

9883

I N A S S E M B L Y

February 5, 2010

Introduced by M. of A. BRODSKY -- read once and referred to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to article 1 of the constitution, in relation to child welfare

1 Section 1. Resolved (if the Senate concur), That article 1 of the  
2 constitution be amended by adding a new section 19 to read as follows:

3 S 19. IN ALL ACTIONS CONCERNING CHILDREN, WHETHER UNDERTAKEN BY PUBLIC  
4 OR PRIVATE SOCIAL WELFARE INSTITUTIONS, COURTS OF LAW, ADMINISTRATIVE  
5 AUTHORITIES OR THE LEGISLATURE, THE BEST INTERESTS OF THE CHILD SHALL BE  
6 A NECESSARY CONSIDERATION.

7 THE STATE SHALL TAKE APPROPRIATE MEASURES TO ENSURE THE CHILD IS  
8 PROTECTED AGAINST ALL FORMS OF DISCRIMINATION AS CONTAINED IN SECTION  
9 ELEVEN OF THIS ARTICLE.

10 THE STATE SHALL ENSURE THE CHILD SUCH PROTECTION AND CARE AS IS NECES-  
11 SARY FOR THE CHILD'S WELL-BEING, TAKING INTO ACCOUNT THE RIGHTS AND  
12 DUTIES OF THE CHILD'S PARENTS, LEGAL GUARDIANS, OR OTHER INDIVIDUALS  
13 LEGALLY RESPONSIBLE FOR THE CHILD AND, TO THIS END, SHALL TAKE APPROPRI-  
14 ATE LEGISLATIVE AND ADMINISTRATIVE MEASURES.

15 THE STATE SHALL ENSURE THAT THE INSTITUTIONS, SERVICES AND FACILITIES  
16 RESPONSIBLE FOR THE CARE AND PROTECTION OF CHILDREN SHALL CONFORM WITH  
17 THE STANDARDS ESTABLISHED BY COMPETENT AUTHORITIES, PARTICULARLY IN THE  
18 AREAS OF SAFETY, HEALTH, NUMBER AND SUITABILITY OF THEIR STAFF, AND  
19 COMPETENT SUPERVISION.

20 THE STATE SHALL RECOGNIZE THE RIGHT OF THE CHILD TO EXPRESS HIS OR HER  
21 OPINION FREELY IN ALL MATTERS AFFECTING THE CHILD, THE VIEWS OF THE  
22 CHILD BEING GIVEN DUE WEIGHT IN ACCORDANCE WITH THE AGE AND MATURITY OF  
23 THE CHILD. FOR THIS PURPOSE THE CHILD SHALL IN PARTICULAR BE PROVIDED  
24 THE OPPORTUNITY TO BE HEARD IN ANY JUDICIAL AND ADMINISTRATIVE  
25 PROCEEDINGS AFFECTING THE CHILD, EITHER DIRECTLY OR THROUGH AN APPROPRI-  
26 ATE REPRESENTATIVE.

27 THE STATE SHALL TAKE ALL APPROPRIATE LEGISLATIVE, ADMINISTRATIVE,  
28 SOCIAL AND EDUCATIONAL MEASURES TO PROTECT THE CHILD FROM ALL FORMS OF  
29 PHYSICAL AND MENTAL ABUSE, NEGLECT OR NEGLIGENT TREATMENT, MALTREATMENT

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD89175-01-0

1 OR EXPLOITATION, INCLUDING SEXUAL ABUSE, WHILE IN THE CARE OF A PARENT,  
2 LEGAL GUARDIAN OR ANY PERSON WHO HAS THE CARE OF THE CHILD.  
3 S 2. Resolved (if the Senate concur), That the foregoing amendment be  
4 referred to the first regular legislative session convening after the  
5 next succeeding general election of members of the assembly, and, in  
6 conformity with section 1 of article 19 of the constitution, be  
7 published for 3 months previous to the time of such election.