

9:2-4.2

LEGISLATIVE HISTORY CHECKLIST
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(Equal access to children's records)

NJSA: 9:2-4.2

LAWS OF: 1997 CHAPTER: 406

BILL NO: A72 (*Substituted for S1492*)

SPONSOR(S): Kavanaugh and others

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary

SENATE: Women's Issues

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by
Second reprint enacted superscript numbers

DATE OF PASSAGE: ASSEMBLY: May 30, 1996

SENATE: January 12, 1998

DATE OF APPROVAL: January 19, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: Yes

HEARINGS: No

Report mentioned in statements:

974.90 New Jersey. Commission to Study the Law of Divorce.

M359 Report...April 18, 1995. Trenton, 1995.

1995a [see recommendation #7 -- p.24]

974.90 New Jersey. Commission To Study the Law of Divorce.

M359 Preliminary report...March 15, 1995. Trenton, 1995.

1995 [see recommendation #7 -- pp.29-30]

KBP:pp

P.L. 1997, CHAPTER 406, *approved January 19, 1998*
Assembly, No. 72 (*Second Reprint*)

1 AN ACT concerning certain children's records and supplementing Title
2 9 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. a. ¹**[Notwithstanding any other provision of law to the contrary,**
8 every] Every¹ parent ²**[¹, to the extent permitted by federal and State**
9 **laws concerning privacy,¹ , except as prohibited by federal and State**
10 **law,²** shall have access to records and information pertaining to his or
11 her ¹**[minor] unemancipated¹** child, including, but not limited to,
12 medical, dental, insurance, child care and educational records, whether
13 or not the child resides with the parent, unless that access is found by
14 the court to be not in the best interest of the child or the access is
15 found by the court to be sought for the purpose of causing detriment
16 to the other parent.

17 b. The place of residence of either parent shall not appear on any
18 records or information released pursuant to the provisions of this
19 section.

20 c. ²**[Any parent] A child's parent, guardian or legal custodian²** may
21 petition the court to have ²**[the other] a²** parent's access to the
22 records limited. If the court, after a hearing, finds that the parent's
23 access to the record is not in the best interest of the child or that the
24 access sought is for the purpose of causing detriment to the other
25 parent, the court may order that access to the records be limited.

26
27 ¹**[2. The Department of Education shall promulgate rules and**
28 **regulations pursuant to the "Administrative Procedure Act," P.L.1968,**
29 **c.410 (C.52:14B-1 et seq.) to effectuate the purpose of this act.]¹**

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 AJU committee amendments adopted May 20, 1996.

² Senate SWF committee amendments adopted November 18, 1996.

1 ¹[3.] 2¹ This act shall take effect immediately.

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6 Provides parents access to children's records.

ASSEMBLY, No. 72

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman KAVANAUGH

1 AN ACT concerning certain children's records and supplementing Title
2 9 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. a. Notwithstanding any other provision of law to the contrary,
8 every parent shall have access to records and information pertaining
9 to his or her minor child, including, but not limited to, medical, dental,
10 insurance, child care and educational records, whether or not the child
11 resides with the parent, unless that access is found by the court to be
12 not in the best interest of the child or the access is found by the court
13 to be sought for the purpose of causing detriment to the other parent.

14 b. The place of residence of either parent shall not appear on any
15 records or information released pursuant to the provisions of this
16 section.

17 c. Any parent may petition the court to have the other parent's
18 access to the records limited. If the court, after a hearing, finds that
19 the parent's access to the record is not in the best interest of the child
20 or that the access sought is for the purpose of causing detriment to the
21 other parent, the court may order that access to the records be limited.

22
23 2. The Department of Education shall promulgate rules and
24 regulations pursuant to the "Administrative Procedure Act," P.L.
25 1968, c. 410 (C.52:14B-1 et seq.) to effectuate the purposes of this
26 act.

27
28 3. This act shall take effect immediately.

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31 STATEMENT

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33 This bill would guarantee all parents equal access to their children's
34 medical, dental, insurance, child care and school records. The bill
35 would provide that the place of residence or other identifying

1 information about either parent would not appear on any records
2 distributed. The bill would also authorize the court to deny access to
3 the records if it finds that it is not in the best interest of the child or if
4 the access is sought only for the purpose of causing the other parent
5 to suffer a detriment.

6 The bill would also grant rule making powers to the Department of
7 Education to establish guidelines and procedures for distributing
8 records to the parents.

9 This bill embodies recommendation number 7 of the report of the
10 Commission to Study the Law of Divorce, issued April 18, 1995.

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15 Provides divorced parents access to children's records.

SENATE, No. 1492

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1996

By Senators MARTIN, EWING and Cafiero

1 AN ACT concerning certain children's records and supplementing Title
2 9 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. a. Every parent, to the extent permitted by federal and State
8 laws concerning privacy, shall have access to records and information
9 pertaining to his or her unemancipated child, including, but not limited
10 to, medical, dental, insurance, child care and educational records,
11 whether or not the child resides with the parent, unless that access is
12 found by the court to be not in the best interest of the child or the
13 access is found by the court to be sought for the purpose of causing
14 detriment to the other parent.

15 b. The place of residence of either parent shall not appear on any
16 records or information released pursuant to the provisions of this
17 section.

18 c. Any parent may petition the court to have the other parent's
19 access to the records limited. If the court, after a hearing, finds that
20 the parent's access to the record is not in the best interest of the child
21 or that the access sought is for the purpose of causing detriment to the
22 other parent, the court may order that access to the records be limited.

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24 2. This act shall take effect immediately.

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STATEMENT

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29 This bill would guarantee all parents equal access to their children's
30 medical, dental, insurance, child care and school records. The bill
31 would provide that the place of residence or other identifying
32 information about either parent would not appear on any records
33 distributed. The bill would also authorize the court to deny access to
34 the records if it finds that it is not in the best interest of the child or if
35 the access is sought only for the purpose of causing the other parent
36 to suffer a detriment.

37 The bill clarifies that this access is subject to federal and State laws

1 governing privacy.

2 This bill embodies recommendation number 7 of the report of the

3 Commission to Study the Law of Divorce, issued April 18, 1995.

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8 Provides parents access to children's records.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 72

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 20, 1996

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 72.

This bill would guarantee all parents equal access to their children's medical, dental, insurance, child care and school records. The bill would provide that the place of residence or other identifying information about either parent would not appear on any records distributed. The bill would also authorize the court to deny access to the records if it finds that it is not in the best interest of the child or if the access is sought only for the purpose of causing the other parent to suffer a detriment.

The committee amended the bill to omit section 2 which granted rule making powers to the Department of Education to establish guidelines and procedures for distributing records to the parents. The committee deleted this provision of the bill because many records other than educational records are involved and because the court should control the process.

The committee also amended the bill to clarify that this access is subject to federal and State laws governing privacy. The amendments also change the reference to "minor" child to "unemancipated" to permit parents to have access to records for children over the age of 18 years for whom the parent still has a financial obligation.

This bill embodies recommendation number 7 of the report of the Commission to Study the Law of Divorce, issued April 18, 1995.

This bill was prefiled for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY
SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 72

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 18, 1996

The Senate Women's Issues, Children and Family Services Committee favorably reports Assembly Bill No. 72 (1R) with committee amendments.

As amended, this bill would guarantee all parents equal access to their children's medical, dental, insurance, child care and school records. The bill would provide that the place of residence or other identifying information about either parent would not appear on any records distributed. The bill would also authorize the court to deny access to the records if it finds that it is not in the best interest of the child or if the access is sought only for the purpose of causing the other parent to suffer a detriment.

The bill would allow parents access to a child's record only if the release of those records is not prohibited by federal or State law.

This bill embodies recommendation number 7 of the report of the Commission to Study the Law of Divorce, issued April 18, 1995.

The committee amended the bill to clarify that a parent would have access to a child's records only if the release of those records is not prohibited by federal or State law.

The bill was also amended by committee to specify that a child's parent, guardian or legal custodian would be allowed to petition the court to limit a parent's access to a child's records.

This bill is identical to Senate Bill No. 1492, sponsored by Senators Martin and Ewing, which was also amended and released by this committee on November 18, 1996.

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY
SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1492

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 18, 1996

The Senate Women's Issues, Children and Family Services Committee favorably reports Senate Bill No. 1492 with committee amendments.

As amended, this bill would guarantee all parents equal access to their children's medical, dental, insurance, child care and school records. The bill would provide that the place of residence or other identifying information about either parent would not appear on any records distributed. The bill would also authorize the court to deny access to the records if it finds that it is not in the best interest of the child or if the access is sought only for the purpose of causing the other parent to suffer a detriment.

The bill would allow parents access to a child's record only if the release of those records is not prohibited by federal or State law.

This bill embodies recommendation number 7 of the report of the Commission to Study the Law of Divorce, issued April 18, 1995.

The committee amended the bill to clarify that a parent would have access to a child's records only if the release of those records is not prohibited by federal or State law.

The bill was also amended by committee to specify that a child's parent, guardian or legal custodian would be allowed to petition the court to limit a parent's access to a child's records.

This bill is identical to Assembly Bill No. 72 (1R), sponsored by Assemblymen Kavanagauh and Cohen, which was also amended and released by this committee on November 18, 1996.