DYFS) in the Department of Human Services shall conduct a child abuse record information check of its child abuse records to determine if an incident of child abuse or neglect has been substantiated against the person

who will be responsible for the child's care and custody or any adult member or juvenile who is more than 12 years of age in the person's household. If, based on the information provided by the court and the check of its child abuse records, the division determines that the incarcerated person's minor child may be at risk for abuse or neglect or the child's emotional, physical, health care and educational needs will not be met during the period of incarceration, the division shall take appropriate action to ensure the safety of the child.

The bill also provides that in any case in which a person has been convicted of a crime (as listed below), and either the victim of the crime was a person under the age of 18 at the time of the commission of the crime, or the person convicted of the crime resides in a household with other minor children or is a parent of a minor child, the court, based on an interview with the defendant, shall make a referral to DYFS. The court shall provide DYFS with the name and address of the person convicted of the crime, information on the person's criminal history and the name and address of each minor child of the defendant and minor child who resides in the defendant's household. This requirement will apply to the following crimes:

- (1) murder or manslaughter;
- (2) simple assault or aggravated assault;
- (3) stalking;
- (4) terrorist threats;
- (5) kidnaping and related offenses including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure, or isolated area;
- (6) sexual assault, criminal sexual contact or lewdness;
- (7) arson, or causing or risking widespread injury or damage which would constitute a crime of the second degree;
- (8) a crime against a child, including endangering the welfare of a child and child pornography; or child abuse, neglect, or abandonment;
- (9) endangering the welfare of an incompetent person or endangering the welfare of an elderly or disabled person;
- (10) domestic violence; or
- (11) an attempt or conspiracy to commit an offense listed above.

The bill takes effect on the 90th day after enactment.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- direct the court to make a determination, as part of the presentence investigation required pursuant to N.J.S.2C:44-6, as to whether the incarcerated person is the sole caretaker of a minor child;
- require, if the incarcerated person is the sole caretaker of a minor child, that the presentence investigation also include: verification that the person who will be responsible for the child's care and custody during the period of incarceration has agreed to assume

responsibility for the child; an inquiry as to the willingness of the person to assume responsibility for the child; and PROMIS/GAVEL network, juvenile central registry and domestic violence central registry background checks on the person assuming responsibility for the child and on any adult and juvenile over the age of 12 in the person's household;

-- require that the court provide the information from the presentence investigation to DYFS;

-- require that DYFS, upon receiving the presentencing investigation information from the court conduct a child abuse record information check of its child abuse records, and if, based on the information provided by the court and the DYFS records check, DYFS determines that the incarcerated person's minor child may be at risk, DYFS shall take appropriate action to ensure the safety of the child;

-- provide that in certain cases in which a person has been convicted of a crime, the court, based on an interview with the defendant, shall make a referral to DYFS with pertinent information about the defendant and minor children who reside in the defendant's household;

-- authorize the Commissioner of Human Services to adopt regulations to carry out the purposes of the bill; and

-- provide that the bill shall take effect on the 90th day after enactment.

As amended, this bill is identical to Senate Committee Substitute for Senate Bill Nos. 2305 and 2426 (Turner/James/Allen), which was reported by this committee on this date.

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 3172

with Assembly Floor Amendments
(Proposed By Assemblywoman PREVITE)

ADOPTED: DECEMBER 5, 2003

The amendments are technical in nature, and clarify the sponsor's intent that a court referral to the Division of Youth and Family Services shall be made in any case where a person has been convicted of any crime enumerated in the bill and the victim of the crime was a person under the age of 18 at the time the crime occurred and (rather than or) the person convicted of the crime resides in a household with other minor children or is a parent of a minor child.

SENATE, No. 2305

STATE OF NEW JERSEY

210th LEGISLATURE

INTRODUCED JANUARY 27, 2003

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator SHARPE JAMES

District 29 (Essex and Union)

SYNOPSIS

Requires DYFS to determine safety of minor child when custodial parent is incarcerated.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/5/2003)

1 AN ACT concerning criminal defendants and supplementing Title 30 of
2 the Revised Statutes.

3

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

6

7 1. In any case where a person has been convicted of a crime or
8 offense for which the person will be incarcerated, the Division of
9 Youth and Family Services in the Department of Human Services shall:

10 a. determine whether the person has custody of a minor child and,
11 if so, who will assume responsibility for the child's care and custody
12 during the period the person is incarcerated; and

13 b. require the person to provide the division with the name of the
14 child and name and address of the person who will be responsible for
15 the child's care and custody during the period of incarceration.

16

17 2. Upon receipt of the information provided by the incarcerated
18 person pursuant to subsection b. of section 1 of this act, the Division
19 of Youth and Family Services shall conduct a home visit to verify that:

20 a. the home of the person who will assume responsibility for the
21 care and custody of the incarcerated person's minor child does not
22 pose an immediate threat to the safety of the children; and

23 b. the child's emotional, physical, health care and educational needs
24 will be met during the period of incarceration.

25

26 3. Pursuant to the "Administrative Procedure Act," P.L.1968,
27 c.410 (C.52:14B-1 et seq.), the Commissioner of Human Services shall
28 adopt rules and regulations necessary to effectuate the purposes of this
29 act.

30

31 4. This act shall take effect immediately.

32

33

STATEMENT

34

35 This bill directs the Division of Youth and Family Services in the
36 Department of Human Services (DYFS), in the case of a person who
37 has been convicted of a crime or offense for which the person will be
38 incarcerated, to:

39 ! determine whether the person has custody of any minor child
40 and, if so, who will assume responsibility for the child's care
41 and custody during the period the person is incarcerated; and

42 ! require the person to provide DYFS with the name of the child
43 and name and address of the person who will be responsible for
44 the child care's and custody during the period of incarceration.

45 Under the provisions of the bill, upon receipt of the information
46 provided by the incarcerated person, DYFS shall conduct a home visit

S2305 TURNER, JAMES

3

1 to verify that: the home of the person who will assume responsibility
2 for the care and custody of the incarcerated person's minor child does
3 not pose a threat to the child's safety; and the child's emotional,
4 physical, health care and educational needs will be met during the
5 period of incarceration.

SENATE, No. 2426

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MARCH 17, 2003

Sponsored by:

Senator DIANE ALLEN

District 7 (Burlington and Camden)

SYNOPSIS

Requires DYFS to determine safety of minor child whose sole caretaker is incarcerated.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning criminal defendants and supplementing Title 2A
2 of the New Jersey Statutes and Title 9 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. In any case where a person has been convicted of a crime or
8 offense for which the person will be incarcerated, the court shall:

9 a. determine whether the person is the sole caretaker of a minor
10 child and, if so, who will assume responsibility for the child's care and
11 custody during the period the person is incarcerated; and

12 b. provide the Division of Youth and Family Services in the
13 Department of Human Services with the name of the child and, as
14 applicable, the name and address of the person who will be responsible
15 for the child's care and custody during the period of incarceration.

16
17 2. Upon receipt of the information provided by the court pursuant
18 to subsection b. of section 1 of P.L. , c. (C.) (pending before
19 the Legislature as this bill), the Division of Youth and Family Services
20 in the Department of Human Services shall conduct a home visit to
21 verify that:

22 a. the home of the person who will assume responsibility for the
23 care and custody of the incarcerated person's minor child does not
24 pose an immediate threat to the safety of the child; and

25 b. the child's emotional, physical, health care and educational needs
26 will be met during the period of incarceration.

27
28 3. The Supreme Court of the State of New Jersey may adopt Rules
29 of Court appropriate or necessary to effectuate the purposes of this
30 act.

31
32 4. This act shall take effect immediately.

33
34
35 STATEMENT

36
37 This bill directs the court, in the case of a person who has been
38 convicted of a crime or offense for which the person will be
39 incarcerated, to:

40 ! determine whether the person is the sole caretaker of any minor
41 child and, if so, who will assume responsibility for the child's
42 care and custody during the period the person is incarcerated;
43 and

44 ! provide the Division of Youth and Family Services (DYFS)
45 with the name of the child and, if applicable, the name and
46 address of the person who will be responsible for the child

S2426 ALLEN

3

1 care's and custody during the period of incarceration.

2 Under the provisions of the bill, upon receipt of the information
3 provided by the court, DYFS shall conduct a home visit to verify that:
4 the home of the person who will assume responsibility for the care and
5 custody of the incarcerated person's minor child does not pose a
6 threat to the child's safety; and the child's emotional, physical, health
7 care and educational needs will be met during the period of
8 incarceration.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2305 and 2426

STATE OF NEW JERSEY

DATED: JUNE 23, 2003

The Senate Health, Human Services and Senior Citizens Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 2305 and 2426.

This substitute provides that, in the case of a person who has been convicted of a crime for which the person will be incarcerated, as part of the presentence investigation required pursuant to N.J.S.A.2C:44-6, this committee substitute directs the court to order that a determination be made as to whether the person is the sole caretaker of any minor child and, if so, who will assume responsibility for the child's care and custody during the period the person is incarcerated.

If the determination is made that the person is the sole caretaker of the child, the presentence investigation shall also include:

(1) verification that the person who will be responsible for the child's care and custody during the period of incarceration has agreed to assume responsibility for the child's care and custody;

(2) an inquiry as to the willingness of the person to assume responsibility for the child's care and custody during the period of incarceration; and

(3) a PROMIS/GAVEL network check, juvenile central registry check and domestic violence central registry check on the person who will be responsible for the child's care and custody during the period of incarceration and on any adult member and juvenile who is more than 12 years of age in the person's household.

The substitute provides that the court shall provide the information from the presentence investigation to the Division of Youth and Family Services in the Department of Human Services.

Upon receiving the presentencing investigation information from the court, the Division of Youth and Family Services (DYFS) in the Department of Human Services shall conduct a child abuse record information check of its child abuse records to determine if an incident of child abuse or neglect has been substantiated against the person who will be responsible for the child's care and custody or any adult member or juvenile who is more than 12 years of age in the person's

household. If, based on the information provided by the court and the check of its child abuse records, the division determines that the incarcerated person's minor child may be at risk for abuse or neglect or the child's emotional, physical, health care and educational needs will not be met during the period of incarceration, the division shall take appropriate action to ensure the safety of the child.

The substitute also provides that in any case in which a person has been convicted of a crime (as listed below), and either the victim of the crime was a person under the age of 18 at the time of the commission of the crime, or the person convicted of the crime resides in a household with other minor children or is a parent of a minor child, the court, based on an interview with the defendant, shall make a referral to DYFS. The court shall provide DYFS with the name and address of the person convicted of the crime, information on the person's criminal history and the name and address of each minor child of the defendant and minor child who resides in the defendant's household. This requirement will apply to the following crimes:

- (1) murder or manslaughter;
- (2) simple assault or aggravated assault;
- (3) stalking;
- (4) terrorist threats;
- (5) kidnaping and related offenses including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure, or isolated area;
- (6) sexual assault, criminal sexual contact or lewdness;
- (7) arson, or causing or risking widespread injury or damage which would constitute a crime of the second degree;
- (8) a crime against a child, including endangering the welfare of a child and child pornography; or child abuse, neglect, or abandonment;
- (9) endangering the welfare of an incompetent person or endangering the welfare of an elderly or disabled person;
- (10) domestic violence; or
- (11) an attempt or conspiracy to commit an offense listed above.

The substitute takes effect on the 90th day after enactment.

This committee substitute is identical to Assembly Bill No.3172 (1R) (SCA) (Previte/Guear/Caraballo/Burzichelli), which also was reported by this committee on this date.