

26:8-24

LEGISLATIVE HISTORY CHECKLIST
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(Missing Children)

NJSA: 26:8-24

LAWS OF: 1995 CHAPTER: 395

BILL NO: S1438

SPONSOR(S): Cafiero and others

DATE INTRODUCED: September 26, 1994

COMMITTEE: ASSEMBLY: Senior Citizens

SENATE: Women's issues

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

DATE OF PASSAGE: ASSEMBLY: January 4, 1996

SENATE: June 26, 1995

DATE OF APPROVAL: January 10, 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: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[FIRST REPRINT]

SENATE, No. 1438

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 26, 1994

By Senators CAFIERO, BASSANO, Ewing,
Lipman, Adler, Casey and Sacco

1 AN ACT concerning missing children, supplementing Title 52 of
2 the Revised Statutes and Title 18A of the New Jersey Statutes
3 and amending R.S.26:8-24 and 25.

4

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

7 1. (New section) As used in sections 1 through 3 of this act:

8 "Missing child" means a person under 18 years of age reported
9 to a law enforcement agency as being abducted, enticed away,
10 taken, missing or a runaway.

11 2. (New section) a. Upon the receipt of a report of a missing
12 child, the Missing Persons Unit established pursuant to section 2
13 of P.L.1983, c.467 (C.52:17B-9.7) shall notify the superintendent
14 of the school district where the missing child is currently or was
15 most recently enrolled of the disappearance and provide the
16 superintendent with information concerning the identity of the
17 missing child. The unit shall also promptly notify the
18 superintendent if the child is located.

19 b. When the superintendent of the school district is notified of
20 the report, he shall mark the child's school record. The record
21 shall be marked in such a way that whenever a copy of or
22 information regarding the record is requested, the school district
23 will be aware that the record is that of a missing child. Once the
24 superintendent has been notified by the Missing Persons Unit that
25 the child has been located, the superintendent or his designee
26 shall remove the mark from the record.

27 c. If a copy of a marked school record is requested, the
28 superintendent shall supply the record to the requestor without
29 alerting him to the fact that the record has been marked ¹, in
30 accordance with the provisions governing access to pupil records
31 pursuant to N.J.S.18A:36-19¹. After supplying a copy of or
32 information regarding the marked record to the requestor, the
33 superintendent shall immediately report the inquiry or any
34 knowledge as to the whereabouts of the missing child to the unit.

35 d. Upon notification of a request for a marked school record or
36 other information concerning a missing child, the unit shall
37 commence an investigation of the circumstances surrounding the
38 request, including a search for any record that may exist showing
39 who has legal custody of the child and for any record that may
40 disclose an allegation of child abuse perpetrated against the child
41 or an allegation of domestic violence perpetrated against a
42 member of the child's family.

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:
Senate floor amendments adopted December 11, 1995.

1 e. If a search, ¹pursuant¹ to subsection d. of this section,
2 reveals that a child reported missing is in the custody of his legal
3 guardian or if substantiated allegations of child abuse against
4 the child or any order protecting a family member from domestic
5 violence exists, the unit shall continue the investigation without
6 disclosing the whereabouts of the child or his guardian to the
7 person who reported the child missing.

8 3. (New section) a. Upon receipt of a report of a missing
9 child, the Missing Persons Unit shall notify the State registrar of
10 vital statistics in the Department of Health of the disappearance
11 and provide him with information concerning the identity of the
12 missing child. The unit shall also promptly notify the State
13 registrar if the child has been located.

14 b. Upon receiving notification from the unit, the State
15 registrar shall mark the child's birth certificate. The birth
16 certificate shall be marked in such a manner that whenever a
17 copy of or information regarding the birth certificate is
18 requested, the State registrar shall be aware that the certificate
19 is that of a missing child. Once the State registrar has been
20 notified by the Missing Persons Unit that the child has been
21 located, the State or local registrar shall remove the mark from
22 the record.

23 c. If a copy of the child's birth certificate is requested, the
24 State registrar shall supply the birth certificate to the requestor
25 without alerting him to the fact that the birth certificate has
26 been marked. After supplying a copy of or information regarding
27 the marked birth certificate to the requestor, the State registrar
28 shall immediately report the inquiry or any knowledge as to the
29 whereabouts of the missing child to the unit.

30 d. Upon notification of a report of a missing child, the State
31 registrar shall request that the local registrar of the district
32 where the child was born mark the child's birth certificate.
33 When a copy of the marked birth certificate is requested, the
34 local registrar shall supply the copy to the requestor without
35 alerting him to the fact that the record has been marked and
36 immediately notify the State registrar of the request.

37 e. Upon notification of a request for a marked birth
38 certificate or other information concerning a missing child, the
39 Missing Persons Unit shall commence an investigation of the
40 circumstances surrounding the request, including a search for any
41 record that may exist showing who has legal custody of the
42 missing child and for any record that may disclose an allegation
43 of child abuse perpetrated against the child or an allegation of
44 domestic violence perpetrated against a member of the child's
45 family.

46 f. If a search as described pursuant to subsection e. of this
47 section reveals that a child reported missing is in the custody of
48 his legal guardian or if substantiated allegations of child abuse
49 against the child or any order protecting a family member from
50 domestic violence exists, the unit shall continue the investigation
51 without disclosing the whereabouts of the child or his guardian to
52 the person who reported the child missing.

53 . (New section) a. When a child is enrolled in a school
54 district for the first time, the superintendent shall

1 require the child's parent or legal guardian to provide a certified
 2 copy of the child's birth certificate or other proof of the child's
 3 identity, within 30 days of enrollment. If the child's parent or
 4 legal guardian refuses to comply with the requirement in this
 5 section, the superintendent shall notify the parent or guardian, in
 6 writing, that the matter will be referred to a law enforcement
 7 agency if the proof of identity is not provided within 10 days of
 8 the notice.

9 b. When a child transfers from one school district to another,
 10 the receiving school district shall obtain the child's school record
 11 from the district from which the child has transferred, within 14
 12 days of enrollment. If the record has been marked pursuant to
 13 section 2 of P.L. , c. (C.)(pending before the Legislature
 14 as this bill), the transferring school district shall forward the
 15 record to the receiving school district and immediately notify the
 16 Missing Persons Unit in the Department of Law and Public Safety
 17 established pursuant to section 2 of P.L.1983, c.467
 18 (C.52:17B-9.7).

19 5. R.S.26:8-24 is amended to read as follows:

20 26:8-24. The State registrar shall:

21 a. Have general supervision throughout the State of the
 22 registration of vital records;

23 b. Have supervisory power over local registrars, deputy local
 24 registrars, and subregistrars, in the enforcement of the law
 25 relative to the disposal of dead bodies and the registration of
 26 vital records;

27 c. Prepare, print, and supply to all registrars, upon request
 28 therefor, all blanks and forms used in registering the records
 29 required by said law. No other blanks shall be used than those
 30 supplied or approved by the State registrar;

31 d. Carefully examine the certificates received monthly from
 32 the local registrars, and if any such are incomplete or
 33 unsatisfactory he shall require such further information to be
 34 supplied as may be necessary to make the record complete and
 35 satisfactory;

36 e. Arrange, bind, and permanently preserve the certificates of
 37 vital records in a systematic manner; [and]

38 f. Prepare and maintain a comprehensive and continuous index
 39 of all vital records registered, the index to be arranged
 40 alphabetically;

41 1. In the case of deaths, by the name of the decedent;

42 2. In the case of births, by the name of child, if given, and if
 43 not, then by the name of father or mother;

44 3. In the case of marriages, by the surname of the husband and
 45 also by the maiden name of the wife; and

46 g. Mark the birth certificate of a missing child when notified
 47 by the Missing Persons Unit in the Department of Law and Public
 48 Safety pursuant to section 3 of P.L. , c. (C.)(pending
 49 before the Legislature as this bill).

50 (cf: P.L.1965, c.78, s.46)

51 6 R.S.26:8-25 is amended to read as follows:

52 26:8-25. The local registrar, under the supervision and
 53 direction of the State registrar, shall:

54 . Strictly and thoroughly enforce the law relative to the

- 1 disposal of dead bodies and the registration of vital records in his
2 registration district;
- 3 b. Supply blank forms of certificates to such persons as require
4 them;
- 5 c. Supply to every physician, midwife, and funeral director a
6 copy of the law relative to the registration of vital records and
7 the disposal of dead bodies, together with such rules and
8 regulations as may be prepared by the State registrar relative to
9 their enforcement;
- 10 d. Sign his name and insert the date of filing on each
11 certificate of birth, marriage and death.
- 12 e. Examine each certificate of birth, marriage, or death when
13 presented for record in order to ascertain whether or not it has
14 been made in accordance with law and the instructions of the
15 State registrar; and if such certificate is incomplete and
16 unsatisfactory, he shall have the same corrected;
- 17 f. At the expense of the municipality make a complete and
18 accurate copy of each birth, marriage, and death certificate
19 registered by him on a form or in a manner prescribed by the
20 State registrar, to be preserved in his office as the local record;
- 21 g. On the tenth day of each month or sooner if requested by
22 the department, transmit to the State registrar all original birth,
23 marriage, and death certificates received by him for the
24 preceding month. If no births, marriages or deaths occurred in
25 any month, he shall, on or before the tenth day of the following
26 month, report that fact to the State registrar on a card provided
27 for such purpose.
- 28 h. Make an immediate report to the State registrar of any
29 violation of this chapter or chapter 6 of this Title (s.26:6-1 et
30 seq.), as well as chapter 1 of Title 37 of the Revised Statutes
31 coming to his knowledge; [and]
- 32 i. In the case of any birth in his registration district to parents
33 who are residents of another registration district or of the
34 marriage in his registration district of any couple who obtained
35 the marriage license in another registration district, or of the
36 death in his registration district of any person who at the time of
37 such death was a resident of another registration district notify
38 the registrar of the other registration district, within 5 days of
39 such birth, marriage, or death, on forms prescribed by the State
40 registrar. All entries relating to cause of death on the original
41 certificate must be entered on the death form sent to the
42 registrar of the other registration district; and
- 43 j. Mark the birth certificate of a missing child born in his
44 registration district when notified by the State registrar pursuant
45 to section 3 of P.L. , c. (C.)(pending before the
46 Legislature as this bill).
47 (cf: P.L.1965, c.78, s.47)
- 48 7. This act shall take effect immediately.
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53 Requires the marking of a missing child's birth certificate and
54 school record.

1 c. Supply to every physician, midwife, and funeral director a
2 copy of the law relative to the registration of vital records and
3 the disposal of dead bodies, together with such rules and
4 regulations as may be prepared by the State registrar relative to
5 their enforcement;

6 d. Sign his name and insert the date of filing on each
7 certificate of birth, marriage and death.

8 e. Examine each certificate of birth, marriage, or death when
9 presented for record in order to ascertain whether or not it has
10 been made in accordance with law and the instructions of the
11 State registrar; and if such certificate is incomplete and
12 unsatisfactory, he shall have the same corrected;

13 f. At the expense of the municipality make a complete and
14 accurate copy of each birth, marriage, and death certificate
15 registered by him on a form or in a manner prescribed by the
16 State registrar, to be preserved in his office as the local record;

17 g. On the tenth day of each month or sooner if requested by
18 the department, transmit to the State registrar all original birth,
19 marriage, and death certificates received by him for the
20 preceding month. If no births, marriages or deaths occurred in
21 any month, he shall, on or before the tenth day of the following
22 month, report that fact to the State registrar on a card provided
23 for such purpose.

24 h. Make an immediate report to the State registrar of any
25 violation of this chapter or chapter 6 of this Title (s.26:6-1 et
26 seq.), as well as chapter 1 of Title 37 of the Revised Statutes
27 coming to his knowledge; [and]

28 i. In the case of any birth in his registration district to parents
29 who are residents of another registration district or of the
30 marriage in his registration district of any couple who obtained
31 the marriage license in another registration district, or of the
32 death in his registration district of any person who at the time of
33 such death was a resident of another registration district notify
34 the registrar of the other registration district, within 5 days of
35 such birth, marriage, or death, on forms prescribed by the State
36 registrar. All entries relating to cause of death on the original
37 certificate must be entered on the death form sent to the
38 registrar of the other registration district; and

39 j. Mark the birth certificate of a missing child born in his
40 registration district when notified by the State registrar pursuant
41 to section 3 of P.L. , c. (C.)(pending before the
42 Legislature as this bill).

43 (cf: P.L.1965, c.78, s.47)

44 7. This act shall take effect immediately.

47 STATEMENT

48
49 This bill requires the Missing Persons Unit, in the Division of
50 State Police, to notify the State Registrar and school districts
51 upon the receipt of a report of a missing child. The unit would
52 also be required to notify the State Registrar and school districts
53 if the child has been located. The State Registrar or the
54 superintendent of the school district where the child is currently

1 or was previously enrolled is then required to mark the child's
2 birth certificate or school record, respectively, provide the
3 requestor with the information without alerting him to the fact
4 that the record has been marked and notify the law enforcement
5 agency of the request for the child's records. Once the unit has
6 been informed of the request, the agency is required to begin an
7 investigation. When the child has been located, the State
8 registrar and the superintendent of the child's school would be
9 notified and the mark would be removed from the child's record.

10 The bill also amends R.S.26:8-24 and R.S.26:8-25 to require
11 that State and local registrars mark the birth certificate of
12 missing children when notified by the Missing Persons Unit.

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17 **Requires** the marking of a missing child's birth certificate and
18 **school** record.

ASSEMBLY SENIOR CITIZENS
AND SOCIAL SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1438

STATE OF NEW JERSEY

DATED: NOVEMBER 20, 1995

The Assembly Senior Citizens and Social Services Committee favorably reports Senate Bill No. 1438.

This bill requires the Missing Persons Unit, in the Division of State Police, to notify the State Registrar and school districts upon the receipt of a report of a missing child. The unit would also be required to notify the State Registrar and school districts if the child has been located. The State Registrar or the superintendent of the school district where the child is currently or was previously enrolled is then required to mark the child's birth certificate or school record, respectively, provide the requestor with the information without alerting him to the fact that the record has been marked and notify the law enforcement agency of the request for the child's records. Once the unit has been informed of the request, the agency is required to begin an investigation. When the child has been located, the State registrar and the superintendent of the child's school would be notified and the mark would be removed from the child's record.

The bill also amends R.S.26:8-24 and R.S.26:8-25 to require that State and local registrars mark the birth certificate of missing children when notified by the Missing Persons Unit.

SENATE WOMEN'S ISSUES, CHILDREN
AND FAMILY SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 1438

STATE OF NEW JERSEY

DATED: DECEMBER 1, 1994

The Senate Women's Issues, Children and Family Services Committee favorably reports Senate Bill No. 1438.

The bill requires the Missing Persons Unit in the Division of State Police to notify the State Registrar and school districts upon the receipt of a report of a missing child. The unit would also be required to notify the State Registrar and school districts if the child has been located. The State Registrar or the superintendent of the school district where the child is currently or was previously enrolled is then required to mark the child's birth certificate or school record, respectively, provide the requestor with the information without alerting him to the fact that the record has been marked and notify the law enforcement agency of the request for the child's records. Once the unit has been informed of the request, the agency is required to begin an investigation. When the child has been located, the State registrar and the superintendent of the child's school would be notified and the mark would be removed from the child's record.

The bill also amends R.S.26:8-24 and R.S.26:8-25 to require that State and local registrars mark the birth certificate of missing children when notified by the Missing Persons Unit.