

**LEGISLATIVE HISTORY CHECKLIST**  
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(Incarcerated parent-care of children)

**NJSA:** 2A:12-13

**LAWS OF:** 1994 **CHAPTER:** 113

**BILL NO:** S469

**SPONSOR(S):** Cafiero

**DATE INTRODUCED:** January 31, 1994

**COMMITTEE:** **ASSEMBLY:** Senior Citizens  
**SENATE:** Women's Issues

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** August 29, 1994  
**SENATE:** May 23, 1994

**DATE OF APPROVAL:** October 12, 1994

**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

See newspaper clipping--attached:

"Protection cleared for kids of prisoners." 8-30-94, Star Ledger.

KBG:pp

P.L.1994, CHAPTER 113, approved October 12, 1994  
1994 Senate No. 469

1 **AN ACT concerning the Administrative Office of the Courts and**  
2 **supplementing Title 2A of the New Jersey Statutes.**

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

6 1. a. The Administrative Director of the Courts, in  
7 consultation with the Governor's Task Force on Child Abuse and  
8 Neglect, shall develop and recommend to the Chief Justice of the  
9 Supreme Court, no later than the 120th day after the effective  
10 date of this act, guidelines for each judge of the Superior Court  
11 and each municipal court judge to follow in order to ensure that  
12 appropriate arrangements are made for the care of an  
13 incarcerated person's child by a responsible adult. The Chief  
14 Justice shall provide for implementation of these guidelines as  
15 soon as is practicable after the date of receipt of the  
16 recommended guidelines.

17 b. The administrative director, in consultation with the  
18 Governor's Task Force on Child Abuse and Neglect, shall  
19 periodically review the guidelines adopted pursuant to subsection  
20 a. of this section and recommend to the Chief Justice such  
21 revisions as are deemed necessary. The Chief Justice shall  
22 provide for implementation of the revised guidelines as soon as is  
23 practicable after the date of receipt of the recommended  
24 revisions.

25 2. This act shall take effect immediately.

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STATEMENT

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30 This bill requires the Administrative Office of the Courts, in  
31 consultation with the Governor's Task Force on Child Abuse and  
32 Neglect, to develop and implement guidelines for Superior Court  
33 and municipal court judges to follow in order to ensure that  
34 appropriate arrangements are made for the care of an  
35 incarcerated person's child by a responsible adult.

36 This bill is intended to prevent the recurrence of a recent  
37 incident in which an infant boy in Edison whose mother was  
38 sentenced to jail for 30 days for repeated shoplifting was scalded  
39 to death by his 16-year old aunt. Neither the municipal court  
40 judge who sentenced the boy's mother nor the police had inquired  
41 at the time of sentencing about the child (even though one of the  
42 items stolen was baby formula), and State law does not currently  
43 require that they do so.

44 Although police officers and judges may refer cases involving a  
45 child who is at risk of abuse or neglect to the Division of Youth

1 and Family Services in the Department of Human Services, there  
2 is no statutory or administrative requirement that they do so. As  
3 a result of the recent case in Edison, the Governor's Task Force  
4 on Child Abuse and Neglect, which comprises State government  
5 officials and members of the public and monitors State policies  
6 with respect to children at risk of abuse or neglect, is reviewing  
7 court procedures to ascertain whether there is a need for  
8 remedial action to address the problem of inadequate sensitivity  
9 on the part of judges and police to the needs of incarcerated  
10 parents. This bill would require that new guidelines be adopted to  
11 minimize the possibility of such a tragedy being repeated.

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16 Requires AOC to develop guidelines for ensuring provision of  
17 appropriate care for an incarcerated person's child.

SENATE, No. 469

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1994

By Senator CAFIERO

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ASSEMBLY SENIOR CITIZENS AND  
SOCIAL SERVICES COMMITTEE

STATEMENT TO

SENATE, No. 469

STATE OF NEW JERSEY

DATED: JUNE 13, 1994

The Assembly Senior Citizens and Social Services Committee favorably reports Senate Bill No. 469.

This bill requires the Administrative Office of the Courts, in consultation with the Governor's Task Force on Child Abuse and Neglect, to develop and implement guidelines for Superior Court and municipal court judges to follow in order to ensure that appropriate arrangements are made for the care of an incarcerated person's child by a responsible adult.

This bill is intended to prevent the recurrence of a recent incident in which an infant boy in Edison whose mother was sentenced to jail for 30 days for repeated shoplifting was scalded to death by his 16-year old aunt. Neither the municipal court judge who sentenced the boy's mother nor the police had inquired at the time of sentencing about the child (even though one of the items stolen was baby formula), and State law does not currently require that they do so.

Although police officers and judges may refer cases involving a child who is at risk of abuse or neglect to the Division of Youth and Family Services in the Department of Human Services, there is no statutory or administrative requirement that they do so. As a result of the recent case in Edison, the Governor's Task Force on Child Abuse and Neglect, which comprises State government officials and members of the public and monitors State policies with respect to children at risk of abuse or neglect, is reviewing court procedures to ascertain whether there is a need for remedial action to address the problem of inadequate sensitivity on the part of judges and police to the needs of incarcerated parents. This bill would require that new guidelines be adopted to minimize the possibility of such a tragedy being repeated.

SENATE WOMEN'S ISSUES, CHILDREN  
AND FAMILY SERVICES COMMITTEE

STATEMENT TO

**SENATE, No. 469**

**STATE OF NEW JERSEY**

DATED: MARCH 21, 1994

The Senate Women's Issues, Children and Family Services Committee favorably reports Senate Bill No. 469.

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