

9:6-8.36a

LEGISLATIVE HISTORY CHECKLIST

NJSA 9:6-8.36a (Child abuse--suspected cases--  
report to Prosecutor)

LAWS OF 1977 CHAPTER 210

Bill No. S889

Sponsor(s) Menza, Dodd

Date Introduced Pre-filed

Committee: Assembly Institutions, Health & Welfare

Senate Institutions, Health & Welfare

Amended during passage Yes ~~XX~~ Amendments during  
passage denoted  
by asterisks

Date of Passage: Assembly March 21, 1977

Senate April 12, 1976

Date of approval September 7, 1978

Following statements are attached if available:

Sponsor statement Yes ~~XX~~

Committee Statement: Assembly ~~XXX~~ No

Senate Yes ~~XX~~

Fiscal Note ~~XXX~~ No

Veto Message ~~XXX~~ No

Message on signing ~~XXX~~ No

Following were printed:

Reports ~~XXX~~ No

Hearings ~~XXX~~ No

For background see:

974.90 N.J. Legislature. Child Abuse Study Commission.  
C536 Public hearing, held 3-26-71.  
1971

974.90 N.J. Legislature. Child abuse Study Commission.  
C536 Interim report, Nov. 15, 1971.  
1971c

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SENATE, No. 889

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senators MENZA and DODD

A SUPPLEMENT to "An act concerning the manner of disposition of cases of child abuse or neglect, revising parts of the statutory law and providing for an appropriation," approved October 10, 1974 (P. L. 1974, c. 119, C. 9:6-8.21 et seq.).

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

1 \*\***[**1. Any physician having reasonable cause to suspect that any  
2 child under the age of 18 brought to him or coming before him  
3 for examination, care or treatment, regardless of where the exam-  
4 ination, care or treatment is performed, is an abused or neglected  
5 child as defined in the act to which this act is a supplement, shall  
6 immediately report or shall cause to be reported to the county  
7 prosecutor of the county in which the child resides **[such]** *\*any\**  
8 injury or injuries *\*sustained by said child\** in accordance with the  
9 provisions of this act; provided, however, that when the examina-  
10 tion, care or treatment is provided as a member of the staff of a  
11 hospital, such physician shall notify the person in charge of the  
12 hospital or his authorized representative who shall immediately  
13 report such injury or injuries in accordance with the provisions  
14 of this act.]\*\*

1 *\*\*1. The Division of Youth and Family Services shall immediately*  
2 *report all instances of suspected child abuse and neglect, as defined*  
3 *by regulations, to the county prosecutor of the county in which the*  
4 *child resides. Said regulations shall be developed jointly by the*  
5 *division and the county prosecutors, approved by the Attorney*  
6 *General, and promulgated by the Commissioner of the Department*  
7 *of Human Services.\*\**

1 **[**2. Such report shall be made immediately by telephone or  
2 otherwise, followed as soon thereafter as possible by a report in

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

3 writing. Such report shall contain the names and addresses of the  
4 child and his parent, parents, guardian or person having custody  
5 and control of the child, and, if known, the child's age, the nature  
6 and extent of the child's injuries including any evidence of previous  
7 injuries, and any other information that the physician believes  
8 may be helpful in establishing the cause of the injury or injuries  
9 and the identity of the perpetrator.】\*\*

1 \*\*【3. Anyone acting in a professional capacity in the making of a  
2 report pursuant to the provisions of this act shall have immunity  
3 from any liability, civil or criminal, that might otherwise be in-  
4 curred or imposed. Any such person shall have the same im-  
5 munity with respect to testimony given in any judicial proceeding  
6 resulting from such report.】\*\*

1 \*\*【4.】\*\* \*\*2.\*\* This act shall take effect immediately.

3 from any liability, civil or criminal, that might otherwise be in-  
4 curred or imposed. Any such person shall have the same im-  
5 munity with respect to testimony given in any judicial proceeding  
6 resulting from such report.

1 4. This act shall take effect immediately.

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STATEMENT

This legislation requires physicians to report to the county prosecutor cases of suspected child abuse. Such reports shall be made immediately by telephone, be followed by written reports and shall state the child's name, the name of the parents or guardians, and the nature of the injuries sustained by the child. Persons acting in their professional capacity and making such child abuse reports shall be immune from civil or criminal liability.

This bill recognizes the need for immediate investigation of cases of child abuse in order to gather the proofs necessary for the protection of the child as well as possible prosecution of the abuser.

SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO  
**SENATE, No. 889**

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**STATE OF NEW JERSEY**

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DATED: MARCH 29, 1976

This bill requires physicians to report cases of suspected child abuse to the county prosecutor. Despite the contention of some that this bill would cause a drop in the number of reported child abuse cases (since physicians would dislike having to report cases to the prosecutor), the committee feels that it is needed. Many prosecutors have reported that there are long delays in receiving evidence from the Department of Institutions and Agencies of criminal neglect or abuse. If physicians immediately report cases of abuse to prosecutors, child abusers can be more effectively and speedily brought to trial.

The committee's amendments to section 1 are of a technical nature only.