

9:6-8.10

**LEGISLATIVE HISTORY CHECKLIST**  
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(Child abuse)

**NJSA:** 9:6-8.10

**LAWS OF:** 1996 **CHAPTER:** 32

**BILL NO:** A971

**SPONSOR(S):** Asselta and Gibson

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:** Community Service  
**SENATE:** Women's Issues

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** February 9, 1996  
**SENATE:** May 16, 1996

**DATE OF APPROVAL:** June 6, 1996

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBP:pp

P.L. 1996, CHAPTER 32, *approved June 6, 1996*  
Assembly No. 971

1 AN ACT concerning child abuse and neglect and amending P.L.1977,  
2 c.102.

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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  
10 3 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 subsection b. herein.

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

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

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

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

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

30 (5) An agency authorized to care for, treat, or supervise a child  
31 who is the subject of a child abuse report, or a parent, guardian or  
32 other person who is responsible for the child's welfare, or both, when  
33 the information is needed in connection with the provision of care,  
34 treatment, or supervision to such child or such parent, guardian or  
35 other person;

36 (6) A court or the Office of Administrative Law, upon its finding  
37 that access to such records may be necessary for determination of an  
38 issue before **[the court]** it, and such records may be disclosed by the  
39 court or the Office of Administrative Law in whole or in part to the  
40 law guardian, attorney or other appropriate person upon a finding that  
41 such further disclosure is necessary for determination of an issue  
42 before the court or the Office of Administrative Law;

**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.**

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

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

8 (9) Any person engaged in a bona fide research purpose, provided,  
9 however, that no names or other information identifying persons  
10 named in the report shall be made available to the researcher unless it  
11 is absolutely essential to the research purpose and provided further  
12 that the approval of the director of the Division of Youth and Family  
13 Services shall first have been obtained;

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

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

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

29 (13) Any person or entity mandated by statute to consider child  
30 abuse or neglect information when conducting a background check or  
31 employment-related screening of an individual employed by or seeking  
32 employment with an agency or organization providing services to  
33 children;

34 (14) Any person or entity conducting a disciplinary, administrative  
35 or judicial proceeding to determine terms of employment or continued  
36 employment of an officer, employee, or volunteer with an agency or  
37 organization providing services for children. The information may be  
38 disclosed in whole or in part to the appellant or other appropriate  
39 person only upon a determination by the person or entity conducting  
40 the proceeding that the disclosure is necessary to make a  
41 determination.

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

46 (cf. P.L.1995, c.135 s.9)

1        2. This act shall take effect immediately.

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6        Allows certain individuals or entities access to records of child abuse  
7        reports.

1 organization providing services for children. The information may be  
2 disclosed in whole or in part to the appellant or other appropriate  
3 person only upon a determination by the person or entity conducting  
4 the proceeding that the disclosure is necessary to make a  
5 determination.

6 Any individual, agency, board, court, grand jury or legislative  
7 committee which receives from the division the records and reports  
8 referred to in subsection a., shall keep such records and reports, or  
9 parts thereof, confidential.  
10 (cf. P.L.1995, c.135 s.9)

11  
12 2. This act shall take effect immediately.

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15 *SPONSORS'* STATEMENT

16  
17 This bill amends section 1 of P.L.1977, c.102 (C.9:6-8.10a) to  
18 allow the disclosure of records of child abuse reports to:

19 1. The Office of the Administrative Law, if access to such records  
20 is necessary to make a determination of an issue before the office;

21 2. An individual appealing a division service or status action or a  
22 substantiated finding of child abuse or neglect and his attorney or  
23 authorized lay representative, if access to the records is necessary for  
24 a determination of the issue on appeal;

25 3. A person or entity required to conduct a background check or  
26 employment-related screening of an individual employed or seeking  
27 employment with an agency or organization providing services to  
28 children; and

29 4. A person or entity conducting a disciplinary, administrative, or  
30 judicial proceeding to determine terms of employment or continued  
31 employment of an officer, employee, or volunteer with an agency or  
32 organization providing services for children. The information found  
33 in the records may be disclosed, if access to the information is  
34 necessary for the person or entity conducting the proceeding to make  
35 a determination.

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41 Allows certain individuals or entities access to records of child abuse  
reports.

# ASSEMBLY COMMUNITY SERVICES COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 971

# STATE OF NEW JERSEY

DATED: JANUARY 29, 1996

The Assembly Community Services Committee favorably reports Assembly Bill No. 971.

This bill amends section 1 of P.L.1977, c.102 (C.9:6-8.10a) to allow the disclosure of records of child abuse reports to:

1. The Office of the Administrative Law, if access to such records is necessary to make a determination of an issue before the office;

2. An individual appealing a division service or status action or a substantiated finding of child abuse or neglect and his attorney or authorized lay representative, if access to the records is necessary for a determination of the issue on appeal;

3. A person or entity required to conduct a background check or employment-related screening of an individual employed or seeking employment with an agency or organization providing services to children; and

4. A person or entity conducting a disciplinary, administrative, or judicial proceeding to determine terms of employment or continued employment of an officer, employee, or volunteer with an agency or organization providing services for children. The information found in the records may be disclosed, if access to the information is necessary for the person or entity conducting the proceeding to make a determination.

This bill was prefiled for introduction in the 1996-1997 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

ASSEMBLY, No. 971

**STATE OF NEW JERSEY**

DATED: MARCH 21, 1996

The Senate Women's Issues, Children and Family Services Committee favorably reports Assembly Bill No. 971.

This bill amends section 1 of P.L.1977, c.102 (C.9:6-8.10a) to allow the disclosure of records of child abuse reports to:

1. The Office of the Administrative Law, if access to such records is necessary to make a determination of an issue before the office;

2. An individual appealing a division service or status action or a substantiated finding of child abuse or neglect and his attorney or authorized lay representative, if access to the records is necessary for a determination of the issue on appeal;

3. A person or entity required to conduct a background check or employment-related screening of an individual employed or seeking employment with an agency or organization providing services to children; and

4. A person or entity conducting a disciplinary, administrative, or judicial proceeding to determine terms of employment or continued employment of an officer, employee, or volunteer with an agency or organization providing services for children. The information found in the records may be disclosed, if access to the information is necessary for the person or entity conducting the proceeding to make a determination.

This bill is identical to Senate Bill No. 457, sponsored by Senator James Cafiero, which was released by this committee on January 22, 1996.

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## OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001**      JAYNE REBOVICH  
**CONTACT:**   BECKY TAYLOR  
                    609-777-2600

**TRENTON, NJ 08625**  
**RELEASE:** June 7, 1996

Gov. Christie Whitman today signed legislation expanding the circumstances in which child abuse reports can be disclosed. She also signed two bills designating the second Saturday in June as "Delaware Bay Day" and exempting certain farm tractors from motor vehicle registration.

**A-971/ S-457** amends current law to provide expanded access to records of child abuse reports on file at the Division of Youth and Family Services (DYFS).

This bill also allows the DYFS to make its records available to the Office of Administrative Law to determine the outcomes of cases in which child abuse issues are involved such as day care licensing. It also permits access to DYFS child abuse records to persons in certain instances who are appealing an agency determination of child abuse or neglect, to employers conducting background checks of individuals seeking employment with agencies that provide services to children, and to an entity that provides services for children when that entity is conducting disciplinary proceedings to determine the terms of employment of an officer, employee or volunteer.

"This bill will enable agencies and individuals to work collaboratively to protect the children of our state from abuse and neglect," said Gov. Whitman.

Sponsors of this legislation were Assemblymen Nicholas Asselta (R- Cape May/ Atlantic/ Cumberland) and John Gibson (R- Cape May/ Atlantic/ Cumberland) and Senators James Cafiero (R-Cape May/ Atlantic/ Cumberland) and Wynona Lipman (D-Essex/ Union)

**SJR-23/ AJR-40** designates the second Saturday in June of each year as "Delaware Bay Day" in New Jersey. This resolution encourages local and state entities, as well as the people of the state, to observe and participate in activities for Delaware Bay Day, in celebration of the Delaware Bay ecosystem.

The "Delaware Bay Day" celebration, hosted by the Delaware Bay Schooner Project, has been in existence since 1993 to promote the culture, history and natural resources of the Delaware Estuary.



Sponsors of the legislation are Senators John Bennett (R-Monmouth) and Joseph Kyrillos (R- Middlesex/ Monmouth) and Assemblymen Jack Collins (R- Salem/ Cumberland/ Gloucester) and John Gibson (R-Cape May/ Atlantic/ Cumberland).

**S-100/ A-1761** exempts motor vehicles which are not for hire and are used strictly as farm tractors, and other farm equipment machinery operated under 20 miles per hour, from motor vehicle registration requirements. The current law requires a \$5 annual registration fee for all farm tractors and farm equipment.

Sponsors of this legislation were Senator William Haines (R- Atlantic/ Burlington/ Camden) and Assemblyman Nicholas Asselta (R- Cape May/ Atlantic/ Cumberland) and John Gibson (R- Cape May/ Atlantic/ Cumberland).