

ASSEMBLY, No. 2753

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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District 25 (Morris and Somerset)

SYNOPSIS

Requires certain employees and candidates for public school employment or service and youth camp employees to undergo child abuse record information check.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/17/2020)

1 AN ACT concerning child abuse record checks and supplementing
2 P.L.1986, c.116 (C.18A:6-7.1 et seq.), P.L.1989, c.104
3 (C.18A:39-19.1), and P.L.1973, c.375 (C.26:12-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. A candidate for employment with a school district or an
9 employee of a contracted service provider who is required to
10 undergo a criminal history record check pursuant to P.L.1986, c.116
11 (C.18A:6-7.1 et seq.), shall also be subject to a child abuse record
12 information check conducted by the Department of Children and
13 Families.

14 The candidate for employment or service shall provide prior
15 written consent for the department to conduct the child abuse record
16 information check, and shall bear the cost of the check, including
17 all costs for administering and processing the check.

18 b. If the Department of Children and Families determines upon
19 a search of its child abuse registry that an allegation of child abuse
20 or neglect has been substantiated, pursuant to section 4 of P.L.1971,
21 c.437 (C.9:6-8.11), against the candidate, the candidate shall be
22 permanently disqualified from employment or service with a school
23 district.

24 c. Notwithstanding the provisions of this section, an individual
25 shall not be disqualified from employment or service under this
26 section on the basis of any information disclosed by a child abuse
27 record information check performed pursuant to this section without
28 an opportunity to challenge the accuracy of the disqualifying child
29 abuse record.
30

31 2. a. An employee of a school district or a contracted service
32 provider who is employed on the effective date of P.L. ,
33 c. (C.) (pending before the Legislature as this bill) in a
34 position that requires a criminal history record check under section
35 1 of P.L.1986, c.116 (C.18A:6-7.1), shall be subject to a child abuse
36 record information check.

37 The employee shall provide prior written consent for the
38 Department of Children and Families to conduct the child abuse
39 record information check, and shall bear the cost of the check,
40 including all costs for administering and processing the check.

41 b. The Department of Children and Families shall establish a
42 schedule for conducting the child abuse record information checks
43 required by subsection a. of this section. The schedule shall
44 provide for the completion of the record checks within five years of
45 the effective date of P.L. , c. (C.) (pending before the
46 Legislature as this bill).

47 c. If the Department of Children and Families determines upon
48 a search of its child abuse registry that an allegation of child abuse

1 or neglect has been substantiated, pursuant to section 4 of P.L.1971,
2 c.437 (C.9:6-8.11), against the employee, the employee shall not be
3 eligible for continued employment or service with the school
4 district and shall be permanently disqualified from employment or
5 service with a school district.

6 d. Notwithstanding the provisions of this section, an individual
7 shall not be disqualified from employment or service under this
8 section on the basis of any information disclosed by a child abuse
9 record information check performed pursuant to this section without
10 an opportunity to challenge the accuracy of the disqualifying child
11 abuse record.

12
13 3. a. Prior to employment as a school bus driver, and upon
14 application for renewal of a school bus driver's license, an
15 individual employed by a school district or a contracted service
16 provider who is required to undergo a criminal history record check
17 pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1), shall also
18 be subject to a child abuse record information check conducted by
19 the Department of Children and Families.

20 The individual shall provide prior written consent for the
21 department to conduct the child abuse record information check,
22 and shall bear the cost of the check, including all costs for
23 administering and processing the check.

24 b. If the Department of Children and Families determines upon
25 a search of its child abuse registry that an allegation of child abuse
26 or neglect has been substantiated, pursuant to section 4 of P.L.1971,
27 c.437 (C.9:6-8.11), against the individual, the individual shall be
28 permanently disqualified from employment or service, and shall not
29 be eligible to operate a school bus.

30 c. Notwithstanding the provisions of this section, an individual
31 shall not be disqualified from employment or service under this
32 section on the basis of any information disclosed by a child abuse
33 record information check performed pursuant to this section without
34 an opportunity to challenge the accuracy of the disqualifying child
35 abuse record.

36
37 4. a. An employee of a youth camp or candidate for
38 employment with a youth camp shall be subject to a child abuse
39 record information check conducted by the Department of Children
40 and Families.

41 The employee or candidate shall provide prior written consent
42 for the department to conduct the child abuse record information
43 check, and shall bear the cost of the check, including all costs for
44 administering and processing the check.

45 b. If the Department of Children and Families determines upon
46 a search of its child abuse registry that an allegation of child abuse
47 or neglect has been substantiated, pursuant to section 4 of P.L.1971,
48 c.437 (C.9:6-8.11), against the employee or candidate, the employee

1 or candidate shall be permanently disqualified from employment
2 with a youth camp.

3 c. Notwithstanding the provisions of this section, an individual
4 shall not be disqualified from employment under this section on the
5 basis of any information disclosed by a child abuse record
6 information check performed pursuant to this section without an
7 opportunity to challenge the accuracy of the disqualifying child
8 abuse record.

9
10 5. Notwithstanding any provision of the “Administrative
11 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the
12 contrary, the Commissioner of Children and Families shall adopt
13 immediately upon filing with the Office of Administrative Law,
14 such regulations as the commissioner deems necessary to
15 implement the provisions of this act including, but not limited to,
16 regulations establishing deadlines, processing times, fees, and
17 limitations on information disclosure, which shall be effective for a
18 period not to exceed one year and shall, thereafter, be amended,
19 adopted, or readopted by the commissioner in accordance with the
20 requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

21
22 6. This act shall take effect immediately.

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25 STATEMENT

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27 This bill requires certain public school employees, employees of
28 contracted service providers, school bus drivers, and candidates for
29 those positions to undergo a child abuse record information check.

30 Under the bill, candidates for employment with a school district
31 and employees of a contracted service provider, including school
32 bus drivers, who are required by current law to undergo a criminal
33 history record check also will be required to undergo a child abuse
34 record information check. The bill provides for the check to be
35 conducted by the Department of Children and Families, which
36 maintains the State’s child abuse registry pursuant to section 4 of
37 P.L.1971, c.437 (C.9:6-8.11). The bill requires the candidate for
38 employment or service to provide prior written consent for the
39 check and to pay for the cost of the check. In the case of a school
40 bus driver, the check will be required prior to initial employment
41 and upon application for renewal of a school bus driver’s license.

42 If the department determines upon a search of its child abuse
43 registry that an allegation of child abuse or neglect has been
44 substantiated against the candidate, the bill provides that the
45 candidate will be permanently disqualified from employment or
46 service with a school district. In the case of a school bus driver, the
47 individual also will be ineligible to operate a school bus.

1 In addition, the bill requires child abuse record information
2 checks for employees of a school district or a contracted service
3 provider who are already employed on the effective date of the bill
4 in positions that require a criminal history record check as a
5 condition of employment. The bill requires the department to
6 establish a schedule for conducting the checks of current employees
7 and to complete the checks within five years of the bill's effective
8 date. If the department determines upon a search of its child abuse
9 registry that an allegation of child abuse or neglect has been
10 substantiated against a current employee, the bill provides that the
11 employee will not be eligible for continued employment, and will
12 be permanently disqualified from employment or service with a
13 school district.

14 The bill also requires youth camp employees and candidates for
15 employment with a youth camp to undergo a child abuse record
16 information check conducted by the Department of Children and
17 Families. The youth camp employee or candidate must provide
18 prior written consent for the check and pay for the cost of the check.
19 If the department determines upon a search of its child abuse
20 registry that an allegation of child abuse or neglect has been
21 substantiated against the employee or candidate, the individual will
22 be permanently disqualified from employment with a youth camp.

23 The bill requires the Commissioner of Children and Families to
24 adopt regulations necessary to implement the bill, and provides for
25 the immediate filing of those regulations with the Office of
26 Administrative Law, effective for a period not to exceed one year.

27 The bill takes effect immediately upon enactment.