

9:6-8.10a + 9:6-8.10b

LEGISLATIVE HISTORY CHECKLIST

HJSA 9:6-8.10a & 9:6-8.10b

Laws of 1977 Chapter 102

(Child Abuse Reports—  
Confidentiality)

Bill No. S1404

Sponsor(s) Menza

Date Introduced April 26, 1976

Committee: Assembly Institutions, Health & Welfare

Senate Institutions, Health & Welfare

Amended during passage Yes  No

Amendments during passage denoted by asterisks.

Date of passage: Assembly May 21, 1977

Senate Sept. 30, 1976

Date of approval May 25, 1977

Following statements are attached if available:

Sponsor statement Yes  No

Committee Statement: Assembly Yes  No

Senate Yes  No

Fiscal Note Yes  No

Veto message  Yes  No

Message on signing Yes  No

Following were printed:

Reports Yes  No

Hearings Yes  No

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CHAPTER 102 LAWS OF N. J. 1977  
APPROVED 5-25-77

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SENATE, No. 1404

# STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1976

By Senator MENZA

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the confidentiality of records or reports of child abuse or neglect and supplementing chapter 6 of Title 9 of the Revised Statutes.

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

1 1. a. All records of child abuse reports made pursuant to section  
2 3 of P. L. 1971, c. 437 (C. 9:6-8.10), all information obtained by the  
3 Division of Youth and Family Services in investigating such  
4 reports including reports received pursuant to section 20 of P. L.  
5 1974, c. 119 (C. 9:6-8.40), and all reports of findings forwarded to  
6 the central registry pursuant to section 4 of P. L. 1971, c. 437  
7 (C. 9:6-8.11) shall be kept confidential and may be disclosed only  
8 under the circumstances expressly authorized under subsection b.  
9 herein.

10 b. The division may release the records and reports referred to  
11 in subsection a., or parts thereof, to:

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

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

16 (3) A physician who has before him a child whom he reasonably  
17 suspects may be abused or neglected;

18 (4) A physician, a hospital director or his designate, a police  
19 officer or other person authorized to place a child in protective  
20 custody when such person has before him a child whom he reason-  
21 ably suspects may be abused or neglected and requires the informa-  
22 tion in order to determine whether to place the child in protective  
23 custody;

24 (5) An agency authorized to care for, treat, or supervise a child  
25 who is the subject of a child abuse report, or a parent, guardian or

26 other person who is responsible for the child's welfare, or both,  
27 when the information is needed in connection with the provision  
28 of care, treatment, or supervision to such child or such parent,  
29 guardian or other person;

30 (6) A court, upon its finding that access to such records may be  
31 necessary for determination of an issue before the court, and such  
32 records may be disclosed by the court in whole or in part to the  
33 law guardian, attorney or other appropriate person upon a finding  
34 that such further disclosure is necessary for determination of an  
35 issue before the court;

36 (7) A grand jury upon its determination that access to such  
37 records is necessary in the conduct of its official business;

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

43 (9) Any person engaged in a bona fide research purpose, pro-  
44 vided, however, that no names or other information identifying  
45 persons named in the report shall be made available to the re-  
46 searcher unless it is absolutely essential to the research purpose  
47 and provided further that the approval of the director of the  
48 Division of Youth and Family Services shall first have been  
49 obtained.

50 *\*Any individual, agency, court, grand jury or legislative com-  
51 mittee which receives from the division the records and reports  
52 referred to in subsection a., shall keep such records and reports, or  
53 parts thereof, confidential.\**

1 2. Any person who willfully permits or encourages the release  
2 of the contents of any record or report in contravention of this act  
3 shall be guilty of a misdemeanor and subject to a fine of not more  
4 than \$1,000.00, or to imprisonment for not more than 3 years, or  
5 both.

1 3. This act shall take effect immediately.

SENATE, No. 1404

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36 (7) A grand jury upon its determination that access to such  
 37 records is necessary in the conduct of its official business;

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

43 (9) Any person engaged in a bona fide research purpose, pro-  
 44 vided, however, that no names or other information identifying  
 45 persons named in the report shall be made available to the re-  
 46 searcher unless it is absolutely essential to the research purpose  
 47 and provided further that the approval of the director of the  
 48 Division of Youth and Family Services shall first have been  
 49 obtained.

1 2. Any person who willfully permits or encourages the release  
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 3 shall be guilty of a misdemeanor and subject to a fine of not more  
 4 than \$1,000.00, or to imprisonment for not more than 3 years, or  
 5 both.

1 3. This act shall take effect immediately.

*Sponsor* STATEMENT *for* **\$1404**

This legislation supplements the existing statutes governing child abuse to provide that child abuse reports and information concerning these reports is confidential. The legislation specifies those conditions under which the contents of the reports may be released and makes disclosure of the content of the reports in contravention of the excepting conditions a misdemeanor. Enactment of this legislation will make this State eligible for the receipt of Federal funds under the Child Abuse Prevention and Treatment Act (P. L. 93-247).

FISCAL NOTE TO  
**SENATE, No. 1404**

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**STATE OF NEW JERSEY**

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DATED: JULY 1, 1976

Senate Bill No. 1404 provides that child abuse reports and information concerning these reports is confidential.

The Department of Institutions and Agencies states that this legislation codifies existing policy and practice pursuant to Federal guidelines and will enable the Division of Youth and Family Services to meet one of the Federal requirements for a \$108,000.00 grant. The department feels there are no additional fiscal implications.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

SENATE COMMITTEE AMENDMENT TO  
**SENATE, No. 1404**

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**STATE OF NEW JERSEY**

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ADOPTED SEPTEMBER 16, 1976

Amend page 2, section 1, line 49, after “.”, insert new paragraph as follows:

“Any individual, agency, court, grand jury or legislative committee which receives from the division the records and reports referred to in subsection a., shall keep such records and reports, or parts thereof, confidential.”.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

MAY 25, 1977

ANNE BURNS

The Governor today signed into law Senate Bill 1404 sponsored by Senator Alexander J. Menza. This bill provides that all records of child abuse reports and information obtained by the Division of Youth and Family Services in investigating such reports will be kept confidential and may be disclosed only under certain circumstances. The bill does permit release of the report to public and private agencies authorized to investigate child abuse reports. Police officers and physicians involved in child abuse cases may receive necessary reports, as may a court or grand jury under the bill. State legislative committees and individuals doing research into child abuse are also permitted, under certain circumstances, to receive these records. Any party so receiving confidential reports may not further release the contents of such reports. Violation of the act would be punishable by a fine of not more than \$1,000, by imprisonment for not more than 3 years or both.

Signing of the bill entitles the State to \$180,000 in federal child abuse prevention funds.

The Governor stated "the bill will ensure that groundless or unprovable complaints of suspected child abuse will be kept confidential while enabling the appropriate authorities to retain records of such complaints should be subsequent evidence to show that there is a possibility of actual child abuse."