

9:6-8.10a

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 185
NJSA: 9:6-8.10a (Child care home providers – child abuse checks)
BILL NO: S2655 (Substituted for A3654)

SPONSOR(S): Vitale and others

DATE INTRODUCED: June 12, 2003

COMMITTEE: **ASSEMBLY:** ----
SENATE: Health, Human Services

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 30, 2003
SENATE: June 30, 2003

DATE OF APPROVAL: September 26, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)
(Amendments during passage denoted by superscript numbers)

S2655

[SPONSORS STATEMENT:](#) (Begins on page 7 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A3654

[SPONSORS STATEMENT:](#) (Begins on page 7 of original bill) [Yes](#)

Bill and Sponsors Statement identical to S2655

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [6-19-2003 \(Family\)](#)
[7-01-2003 \(Budget\)](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

§§2,3 -
C.30:5B-32 &
30:5B-33
§4 - Note to
§§1-3

P.L. 2003, CHAPTER 185, *approved September 26, 2003*
Senate, No. 2655 (*First Reprint*)

1 **AN ACT** concerning child abuse, amending P.L.1977, c.102 and
2 supplementing Title 30 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. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to read
8 as follows:

9 1. a. All records of child abuse reports made pursuant to section 3
10 of P.L.1971, c.437 (C.9:6-8.10), all information obtained by the
11 Division of Youth and Family Services in investigating such reports
12 including reports received pursuant to section 20 of P.L.1974, c.119
13 (C.9:6-8.40), and all reports of findings forwarded to the central
14 registry pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11) shall be
15 kept confidential and may be disclosed only under the circumstances
16 expressly authorized under subsections b., c., d., e. **[and]**, f. and g.
17 herein. The division shall disclose information only as authorized
18 under subsections b., c., d.,e. **[and]**, f. and g. of this section that is
19 relevant to the purpose for which the information is required,
20 provided, however, that nothing may be disclosed which would likely
21 endanger the life, safety, or physical or emotional well-being of a child
22 or the life or safety of any other person or which may compromise the
23 integrity of a division investigation or a civil or criminal investigation
24 or judicial proceeding. If the division denies access to specific
25 information on this basis, the requesting entity may seek disclosure
26 through the Chancery Division of the Superior Court. This section
27 shall not be construed to prohibit disclosure pursuant to paragraphs
28 (2) and (7) of subsection b. of this section.

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

31 b. The division may and upon written request, shall release the
32 records and reports referred to in subsection a., or parts thereof,
33 consistent with the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.)
34 to:

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

37 (2) A police or other law enforcement agency investigating a report

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted June 23, 2003.

1 of child abuse or neglect;

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

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

12 (5) An agency, whether public or private, including any other
13 division or unit in the Department of Human Services, authorized to
14 care for, treat, or supervise a child who is the subject of a child abuse
15 report, or a parent, guardian or other person who is responsible for the
16 child's welfare, or both, when the information is needed in connection
17 with the provision of care, treatment, or supervision to such child or
18 such parent, guardian or other person;

19 (6) A court or the Office of Administrative Law, upon its finding
20 that access to such records may be necessary for determination of an
21 issue before it, and such records may be disclosed by the court or the
22 Office of Administrative Law in whole or in part to the law guardian,
23 attorney or other appropriate person upon a finding that such further
24 disclosure is necessary for determination of an issue before the court
25 or the Office of Administrative Law;

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

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

33 (9) (Deleted by amendment, P.L.1997, c.175).

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

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

44 (12) Any person appealing a division service or status action or a
45 substantiated finding of child abuse or neglect and his attorney or
46 authorized lay representative upon a determination by the division or

1 the presiding Administrative Law Judge that such disclosure is
2 necessary for a determination of the issue on appeal;

3 (13) Any person or entity mandated by statute to consider child
4 abuse or neglect information when conducting a background check or
5 employment-related screening of an individual employed by or seeking
6 employment with an agency or organization providing services to
7 children;

8 (14) Any person or entity conducting a disciplinary, administrative
9 or judicial proceeding to determine terms of employment or continued
10 employment of an officer, employee, or volunteer with an agency or
11 organization providing services for children. The information may be
12 disclosed in whole or in part to the appellant or other appropriate
13 person only upon a determination by the person or entity conducting
14 the proceeding that the disclosure is necessary to make a
15 determination;

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

20 (16) A person being evaluated by the division or the court as a
21 potential care-giver to determine whether that person is willing and
22 able to provide the care and support required by the child;

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

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

30 (19) A parent or legal guardian when the information is needed in
31 a division matter in which that parent or guardian is directly involved.
32 The information may be released only to the extent necessary for the
33 requesting parent or guardian to discuss services or the basis for the
34 division's involvement or to develop, discuss, or implement a case plan
35 for the child;

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

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

42 (22) The Child Fatality and Near Fatality Review Board established
43 pursuant to P.L.1997, c.175 (C.9:6-8.83 et al.).

44 Any individual, agency, board, court, grand jury, legislative
45 committee, or other entity which receives from the division the records
46 and reports referred to in subsection a., shall keep such records and

1 reports, or parts thereof, confidential and shall not disclose such
2 records and reports or parts thereof except as authorized by law.

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

8 d. The division may release the records and reports referred to in
9 subsection a. of this section to any person engaged in a bona fide
10 research purpose, provided, however, that no names or other
11 information identifying persons named in the report shall be made
12 available to the researcher unless it is absolutely essential to the
13 research purpose and provided further that the approval of the
14 Director of the Division of Youth and Family Services shall first have
15 been obtained.

16 e. For incidents determined by the division to be substantiated, the
17 division shall forward to the police or law enforcement agency in
18 whose jurisdiction the child named in the report resides, the identity
19 of persons alleged to have committed child abuse or neglect and of
20 victims of child abuse or neglect, their addresses, the nature of the
21 allegations, and other relevant information, including, but not limited
22 to, prior reports of abuse or neglect and names of siblings obtained by
23 the division during its investigation of a report of child abuse or
24 neglect. The police or law enforcement agency shall keep such
25 information confidential.

26 f. The division may disclose to the public the findings or
27 information about a case of child abuse or neglect which has resulted
28 in a child fatality or near fatality. Nothing may be disclosed which
29 would likely endanger the life, safety, or physical or emotional
30 well-being of a child or the life or safety of any other person or which
31 may compromise the integrity of a division investigation or a civil or
32 criminal investigation or judicial proceeding. If the division denies
33 access to specific information on this basis, the requesting entity may
34 seek disclosure of the information through the Chancery Division of
35 the Superior Court. No information may be disclosed which is deemed
36 confidential by federal or State law. The name or any other
37 information identifying the person or entity who referred the child to
38 the division shall not be released to the public.

39 g. The division shall release the records and reports referred to in
40 subsection a. of this section to a unified child care agency contracted
41 with the Department of Human Services pursuant to N.J.A.C.10:15-
42 2.1 for the purpose of providing information on child abuse or neglect
43 allegations involving a prospective approved home provider or any
44 adult household member pursuant to section 2 of P.L. _____, c. _____
45 (C. _____) (pending before the Legislature as this bill) to a child's
46 parent when the information is necessary for the parent to make a

1 decision concerning the placement of the child in an appropriate child
2 care arrangement.

3 The division shall not release any information that would likely
4 endanger the life, safety, or physical or emotional well-being of a child
5 or the life or safety of any other person.

6 (cf: P.L.1997, c.175, s.16)

7

8 2. (New section) a. A unified child care agency contracted with
9 the Department of Human Services pursuant to N.J.A.C.10:15-2.1,
10 shall request that the Division of Youth and Family Services in the
11 Department of Human Services conduct a child abuse record
12 information check of the division's child abuse records, as promptly as
13 possible, to determine if an incident of child abuse or neglect has been
14 substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11),
15 against:

16 (1) a prospective approved home provider as defined in
17 N.J.A.C.10:15-1.2 providing child care services under the "New Jersey
18 Cares for Kids Program" established pursuant to N.J.A.C.10:15-5.1,
19 or to a child whose parent is receiving assistance under the Work First
20 New Jersey program established pursuant to P.L.1997, c.38
21 (C.44:10-55 et seq.) or is employed but continues to receive
22 supportive services pursuant to the provisions of section 5 of
23 P.L.1997, c.13 (C.44:10-38); or

24 (2) any adult member of the prospective provider's household.

25 b. The division shall conduct the child abuse record information
26 check only upon receipt of the prospective approved home provider's
27 or any adult household member's written consent to the check. If the
28 person refuses to provide his consent, the unified child care agency
29 shall deny the prospective approved home provider's application to
30 provide child care services.

31 c. If the division determines that an incident of child abuse or
32 neglect by the prospective approved home provider or any adult
33 member of the household has been substantiated, the division shall
34 release the results of the child abuse record information check to the
35 unified child care agency pursuant to subsection g. of section 1 of
36 P.L.1977, c.102 (C.9:6-8.10a) and the agency shall deny the
37 prospective approved home provider's application to provide child care
38 services.

39 d. Before denying the prospective approved home provider's
40 application to provide child care services, the unified child care agency
41 shall give notice personally or by certified or registered mail to the last
42 known address of the prospective approved home provider with return
43 receipt requested, of the reasons why the application ¹[was] will be¹
44 denied. The notice shall afford the prospective approved home
45 provider the opportunity to be heard and to contest the agency's
46 action. The hearing shall be conducted in accordance with the

1 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
2 seq.).

3 e. If a prospective approved home provider's application to provide
4 child care services is denied, the unified child care agency shall notify
5 the parent of the child who would be eligible to receive such services,
6 personally and in writing, of the reasons why the application was
7 denied and the parent's right to select another provider. The parent
8 shall keep such information confidential and shall not disclose the
9 information except as authorized by law.

10

11 3. (New section) Pursuant to the "Administrative Procedure Act,"
12 P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of Human
13 Services shall adopt rules and regulations necessary to effectuate the
14 purposes of this act, including but not limited to:

15 a. Procedures for a unified child care agency to follow in
16 submitting a request for a child abuse record information check on a
17 prospective approved home provider or any adult member of the
18 prospective provider's household;

19 b. Implementation of an appeals process to be used in the case of
20 ¹[the] a¹ denial of a prospective approved home provider's application
21 to provide child care services based on a finding of substantiated child
22 abuse or neglect; and

23 c. Establishment of time limits for conducting a child abuse record
24 information check and providing a unified child care agency with the
25 results of the check.

26

27 4. This act shall take effect on the 180th day following enactment,
28 but the Commissioner of Human Services may take such anticipatory
29 administrative action in advance as shall be necessary for the
30 implementation of the act.

31

32

33

34

35 Requires DYFS to provide unified child care agencies evaluating
36 homes of prospective approved home providers with results of child
37 abuse record information checks.

SENATE, No. 2655

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED JUNE 12, 2003

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator BARBARA BUONO

District 18 (Middlesex)

SYNOPSIS

Requires DYFS to provide unified child care agencies evaluating homes of prospective approved home providers with results of child abuse record information checks.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning child abuse, amending P.L.1977, c.102 and
2 supplementing Title 30 of the Revised Statutes.

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

6
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8 as follows:

9 1. a. All records of child abuse reports made pursuant to section 3
10 of P.L.1971, c.437 (C.9:6-8.10), all information obtained by the
11 Division of Youth and Family Services in investigating such reports
12 including reports received pursuant to section 20 of P.L.1974, c.119
13 (C.9:6-8.40), and all reports of findings forwarded to the central
14 registry pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11) shall be
15 kept confidential and may be disclosed only under the circumstances
16 expressly authorized under subsections b., c., d., e. **[and]**, f. and g.
17 herein. The division shall disclose information only as authorized
18 under subsections b., c., d., e. **[and]**, f. and g. of this section that is
19 relevant to the purpose for which the information is required,
20 provided, however, that nothing may be disclosed which would likely
21 endanger the life, safety, or physical or emotional well-being of a child
22 or the life or safety of any other person or which may compromise the
23 integrity of a division investigation or a civil or criminal investigation
24 or judicial proceeding. If the division denies access to specific
25 information on this basis, the requesting entity may seek disclosure
26 through the Chancery Division of the Superior Court. This section
27 shall not be construed to prohibit disclosure pursuant to paragraphs
28 (2) and (7) of subsection b. of this section.

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

31 b. The division may and upon written request, shall release the
32 records and reports referred to in subsection a., or parts thereof,
33 consistent with the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.)
34 to:

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

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

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

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 underlined thus is new matter.

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

6 (5) An agency, whether public or private, including any other
7 division or unit in the Department of Human Services, authorized to
8 care for, treat, or supervise a child who is the subject of a child abuse
9 report, or a parent, guardian or other person who is responsible for the
10 child's welfare, or both, when the information is needed in connection
11 with the provision of care, treatment, or supervision to such child or
12 such parent, guardian or other person;

13 (6) A court or the Office of Administrative Law, upon its finding
14 that access to such records may be necessary for determination of an
15 issue before it, and such records may be disclosed by the court or the
16 Office of Administrative Law in whole or in part to the law guardian,
17 attorney or other appropriate person upon a finding that such further
18 disclosure is necessary for determination of an issue before the court
19 or the Office of Administrative Law;

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

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

27 (9) (Deleted by amendment, P.L.1997, c.175).

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

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

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

43 (13) Any person or entity mandated by statute to consider child
44 abuse or neglect information when conducting a background check or
45 employment-related screening of an individual employed by or seeking
46 employment with an agency or organization providing services to

1 children;

2 (14) Any person or entity conducting a disciplinary, administrative
3 or judicial proceeding to determine terms of employment or continued
4 employment of an officer, employee, or volunteer with an agency or
5 organization providing services for children. The information may be
6 disclosed in whole or in part to the appellant or other appropriate
7 person only upon a determination by the person or entity conducting
8 the proceeding that the disclosure is necessary to make a
9 determination;

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

14 (16) A person being evaluated by the division or the court as a
15 potential care-giver to determine whether that person is willing and
16 able to provide the care and support required by the child;

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

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

24 (19) A parent or legal guardian when the information is needed in
25 a division matter in which that parent or guardian is directly involved.
26 The information may be released only to the extent necessary for the
27 requesting parent or guardian to discuss services or the basis for the
28 division's involvement or to develop, discuss, or implement a case plan
29 for the child;

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

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

36 (22) The Child Fatality and Near Fatality Review Board established
37 pursuant to P.L.1997, c.175 (C.9:6-8.83 et al.).

38 Any individual, agency, board, court, grand jury, legislative
39 committee, or other entity which receives from the division the records
40 and reports referred to in subsection a., shall keep such records and
41 reports, or parts thereof, confidential and shall not disclose such
42 records and reports or parts thereof except as authorized by law.

43 c. The division may share information with a child who is the
44 subject of a child abuse or neglect report, as appropriate to the child's
45 age or condition, to enable the child to understand the basis for the
46 division's involvement and to participate in the development,

1 discussion, or implementation of a case plan for the child.

2 d. The division may release the records and reports referred to in
3 subsection a. of this section to any person engaged in a bona fide
4 research purpose, provided, however, that no names or other
5 information identifying persons named in the report shall be made
6 available to the researcher unless it is absolutely essential to the
7 research purpose and provided further that the approval of the
8 Director of the Division of Youth and Family Services shall first have
9 been obtained.

10 e. For incidents determined by the division to be substantiated, the
11 division shall forward to the police or law enforcement agency in
12 whose jurisdiction the child named in the report resides, the identity
13 of persons alleged to have committed child abuse or neglect and of
14 victims of child abuse or neglect, their addresses, the nature of the
15 allegations, and other relevant information, including, but not limited
16 to, prior reports of abuse or neglect and names of siblings obtained by
17 the division during its investigation of a report of child abuse or
18 neglect. The police or law enforcement agency shall keep such
19 information confidential.

20 f. The division may disclose to the public the findings or
21 information about a case of child abuse or neglect which has resulted
22 in a child fatality or near fatality. Nothing may be disclosed which
23 would likely endanger the life, safety, or physical or emotional
24 well-being of a child or the life or safety of any other person or which
25 may compromise the integrity of a division investigation or a civil or
26 criminal investigation or judicial proceeding. If the division denies
27 access to specific information on this basis, the requesting entity may
28 seek disclosure of the information through the Chancery Division of
29 the Superior Court. No information may be disclosed which is deemed
30 confidential by federal or State law. The name or any other
31 information identifying the person or entity who referred the child to
32 the division shall not be released to the public.

33 g. The division shall release the records and reports referred to in
34 subsection a. of this section to a unified child care agency contracted
35 with the Department of Human Services pursuant to N.J.A.C.10:15-
36 2.1 for the purpose of providing information on child abuse or neglect
37 allegations involving a prospective approved home provider or any
38 adult household member pursuant to section 2 of P.L. _____, c. _____
39 (C. _____) (pending before the Legislature as this bill) to a child's
40 parent when the information is necessary for the parent to make a
41 decision concerning the placement of the child in an appropriate child
42 care arrangement.

43 The division shall not release any information that would likely
44 endanger the life, safety, or physical or emotional well-being of a child
45 or the life or safety of any other person.

46 (cf: P.L.1997, c.175, s.16)

1 2. (New section) a. A unified child care agency contracted with
2 the Department of Human Services pursuant to N.J.A.C.10:15-2.1,
3 shall request that the Division of Youth and Family Services in the
4 Department of Human Services conduct a child abuse record
5 information check of the division's child abuse records, as promptly as
6 possible, to determine if an incident of child abuse or neglect has been
7 substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11),
8 against:

9 (1) a prospective approved home provider as defined in
10 N.J.A.C.10:15-1.2 providing child care services under the "New Jersey
11 Cares for Kids Program" established pursuant to N.J.A.C.10:15-5.1,
12 or to a child whose parent is receiving assistance under the Work First
13 New Jersey program established pursuant to P.L.1997, c.38
14 (C.44:10-55 et seq.) or is employed but continues to receive
15 supportive services pursuant to the provisions of section 5 of
16 P.L.1997, c.13 (C.44:10-38); or

17 (2) any adult member of the prospective provider's household.

18 b. The division shall conduct the child abuse record information
19 check only upon receipt of the prospective approved home provider's
20 or any adult household member's written consent to the check. If the
21 person refuses to provide his consent, the unified child care agency
22 shall deny the prospective approved home provider's application to
23 provide child care services.

24 c. If the division determines that an incident of child abuse or
25 neglect by the prospective approved home provider or any adult
26 member of the household has been substantiated, the division shall
27 release the results of the child abuse record information check to the
28 unified child care agency pursuant to subsection g. of section 1 of
29 P.L.1977, c.102 (C.9:6-8.10a) and the agency shall deny the
30 prospective approved home provider's application to provide child care
31 services.

32 d. Before denying the prospective approved home provider's
33 application to provide child care services, the unified child care agency
34 shall give notice personally or by certified or registered mail to the last
35 known address of the prospective approved home provider with return
36 receipt requested, of the reasons why the application was denied. The
37 notice shall afford the prospective approved home provider the
38 opportunity to be heard and to contest the agency's action. The
39 hearing shall be conducted in accordance with the "Administrative
40 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

41 e. If a prospective approved home provider's application to provide
42 child care services is denied, the unified child care agency shall notify
43 the parent of the child who would be eligible to receive such services,
44 personally and in writing, of the reasons why the application was
45 denied and the parent's right to select another provider. The parent
46 shall keep such information confidential and shall not disclose the

1 information except as authorized by law.

2

3 3. (New section) Pursuant to the "Administrative Procedure Act,"
4 P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of Human
5 Services shall adopt rules and regulations necessary to effectuate the
6 purposes of this act, including but not limited to:

7 a. Procedures for a unified child care agency to follow in
8 submitting a request for a child abuse record information check on a
9 prospective approved home provider or any adult member of the
10 prospective provider's household;

11 b. Implementation of an appeals process to be used in the case of
12 the denial of a prospective approved home provider's application to
13 provide child care services based on a finding of substantiated child
14 abuse or neglect; and

15 c. Establishment of time limits for conducting a child abuse record
16 information check and providing a unified child care agency with the
17 results of the check.

18

19 4. This act shall take effect on the 180th day following enactment,
20 but the Commissioner of Human Services may take such anticipatory
21 administrative action in advance as shall be necessary for the
22 implementation of the act.

23

24

25

STATEMENT

26

27 This bill amends N.J.S.A.9:6-8.10a to direct the Division of Youth
28 and Family Services (DYFS) in the Department of Human Services to
29 release child abuse records and reports made pursuant to
30 N.J.S.A.9:6-8.10, 9:6-8.40 and 9:6-8.11 to a unified child care agency
31 (UCCA) for the purpose of providing information on child abuse or
32 neglect allegations involving a prospective approved home provider
33 (as defined in N.J.A.C.10:15-1.2), or any adult household member, to
34 a child's parent when the information is necessary for the parent to
35 make a decision concerning the placement of the child in an
36 appropriate child care arrangement. DYFS would not be permitted to
37 release any information that would likely endanger the life, safety, or
38 physical or emotional well-being of a child or the life or safety of any
39 other person.

40 Under the provisions of the bill, a UCCA, shall request that DYFS
41 conduct a child abuse record information (CARI) check of its child
42 abuse records, as promptly as possible, to determine if an incident of
43 child abuse or neglect has been substantiated against:

44 ! a prospective approved home provider providing child care
45 services under the "New Jersey Cares for Kids Program," or to
46 a child whose parent is receiving assistance under the Work

1 First New Jersey (WFNJ) program or is employed but
2 continues to receive supportive services through WFNJ; or
3 ! any adult member of the prospective provider's household.

4 The bill directs DYFS to:

5 ! conduct the CARI check only upon written consent of the
6 prospective provider or adult household member; and

7 ! release the results of the CARI check to the UCCA if DYFS
8 determines that an incident of child abuse or neglect by the
9 prospective provider or any adult member of the household has
10 been substantiated.

11 Finally, the bill stipulates that the UCCA shall:

12 ! deny the prospective provider's application to provide child
13 care services, if the prospective provider or any adult member
14 of the household refuses to provide consent to the CARI check
15 or DYFS determines that an incident of child abuse or neglect
16 by the prospective provider or any adult member of the
17 household has been substantiated;

18 ! before denying the prospective provider's application to
19 provide child care services, notify the prospective provider
20 personally or by certified or registered mail of the reasons why
21 the application was denied (the notice shall afford the
22 prospective provider the opportunity to be heard and contest
23 the UCCA's action); and

24 ! notify the parent of the child who would be receiving child care
25 services from the prospective provider, personally and in
26 writing, of the reasons why the application was denied and the
27 parent's right to select another provider. The parent shall keep
28 the information confidential and shall not disclose it unless
29 authorized by law.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2655

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 Senate Bill No. 2655.

As amended by committee, this bill amends N.J.S.A.9:6-8.10a to direct the Division of Youth and Family Services (DYFS) in the Department of Human Services to release child abuse records and reports made pursuant to N.J.S.A.9:6-8.10, 9:6-8.40 and 9:6-8.11 to a unified child care agency (UCCA) for the purpose of providing information on child abuse or neglect allegations involving a prospective approved home provider (as defined in N.J.A.C.10:15-1.2), or any adult household member, to a child's parent when the information is necessary for the parent to make a decision concerning the placement of the child in an appropriate child care arrangement. DYFS would not be permitted to release any information that would likely endanger the life, safety, or physical or emotional well-being of a child or the life or safety of any other person.

Under the provisions of the bill, a UCCA, shall request that DYFS conduct a child abuse record information (CARI) check of its child abuse records, as promptly as possible, to determine if an incident of child abuse or neglect has been substantiated against:

- Ⓒ a prospective approved home provider providing child care services under the "New Jersey Cares for Kids Program," or to a child whose parent is receiving assistance under the Work First New Jersey (WFNJ) program or is employed but continues to receive supportive services through WFNJ; or
- Ⓒ any adult member of the prospective provider's household.

The bill directs DYFS to: conduct the CARI check only upon written consent of the prospective provider or adult household member; and release the results of the CARI check to the UCCA if DYFS determines that an incident of child abuse or neglect by the prospective provider or any adult member of the household has been substantiated.

Finally, the bill stipulates that the UCCA shall:

- C deny the prospective provider's application to provide child care services, if the prospective provider or any adult member of the household refuses to provide consent to the CARI check or DYFS determines that an incident of child abuse or neglect by the prospective provider or any adult member of the household has been substantiated;
- C before denying the prospective provider's application to provide child care services, notify the prospective provider personally or by certified or registered mail of the reasons why the application will be denied (the notice shall afford the prospective provider the opportunity to be heard and contest the UCCA's action); and
- C notify the parent of the child who would be receiving child care services from the prospective provider, personally and in writing, of the reasons why the application was denied and the parent's right to select another provider. The parent shall keep the information confidential and shall not disclose it unless authorized by law.

The committee amendments are technical, and clarify the language in the bill.

This bill is similar to Assembly Bill No. 3654 (Greenwald), which is pending before the Assembly Appropriations Committee.

ASSEMBLY, No. 3654

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 19, 2003

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Camden)

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Co-Sponsored by:

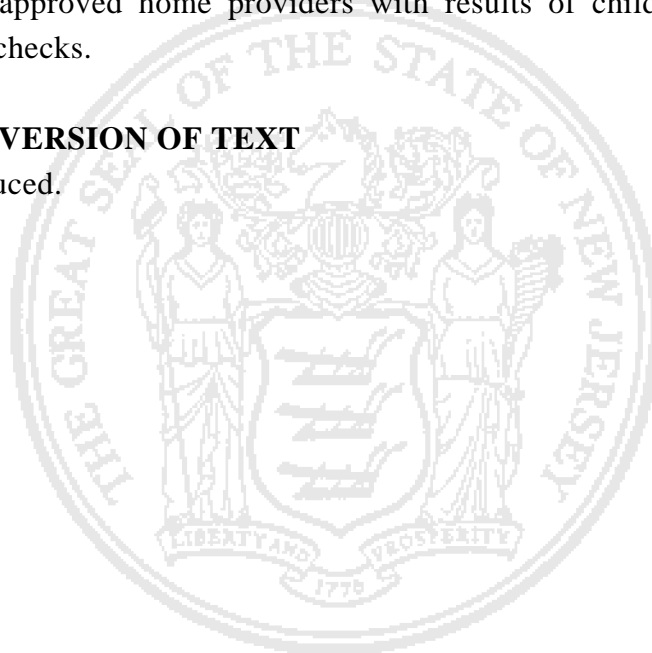
Assemblywoman Heck

SYNOPSIS

Requires DYFS to provide unified child care agencies evaluating homes of prospective approved home providers with results of child abuse record information checks.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/1/2003)

1 AN ACT concerning child abuse, amending P.L.1977, c.102 and
2 supplementing Title 30 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. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to read
8 as follows:

9 1. a. All records of child abuse reports made pursuant to section 3
10 of P.L.1971, c.437 (C.9:6-8.10), all information obtained by the
11 Division of Youth and Family Services in investigating such reports
12 including reports received pursuant to section 20 of P.L.1974, c.119
13 (C.9:6-8.40), and all reports of findings forwarded to the central
14 registry pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11) shall be
15 kept confidential and may be disclosed only under the circumstances
16 expressly authorized under subsections b., c., d., e. **[and]**, f. and g.
17 herein. The division shall disclose information only as authorized
18 under subsections b., c., d., e. **[and]**, f. and g. of this section that is
19 relevant to the purpose for which the information is required,
20 provided, however, that nothing may be disclosed which would likely
21 endanger the life, safety, or physical or emotional well-being of a child
22 or the life or safety of any other person or which may compromise the
23 integrity of a division investigation or a civil or criminal investigation
24 or judicial proceeding. If the division denies access to specific
25 information on this basis, the requesting entity may seek disclosure
26 through the Chancery Division of the Superior Court. This section
27 shall not be construed to prohibit disclosure pursuant to paragraphs
28 (2) and (7) of subsection b. of this section.

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

31 b. The division may and upon written request, shall release the
32 records and reports referred to in subsection a., or parts thereof,
33 consistent with the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.)
34 to:

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

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

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

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 underlined thus is new matter.

- 1 (4) A physician, a hospital director or his designate, a police officer
2 or other person authorized to place a child in protective custody when
3 such person has before him a child whom he reasonably suspects may
4 be abused or neglected and requires the information in order to
5 determine whether to place the child in protective custody;
- 6 (5) An agency, whether public or private, including any other
7 division or unit in the Department of Human Services, authorized to
8 care for, treat, or supervise a child who is the subject of a child abuse
9 report, or a parent, guardian or other person who is responsible for the
10 child's welfare, or both, when the information is needed in connection
11 with the provision of care, treatment, or supervision to such child or
12 such parent, guardian or other person;
- 13 (6) A court or the Office of Administrative Law, upon its finding
14 that access to such records may be necessary for determination of an
15 issue before it, and such records may be disclosed by the court or the
16 Office of Administrative Law in whole or in part to the law guardian,
17 attorney or other appropriate person upon a finding that such further
18 disclosure is necessary for determination of an issue before the court
19 or the Office of Administrative Law;
- 20 (7) A grand jury upon its determination that access to such records
21 is necessary in the conduct of its official business;
- 22 (8) Any appropriate State legislative committee acting in the
23 course of its official functions, provided, however, that no names or
24 other information identifying persons named in the report shall be
25 made available to the legislative committee unless it is absolutely
26 essential to the legislative purpose;
- 27 (9) (Deleted by amendment, P.L.1997, c.175).
- 28 (10) A family day care sponsoring organization for the purpose of
29 providing information on child abuse or neglect allegations involving
30 prospective or current providers or household members pursuant to
31 P.L.1993, c.350 (C.30:5B-25.1 et seq.) and as necessary, for use in
32 administrative appeals related to information obtained through a
33 central registry search;
- 34 (11) The Victims of Crime Compensation Board, for the purpose
35 of providing services available pursuant to the "Criminal Injuries
36 Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) to
37 a child victim who is the subject of such report;
- 38 (12) Any person appealing a division service or status action or a
39 substantiated finding of child abuse or neglect and his attorney or
40 authorized lay representative upon a determination by the division or
41 the presiding Administrative Law Judge that such disclosure is
42 necessary for a determination of the issue on appeal;
- 43 (13) Any person or entity mandated by statute to consider child
44 abuse or neglect information when conducting a background check or
45 employment-related screening of an individual employed by or seeking

1 employment with an agency or organization providing services to
2 children;

3 (14) Any person or entity conducting a disciplinary, administrative
4 or judicial proceeding to determine terms of employment or continued
5 employment of an officer, employee, or volunteer with an agency or
6 organization providing services for children. The information may be
7 disclosed in whole or in part to the appellant or other appropriate
8 person only upon a determination by the person or entity conducting
9 the proceeding that the disclosure is necessary to make a
10 determination;

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

15 (16) A person being evaluated by the division or the court as a
16 potential care-giver to determine whether that person is willing and
17 able to provide the care and support required by the child;

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

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

25 (19) A parent or legal guardian when the information is needed in
26 a division matter in which that parent or guardian is directly involved.
27 The information may be released only to the extent necessary for the
28 requesting parent or guardian to discuss services or the basis for the
29 division's involvement or to develop, discuss, or implement a case plan
30 for the child;

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

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

37 (22) The Child Fatality and Near Fatality Review Board established
38 pursuant to P.L.1997, c.175 (C.9:6-8.83 et al.).

39 Any individual, agency, board, court, grand jury, legislative
40 committee, or other entity which receives from the division the records
41 and reports referred to in subsection a., shall keep such records and
42 reports, or parts thereof, confidential and shall not disclose such
43 records and reports or parts thereof except as authorized by law.

44 c. The division may share information with a child who is the
45 subject of a child abuse or neglect report, as appropriate to the child's
46 age or condition, to enable the child to understand the basis for the

1 division's involvement and to participate in the development,
2 discussion, or implementation of a case plan for the child.

3 d. The division may release the records and reports referred to in
4 subsection a. of this section to any person engaged in a bona fide
5 research purpose, provided, however, that no names or other
6 information identifying persons named in the report shall be made
7 available to the researcher unless it is absolutely essential to the
8 research purpose and provided further that the approval of the
9 Director of the Division of Youth and Family Services shall first have
10 been obtained.

11 e. For incidents determined by the division to be substantiated, the
12 division shall forward to the police or law enforcement agency in
13 whose jurisdiction the child named in the report resides, the identity
14 of persons alleged to have committed child abuse or neglect and of
15 victims of child abuse or neglect, their addresses, the nature of the
16 allegations, and other relevant information, including, but not limited
17 to, prior reports of abuse or neglect and names of siblings obtained by
18 the division during its investigation of a report of child abuse or
19 neglect. The police or law enforcement agency shall keep such
20 information confidential.

21 f. The division may disclose to the public the findings or
22 information about a case of child abuse or neglect which has resulted
23 in a child fatality or near fatality. Nothing may be disclosed which
24 would likely endanger the life, safety, or physical or emotional
25 well-being of a child or the life or safety of any other person or which
26 may compromise the integrity of a division investigation or a civil or
27 criminal investigation or judicial proceeding. If the division denies
28 access to specific information on this basis, the requesting entity may
29 seek disclosure of the information through the Chancery Division of
30 the Superior Court. No information may be disclosed which is deemed
31 confidential by federal or State law. The name or any other
32 information identifying the person or entity who referred the child to
33 the division shall not be released to the public.

34 g. The division shall release the records and reports referred to in
35 subsection a. of this section to a unified child care agency contracted
36 with the Department of Human Services pursuant to N.J.A.C.10:15-
37 2.1 for the purpose of providing information on child abuse or neglect
38 allegations involving a prospective approved home provider or any
39 adult household member pursuant to section 2 of P.L. , c. (C.)
40 (pending before the Legislature as this bill) to a child's parent when the
41 information is necessary for the parent to make a decision concerning
42 the placement of the child in an appropriate child care arrangement.

43 The division shall not release any information that would likely
44 endanger the life, safety, or physical or emotional well-being of a child
45 or the life or safety of any other person.

46 (cf: P.L.1997, c.175, s.16)

1 2. (New section) a. A unified child care agency contracted with
2 the Department of Human Services pursuant to N.J.A.C.10:15-2.1,
3 shall request that the Division of Youth and Family Services in the
4 Department of Human Services conduct a child abuse record
5 information check of the division's child abuse records, as promptly as
6 possible, to determine if an incident of child abuse or neglect has been
7 substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11),
8 against:

9 (1) a prospective approved home provider as defined in
10 N.J.A.C.10:15-1.2 providing child care services under the "New Jersey
11 Cares for Kids Program" established pursuant to N.J.A.C.10:15-5.1,
12 or to a child whose parent is receiving assistance under the Work First
13 New Jersey program established pursuant to P.L.1997, c.38
14 (C.44:10-55 et seq.) or is employed but continues to receive
15 supportive services pursuant to the provisions of section 5 of
16 P.L.1997, c.13 (C.44:10-38); or

17 (2) any adult member of the prospective provider's household.

18 b. The division shall conduct the child abuse record information
19 check only upon receipt of the prospective approved home provider's
20 or any adult household member's written consent to the check. If the
21 person refuses to provide his consent, the unified child care agency
22 shall deny the prospective approved home provider's application to
23 provide child care services.

24 c. If the division determines that an incident of child abuse or
25 neglect by the prospective approved home provider or any adult
26 member of the household has been substantiated, the division shall
27 release the results of the child abuse record information check to the
28 unified child care agency pursuant to subsection g. of section 1 of
29 P.L.1977, c.102 (C.9:6-8.10a) and the agency shall deny the
30 prospective approved home provider's application to provide child care
31 services.

32 d. Before denying the prospective approved home provider's
33 application to provide child care services, the unified child care agency
34 shall give notice personally or by certified or registered mail to the last
35 known address of the prospective approved home provider with return
36 receipt requested, of the reasons why the application was denied. The
37 notice shall afford the prospective approved home provider the
38 opportunity to be heard and to contest the agency's action. The
39 hearing shall be conducted in accordance with the "Administrative
40 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

41 e. If a prospective approved home provider's application to provide
42 child care services is denied, the unified child care agency shall notify
43 the parent of the child who would be eligible to receive such services,
44 personally and in writing, of the reasons why the application was
45 denied and the parent's right to select another provider. The parent

1 shall keep such information confidential and shall not disclose the
2 information except as authorized by law.

3

4 3. (New section) Pursuant to the "Administrative Procedure Act,"
5 P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of Human
6 Services shall adopt rules and regulations necessary to effectuate the
7 purposes of this act, including but not limited to:

8 a. procedures for a unified child care agency to follow in
9 submitting a request for a child abuse record information check on a
10 prospective approved home provider or any adult member of the
11 prospective provider's household;

12 b. implementation of an appeals process to be used in the case of
13 the denial of a prospective approved home provider's application to
14 provide child care services based on a finding of substantiated child
15 abuse or neglect; and

16 c. establishment of time limits for conducting a child abuse record
17 information check and providing a unified child care agency with the
18 results of the check.

19

20 4. This act shall take effect on the 180th day following enactment,
21 but the Commissioner of Human Services may take such anticipatory
22 administrative action in advance as shall be necessary for the
23 implementation of the act.

24

25

26

STATEMENT

27

28 This bill amends N.J.S.A.9:6-8.10a to direct the Division of Youth
29 and Family Services (DYFS) in the Department of Human Services to
30 release child abuse and neglect records and reports made pursuant to
31 N.J.S.A.9:6-8.10, 9:6-8.40 and 9:6-8.11 to a unified child care agency
32 (UCCA) for the purpose of providing information on child abuse or
33 neglect allegations involving a prospective approved home provider
34 (as defined in N.J.A.C.10:15-1.2), or any adult household member, to
35 a child's parent when the information is necessary for the parent to
36 make a decision concerning the placement of the child in an
37 appropriate child care arrangement. DYFS would not be permitted to
38 release any information that would likely endanger the life, safety, or
39 physical or emotional well-being of a child or the life or safety of any
40 other person.

41 Under the provisions of the bill, a UCCA shall request that DYFS
42 conduct a child abuse record information (CARI) check of its child
43 abuse records, as promptly as possible, to determine if an incident of
44 child abuse or neglect has been substantiated against:

45 ! a prospective approved home provider providing child care
46 services under the "New Jersey Cares for Kids Program," or to

1 a child whose parent is receiving assistance under the Work
2 First New Jersey (WFNJ) program or is employed, but
3 continues to receive supportive services through WFNJ; or
4 ! any adult member of the prospective provider's household.

5 The bill directs DYFS to:

- 6 ! conduct the CARI check only upon written consent of the
7 prospective provider or adult household member; and
8 ! release the results of the CARI check to the UCCA if DYFS
9 determines that an incident of child abuse or neglect by the
10 prospective provider or any adult member of the household has
11 been substantiated.

12 Finally, the bill stipulates that the UCCA shall:

- 13 ! deny the prospective provider's application to provide child
14 care services, if the prospective provider or any adult member
15 of the household refuses to provide consent to the CARI check
16 or DYFS determines that an incident of child abuse or neglect
17 by the prospective provider or any adult member of the
18 household has been substantiated;
19 ! before denying the prospective provider's application to
20 provide child care services, notify the prospective provider
21 personally or by certified or registered mail of the reasons why
22 the application was denied (the notice shall afford the
23 prospective provider the opportunity to be heard and contest
24 the UCCA's action); and
25 ! notify the parent of the child who would be receiving child care
26 services from the prospective provider, personally and in
27 writing, of the reasons why the application was denied and the
28 parent's right to select another provider. The parent shall keep
29 the information confidential and shall not disclose it unless
30 authorized by law.

ASSEMBLY FAMILY, WOMEN AND CHILDREN'S SERVICES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3654

STATE OF NEW JERSEY

DATED: JUNE 19, 2003

The Assembly Family, Women and Children's Services Committee reports favorably Assembly Bill No. 3654.

This bill amends N.J.S.A.9:6-8.10a to direct the Division of Youth and Family Services (DYFS) in the Department of Human Services to release child abuse and neglect records and reports made pursuant to N.J.S.A.9:6-8.10, 9:6-8.40 and 9:6-8.11 to a unified child care agency (UCCA) for the purpose of providing information on child abuse or neglect allegations involving a prospective approved home provider (as defined in N.J.A.C.10:15-1.2), or any adult household member, to a child's parent when the information is necessary for the parent to make a decision concerning the placement of the child in an appropriate child care arrangement. DYFS would not be permitted to release any information that would likely endanger the life, safety, or physical or emotional well-being of a child or the life or safety of any other person.

Under the provisions of the bill, a UCCA shall request that DYFS conduct a child abuse record information (CARI) check of its child abuse records, as promptly as possible, to determine if an incident of child abuse or neglect has been substantiated against:

- ! a prospective approved home provider providing child care services under the "New Jersey Cares for Kids Program," or to a child whose parent is receiving assistance under the Work First New Jersey (WFNJ) program or is employed, but continues to receive supportive services through WFNJ; or
- ! any adult member of the prospective provider's household.

The bill directs DYFS to:

- ! conduct the CARI check only upon written consent of the prospective provider or adult household member; and
- ! release the results of the CARI check to the UCCA if DYFS determines that an incident of child abuse or neglect by the prospective provider or any adult member of the household has been substantiated.

Finally, the bill stipulates that the UCCA shall:

- ! deny the prospective provider's application to provide child care services, if the prospective provider or any adult member

of the household refuses to provide consent to the CARI check or DYFS determines that an incident of child abuse or neglect by the prospective provider or any adult member of the household has been substantiated;

- ! before denying the prospective provider's application to provide child care services, notify the prospective provider personally or by certified or registered mail of the reasons why the application was denied (the notice shall afford the prospective provider the opportunity to be heard and contest the UCCA's action); and
- ! notify the parent of the child who would be receiving child care services from the prospective provider, personally and in writing, of the reasons why the application was denied and the parent's right to select another provider. The parent shall keep the information confidential and shall not disclose it unless authorized by law.

ASSEMBLY BUDGET COMMITTEE COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 3654**

STATE OF NEW JERSEY

DATED: JULY 1, 2003

The Assembly Budget Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3654.

The Assembly Committee Substitute for Assembly Bill No. 3654 amends N.J.S.A.9:6-8.10a to direct the Division of Youth and Family Services (DYFS) in the Department of Human Services to release child abuse and neglect records and reports made pursuant to N.J.S.A.9:6-8.10, 9:6-8.40 and 9:6-8.11 to a unified child care agency (UCCA) for the purpose of providing information on child abuse or neglect allegations involving a prospective approved home provider (as defined in N.J.A.C.10:15-1.2), or any adult household member, to a child's parent when the information is necessary for the parent to make a decision concerning the placement of the child in an appropriate child care arrangement. DYFS would not be permitted to release any information that would likely endanger the life, safety, or physical or emotional well-being of a child or the life or safety of any other person.

Under the provisions of the substitute, a UCCA shall request that DYFS conduct a child abuse record information (CARI) check of its child abuse records, as promptly as possible, to determine if an incident of child abuse or neglect has been substantiated against:

-- a prospective approved home provider providing child care services under the "New Jersey Cares for Kids Program," or to a child whose parent is receiving assistance under the Work First New Jersey (WFNJ) program or is employed, but continues to receive supportive services through WFNJ; or

-- any adult member of the prospective provider's household.

The substitute directs DYFS to:

-- conduct the CARI check only upon written consent of the prospective provider or adult household member; and

-- release the results of the CARI check to the UCCA if DYFS determines that an incident of child abuse or neglect by the prospective provider or any adult member of the household has been substantiated.

Finally, the substitute stipulates that the UCCA shall:

-- deny the prospective provider's application to provide child care services, if the prospective provider or any adult member of the

household refuses to provide consent to the CARI check or DYFS determines that an incident of child abuse or neglect by the prospective provider or any adult member of the household has been substantiated;

-- before denying the prospective provider's application to provide child care services, notify the prospective provider personally or by certified or registered mail of the reasons why the application will be denied (the notice shall afford the prospective provider the opportunity to be heard and contest the UCCA's action); and

-- notify the parent of the child who would be receiving child care services from the prospective provider, personally and in writing, of the reasons why the application was denied and the parent's right to select another provider. The parent shall keep the information confidential and shall not disclose it unless authorized by law.

This substitute is identical to Senate Bill No. 2655 (1R) (Vitale/Buono), which is pending before the Senate.

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Press Releases

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McGreevey Takes Groundbreaking Step for Child Protection

Creates Office of Child Advocate and Appoints Lifelong Champion of Children's Rights

(NEWARK)— Governor James E. McGreevey today took a significant step in his continuing aggressive effort to reform the state of child welfare in New Jersey and ensure all our children are protected. At Covenant House in Newark, McGreevey signed legislation creating the first-ever Office of the Child Advocate.

“There is no more fundamental obligation of state government than to protect our children,” said McGreevey. “Over the past decade, two separate reports on the state of child welfare in New Jersey called for the creation of an independent entity to protect our children and operate outside the burden of a bureaucracy. But, despite strong economic times and these desperate recommendations, nothing was done. Today we are creating the Office of the Child Advocate, a strong independent watchdog, who will answer only to the needs of the children it serves.”

The new Office of the Child Advocate, created by bill number A3772, will have the broadest scope of powers of any entity since the Public Advocate was eliminated. The Advocate will have subpoena power, the power to demand corrective action and bring litigation, and the power to report publicly. The Child Advocate will investigate, review, monitor or evaluate all State agencies and service providers, ensuring the safety of children, and respond to allegations of child abuse and neglect. They will establish and maintain a 24 hour hotline for complaints regarding the State's child protection system, and will propose methods to improve coordination and collaboration among State agencies, leading to improved child care.

Governor McGreevey appointed Kevin Ryan, a lifelong advocate for children's rights, to be the first Child Advocate. Ryan currently serves as Deputy Chief of Management and Operations in the Administration and played a key role in the settling of the Children's Rights lawsuit earlier this year. Before joining the Administration, Ryan spent many years fighting for the children of New Jersey. He was an advocate for children and youth at Covenant House for over nine years, co-authored the New Jersey Homeless Youth Act in 1999 and in 2000 wrote the law giving health insurance coverage to children aging out of foster care.

"This is an extraordinary opportunity to hold government accountable to our children," said Kevin Ryan. "I thank the Governor for his trust. I plan to get to work quickly to focus on the needs of

our most vulnerable children."

Recognizing that this Administration has an obligation to fix the broken DYFS system, and create a child welfare system that is accountable to the most vulnerable children it serves, Governor McGreevey has already taken aggressive steps this year to meet that obligation:

- Settled the Children's Rights litigation, and, backed by the Annie Casey Foundation, brought together a panel of national child welfare experts to reform DYFS top-to-bottom.
- Increased DYFS funding by \$30 million, to help obtain basic essentials like new computers.
- Conducted comprehensive safety assessments for over 7,000 children in foster care.
- Moved the Institutional Abuse Unit out of DYFS.

In addition to signing the Child Advocate Bill, Governor McGreevey today also signed two bills which will provide for additional protections for our children. S2695 requires background checks for criminal convictions and child abuse for all residential childcare facility current staff administrators and employment applicants at State residential childcare facilities. And S2655 allows for the sharing of child abuse background check information with police, hospitals, doctors and day care centers.

The Governor was joined by Child Advocate bill sponsors, Senator Byron M. Baer, Senator Paul A. Sarlo, Assemblywoman Mary Previte, Assemblywoman Nellie Pou, Assemblyman Herb Conaway, Assemblywoman Linda Greenstein, Assemblyman Gordon Johnson, and Senator Joseph Coniglio, for the bill signings.

"Children are one of society's most valuable assets, and with the signing of this bill into law today, they will have a strong voice for children's issues in Trenton," said Senator Byron M. Baer, D-Bergen, who had first proposed creating the office in a bill he introduced nearly two years ago. "If the tragedies that have recently been revealed in New Jersey's DYFS system have taught us anything, they have taught us that this is necessary to ensure that all of the State's children have a chance at a happy, safe childhood."

"The sad story of Faheem Williams earlier this year, and every report that has come out since about the failings of DYFS are proof-positive that we owe our children more," said Senator Paul A. Sarlo, D-Bergen, Essex and Passaic. "A strong child advocate in our State's capital will remind each and every person involved in government that one of our most important duties is to protect our State's youth."

"We can and must do more to protect young, vulnerable children from danger," said Assemblywoman Mary Previte (D-Camden), chairwoman of the Assembly Family, Women and Children's Services Committee. "By setting up the Office of Child Advocate, we are ensuring that abused and neglected children get the attention they need and deserve."

"It makes sense to have one central agency focus on the problem of child abuse and neglect," said Assemblywoman Nellie Pou (D-Passaic). "Despite tough budget times, there is no money better spent than on protecting young children who cannot help themselves."

"This is a major step forward in transforming our current child protection system into one that truly protects children and provides for their well-being," said Assembly Deputy Speaker Herb Conaway M.D. (D-Burlington). "The new Office of Child Advocate includes proper oversight by the Governor and Legislature, ensuring it really helps the children it's charged with protecting."

"We are delivering on our commitment to fight for better protection of our state's most precious commodity -- our children," said Assembly Assistant Majority Leader Linda Greenstein (D-Middlesex). "We must investigate abuse and neglect thoroughly and develop ways to prevent them in the future."

"The new Office of Child Advocate is a good balance between protecting children and keeping the public informed about findings and investigations," said Assemblyman Gordon Johnson (D-Bergen), an undersheriff in the Bergen County Sheriff's Office. "Precautions will be taken to ensure the office's actions do not compromise the safety of the youngsters."

"If we're ever going to improve the DYFS system, we must introduce accountability into that system," said Senator Joseph Coniglio, D-Bergen, a prime sponsor of the new law which requires criminal background checks at child care facilities. "Laws that establish an office of the child advocate and ensure that those with checkered pasts are not responsible for the welfare of our children are needed to bring real reform to this agency charged with protecting vulnerable youth and make DYFS an agency that New Jersey can be proud of."



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