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No

P.L. 2003, CHAPTER 40, *approved April 14, 2003*  
Senate, No. 1983 (*Second Reprint*)

1 AN ACT concerning the Division of Youth and Family Services and  
2 supplementing Title 30 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. The Division of Youth and Family Services in the Department  
8 of Human Services shall provide for the <sup>2</sup>[fingerprinting and]<sup>2</sup>  
9 photographing of each child under its <sup>2</sup>[care,]<sup>2</sup> custody <sup>2</sup>[or  
10 guardianship]<sup>2</sup> no later than two months after the division  
11 <sup>2</sup>[commences the provision of those services to] assumes custody of<sup>2</sup>  
12 the child. A child who is under the <sup>2</sup>[care,]<sup>2</sup> custody <sup>2</sup>[or  
13 guardianship]<sup>2</sup> of the division on the effective date of this act shall be  
14 <sup>2</sup>[fingerprinted and]<sup>2</sup> photographed for the purposes of this act no  
15 later than one year after its effective date.

16 <sup>2</sup>The division shall, in addition, provide for the fingerprinting of any  
17 child under its custody with respect to whom the division determines,  
18 in accordance with criteria as the Commissioner of Human Services  
19 shall establish by regulation, that the availability of a fingerprint record  
20 would be appropriate; the fingerprints of any child with respect to  
21 whom such a determination is made shall be taken no later than two  
22 months after the division has made that determination.<sup>2</sup>

23 b. The division shall update the photograph of each child taken  
24 pursuant to subsection a. of this section at least every two years. In  
25 addition, the division shall retain the fingerprint information and  
26 photograph of each child <sup>2</sup>for whom such records are taken<sup>2</sup> for at  
27 least one year after the date that the child is no longer under the  
28 <sup>2</sup>[care,]<sup>2</sup> custody <sup>2</sup>[or guardianship]<sup>2</sup> of the division.

29 c. The division shall be entitled to receive the assistance of any  
30 other State department, division or agency as it may deem necessary  
31 <sup>1</sup>and may receive the assistance of any county or municipal  
32 government agency, as may be available,<sup>1</sup> in carrying out the  
33 provisions of this act.

34

35 2. The Commissioner of Human Services, pursuant to the  
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
37 seq.), shall adopt rules and regulations to effectuate the purposes of  
38 this act.

**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:

<sup>1</sup> Senate SHH committee amendments adopted November 25, 2002.

<sup>2</sup> Senate SBA committee amendments adopted January 16, 2003.

1       3. This act shall take effect <sup>2</sup>[on] immediately, but section 1 shall  
2 remain inoperative until<sup>2</sup> the 180th day after enactment, <sup>2</sup>[except that]  
3 and<sup>2</sup> the Commissioner of Human Services may take such anticipatory  
4 administrative action in advance as shall be necessary for the  
5 implementation of the act.

6

7

8

9

10       Directs DYFS to fingerprint and photograph certain children under its  
11 supervision.

**SENATE, No. 1983**

**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

INTRODUCED OCTOBER 24, 2002

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Senators Palaia and Allen**

**SYNOPSIS**

Requires DYFS to fingerprint and photograph children under its supervision.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/26/2002)**

1 AN ACT concerning the Division of Youth and Family Services and  
2 supplementing Title 30 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. The Division of Youth and Family Services in the Department  
8 of Human Services shall provide for the fingerprinting and  
9 photographing of each child under its care, custody or guardianship no  
10 later than two months after the division commences the provision of  
11 those services to the child. A child who is under the care, custody or  
12 guardianship of the division on the effective date of this act shall be  
13 fingerprinted and photographed for the purposes of this act no later  
14 than one year after its effective date.

15 b. The division shall update the photograph of each child taken  
16 pursuant to subsection a. of this section at least every two years. In  
17 addition, the division shall retain the fingerprint information and  
18 photograph of each child for at least one year after the date that the  
19 child is no longer under the care, custody or guardianship of the  
20 division.

21 c. The division shall be entitled to receive the assistance of any  
22 other State department, division or agency as it may deem necessary  
23 in carrying out the provisions of this act.

24  
25 2. The Commissioner of Human Services, pursuant to the  
26 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
27 seq.), shall adopt rules and regulations to effectuate the purposes of  
28 this act.

29  
30 3. This act shall take effect on the 180th day after enactment,  
31 except that the Commissioner of Human Services may take such  
32 anticipatory administrative action in advance as shall be necessary for  
33 the implementation of the act.

34  
35 STATEMENT

36  
37 This bill requires the Division of Youth and Family Services  
38 (DYFS) in the Department of Human Services to provide for the  
39 fingerprinting and photographing of each child under its care, custody  
40 or guardianship no later than two months after DYFS commences the  
41 provision of those services to the child. A child who is under the care,  
42 custody or guardianship of DYFS on the effective date of this bill is to  
43 be fingerprinted and photographed for the purposes of this bill no later  
44 than one year after its effective date.

45 In addition, the bill requires DYFS to:

46 -- update the photograph of each child taken pursuant to the bill at

**S1983 SINGER, VITALE**

3

1 least every two years; and

2 -- retain the fingerprint information and photograph of each child  
3 for at least one year after the date that the child is no longer under the  
4 care, custody or guardianship of DYFS.

5 The bill stipulates that DYFS is entitled to receive the assistance of  
6 any other State department, division or agency as it may deem  
7 necessary in carrying out the provisions of the bill.

8 This bill is intended to address the need for DYFS to strengthen its  
9 capacity to find missing children who are under its supervision.

10 The bill takes effect on the 180th day after enactment, but  
11 authorizes the Commissioner of Human Services to take anticipatory  
12 administrative action in advance as necessary for its implementation.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[Second Reprint]

**SENATE, No. 1983**

# STATE OF NEW JERSEY

DATED: FEBRUARY 3, 2003

The Assembly Appropriations Committee reports favorably Senate Bill No. 1983 (2R).

Senate Bill No. 1983 (2R) directs the Division of Youth and Family Services (DYFS) in the Department of Human Services to provide for the fingerprinting and photographing of certain children under its supervision.

The bill requires DYFS to provide for the photographing of every child under its custody, i.e., children who have been placed out of their own homes into such residential settings as foster homes, residential facilities, and group homes. The bill also directs the division to identify, under criteria that the Commissioner of Human Services shall establish by regulation, the children under its custody for whom the availability of a fingerprint record would be appropriate, and to provide for the fingerprinting of those children. The photograph will be taken no later than two months after DYFS assumes custody of the child; fingerprints will be taken no later than two months after DYFS makes a determination that it is appropriate to do so. A child already under DYFS's custody on the day the bill takes effect as law is to be photographed no later than one year thereafter.

The bill requires DYFS to (1) update the photograph of each child at least every two years, and (2) retain the fingerprint information and photograph of each child for at least one year after the date on which the child ceases to be under the agency's custody.

The bill provides that DYFS may receive the assistance of any other State department, division or agency as it deems necessary and may receive such assistance of any county or municipal government agency as may be available in carrying out the provisions of the bill.

The bill's photograph and fingerprint requirements are to take effect on the 180th day after enactment, but the Commissioner of Human Services is authorized to take anticipatory administrative action in advance as necessary to implement the legislation.

As reported by the committee, this bill is identical to Assembly Bill No. 2888, as amended and reported by the committee.



### FISCAL IMPACT

The cost to implement the photographing requirement under this legislation is expected to be minimal. The Department of Human Services (DHS) has indicated that the cost of upgrading equipment to photograph the roughly 11,000 children under DYFS's custody would not exceed \$40,000 to buy digital cameras for the agency's district offices and adoption resource centers, while labor costs could be absorbed into DHS's operating budget (\$205 million in FY2003).

The department has informally estimated that the fingerprinting requirement under the bill as amended would entail recurring costs; these costs, however, are not likely to exceed \$100,000 annually for the foreseeable future. If, for instance, 10 percent of the 11,000 children under DYFS's custody, or 1,100 children, are found to be appropriate subjects for fingerprinting, and the fingerprinting of each such subject would require a midlevel social worker, earning about \$27 per hour, to spend one and one-half hours escorting the child to and from the fingerprinting location, then the cost of paying such professionals to assist in fingerprinting 1,100 children at the indicated rate of about \$40 per child would total \$44,000. This estimate applies to the first year of implementation only; if it is assumed that the 30 percent annual turnover rate among all of DYFS's custodial supervisees would apply as well to the subgroup among them for whom fingerprinting is appropriate, the annual cost in the second and subsequent years (ignoring inflation) would be about \$13,000.

The Office of Legislative Services (OLS) believes the informal estimate with respect to the photographing requirement to be reasonable. With respect to the fingerprinting provision, the OLS has no data from which to generate an independent estimate, but notes that: (1) potential reductions in cost could be expected if children were fingerprinted in groups under the supervision of clerical or other nonprofessional staff; (2) the DHS analysis does not appear to take account of the possibility of arranging for the fingerprinting of such groups at a DYFS location, reducing the amount of DYFS staff time required; and (3) the analysis fails to recognize that the fingerprints of many children may be obtainable from parents or guardians who have, on their own, chosen to have their children fingerprinted.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 1983**

with committee amendments

**STATE OF NEW JERSEY**

DATED: NOVEMBER 25, 2002

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 1983.

As amended by committee, this bill requires the Division of Youth and Family Services (DYFS) in the Department of Human Services to provide for the fingerprinting and photographing of each child under its care, custody or guardianship no later than two months after DYFS commences the provision of those services to the child. A child who is under the care, custody or guardianship of DYFS on the effective date of this bill is to be fingerprinted and photographed for the purposes of this bill no later than one year after its effective date.

In addition, the bill requires DYFS to:

- update the photograph of each child taken pursuant to the bill at least every two years; and
- retain the fingerprint information and photograph of each child for at least one year after the date that the child is no longer under the care, custody or guardianship of DYFS.

The bill stipulates that DYFS is entitled to receive the assistance of any other State department, division or agency as it may deem necessary and may receive the assistance of any county or municipal government agency, as may be available, in carrying out the provisions of the bill.

This bill is intended to address the need for DYFS to strengthen its capacity to find missing children who are under its supervision.

The bill takes effect on the 180th day after enactment, but authorizes the Commissioner of Human Services to take anticipatory administrative action in advance as necessary for its implementation.

The committee amended the bill to provide that the division may receive the assistance of any county or municipal government agency, as may be available. This amendment would allow the division to make use of programs operated by some county sheriff's offices in which they offer to fingerprint and photograph children for the purpose of identification, with the consent of the children's parents.

This bill is similar to Assembly Bill No. 2888 (Greenstein/Roberts), which is pending before the Assembly Appropriations Committee.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

### **SENATE, No. 1983**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 16, 2003

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 1983 (1R).

This bill directs the Division of Youth and Family Services (DYFS) in the Department of Human Services to provide for the fingerprinting and photographing of certain children under its supervision.

The bill, as amended, requires DYFS to provide for the photographing of every child under its custody, i.e., children who have been placed out of their own homes into such residential settings as foster homes, residential facilities, and group homes. The bill also directs the division to identify, under criteria that the Commissioner of Human Services shall establish by regulation, the children under its custody for whom the availability of a fingerprint record would be appropriate, and to provide for the fingerprinting of those children. The photograph would be taken no later than two months after DYFS assumes custody of the child; fingerprints would be taken no later than two months after DYFS makes a determination that it is appropriate to do so. A child already under DYFS's custody on the day the bill takes effect as law is to be photographed no later than one year thereafter.

The bill requires DYFS to (1) update the photograph of each child at least every two years, and (2) retain the fingerprint information and photograph of each child for at least one year after the date on which the child ceases to be under the agency's custody.

The bill stipulates that DYFS may receive the assistance of any other State department, division or agency as it deems necessary and may receive such assistance of any county or municipal government agency as may be available in carrying out the provisions of the bill.

The bill's photograph and fingerprint requirements are to take effect on the 180th day after enactment, but the Commissioner of Human Services is authorized to take anticipatory administrative action in advance as necessary to implement the legislation.

#### COMMITTEE AMENDMENTS

Committee amendments to the bill (1) remove from coverage under the bill children who are under DYFS's care, but not under its custody (i.e., who receive services from the agency but still reside in their own homes), (2) limit the fingerprinting requirement to the children within the custodial group for whom the division determines the availability of a fingerprint record to be appropriate (e.g., those deemed to be potential runaways), and (3) revise the effective date section to clarify the authority of the Commissioner of Human Services to take advance action to implement the legislation.

### FISCAL IMPACT

The cost to implement the photographing requirement under this legislation is expected to be minimal. The Department of Human Services (DHS) has indicated that the cost of upgrading equipment to photograph the roughly 11,000 children under DYFS's custody would not exceed \$40,000 to buy digital cameras for the agency's district offices and adoption resource centers, while labor costs could be absorbed into DHS's operating budget (\$205 million in FY2003).

The department has informally estimated that the fingerprinting requirement under the bill as amended would entail recurring costs; these costs, however, are not likely to exceed \$100,000 annually for the foreseeable future. If, for instance, 10 percent of the 11,000 children under DYFS's custody, or 1,100 children, are found to be appropriate subjects for fingerprinting, and the fingerprinting of each such subject would require a midlevel social worker, earning about \$27 per hour, to spend one and one-half hours escorting the child to and from the fingerprinting location, then the cost of paying such professionals to assist in fingerprinting 1,100 children at the indicated rate of about \$40 per child would total \$44,000. This estimate applies to the first year of implementation only; if it is assumed that the 30 percent annual turnover rate among all of DYFS's custodial supervisees would apply as well to the subgroup among them for whom fingerprinting is appropriate, the annual cost in the second and subsequent years (ignoring inflation) would be about \$13,000.

The Office of Legislative Services (OLS) believes the informal estimate with respect to the photographing requirement to be reasonable. With respect to the fingerprinting provision, the OLS has no data from which to generate an independent estimate, but notes that: (1) potential reductions in cost could be expected if children were fingerprinted in groups under the supervision of clerical or other nonprofessional staff; (2) the DHS analysis does not appear to take account of the possibility of arranging for the fingerprinting of such groups at a DYFS location, reducing the amount of DYFS staff time required; and (3) the analysis fails to recognize that the fingerprints of many children may be obtainable from parents or guardians who have, on their own, chosen to have their children fingerprinted.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

**SENATE, No. 1983**

**STATE OF NEW JERSEY**

**210th LEGISLATURE**

DATED: FEBRUARY 6, 2003

## SUMMARY

- Synopsis:** Requires DYFS to fingerprint and photograph children under its supervision.
- Type of Impact:** Minimal.
- Agencies Affected:** Division of Youth and Family Services (DYFS), other State agencies and county or municipal government agencies.

### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b>Years 1-3</b>
<b>State Cost</b>	Minimal
<b>Local Cost</b>	Minimal

- ! The Division of Youth and Family Services (DYFS) already photographs children under its supervision in many instances. Many children under DYFS supervision already have their fingerprints taken as part of school fingerprinting programs.

## BILL DESCRIPTION

Senate Bill No. 1983 (1R) of 2002 requires the Division of Youth and Family Services (DYFS) to provide for the fingerprinting and photographing of each child under its care, custody or guardianship no later than two months after DYFS commences the provision of services to the child. A child who is already under DYFS jurisdiction is to be fingerprinted and photographed no later than one year after its effective date. Furthermore, the photograph of each child is to be updated at least every two years; the fingerprint and photograph of each child is to be retained for one year after DYFS closes the case. County and municipal government agencies are to provide assistance to DYFS, as requested.

## FISCAL ANALYSIS

### EXECUTIVE BRANCH

None received.

**OFFICE OF LEGISLATIVE SERVICES**

Information as to how much DYFS currently spends taking photographs of children is not available. However, DYFS already photographs upwards of 40,000 children during the course of abuse and neglect investigations, in many instances. In addition, several thousand children that are legally available for adoption must have a current picture on file to assist in the adoption process. While it is not known how many children currently under DYFS supervision would need to be photographed, any additional cost can be absorbed within DYFS' FY 2003 Direct State Services appropriation of approximately \$205.3 million.

While there is no formal requirement that DYFS fingerprint children under its supervision, current DYFS procedures encourage foster parents to participate in voluntary school fingerprint programs on behalf of the more than 8,000 children in foster care. Other children under DYFS supervision may also have fingerprints available through programs provided by local police and sheriff departments. While it is not known how many children currently under DYFS supervision would need to be fingerprinted, this activity could be coordinated with local police or sheriff departments to minimize costs. Again, DYFS FY 2003 Direct State Services appropriation of approximately \$205.3 million is adequate to absorb any additional costs.

Section: *Human Services*

Analyst: *Jay Hershberg*  
*Principal Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

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.

# ASSEMBLY, No. 2888

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED OCTOBER 10, 2002

**Sponsored by:**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Assemblyman JOSEPH J. ROBERTS, JR.**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblyman Dancer, Assemblywoman Heck, Assemblymen Malone, Van Drew and Assemblywoman Pou**

**SYNOPSIS**

Requires DYFS to fingerprint and photograph children under its supervision.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/5/2003)**

1 AN ACT concerning the Division of Youth and Family Services and  
2 supplementing Title 30 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. The Division of Youth and Family Services in the Department  
8 of Human Services shall provide for the fingerprinting and  
9 photographing of each child under its care, custody or guardianship no  
10 later than two months after the division commences the provision of  
11 those services to the child. A child who is under the care, custody or  
12 guardianship of the division on the effective date of this act shall be  
13 fingerprinted and photographed for the purposes of this act no later  
14 than one year after its effective date.

15 b. The division shall update the photograph of each child taken  
16 pursuant to subsection a. of this section at least every two years. In  
17 addition, the division shall retain the fingerprint information and  
18 photograph of each child for at least one year after the date that the  
19 child is no longer under the care, custody or guardianship of the  
20 division.

21 c. The division shall be entitled to receive the assistance of any  
22 other State department, division or agency as it may deem necessary  
23 in carrying out the provisions of this act.

24  
25 2. The Commissioner of Human Services, pursuant to the  
26 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
27 seq.), shall adopt rules and regulations to effectuate the purposes of  
28 this act.

29  
30 3. This act shall take effect on the 180th day after enactment,  
31 except that the Commissioner of Human Services may take such  
32 anticipatory administrative action in advance as shall be necessary for  
33 the implementation of the act.

34  
35  
36 STATEMENT

37  
38 This bill requires the Division of Youth and Family Services  
39 (DYFS) in the Department of Human Services to provide for the  
40 fingerprinting and photographing of each child under its care, custody  
41 or guardianship no later than two months after DYFS commences the  
42 provision of those services to the child. A child who is under the care,  
43 custody or guardianship of DYFS on the effective date of this bill is to  
44 be fingerprinted and photographed for the purposes of this bill no later  
45 than one year after its effective date.

46 In addition, the bill requires DYFS to:



**A2888 GREENSTEIN, ROBERTS**

1 -- update the photograph of each child taken pursuant to the bill at  
2 least every two years; and

3 -- retain the fingerprint information and photograph of each child  
4 for at least one year after the date that the child is no longer under the  
5 care, custody or guardianship of DYFS.

6 The bill stipulates that DYFS is entitled to receive the assistance of  
7 any other State department, division or agency as it may deem  
8 necessary in carrying out the provisions of the bill.

9 This bill is intended to address the need for DYFS to strengthen its  
10 capacity to find missing children who are under its supervision.

11 The bill takes effect on the 180th day after enactment, but  
12 authorizes the Commissioner of Human Services to take anticipatory  
13 administrative action in advance as necessary for its implementation.

ASSEMBLY FAMILY, WOMEN AND CHILDREN'S SERVICES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2888**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 25, 2002

The Assembly Family, Women and Children's Services Committee reports favorably Assembly Bill No. 2888.

This bill requires the Division of Youth and Family Services (DYFS) in the Department of Human Services to provide for the fingerprinting and photographing of each child under its care, custody or guardianship no later than two months after DYFS commences the provision of those services to the child. A child who is under the care, custody or guardianship of DYFS on the effective date of this bill is to be fingerprinted and photographed for the purposes of this bill no later than one year after its effective date.

In addition, the bill requires DYFS to:

- update the photograph of each child taken pursuant to the bill at least every two years; and
- retain the fingerprint information and photograph of each child for at least one year after the date that the child is no longer under the care, custody or guardianship of DYFS.

The bill stipulates that DYFS is entitled to receive the assistance of any other State department, division or agency as it may deem necessary in carrying out the provisions of the bill.

This bill is intended to address the need for DYFS to strengthen its capacity to find missing children who are under its supervision.

The bill takes effect on the 180th day after enactment, but authorizes the Commissioner of Human Services to take anticipatory administrative action in advance as necessary for its implementation.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2888**

with Assembly committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 3, 2003

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2888, with committee amendments.

Assembly Bill No. 2888, as amended, directs the Division of Youth and Family Services (DYFS) in the Department of Human Services to provide for the fingerprinting and photographing of certain children under its supervision.

The bill, as amended, requires DYFS to provide for the photographing of every child under its custody, i.e., children who have been placed out of their own homes into such residential settings as foster homes, residential facilities, and group homes. The bill also directs the division to identify, under criteria that the Commissioner of Human Services shall establish by regulation, the children under its custody for whom the availability of a fingerprint record would be appropriate, and to provide for the fingerprinting of those children. The photograph will be taken no later than two months after DYFS assumes custody of the child; fingerprints will be taken no later than two months after DYFS makes a determination that it is appropriate to do so. A child already under DYFS's custody on the day the bill takes effect as law is to be photographed no later than one year thereafter.

The bill requires DYFS to (1) update the photograph of each child at least every two years, and (2) retain the fingerprint information and photograph of each child for at least one year after the date on which the child ceases to be under the agency's custody.

The bill provides that DYFS may receive the assistance of any other State department, division or agency as it deems necessary and may receive such assistance of any county or municipal government agency as may be available in carrying out the provisions of the bill.

The bill's photograph and fingerprint requirements are to take effect on the 180th day after enactment, but the Commissioner of Human Services is authorized to take anticipatory administrative action in advance as necessary to implement the legislation.

As amended and reported by the committee, this bill is identical to Senate Bill No. 1983 (2R) as also reported by the committee.

### FISCAL IMPACT

The cost to implement the photographing requirement under this legislation is expected to be minimal. The Department of Human Services (DHS) has indicated that the cost of upgrading equipment to photograph the roughly 11,000 children under DYFS's custody would not exceed \$40,000 to buy digital cameras for the agency's district offices and adoption resource centers, while labor costs could be absorbed into DHS's operating budget (\$205 million in FY2003).

The department has informally estimated that the fingerprinting requirement under the bill as amended would entail recurring costs; these costs, however, are not likely to exceed \$100,000 annually for the foreseeable future. If, for instance, 10 percent of the 11,000 children under DYFS's custody, or 1,100 children, are found to be appropriate subjects for fingerprinting, and the fingerprinting of each such subject would require a midlevel social worker, earning about \$27 per hour, to spend one and one-half hours escorting the child to and from the fingerprinting location, then the cost of paying such professionals to assist in fingerprinting 1,100 children at the indicated rate of about \$40 per child would total \$44,000. This estimate applies to the first year of implementation only; if it is assumed that the 30 percent annual turnover rate among all of DYFS's custodial supervisees would apply as well to the subgroup among them for whom fingerprinting is appropriate, the annual cost in the second and subsequent years (ignoring inflation) would be about \$13,000.

The Office of Legislative Services (OLS) believes the informal estimate with respect to the photographing requirement to be reasonable. With respect to the fingerprinting provision, the OLS has no data from which to generate an independent estimate, but notes that: (1) potential reductions in cost could be expected if children were fingerprinted in groups under the supervision of clerical or other nonprofessional staff; (2) the DHS analysis does not appear to take account of the possibility of arranging for the fingerprinting of such groups at a DYFS location, reducing the amount of DYFS staff time required; and (3) the analysis fails to recognize that the fingerprints of many children may be obtainable from parents or guardians who have, on their own, chosen to have their children fingerprinted.

### COMMITTEE AMENDMENTS

The amendments:

(1) remove from coverage under the bill children who are under DYFS's care, but not under its custody (i.e., who receive services from the agency but still reside in their own homes);

(2) limit the fingerprinting requirement to the children within the custodial group for whom the division determines the availability of a fingerprint record to be appropriate (e.g., those deemed to be potential runaways), and

(3) revise the effective date section to clarify the authority of the Commissioner of Human Services to take advance action to implement

the legislation.

(4) provide that the division may receive the assistance of any county or municipal government agency, as may be available.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 2888**  
**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

DATED: FEBRUARY 6, 2003

**SUMMARY**

**Synopsis:** Requires DYFS to fingerprint and photograph children under its supervision.

**Type of Impact:** Minimal.

**Agencies Affected:** Division of Youth and Family Services (DYFS) and other State agencies. Possible impact on local police departments/sheriff offices and school districts.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Years 1-3</u></b>
<b>State Cost</b>	Minimal
<b>Local Cost</b>	Minimal

! The Division of Youth and Family Services (DYFS) already photographs children under its supervision, in many instances. Many children under DYFS supervision already have their fingerprints taken as part of school fingerprint programs.

**BILL DESCRIPTION**

Assembly Bill No. 2888 of 2002 requires the Division of Youth and Family Services (DYFS) to provide for the fingerprinting and photographing of each child under its care, custody or guardianship no later than two months after DYFS commences the provision of services to the child. A child who is already under DYFS jurisdiction is to be fingerprinted and photographed no later than one year after its effective date. Furthermore, the photograph of each child is to be updated at least every two years; the fingerprint and photograph of each child is to be retained for one year after DYFS closes the case; and other State agencies are to provide assistance to DYFS, as requested.

**FISCAL ANALYSIS**

***EXECUTIVE BRANCH***

None received.

**OFFICE OF LEGISLATIVE SERVICES**

Information as to how much DYFS currently spends taking photographs of children is not available. However, DYFS already photographs upwards of 40,000 children during the course of abuse and neglect investigations, in many instances. In addition, several thousand children that are legally available for adoption must have a current picture on file to assist in the adoption process. While it is not known how many children currently under DYFS supervision would need to be photographed, any additional cost can be absorbed within DYFS' FY 2003 Direct State Services appropriation of approximately \$205.3 million.

While there is no formal requirement that DYFS fingerprint children under its supervision, current DYFS procedures encourage foster parents to participate in voluntary school fingerprint programs on behalf of the more than 8,000 children in foster care. Other children under DYFS supervision may also have fingerprints available through programs provided by local police and sheriff departments. While it is not known how many children currently under DYFS supervision would need to be fingerprinted, this activity could be coordinated with local police or sheriff departments to minimize costs. Again, DYFS FY 2003 Direct State Services appropriation of approximately \$205.3 million is adequate to absorb any additional costs.

Section: *Human Services*

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*Legislative Budget and Finance Officer*

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.