

18A:36-24 to 18A:36-26

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:36 - 24 to 18A:36-26

(Abused children-
identification-establish
early warning system)

LAWS OF: 1984

CHAPTER: 228

Bill No: A2024

Sponsor(s): Ford and others

Date Introduced: May 14, 1984

Committee: Assembly: Education

Senate: Education

Amended during passage: Yes
according to Governors' recommendations

Amendments denoted by asterisks

Date of Passage: Assembly: June 21, 1984 Re-enacted 12-6-84

Senate: September 13, 1984 Re-enacted 12-17-84

Date of Approval: December 28, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

DEPOSITORY COPY
Not Remove From Library

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 2024**STATE OF NEW JERSEY**

INTRODUCED MAY 14, 1984

By Assemblywoman FORD, Assemblymen DOYLE, S. ADUBATO,
Assemblywoman WALKER, Assemblyman BAER, Assembly-
women PERUN, KALIK, GARVIN, Assemblymen KARCHER
and BROWN

AN ACT concerning missing children and supplementing Title 18A
of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The Legislature finds and declares:

2 a. That there is a growing recognition of the prevalence and
3 consequences of child abuse.

4 b. That the removal of children from school constitutes a depri-
5 vation in itself and may be an indicator of even more grievous
6 abuses.

7 c. That the public schools can and should provide an early
8 warning to the appropriate authorities when a child appears to be
9 missing from the educational system.

1 ***[2. A board of education shall furnish to the **[Missing
2 Persons Unit of the Division of State Police within the Department
3 of Law and Public Safety]** *municipal police department, or*
4 *where there is no municipal police force, to the State Police station*
5 *having jurisdiction** and to the Department of Education the name*
6 *of, and other pertinent information about, any child *[between the*
6A *ages of six and 16 who was]* enrolled in a school administered by*
6B *that board if either:*

7 a. The child's parent or guardian withdraws the child from school
8 and the school does not receive an official request for the child's
9 records from another school within 15 school days if the withdrawal

**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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted May 5, 1984.**

****—Senate committee amendments adopted July 30, 1984.**

*****—Assembly amendments adopted in accordance with Governor's recom-
mendations November 19, 1984.**

10 occurs during the school term or within 60 calendar days if the
 11 withdrawal occurs at the end of the school term; or

12 b. The child does not attend school for ***[15]*** *5* consecutive
 13 school days and school officials are unable to locate or otherwise
 14 account for the student.***

1 ***2. *All school districts shall be required to establish policies*
 2 *designed to provide for the early detection of missing and abused*
 3 *children. These policies shall include provisions for the notification*
 4 *of the appropriate law enforcement and child welfare authorities*
 5 *when a potential missing or abused child situation is detected. This*
 6 *provision shall be complied with no later than March 1, 1985.****

1 *****[3.** The State Board of Education****],** after consultation with
 2 the Department of Law and Public Safety,**]***** shall adopt pursuant
 3 to the "Administrative Procedure Act," P. L. 1968, c. 410 (C.
 4 52:14B-1 et seq.) rules and regulations necessary to implement the
 5 provisions of this act.***

1 ***3. *The Department of Education, pursuant to its authority*
 2 *under P. L. 1975, c. 212 (C. 18A:7A-1 et seq.), shall ensure com-*
 3 *pliance with this act.****

1 4. This act shall take effect immediately.

12 b. The child does not attend school for 15 consecutive school days
13 and school officials are unable to locate or otherwise account for
14 the student.

1 3. The State Board of Education, after consultation with the
2 Department of Law and Public Safety, shall adopt pursuant to
3 the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1
4 et seq.) rules and regulations necessary to implement the pro-
5 visions of this act.

1 4. This act shall take effect immediately.

STATEMENT

This bill provides an early warning system for identifying certain children who may be subjected to abuse. It requires a school board to notify the Missing Persons Unit of the State Police when a child is withdrawn from school and there is no subsequent request by another school for the child's records or if a child is absent for 15 consecutive school days and school officials are subsequently unable to locate or otherwise account for the child.

A2024(1984)

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2024

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MAY 17, 1984

PROVISIONS:

This bill, as amended, requires boards of education to provide the State Police with the names and any other pertinent information of any child enrolled in the public schools who does not attend school for five days and cannot be located, or is withdrawn from school and no requests for school records are received within 15 days during the school year, or within 60 days if the child is withdrawn at the end of the school year.

BACKGROUND:

Currently, the manner in which any of the 611 school districts in New Jersey respond to a pupil being missing from school and unaccounted for depends upon the individual school policy. For example, in one large district in Ocean county if a child who is enrolled does not attend school by October 1 the attendance officer is notified to determine whether the family is still residing in the district. If there is no request for a transfer of records to another school district, the records are placed in a "no show" file and the pupil is removed from the school register. No further action is taken at that point by the local district.

COMMITTEE AMENDMENTS:

The amendments reduce the number of days which a school must wait from 15 to five before being required to notify the State Police if a child does not attend school and cannot be located. In addition, the amendments remove the age limit.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2024

[OFFICIAL COPY REPRINT]

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JULY 30, 1984

PROVISIONS:

As amended by committee, this bill requires boards of education to provide the municipal police department or the State Police, if there is no municipal police force, with the names and any other pertinent information of any child enrolled in the public schools who does not attend school for five days and cannot be located, or is withdrawn from school and no requests for school records are received within 15 days during the school year, or within 60 days if the child is withdrawn at the end of the school year.

BACKGROUND:

It is estimated that 50,000 children are reported missing each year, excluding those who are abducted by a parent. Of these children, 5,000 return unharmed, 5,000 are found dead and the remaining 40,000 are missing. As a result of the Missing Children Act of 1982, data on these children can be entered into the FBI's computer. The sooner the child is reported missing, and the more complete the data, the better are the chances of locating him.

Currently, there is no uniform school reporting system in New Jersey. The manner in which any of the school districts respond to a pupil being missing from school and unaccounted for depends upon the individual school district's policy.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 19, 1984

ASSEMBLY BILL NO. 2024 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 2024 (OCR) with my recommendations for reconsideration.

This legislation purports to provide an early warning system for identifying missing and abused children by requiring boards of education to furnish to the municipal police department or, where there is no municipal police force, to the State Police station having jurisdiction and to the Department of Education the name of and other pertinent information about any child enrolled in a school administered by the board if either the child is withdrawn from school by a parent or guardian and there is no subsequent request by another school for the child's records within a specified amount of time or if the child does not attend school for five consecutive days and school officials are unable to locate or otherwise account for the student.

While I am acutely aware of the alarming problem regarding missing and abused children and am anxious to alleviate this situation in any way possible, I believe that this legislation fails to offer the best means of addressing this issue. However, I would like to commend the sponsor of this bill for her concern and her efforts in bringing this serious problem to the attention of the public.

Although this legislation is well-intentioned, I have been advised by experts in the fields of education and law enforcement that this bill would fail to effectuate its legislative aim of providing an early warning system for missing and abused children and would create severe administrative problems for both school districts and law enforcement personnel, particularly in urban areas. Furthermore, this legislation fails to consider the variety of needs and problems faced by New Jersey's school districts and represents an unwarranted State intrusion into local affairs.

In order to avoid these potential problems, I am recommending that all boards of education be required by no later than March 1, 1985 to establish policies designed for the early detection of missing and abused children. This will permit local boards to develop policies appropriate to the needs of each community and will afford them sufficient time to approach this task in a

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

deliberative and constructive manner. These policies, which may be implemented in conjunction with the attendance policies currently required to be established by local districts, shall provide for the notification of the appropriate law enforcement and child welfare authorities when a potential missing or abused child situation is detected. Compliance with this provision is to be enforced by the Department of Education.

In conclusion, this bill fails through its attempt to provide a uniform solution to a situation which varies greatly throughout the State. The problem addressed by this legislation is one which should be handled on a local level, and my recommendations will compel school districts to confront this issue in the manner best suited to meet their needs. I do believe, though, that the problem of missing children deserves further study and I am pleased that the Legislature has passed ACR-115 (Ford), which creates a commission to study this topic. It is my sincere hope that this Legislative Commission commences its task shortly and directs its efforts toward the issues addressed by this legislation.

Accordingly, I herewith return Assembly Bill No. 2024 (OCR) with the following recommendations:

Pages 1 to 2, Section 2, lines
1 through 14:

After "2." delete in entirety and insert "All school districts shall be required to establish policies designed to provide for the early detection of missing and abused children. These policies shall include provisions for the notification of the appropriate law enforcement and child welfare authorities when a potential missing or abused child situation is detected. This provision must be complied with no later than March 1, 1985."

Page 2, Section 3, lines 1 through 5:

After "3." on line 1, delete in entirety and insert "The Department of Education, pursuant to its authority under P.L. 1975, c.212 (C.18A:7A-1 et seq.), shall ensure compliance with this act."

Respectfully,
/s/ Thomas H. Kean
GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards