

ASSEMBLY, No. 1306

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

Assemblymen McKeon, Dancer and Assemblywoman Dunn

SYNOPSIS

Provides for background checks and other requirements for certain agencies providing temporary home for child or pregnant woman during crisis.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 12/16/2020)

1 **AN ACT** providing for a temporary home for certain individuals,
2 amending P.L.1977, c.102, and supplementing Title 9 of the
3 Revised Statutes.

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

7
8 1. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to
9 read as follows:

10 1. a. All records of child abuse reports made pursuant to
11 section 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained
12 by the Department of Children and Families in investigating such
13 reports including reports received pursuant to section 20 of
14 P.L.1974, c.119 (C.9:6-8.40), and all reports of findings forwarded
15 to the child abuse registry pursuant to section 4 of P.L.1971, c.437
16 (C.9:6-8.11) shall be kept confidential and may be disclosed only
17 under the circumstances expressly authorized under subsections b.,
18 c., d., e., f., and g. herein. The department shall disclose
19 information only as authorized under subsections b., c., d., e., f.,
20 and g. of this section that is relevant to the purpose for which the
21 information is required, provided, however, that nothing may be
22 disclosed which would likely endanger the life, safety, or physical
23 or emotional well-being of a child or the life or safety of any other
24 person or which may compromise the integrity of a department
25 investigation or a civil or criminal investigation or judicial
26 proceeding. If the department denies access to specific information
27 on this basis, the requesting entity may seek disclosure through the
28 Chancery Division of the Superior Court. This section shall not be
29 construed to prohibit disclosure pursuant to paragraphs (2) and (7)
30 of subsection b. of this section.

31 Nothing in P.L.1977, c.102 (C.9:6-8.10a et seq.) shall be
32 construed to permit the disclosure of any information deemed
33 confidential by federal or State law.

34 b. The department may and upon written request, shall release
35 the records and reports referred to in subsection a., or parts thereof,
36 consistent with the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.)
37 to:

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

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

42 (3) A physician who has before him a child whom he reasonably
43 suspects may be abused or neglected or an authorized member of
44 the staff of a duly designated regional child abuse diagnostic and

**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.

1 treatment center which is involved with a particular child who is the
2 subject of the request;

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

9 (5) An agency, whether public or private, including any division
10 or unit in the Department of Human Services or the Department of
11 Children and Families, authorized to care for, treat, assess, evaluate,
12 or supervise a child who is the subject of a child abuse report, or a
13 parent, guardian, resource family parent, or other person who is
14 responsible for the child's welfare, or both, when the information is
15 needed in connection with the provision of care, treatment,
16 assessment, evaluation, or supervision to such child or such parent,
17 guardian, resource family parent, or other person and the provision
18 of information is in the best interests of the child as determined by
19 the Division of Child Protection and Permanency;

20 (6) A court or the Office of Administrative Law, upon its
21 finding that access to such records may be necessary for
22 determination of an issue before it, and such records may be
23 disclosed by the court or the Office of Administrative Law in whole
24 or in part to the law guardian, attorney, or other appropriate person
25 upon a finding that such further disclosure is necessary for
26 determination of an issue before the court or the Office of
27 Administrative Law;

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

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

35 (9) (Deleted by amendment, P.L.1997, c.175).

36 (10) A family day care sponsoring organization for the purpose
37 of providing information on child abuse or neglect allegations
38 involving prospective or current providers or household members
39 pursuant to P.L.1993, c.350 (C.30:5B-25.1 et seq.) and as
40 necessary, for use in administrative appeals related to information
41 obtained through a child abuse registry search;

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

46 (12) Any person appealing a department service or status action
47 or a substantiated finding of child abuse or neglect and his attorney
48 or authorized lay representative upon a determination by the

1 department or the presiding Administrative Law Judge that such
2 disclosure is necessary for a determination of the issue on appeal;

3 (13) Any person or entity mandated by statute to consider child
4 abuse or neglect information when conducting a background check
5 or employment-related screening of an individual employed by or
6 seeking employment with an agency or organization providing
7 services to children;

8 (14) Any person or entity conducting a disciplinary,
9 administrative, or judicial proceeding to determine terms of
10 employment or continued employment of an officer, employee, or
11 volunteer with an agency or organization providing services for
12 children. The information may be disclosed in whole or in part to
13 the appellant or other appropriate person only upon a determination
14 by the person or entity conducting the proceeding that the
15 disclosure is necessary to make a determination;

16 (15) The members of a county multi-disciplinary team,
17 established in accordance with State guidelines, for the purpose of
18 coordinating the activities of agencies handling alleged cases of
19 child abuse and neglect;

20 (16) A person being evaluated by the department or the court as
21 a potential care-giver to determine whether that person is willing
22 and able to provide the care and support required by the child;

23 (17) The legal counsel of a child, parent, or guardian, whether
24 court-appointed or retained, when information is needed to discuss
25 the case with the department in order to make decisions relating to
26 or concerning the child;

27 (18) A person who has filed a report of suspected child abuse or
28 neglect for the purpose of providing that person with only the
29 disposition of the investigation;

30 (19) A parent, resource family parent, or legal guardian when
31 the information is needed in a department matter in which that
32 parent, resource family parent, or legal guardian is directly
33 involved. The information may be released only to the extent
34 necessary for the requesting parent, resource family parent, or legal
35 guardian to discuss services or the basis for the department's
36 involvement or to develop, discuss, or implement a case plan for the
37 child;

38 (20) A federal, State, or local government entity, to the extent
39 necessary for such entity to carry out its responsibilities under law
40 to protect children from abuse and neglect;

41 (21) Citizen review panels designated by the State in compliance
42 with the federal "Child Abuse Prevention and Treatment Act
43 Amendments of 1996," Pub.L.104-235;

44 (22) The Child Fatality and Near Fatality Review Board
45 established pursuant to P.L.1997, c.175 (C.9:6-8.83 et al.); **[or]**

46 (23) Members of a family team or other case planning group
47 formed by the Division of Child Protection and Permanency and
48 established in accordance with regulations adopted by the

1 Commissioner of Children and Families for the purpose of
2 addressing the child's safety, permanency, or well-being, when the
3 provision of such information is in the best interests of the child as
4 determined by the Division of Child Protection and Permanency; or
5 (24) A prospective volunteer, as defined in section 2 of
6 P.L. , c. (C.) (pending before the Legislature as this bill), and
7 each person 18 years of age or older residing in the home of the
8 prospective volunteer seeking to provide a temporary home to an
9 infant, child, parent under 21 years of age with an infant, or
10 pregnant woman under 21 years of age, as provided for in
11 P.L. , c. (C.) (pending before the Legislature as this bill).

12 Any individual, agency, board, court, grand jury, legislative
13 committee, or other entity which receives from the department the
14 records and reports referred to in subsection a., shall keep the
15 records and reports, or parts thereof, confidential and shall not
16 disclose the records and reports or parts thereof except as
17 authorized by law.

18 c. The department may share information with a child who is
19 the subject of a child abuse or neglect report, as appropriate to the
20 child's age or condition, to enable the child to understand the basis
21 for the department's involvement and to participate in the
22 development, discussion, or implementation of a case plan for the
23 child.

24 d. The department may release the records and reports referred
25 to in subsection a. of this section to any person engaged in a bona
26 fide research purpose, provided, however, that no names or other
27 information identifying persons named in the report shall be made
28 available to the researcher unless it is absolutely essential to the
29 research purpose and provided further that the approval of the
30 Commissioner of Children and Families or his designee shall first
31 have been obtained.

32 e. For incidents determined by the department to be
33 substantiated, the department shall forward to the police or law
34 enforcement agency in whose jurisdiction the child named in the
35 report resides, the identity of persons alleged to have committed
36 child abuse or neglect and of victims of child abuse or neglect, their
37 addresses, the nature of the allegations, and other relevant
38 information, including, but not limited to, prior reports of abuse or
39 neglect and names of siblings obtained by the department during its
40 investigation of a report of child abuse or neglect. The police or
41 law enforcement agency shall keep such information confidential.

42 f. The department may disclose to the public the findings or
43 information about a case of child abuse or neglect which has
44 resulted in a child fatality or near fatality. Nothing may be
45 disclosed which would likely endanger the life, safety, or physical
46 or emotional well-being of a child or the life or safety of any other
47 person or which may compromise the integrity of a department
48 investigation or a civil or criminal investigation or judicial

1 proceeding. If the department denies access to specific information
2 on this basis, the requesting entity may seek disclosure of the
3 information through the Chancery Division of the Superior Court.
4 No information may be disclosed which is deemed confidential by
5 federal or State law. The name or any other information identifying
6 the person or entity who referred the child to the department shall
7 not be released to the public.

8 g. The department shall release the records and reports referred
9 to in subsection a. of this section to a unified child care agency
10 contracted with the department pursuant to N.J.A.C.10:15-2.1 for
11 the purpose of providing information on child abuse or neglect
12 allegations involving a prospective approved home provider or any
13 adult household member pursuant to section 2 of P.L.2003,
14 c.185 (C.30:5B-32) to a child's parent when the information is
15 necessary for the parent to make a decision concerning the
16 placement of the child in an appropriate child care arrangement.

17 The department shall not release any information that would
18 likely endanger the life, safety, or physical or emotional well-being
19 of a child or the life or safety of any other person.

20 (cf: P.L.2012, c.16, s.22)

21
22 2. (New section) As used in P.L. , c. (C.) (pending
23 before the Legislature as this bill):

24 "Approved agency" means a nonprofit corporation, association,
25 or agency, including any public agency, approved by the
26 Department of Children and Families for the purpose of placing
27 children for adoption in New Jersey.

28 "Child" means a person under 18 years of age, excluding an
29 infant.

30 "Child abuse registry" means the child abuse registry of the
31 Division of Child Protection and Permanency in the Department of
32 Children and Families established pursuant to section 4 of
33 P.L.1971, c.437 (C.9:6-8.11).

34 "Commissioner" means the Commissioner of Children and
35 Families.

36 "Crisis" means a temporary situation which includes, but is not
37 limited to, homelessness, hospitalization, substance abuse or mental
38 health issues, domestic violence, unemployment, any situation
39 which would leave a child or infant with no parent or guardian
40 available to care for the child or infant, or any situation which
41 would leave a pregnant woman under 21 years of age with no safe
42 home to reside in during pregnancy as determined by an approved
43 agency.

44 "Department" means the Department of Children and Families.

45 "Home study" means an approved agency's formal assessment of
46 the capacity and readiness of a prospective volunteer to host a
47 person in crisis by providing a temporary home to the person in

1 crisis pursuant to P.L. , c. (C.) (pending before the
2 Legislature as this bill).

3 "Infant" means a person under 24 months of age.

4 "Person in crisis" means an infant, child, parent under 21 years
5 of age with an infant, or pregnant woman under 21 years of age who
6 is in crisis.

7 "Temporary" means a time frame that is no more than 12 months.

8 "Volunteer" means a person 21 years of age or older who
9 provides a temporary home to a person in crisis pursuant to
10 P.L. , c. (C.) (pending before the Legislature as this bill),
11 without receiving reimbursement or other compensation for
12 providing the home.

13

14 3. (New section) a. An agency, organization or other entity,
15 which facilitates a voluntary temporary placement of a person in
16 crisis in the home of a volunteer in order for the volunteer to
17 provide a temporary home during the time that a parent of an infant
18 or child or a pregnant woman is in crisis, shall be an approved
19 agency and enter into a contract with the department prior to
20 facilitating the placement. The voluntary temporary placement
21 shall be provided while the parent of the infant or child or the
22 pregnant woman is seeking to restore a stable life to raise an infant
23 or child, as applicable.

24 b. An approved agency which facilitates a voluntary temporary
25 placement shall:

26 (1) provide oversight of the placement, including, but not
27 limited to, providing a weekly visit to the temporary home;

28 (2) provide assistance to the parent of the infant or child or the
29 pregnant woman under 21 years of age residing in the temporary
30 home to help guide the parent or pregnant woman in restoring a
31 stable life to raise an infant or child, as applicable; and

32 (3) locate a different voluntary temporary placement for a
33 person in crisis if, as determined by the approved agency, a change
34 is necessary.

35

36 4. (New section) a. An approved agency shall conduct a home
37 study of the prospective volunteer's home to determine the
38 suitability of the home.

39 b. As part of the home study, the approved agency shall:

40 (1) consider the results of a check of the child abuse registry,
41 which shall be obtained by each prospective volunteer and each
42 person 18 years of age or older residing in the prospective
43 volunteer's home who shall provide the original results to the
44 approved agency, for any records which might reveal a history of
45 child abuse or neglect for each prospective volunteer and each
46 person 18 years of age or older residing in the prospective
47 volunteer's home; and

1 (2) obtain the results of State and federal criminal history record
2 checks for each prospective volunteer and each person 18 years of
3 age or older residing in the prospective volunteer's home as
4 provided for in subsection c. of this section.

5 c. (1) Each prospective volunteer and each member of the
6 prospective volunteer's household 18 years of age or older shall
7 submit to the approved agency standard fingerprint cards containing
8 the person's name, address, and fingerprints taken by a State or
9 municipal law enforcement agency.

10 (2) The cost of a criminal history record check required pursuant
11 to this subsection shall be paid by the prospective volunteer or
12 household member at the time the fingerprint cards are submitted.

13 (3) The approved agency shall forward the fingerprint cards and
14 payment to the commissioner.

15 (4) The commissioner is authorized to exchange fingerprint data
16 and receive criminal history record information from the Federal
17 Bureau of Investigation and the Division of State Police for use in
18 determining the suitability of a home as provided for in this section.

19 (5) The department shall advise the approved agency of
20 information received from the State and federal criminal history
21 record checks based upon the fingerprints submitted by the agency.
22 Information provided to the approved agency shall be confidential
23 and not disclosed by the approved agency to any individual or entity
24 without the written permission of the person who is the subject of
25 the record check.

26 d. The approved agency shall forward each home study and the
27 agency's determination of the suitability of the home to the
28 department, prior to the placement of a person in crisis in the home
29 of a prospective volunteer. The approved agency shall maintain a
30 record of each home study, child abuse registry and criminal history
31 record check, and its determination of the suitability of the home.

32

33 5. The Commissioner of Children and Families shall adopt
34 rules and regulations, pursuant to the "Administrative Procedure
35 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the
36 purposes of this act.

37

38 6. This act shall take effect on the first day of the seventh
39 month next following the date of enactment, but the Commissioner
40 of Children and Families may take such anticipatory administrative
41 action in advance thereof as shall be necessary for the
42 implementation of this act.

43

44

45 STATEMENT

46

47 This bill provides for an approved agency, which is an agency
48 approved by the Department of Children and Families (DCF) to

1 place children for adoption in New Jersey, to facilitate the voluntary
2 temporary placement of an infant, child, parent under 21 years of
3 age with an infant, or pregnant woman under 21 years of age in the
4 home of a volunteer, who is to provide a temporary home during the
5 time that the parent of the infant or child or the pregnant woman is
6 in crisis. "Crisis" is defined in the bill as a temporary situation
7 which includes, but is not limited to, homelessness, hospitalization,
8 substance abuse or mental health issues, domestic violence,
9 unemployment, any situation which would leave a child or infant
10 with no parent or guardian available to care for the child or infant,
11 or any situation which would leave a pregnant woman under 21
12 years of age with no safe home to reside in during pregnancy as
13 determined by an approved agency. An approved agency is to enter
14 into a contract with DCF prior to facilitating the placements.

15 These agencies are also to: provide oversight of a placement by
16 visiting the home weekly; provide assistance to help guide the
17 parent or pregnant woman in restoring a stable life; and locate a
18 different voluntary temporary placement if, as determined by the
19 approved agency, a change is necessary.

20 A home study to determine the suitability of the home is to be
21 conducted prior to a prospective volunteer providing the temporary
22 home. As part of the home study, the approved agency is to
23 consider background checks from the State's child abuse registry
24 and obtain State and federal criminal history record checks for each
25 prospective volunteer and person 18 years of age or older residing
26 in the prospective volunteer's home. The costs of the checks are to
27 be paid by the prospective volunteer and person 18 years of age or
28 older.

29 The bill also provides that the approved agency is to forward
30 each home study and the agency's determination of the suitability of
31 the home to DCF, prior to placement of a person in crisis in the
32 home of a prospective volunteer. The approved agency is to
33 maintain a record of each home study, background check, and its
34 determination of the suitability of the home.

35 The bill also amends the law governing confidentiality of
36 information in the State's child abuse registry to permit disclosure
37 of the information to a prospective volunteer seeking to provide a
38 temporary home under the bill and a person 18 years of age or older
39 residing in the home.