

30:5B-6.1

LEGISLATIVE HISTORY CHECKLIST

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(Child care--employees)

NJSA: 30:5B-6.1

LAWS OF: 1997 CHAPTER: 254

BILL NO: A1243

SPONSOR(S): Azzolina and Crecco

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary; Appropriations

SENATE: Womens Issues; Budget

AMENDED DURING PASSAGE: Yes Assembly committee substitute
(1R) enacted

DATE OF PASSAGE: ASSEMBLY: June 5, 1997

SENATE: June 26, 1997

DATE OF APPROVAL: September 17, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes 1-23-97 & 3-20-97

SENATE: Yes 6-19-97 & 6-23-97

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:

"Day-care workers to undergo checks," 9-18-97, Asbury Park Press.

"Day-care workers' histories to be checked," 9-18-97, Bergen Record.

KBP:pp

§§1-9
C. 30:5B-6.1
To
30:5B-6.9
§10
Note To §§1-9

P.L. 1997, CHAPTER 254, *approved September 17, 1997*
Assembly Committee Substitute (*First Reprint*) for
Assembly, No. 1243

1 AN ACT requiring child abuse record information checks for staff
2 members of child care centers and supplementing Title 30 of the
3 Revised Statutes.

4

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

7

8 1. As used in this act:

9 "Department" means the Department of Human Services.

10 "Division" means the Division of Youth and Family Services in the
11 Department of Human Services.

12 "Staff member" means any owner, sponsor, director or person
13 employed by or working at a child care center on a regularly scheduled
14 basis during the center's operating hours, including full-time, part-time,
15 voluntary, contract, consulting, and substitute staff, whether
16 compensated or not.

17 "Child care center" or "Center" means any facility which is
18 maintained for the care, development or supervision of six or more
19 children under 13 years of age who attend the facility for less than 24
20 hours a day, and which is subject to State licensure or life-safety
21 approval, pursuant to the provisions of the "Child Care Licensing
22 Act," P.L. 1983, c.492 (C.30:5B-1 to 30:5B-15) .

23

24 2. a. As a condition of securing a new or renewal license or
25 approval, the division shall conduct a check of the division's child
26 abuse records to determine if an incident of child abuse or neglect has

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted March 20, 1997.

1 been substantiated pursuant to section 4 of P.L. 1971, c.437 (C.9:6-
2 8.11), against any staff member of a child care center.

3 b. The division shall not issue a regular license or approval to a
4 center until the division determines that no staff member employed by
5 or working at the center has a record of substantiated child abuse or
6 neglect.

7 c. The division shall deny, revoke or refuse to renew the center's
8 license or approval, as appropriate, if the division determines that an
9 incident of child abuse or neglect by an owner or sponsor of a center
10 has been substantiated.

11

12 3. a. The staff member shall provide prior written consent for the
13 division to conduct a check of its child abuse records.

14 b. If the owner or sponsor of the center refuses to consent to, or
15 cooperate in, the securing of a division child abuse record information
16 check, the division shall suspend, deny, revoke or refuse to renew the
17 center's license or approval, as appropriate.

18 c. If a staff member of a center, other than the owner or sponsor,
19 refuses to consent to, or cooperate in, the securing of a division child
20 abuse record information check, the person shall be immediately
21 terminated from employment at the center.

22

23 4. a. Within two weeks after a new staff member's employment,
24 the owner or sponsor of a center shall notify the division to conduct
25 a check of its child abuse records to determine if an incident of child
26 abuse or neglect has been substantiated against the staff member.

27 b. Until the results of the child abuse record information check on
28 a new staff member have been received by the center owner or
29 sponsor, the staff member shall not be left alone at the center caring
30 for children.

31 c. If the division determines that an incident of child abuse or
32 neglect by the staff member has been substantiated, the division shall
33 advise the center owner or sponsor of the results of the child abuse
34 record information check and the center shall immediately terminate
35 the person from employment at the center.

36

37 5. The division shall complete the child abuse record information
38 check within 45 days after receiving the request for the check.

39

40 6. The division shall consider, for the purposes of this act, any
41 incidents of child abuse or neglect that were substantiated on or after
42 June 29, 1995, to ensure that perpetrators have had an opportunity to
43 appeal a substantiated finding of abuse or neglect; except that the
44 division may consider substantiated incidents prior to that date if the
45 division, in its judgment, determines that the individual poses a risk of
46 harm to children in a child care center. In cases involving incidents

1 substantiated prior to June 29, 1995, the division shall offer the
2 individual an opportunity for a hearing to contest its action restricting
3 the individual from employment in a child care center.

4
5 7. In accordance with the "Administrative Procedure Act,"
6 P.L.1968, c.410 (C.52:14B-1 et seq.), the Department shall adopt
7 rules and regulations necessary to implement the provisions of this act,
8 including but not limited to:

9 a. Procedures for centers to follow in submitting requests for child
10 abuse record information checks on staff members;

11 b. Implementation of an appeals process to be used in the case of
12 a suspension, denial, revocation, or refusal to renew a license or
13 approval based on a finding of substantiated child abuse or neglect;
14 and

15 c. Establishment of procedures for conducting a child abuse
16 record information check and providing the center with the results of
17 the check.

18
19 8. The Commissioner of Human Services shall report to the
20 Governor and the Legislature no later than three years from the
21 effective date of this act on the effectiveness of the child abuse record
22 information checks in screening staff members and sponsors of child
23 care centers. The Commissioner shall include in the report
24 recommendations for modifying the provisions of this act which he
25 believes to be necessary and appropriate.

26
27 9. a. Notwithstanding the provisions of P.L.1985, c.69 (C.53:1-
28 20.6), a staff member subject to this act shall be charged a fee
29 established by the Department ¹[not to exceed \$10.00]¹ to help defray
30 the cost to the State of the division's child abuse record information
31 check. The center may use its own discretion in offering to pay or
32 reimburse the staff member for the cost of the child abuse record
33 information check.

34 b. The money collected by the division for child abuse record
35 information checks shall be deposited in a special fund and shall
36 constitute dedicated revenues to be used as necessary by the division
37 to effectuate the purpose of this act.

38
39 10. This act shall take effect on the 180th day after enactment.

40
41
42
43
44 _____
45 Requires DYFS child abuse record information checks on employees
of licensed or life-safety approved child care centers.

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman AZZOLINA and Assemblywoman CRECCO

1 AN ACT requiring criminal history record background checks for
2 certain child care employees and operators, supplementing Titles 30
3 and 53 of the Revised Statutes and making an appropriation.

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

7
8 1. As used in this act:

9 "Department" means the Department of Human Services.

10 "Employee" means an individual 18 years of age or older who is
11 employed at a facility for children and works at the facility for the
12 equivalent of at least one seven hour day per week. Employee
13 includes, but is not limited to, the facility's director or principal
14 administrator, teaching, social service, child care, dietary, clerical and
15 maintenance staff, and the driver of a motor vehicle used to transport
16 children to and from the facility.

17 "Facility for children" means a facility or program providing for the
18 care or supervision of children for 20 hours or more a week, including
19 but not limited to, a residential facility, child care center licensed
20 pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.), or a facility or
21 program operated by the Department of Human Services that provides
22 care or supervision of children, but not including:

23 a. A program operated by:

24 (1) a public school district or a private school which is run solely
25 for educational purposes;

26 (2) any kindergarten or prekindergarten which is an integral part
27 of any elementary educational institution or system; or

28 (3) a child care center which is an integral part of a private
29 educational institution or system offering elementary education in
30 grades kindergarten through sixth; and

31 b. A center or special class operated primarily for religious
32 instruction or for the temporary care of children while persons
33 responsible for the children are attending religious services; or

34 c. A State institution or facility for the mentally ill or the

1 developmentally disabled pursuant to P.L.1988, c.45 (C.30:4-3.4 et
2 seq.).

3 "Operator" means a person who sponsors, owns, or operates a
4 facility for children which is subject to the provisions of this act.

5
6 2. a. A facility shall require, and the Department of Human
7 Services shall ensure, that the principal administrator of the facility
8 requests the State Bureau of Identification in the Division of State
9 Police in the Department of Law and Public Safety to conduct a
10 criminal history record background check of each prospective
11 employee, including a name and fingerprint identification check, to
12 ascertain whether the person has a record of criminal history, for
13 which check the person shall provide prior written consent. The
14 facility shall supply to the bureau the information necessary to conduct
15 the check, including the name and fingerprints of the person.

16 b. If the principal administrator of a facility does not provide the
17 bureau with the information necessary to conduct the criminal history
18 record background checks on the facility's employees, the department
19 may deny, suspend, revoke, or refuse to renew the facility's license,
20 certification, approval or contract, as the case may be.

21 c. If a prospective employee of a facility refuses to consent to, or
22 cooperate in, the securing of a criminal history record background
23 check, the person shall not be considered for employment at the
24 facility.

25
26 3. The department shall act as a clearinghouse for the collection
27 and the dissemination of information obtained as a result of conducting
28 the criminal history record background check conducted pursuant to
29 section 9 of this act. The department shall advise the principal
30 administrator or personnel administrator of the facility, as appropriate,
31 of the information received from the bureau concerning a prospective
32 employee of the facility.

33
34 4. a. The principal administrator of the facility shall initiate a
35 criminal history record background check on a prospective employee
36 before the person begins employment at the facility, whenever
37 possible, and if it is not reasonably possible to do so, immediately after
38 the person begins employment, to determine if the person is fit to be
39 an employee at the facility.

40 b. If the information from the criminal history record background
41 check pursuant to section 9 of this act discloses that a prospective
42 employee of the facility has a record of criminal history, the principal
43 administrator or personnel administrator of the facility shall review the
44 information with respect to the type and date of the criminal offense
45 to determine if the person is fit to serve as an employee of the facility.
46 Criminal offenses that may render a person unfit to serve as an

1 employee of a facility include, but are not limited to, crimes of
2 violence, sexual offenses or offenses involving the abuse, neglect or
3 exploitation of a child. Prior to making the determination, the
4 principal administrator of the facility shall advise the person that the
5 criminal history records have been received and shall give the person
6 the opportunity to review the records, to offer an explanation
7 concerning the information contained therein and to submit additional
8 pertinent information. The facility shall not employ a person who is
9 not fit to serve as an employee of a facility according to the guidelines
10 established by the department pursuant to section 6 of this act.

11

12 5. a. As a condition of the department's licensure, certification,
13 approval or contracting with a facility after the effective date of this
14 act, the department shall require that a criminal history record
15 background check be conducted on the person who applies to become
16 an operator of the facility prior to that person assuming the position
17 of operator of the facility.

18 b. If the information from the criminal history record background
19 check, conducted pursuant to section 9 of this act, discloses that a
20 prospective operator of a facility has a record of criminal history, the
21 department shall review the information with respect to type and date
22 of the criminal offense to determine if the person is fit to serve as an
23 operator of the facility. Criminal offenses that may render a person
24 unfit to serve as an operator include, but are not limited to, crimes of
25 violence, sexual offenses or offenses involving the abuse, neglect or
26 exploitation of a child. Prior to making its determination, the
27 department shall advise the person that the criminal history records
28 have been received and shall give the person the opportunity to review
29 the records, to offer an explanation concerning the information
30 contained therein, and to submit additional pertinent information. The
31 department shall not license, certify, approve or contract with a person
32 who is not fit to serve as operator of the facility, according to the
33 guidelines established pursuant to section 6 of this act.

34

35 6. In accordance with the "Administrative Procedure Act,"
36 P.L.1968, c.410 (C.52:14B-1 et seq.), the department shall adopt rules
37 and regulations necessary to implement the provisions of this act,
38 including but not limited to:

39 a. Guidelines for determining whether a person is fit to serve as an
40 employee or operator of a facility;

41 b. Procedures requiring the facility to make documented, good
42 faith efforts to contact previous employers to obtain information and
43 recommendations concerning the person's fitness for employment in a
44 facility;

45 c. Procedures requiring the conduct of a nonemployment
46 background check by the facility on a person covering such items as

1 education, organizational affiliations and other activities;
2 d. Procedures for hearing contested cases when a person is found
3 unfit to serve as an employee or operator of a facility; and
4 e. Guidelines, to be developed after consultation with the Attorney
5 General, concerning access to information obtained as a result of
6 conducting a criminal history record background check pursuant to
7 section 9 of this act, setting out the procedures for transmitting this
8 information and defining who may obtain the information.

9
10 7. The Commissioner of Human Services shall report to the
11 Governor and the Legislature no later than three years from the
12 effective date of this act on the effectiveness of the criminal history
13 record background checks in screening prospective employees and
14 operators of facilities. The commissioner shall include in the report
15 recommendations for modifying the provisions of this act which he
16 believes to be necessary and appropriate.

17
18 8. The prospective employee or operator shall assume the cost of
19 all criminal history record background checks conducted pursuant to
20 this act.

21
22 9. The Division of State Police in the Department of Law and
23 Public Safety shall conduct a criminal history record background check
24 which includes a name and fingerprint identification check of each
25 prospective employee and operator of a facility to ascertain whether
26 or not the person has a criminal history. The division shall conduct the
27 background check only upon receipt of the person's written consent to
28 conduct the background check.

29 The bureau shall, for the purposes of conducting the criminal
30 history record background check, examine its own files and arrange
31 for a similar examination by the Federal Bureau of Investigation, and
32 shall forward the information obtained as a result of conducting the
33 check to the Department of Human Services.

34
35 10. There is appropriated \$90,000 from the General Fund to
36 effectuate the purposes of this act.

37
38 11. This act shall take effect on the 60th day after enactment.

39

40

41

STATEMENT

42

43 This bill requires only prospective employees and operators of a
44 facility providing for the care and supervision of children to submit to
45 a State and federal criminal history record background check, to
46 determine whether that person would be fit to serve as an employee or

1 operator of the facility. Prospective employees or operators would
2 assume the cost of the background check.

3 If a person is deemed unfit to serve as an employee or operator, the
4 facility would not be able to employ that person or, in the case of an
5 operator, the department would not be able to license or contract with
6 the operator. Any employee or operator who refuses to cooperate
7 would be removed from the position and that employment would be
8 terminated.

9 The bill also appropriates \$90,000 to the Department of Human
10 Services for any costs incurred by the department in implementing this
11 program.

12

13

14

15

16 Requires criminal history background checks on certain child care
17 workers; appropriates \$90,000.

[Passed Both Houses]

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1243

STATE OF NEW JERSEY

ADOPTED JANUARY 23, 1997

Sponsored by Assemblyman AZZOLINA, Assemblywoman
CRECCO, Assemblymen Blee, Bucco, Assemblywomen Buono
and Heck

1 AN ACT requiring child abuse record information checks for staff
2 members of child care centers and supplementing Title 30 of the
3 Revised Statutes.

4

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

7

8 1. As used in this act:

9 "Department" means the Department of Human Services.

10 "Division" means the Division of Youth and Family Services in the
11 Department of Human Services.

12 "Staff member" means any owner, sponsor, director or person
13 employed by or working at a child care center on a regularly scheduled
14 basis during the center's operating hours, including full-time, part-time,
15 voluntary, contract, consulting, and substitute staff, whether
16 compensated or not.

17 "Child care center" or "Center" means any facility which is
18 maintained for the care, development or supervision of six or more
19 children under 13 years of age who attend the facility for less than 24
20 hours a day, and which is subject to State licensure or life-safety
21 approval, pursuant to the provisions of the "Child Care Licensing
22 Act," P.L. 1983, c.492 (C.30:5B-1 to 30:5B-15) .

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted March 20, 1997.

1 division may consider substantiated incidents prior to that date if the
2 division, in its judgment, determines that the individual poses a risk of
3 harm to children in a child care center. In cases involving incidents
4 substantiated prior to June 29, 1995, the division shall offer the
5 individual an opportunity for a hearing to contest its action restricting
6 the individual from employment in a child care center.

7
8 7. In accordance with the "Administrative Procedure Act,"
9 P.L.1968, c.410 (C.52:14B-1 et seq.), the Department shall adopt
10 rules and regulations necessary to implement the provisions of this act,
11 including but not limited to:

12 a. Procedures for centers to follow in submitting requests for child
13 abuse record information checks on staff members;

14 b. Implementation of an appeals process to be used in the case of
15 a suspension, denial, revocation, or refusal to renew a license or
16 approval based on a finding of substantiated child abuse or neglect;
17 and

18 c. Establishment of procedures for conducting a child abuse
19 record information check and providing the center with the results of
20 the check.

21
22 8. The Commissioner of Human Services shall report to the
23 Governor and the Legislature no later than three years from the
24 effective date of this act on the effectiveness of the child abuse record
25 information checks in screening staff members and sponsors of child
26 care centers. The Commissioner shall include in the report
27 recommendations for modifying the provisions of this act which he
28 believes to be necessary and appropriate.

29
30 9. a. Notwithstanding the provisions of P.L.1985, c.69 (C.53:1-
31 20.6), a staff member subject to this act shall be charged a fee
32 established by the Department ¹**【not to exceed \$10.00】**¹ to help defray
33 the cost to the State of the division's child abuse record information
34 check. The center may use its own discretion in offering to pay or
35 reimburse the staff member for the cost of the child abuse record
36 information check.

37 b. The money collected by the division for child abuse record
38 information checks shall be deposited in a special fund and shall
39 constitute dedicated revenues to be used as necessary by the division
40 to effectuate the purpose of this act.

41
42 10. This act shall take effect on the 180th day after enactment.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1243

STATE OF NEW JERSEY

DATED: JANUARY 23, 1997

The Assembly Judiciary Committee reports an Assembly Committee Substitute for Assembly Bill No. 1243.

The substitute provides that staff members employed at child care centers must undergo a check by DYFS to determine if an incident of child abuse or neglect has been substantiated against them. The division shall not issue a regular license or approval to a center until the division determines that no staff member at the center has a record of substantiated child abuse or neglect. The division shall deny, revoke or refuse to renew the center's license or approval if the division determines that an incident of child abuse or neglect by an owner or sponsor of a center has been substantiated.

A staff member shall provide prior written consent for the division to conduct a check of its child abuse records.

Within two weeks after a new staff member's employment, the owner or sponsor of a center shall notify the division to conduct a check of its child abuse records to determine if an incident of child abuse or neglect has been substantiated against the staff member. Until the results of the child abuse record information check on a new staff member have been received by the center owner or sponsor, the staff member shall not be left alone at the center caring for children.

The division shall complete the child abuse record information check within 45 days after receiving the request for the check.

The division shall consider any incidents of child abuse or neglect that were substantiated on or after June 29, 1995, to ensure that perpetrators have had an opportunity to appeal a substantiated finding of abuse or neglect; except that the division may consider substantiated incidents prior to that date if the division, in its judgment, determines that the individual poses a risk of harm to children in a child care center. In cases involving incidents substantiated prior to June 29, 1995, the division shall offer the individual an opportunity for a hearing. According to the Department, the significance of the date is that on or after June 29, 1995 the department by regulation provides for a hearing in substantiated cases.

The substitute provides rule-making authority to the Department. It also provides that the Commissioner of Human Services shall report

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1243**

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 20, 1997

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1243 (ACS), with committee amendments.

Assembly Bill No. 1243 ACS, as amended, requires a staff member employed at a child care center to undergo a check by the Division of Youth and Family Services to determine if an incident of child abuse or neglect has been substantiated against the staff member. The division shall not issue a regular license or approval to a center until the division determines that no staff member at the center has a record of substantiated child abuse or neglect. The division shall deny, revoke or refuse to renew the center's license or approval if the division determines that an incident of child abuse or neglect by an owner or sponsor of a center has been substantiated.

Within two weeks after a new staff member's employment, the owner or sponsor of a center must notify the division to conduct a child abuse records check. The staff member may not be left alone at the center caring for children until the check has been completed. The division has 45 days receiving the check request to complete the check.

The bill requires the Commissioner of Human Services to report to the Governor and the Legislature no later than three years from the effective date of this act on the effectiveness of the child abuse record information checks in screening staff members and sponsors of child care centers.

A staff member shall be charged a fee for the check in an amount established by the Department. Child care centers may reimburse their employees if they choose.

FISCAL IMPACT:

The cost of checking the child abuse records to determine if an incident of child abuse or neglect has been substantiated against a staff member will not be known until the program is implemented, and no estimate of the likely fee amount is available.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1243

STATE OF NEW JERSEY

DATED: JUNE 23, 1997

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1243 ACS (1R).

Assembly Bill No. 1243 ACS (1R) requires an owner or sponsor of a child care center or a staff member employed by a center to undergo a check by the Division of Youth and Family Services in the Department of Human Services to determine if an incident of child abuse or neglect has been substantiated against the owner, sponsor, or staff member. The division will not issue a regular license or approval to a center until the division determines that no staff member at the center has a record of substantiated child abuse or neglect. The division will deny, revoke or refuse to renew the center's license or approval if the division determines that an incident of child abuse or neglect by an owner or sponsor of a center has been substantiated.

The bill requires the Commissioner of Human Services to report to the Governor and the Legislature no later than three years from the effective date of this bill on the effectiveness of the child abuse record information checks in screening staff members, owners and sponsors of child care centers.

The bill permits the division to charge a fee for the check in an amount established by the department; child care centers may pay, or reimburse their employees, for this fee.

FISCAL IMPACT:

According to the Office of Legislative Services, the cost of checking child abuse records to determine if an incident of child abuse or neglect has been substantiated against a staff member will not be known until the program is implemented, and no estimate of the likely fee amount is available.

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY
SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1243

STATE OF NEW JERSEY

DATED: JUNE 19, 1997

The Senate Women's Issues, Children and Family Services Committee favorably reports Assembly Committee Substitute No. 1243 (1R).

The Assembly Committee Substitute for Assembly Bill No. 1243, requires a staff member employed at a child care center to undergo a check by the Division of Youth and Family Services to determine if an incident of child abuse or neglect has been substantiated against the staff member. The division shall not issue a regular license or approval to a center until the division determines that no staff member at the center has a record of substantiated child abuse or neglect. The division shall deny, revoke or refuse to renew the center's license or approval if the division determines that an incident of child abuse or neglect by an owner or sponsor of a center has been substantiated.

Within two weeks after a new staff member's employment, the owner or sponsor of a center must notify the division to conduct a child abuse records check. The staff member may not be left alone at the center caring for children until the check has been completed. The division has 45 days after receiving the check request to complete the check.

The substitute requires the Commissioner of Human Services to report to the Governor and the Legislature no later than three years from the effective date of this act on the effectiveness of the child abuse record information checks in screening staff members and sponsors of child care centers.

A staff member shall be charged a fee for the check in an amount established by the department. Child care centers may reimburse their employees if they choose.

LEGISLATIVE FISCAL ESTIMATE TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1243

STATE OF NEW JERSEY

DATED: MARCH 18, 1997

Bill Summary:

Assembly Committee Substitute for Assembly Bill No. 1243 of 1996 requires the Division of Youth and Family Services (DYFS) to conduct a check of its child abuse records to determine if an incident of child abuse or neglect has been substantiated against any staff member of a child care center. Within two weeks after a new staff member's employment, the child care center would have to ask DYFS to check its child abuse records. DYFS must complete its review within 45 days after receiving the request. DYFS is permitted to charge the staff person for whom a background check is to be conducted a fee of up to \$10.00 to help defray its cost associated with a child abuse record background check. (The center may pay the \$10.00 fee or may reimburse the staff person for this fee.)

Agency Comments:

The Department of Human Services and the Office of Management and Budget have not provided any fiscal information on the legislation.

Office of Legislative Services Comments:

The Office of Legislative Services is not able to estimate the cost of the legislation. Whether the \$10.00 fee DYFS may charge to defray the cost of checking its child abuse records to determine if an incident of child abuse or neglect has been substantiated against a staff member is sufficient to cover DYFS' costs will not be known until the program is implemented.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

1974.901
661



OFFICE OF THE GOVERNOR NEWS RELEASE

PO BOX-004

TRENTON, NJ 08625

CONTACT: Jayne O'Connor
(609)777-2600

RELEASE: Sept. 17, 1997

Gov. Christie Whitman today signed legislation requiring child abuse record information checks for child care center employees.

"Parents should have the comfort that the people to whom they have trusted their children have been checked for prior abusive or neglectful behavior," said Gov. Whitman.

The bill requires that staff members employed at child care centers must undergo checks by the Division of Youth and Family Services (DYFS) to determine if an incident of child abuse or neglect has been substantiated against them. The check must be conducted within two weeks after an individual is hired. If the check reveals a substantiated incident of child abuse or neglect, the individual must be terminated.

DYFS will not issue a license renewal or approval to a child care center until it determines that no staff member at the center has a record of child abuse or neglect. Child care centers undergo licensing every three years.

The bill allows DYFS to charge a fee to defray the cost to the state to provide the information check. The cost of the check is borne by the staff member, but the bill allows child care centers to reimburse their employees if they choose.

During her administration, Gov. Whitman has made a number of improvements to the child care system. The Governor's Bright Beginnings initiative, which received an award from the National Governor's Association, will help licensed child care centers expand, increase the number of registered family child care providers, train child care professionals, and educate parents on their options for child care.

Also, as part of the state's revamping of child care, this month the Division of Youth and Family Services began inspecting licensed child care centers a

minimum of once every 18 months instead of once every three years as previously required.

ACS for 1243 was sponsored by Assembly Members Joseph Azzolina (R-Middlesex/Monmouth) and Marion Crecco (R-Essex/Passaic).