

9:6-8.30

LEGISLATIVE HISTORY CHECKLIST

NJSA: 9:6-8.30

(Abused children - emergency care authorized DYFS to consent)

LAWS OF: 1983

CHAPTER: 290

Bill No: S1573

Sponsor(s): Codey

Date Introduced: June 24, 1982

Committee: Assembly: Corrections, Health and Human Services

Senate: Institutions, Health and Welfare

Amended during passage: Yes

Amendments during passage denoted by asterisks

Date of Passage: Assembly: June 16, 1983

Senate: November 29, 1982

Date of Approval: August 4, 1983

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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SENATE, No. 1573

STATE OF NEW JERSEY

INTRODUCED JUNE 24, 1982

by Senator CODEY

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning child abuse and amending P. L. 1974, c. 119.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 10 of P. L. 1974, c. 119 (C. 9:6-8:30) is amended to
2 read as follows:

3 10. Action by the division upon emergency removal. a. The divi-
4 sion when informed that there has been an emergency removal of
5 a child from his home without court order shall make every rea-
6 sonable effort to communicate immediately with the child's parent
7 or guardian that such emergency removal has been made and the
8 location of the facility to which the child has been taken, and advise
9 the parent or guardian to appear in the appropriate juvenile and
10 domestic relations court on the next court day. The division shall
11 also advise the party making the removal to appear. For the
12 purposes of this section, "facility" means a hospital, shelter or
13 child care institution in which a child may be placed for temporary
14 care, but does not include a foster home.

15 b. The division shall cause a complaint to be filed under this act
16 immediately or on the first court day after such removal takes
17 place.

18 c. Whenever a child has been removed pursuant to section 7 or
19 9 of this act, the division shall arrange for immediate medical
20 examination of the child and shall have legal authority to consent
21 to such examination. *If necessary to safeguard the child's health*
22 *or life, the division also is authorized to arrange for and consent to*
23 *medical care or treatment of the child.* Consent by the division pur-

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendment adopted November 8, 1982.

24 suant to this subsection shall be deemed legal and valid for all
25 purposes with respect to any person, hospital, or other health care
26 facility examining **[such]** *or providing care or treatment to a child*
27 in accordance with and in reliance upon such consent. Medical
28 reports resulting from such examination *or care or treatment* shall
29 be released to the division for the purpose of aiding in the deter-
30 mination of whether the child has been abused or neglected. Any
31 person or health care facility acting in good faith in the examina-
32 tion **of* or provision of care and treatment* **[of]** **to** a child or
33 in the release of medical records shall have immunity from any
34 liability, civil or criminal, that might otherwise be incurred or
35 imposed as a result of such act.

1 2. This act shall take effect immediately.

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25 purposes with respect to any person, hospital, or other health care
26 facility examining **[such]** *or providing care or treatment to a child*
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31 person or health care facility acting in good faith in the examina-
32 tion *or provision of care and treatment* of a child or in the release
33 of medical records shall have immunity from any liability, civil or
34 criminal, that might otherwise be incurred or imposed as a result
35 of such act.

1 2. This act shall take effect immediately.

STATEMENT

This bill amends the child abuse law to authorize the Division of Youth and Family Services (DYFS) to consent to care and treatment of a child who has been removed from his home on an emergency basis because of suspected child abuse, when such care or treatment is necessary to safeguard the child's health or life.

While in practice the division has given its consent to treatment in emergency cases, the authority to do so was not clearly stated in the law. The law only provided that DYFS was authorized to consent to a medical examination of the child. This bill clarifies that DYFS also has the authority to consent to necessary care and treatment of the child.

S1573 (1982)

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 1573

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 25, 1982

This bill amends the child abuse law to authorize the Division of Youth and Family Services (DYFS) to consent to care and treatment of a child who has been removed from his home on an emergency basis because of suspected child abuse. The consent authorization is given only when such care for treatment is necessary to safeguard the child's health or life.

While in practice the division has given its consent to treatment in emergency cases, the authority to do so is not clearly stated in the law. Presently, the law provides that DYFS is authorized to consent to a medical examination of the child. This bill clarifies that DYFS also has the authority to consent to any necessary care and treatment of that child.

The committee approved a technical amendment to clarify the purpose of the bill.