

30:4-25.24
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2024 **CHAPTER:** 24

NJSA: 30:4-25.24 Increases maximum number of respite care service hours funded through DCF for certain families.

BILL NO: S2491 (Substituted for A3412)

SPONSOR(S) Sarlo, Paul A. and others

DATE INTRODUCED: 2/5/2024

COMMITTEE: **ASSEMBLY:** --

SENATE: Budget & Appropriations

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 06/28/2024

SENATE: 06/28/2024

DATE OF APPROVAL: 6/28/2024

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (S2491 enacted)

ADVANCE LAW	Yes
PAMPHLET LAW	Yes

S2491

INTRODUCED BILL: (Includes sponsor(s) statement)	Yes
REPRINT(S):	No
TECHNICAL REVIEW:	No
COMMITTEE STATEMENT: ASSEMBLY:	No
SENATE:	Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	Yes

A3412

INTRODUCED BILL: (Includes sponsor(s) statement)	Yes
REPRINT(S):	No
TECHNICAL REVIEW:	No

P.L. 2024, CHAPTER 24, *approved June 28, 2024*
Senate, No. 2491

1 AN ACT concerning respite care, and supplementing Title 30 of the
2 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 family of a child that is eligible to receive respite care
8 services for the child, which services are funded through the
9 Division of the Children’s System of Care in the Department of
10 Children and Families, shall be eligible to receive no more than 90
11 hours of respite care services, provided by either an agency-hired or
12 self-hired respite worker, over a 90-day period, through funding
13 provided by the department.

14 b. The Commissioner of Children and Families shall use
15 available State and federal funds to effectuate the provisions of
16 subsection a. of this section.

17 c. As used in this act:

18 “Agency-hired respite worker” means a respite care worker who
19 is recruited, trained, and employed by a qualified agency under
20 contract with the Department of Children and Families.

21 “Respite care” means the provision of temporary, short-term care
22 for, or the supervision of, an eligible child on behalf of the
23 caregiver, in emergencies or on an intermittent basis to relieve the
24 daily stresses and demands of caring for a child with a functional
25 impairment. Respite care may be provided hourly or daily, may be
26 provided by an agency-hired or self-hired respite worker or by a
27 volunteer, but may not exceed service and cost limitations as
28 determined by the Commissioner of Children and Families.

29 “Self-hired respite worker” means a respite care worker who is
30 recruited, trained, and paid directly by a family of a child that is
31 eligible for respite care services.

32

33 2. The Commissioner of Children and Families shall adopt rules
34 and regulations, in accordance with the “Administrative Procedure
35 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to
36 effectuate the provisions of this act.

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38 3. This act shall take effect immediately.

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STATEMENT

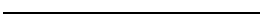
This bill increases the maximum number of respite care service hours funded through the Department of Children and Families (department) for certain families.

Under the bill, the family of a child that is eligible to receive respite care services funded through the department, is to be eligible to receive up to 90 hours of respite care services, provided by either an agency-hired or self-hired respite worker, over a 90-day period through funding provided by the department.

The Commissioner of Children and Families (commissioner) is to use available State and federal funds to effectuate the bill's provisions.

The bill defines "respite care" to mean the provision of temporary, short-term care for, or the supervision of, an eligible child on behalf of the caregiver, in emergencies or on an intermittent basis to relieve the daily stresses and demands of caring for a child with a functional impairment. Respite care may be provided hourly or daily, may be provided by an agency-hired or self-hired respite worker or a volunteer, but may not exceed service and cost limitations as determined by the commissioner.

Under the bill, "agency-hired respite worker" means a respite care worker who is recruited, trained, and employed by a qualified agency under contract with the department; and "self-hired respite worker" means a respite care worker who is recruited, trained, and paid directly by a family of a child that is eligible for respite care services.



Increases maximum number of respite care service hours funded through DCF for certain families.

CHAPTER 24

AN ACT concerning respite care, and supplementing Title 30 of the Revised Statutes.

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

C.30:4-25.24 Maximum respite care service hours, Department of Children and Families.

1. a. The family of a child that is eligible to receive respite care services for the child, which services are funded through the Division of the Children's System of Care in the Department of Children and Families, shall be eligible to receive no more than 90 hours of respite care services, provided by either an agency-hired or self-hired respite worker, over a 90-day period, through funding provided by the department.

b. The Commissioner of Children and Families shall use available State and federal funds to effectuate the provisions of subsection a. of this section.

c. As used in this act:

“Agency-hired respite worker” means a respite care worker who is recruited, trained, and employed by a qualified agency under contract with the Department of Children and Families.

“Respite care” means the provision of temporary, short-term care for, or the supervision of, an eligible child on behalf of the caregiver, in emergencies or on an intermittent basis to relieve the daily stresses and demands of caring for a child with a functional impairment. Respite care may be provided hourly or daily, may be provided by an agency-hired or self-hired respite worker or by a volunteer, but may not exceed service and cost limitations as determined by the Commissioner of Children and Families.

“Self-hired respite worker” means a respite care worker who is recruited, trained, and paid directly by a family of a child that is eligible for respite care services.

2. The Commissioner of Children and Families shall adopt rules and regulations, in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the provisions of this act.

3. This act shall take effect immediately.

Approved June 28, 2024.

SENATE, No. 2491

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 5, 2024

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex and Passaic)

Assemblyman CHRIS TULLY

District 38 (Bergen)

Assemblywoman LISA SWAIN

District 38 (Bergen)

Co-Sponsored by:

Senators O'Scanlon and Pou

SYNOPSIS

Increases maximum number of respite care service hours funded through DCF for certain families.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/28/2024)

1 AN ACT concerning respite care, and supplementing Title 30 of the
2 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 family of a child that is eligible to receive respite care
8 services for the child, which services are funded through the
9 Division of the Children’s System of Care in the Department of
10 Children and Families, shall be eligible to receive no more than 90
11 hours of respite care services, provided by either an agency-hired or
12 self-hired respite worker, over a 90-day period, through funding
13 provided by the department.

14 b. The Commissioner of Children and Families shall use
15 available State and federal funds to effectuate the provisions of
16 subsection a. of this section.

17 c. As used in this act:

18 “Agency-hired respite worker” means a respite care worker who
19 is recruited, trained, and employed by a qualified agency under
20 contract with the Department of Children and Families.

21 “Respite care” means the provision of temporary, short-term care
22 for, or the supervision of, an eligible child on behalf of the
23 caregiver, in emergencies or on an intermittent basis to relieve the
24 daily stresses and demands of caring for a child with a functional
25 impairment. Respite care may be provided hourly or daily, may be
26 provided by an agency-hired or self-hired respite worker or by a
27 volunteer, but may not exceed service and cost limitations as
28 determined by the Commissioner of Children and Families.

29 “Self-hired respite worker” means a respite care worker who is
30 recruited, trained, and paid directly by a family of a child that is
31 eligible for respite care services.

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33 2. The Commissioner of Children and Families shall adopt rules
34 and regulations, in accordance with the “Administrative Procedure
35 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to
36 effectuate the provisions of this act.

37

38 3. This act shall take effect immediately.

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STATEMENT

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43 This bill increases the maximum number of respite care service
44 hours funded through the Department of Children and Families
45 (department) for certain families.

46 Under the bill, the family of a child that is eligible to receive
47 respite care services funded through the department, is to be eligible to
48 receive up to 90 hours of respite care services, provided by either an

S2491 SARLO, CORRADO

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1 agency-hired or self-hired respite worker, over a 90-day period
2 through funding provided by the department.

3 The Commissioner of Children and Families (commissioner) is to
4 use available State and federal funds to effectuate the bill's provisions.

5 The bill defines "respite care" to mean the provision of temporary,
6 short-term care for, or the supervision of, an eligible child on behalf of
7 the caregiver, in emergencies or on an intermittent basis to relieve the
8 daily stresses and demands of caring for a child with a functional
9 impairment. Respite care may be provided hourly or daily, may be
10 provided by an agency-hired or self-hired respite worker or a
11 volunteer, but may not exceed service and cost limitations as
12 determined by the commissioner.

13 Under the bill, "agency-hired respite worker" means a respite care
14 worker who is recruited, trained, and employed by a qualified agency
15 under contract with the department; and "self-hired respite worker"
16 means a respite care worker who is recruited, trained, and paid directly
17 by a family of a child that is eligible for respite care services.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2491

STATE OF NEW JERSEY

DATED: JUNE 26, 2024

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2491.

This bill increases the maximum number of respite care service hours funded through the Department of Children and Families (department) for certain families.

Under the bill, the family of a child that is eligible to receive respite care services funded through the department, is to be eligible to receive up to 90 hours of respite care services, provided by either an agency-hired or self-hired respite worker, over a 90-day period through funding provided by the department.

The Commissioner of Children and Families (commissioner) is to use available State and federal funds to effectuate the bill's provisions.

The bill defines "respite care" to mean the provision of temporary, short-term care for, or the supervision of, an eligible child on behalf of the caregiver, in emergencies or on an intermittent basis to relieve the daily stresses and demands of caring for a child with a functional impairment. Respite care may be provided hourly or daily, may be provided by an agency-hired or self-hired respite worker or a volunteer, but may not exceed service and cost limitations as determined by the commissioner.

Under the bill, "agency-hired respite worker" means a respite care worker who is recruited, trained, and employed by a qualified agency under contract with the department; and "self-hired respite worker" means a respite care worker who is recruited, trained, and paid directly by a family of a child that is eligible for respite care services.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2491
STATE OF NEW JERSEY
221st LEGISLATURE

DATED: JULY 1, 2024

SUMMARY

Synopsis: Increases maximum number of respite care service hours funded through DCF for certain families.

Type of Impact: Annual State revenue and expenditure increases.

Agencies Affected: Department of Children and Families.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Up to \$10.5 million
State Revenue Increase	Up to \$5.2 million

- The Office of Legislative Services (OLS) estimates that annual State expenditures will increase by up to \$10.5 million to provide eligible families with up to 30 additional hours of respite services over a 90-day authorization period. This estimate accounts for the fact that greater than 80 percent of families accessing respite care services through the Children’s System of Care utilize self-hired respite workers; in FY 2024, Medicaid reimbursement rates for self-hired respite workers are 34 percent lower than Medicaid rates for agency-hired respite workers.
- To the extent that families of children with intellectual or developmental disabilities, and who are also enrolled in the NJ FamilyCare program, are authorized for respite care services, federal reimbursement will be available for qualifying State Medicaid expenditures on respite care. The OLS estimates that federal Medicaid reimbursements for eligible State expenditures for respite care services for these families will increase by up to \$5.2 million annually under the bill.

BILL DESCRIPTION

This bill increases the maximum number of respite care service hours funded through the Department of Children and Families for families of children with an intellectual or developmental

disability. Currently, the Division of Children's System of Care in the department authorizes eligible families for a maximum of 60 hours of respite services over a 90-day authorization period. This bill would raise this cap to 90 hours of respite services, provided by either an agency-hired or self-hired respite worker, over a 90-day authorization period. The bill additionally directs the Department of Children and Families to use available State and federal funds to effectuate the bill's provisions.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

Based on current respite care utilization data available on the Department of Children and Families' website, the OLS estimates that annual State expenditures will increase by up to \$10.5 million to provide eligible families with up to 30 additional hours of respite services over a 90-day authorization period. This estimate accounts for the fact that greater than 80 percent of families accessing respite care services through the Children's System of Care utilize self-hired respite workers; in FY 2024, Medicaid reimbursement rates for self-hired respite workers are 34 percent lower than Medicaid rates for agency-hired respite workers. Since not every family receiving respite services will be authorized for the maximum number of respite service hours available, total State costs could potentially be lower than this estimate. The OLS, however, cannot anticipate the number of families that will be authorized for the maximum number of service hours on an annual basis.

The OLS also determines that the department's administrative costs will increase by an indeterminate amount for the department to update and track the additional respite service hours provided under the bill.

To the extent that families of children with intellectual or developmental disabilities, and who are also enrolled in the NJ FamilyCare program, are authorized for respite care services, federal reimbursement will be available for qualifying State Medicaid expenditures on respite care. The OLS estimates that federal Medicaid reimbursements for eligible State expenditures for respite care services for these families will increase by up to \$5.2 million annually under the bill.

According to the April 2024 Children's Interagency Coordinating Council Summary of Activity report, PerformCare, the division's contracted systems administrator, authorized a total of 2,398 requests for self-hired respite services and 456 requests for agency-hired respite services that month; this number includes services approved for existing clients of the division, as well as those approved for new clients.

Respite care services are one component of the family support services offered by the Division of Children's System of Care for eligible families of children and youth with an intellectual or developmental disability. Receipt of family support services, according to the division, is contingent upon the availability of State resources; moreover, prior to accessing family support services resources, a family must first access all other benefits for which their child may qualify, such as private insurance or Supplemental Security Insurance benefits.

Reimbursement rates for respite services vary with the type and timing of the service provided, and are based on 15-minute service intervals. According to information provided by the

department in response to an FY 2024 OLS Discussion Point, proposed FY 2024 reimbursement rates range from a low of \$28.24 per hour for self-hired respite service workers to a high of \$42.76 per hour for agency-hired respite workers.

Section: Human Services

*Analyst: Anne Cappabianca
Senior Fiscal Analyst*

*Approved: Thomas Koenig
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 (C.52:13B-6 et seq.).

ASSEMBLY, No. 3412

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 1, 2024

Sponsored by:

Assemblyman CHRIS TULLY
District 38 (Bergen)
Assemblywoman LISA SWAIN
District 38 (Bergen)

SYNOPSIS

Increases maximum number of respite care service hours funded through DCF for certain families.

CURRENT VERSION OF TEXT

As introduced.



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11 hours of respite care services, provided by either an agency-hired or
12 self-hired respite worker, over a 90-day period, through funding
13 provided by the department.

14 b. The Commissioner of Children and Families shall use
15 available State and federal funds to effectuate the provisions of
16 subsection a. of this section.

17 c. As used in this act:

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19 is recruited, trained, and employed by a qualified agency under
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35 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as are
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46 Under the bill, the family of a child that is eligible to receive
47 respite care services funded through the department, is to be eligible
48 to receive no more than 90 hours of respite care services, provided

1 by either an agency-hired or self-hired respite worker, over a 90-day
2 period through funding provided by the department.

3 The bill defines "respite care" to mean the provision of
4 temporary, short-term care for, or the supervision of, an eligible
5 child on behalf of the caregiver, in emergencies or on an
6 intermittent basis to relieve the daily stresses and demands of caring
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8 provided hourly or daily, may be provided by an agency-hired or
9 self-hired respite worker or a volunteer, but may not exceed service
10 and cost limitations as determined by the commissioner.

11 The bill defines an "agency-hired respite worker" as a respite
12 care worker who is recruited, trained, and employed by a qualified
13 agency under contract with the department. The bill additionally
14 defines a "self-hired respite worker" as a respite care worker who is
15 recruited, trained, and paid directly by a family of a child that is
16 eligible for respite care services.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3412

STATE OF NEW JERSEY

DATED: JUNE 24, 2024

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3412.

This bill increases the maximum number of respite care service hours funded through the Department of Children and Families (department) for certain families.

Under the bill, the family of a child that is eligible to receive respite care services funded through the department, is to be eligible to receive no more than 90 hours of respite care services, provided by either an agency-hired or self-hired respite worker, over a 90-day period through funding provided by the department.

The bill defines "respite care" to mean the provision of temporary, short-term care for, or the supervision of, an eligible child on behalf of the caregiver, in emergencies or on an intermittent basis to relieve the daily stresses and demands of caring for a child with a functional impairment. Respite care may be provided hourly or daily, may be provided by an agency-hired or self-hired respite worker or a volunteer, but may not exceed service and cost limitations as determined by the commissioner.

The bill defines an "agency-hired respite worker" as a respite care worker who is recruited, trained, and employed by a qualified agency under contract with the department. The bill additionally defines a "self-hired respite worker" as a respite care worker who is recruited, trained, and paid directly by a family of a child that is eligible for respite care services.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.

Governor Murphy Signs Legislation Increasing Respite Care Service Hours Funded Through Department of Children and Families

06/28/2024

TRENTON – Governor Phil Murphy today signed legislation ([S2491/A3412](#)) that would increase from 60 to 90 the number of respite care service hours funded through the Division of the Children’s System of Care in the New Jersey Department of Children and Families. Under the bill, up to 90 hours of respite care services may be provided by either an agency-hired or self-hired respite worker over a 90-day period, with funding provided by the Department.

“As many know, even on the best days, being a parent is a full-time job; however, for those who have to step into the role of caregiver for their children, it is especially demanding, even for the strongest and most resilient among us,” **said Governor Murphy**. “By increasing the number of respite care service hours funded through the Department of Children and Families, we are supporting caregivers across the Garden State.”

“Respite care is an invaluable safety net for caregivers of children with intellectual and developmental disabilities, affording them the opportunity to focus on other responsibilities, other children, or simply unplug and recharge, secure in the knowledge that their children are being properly cared for,” **said New Jersey Department of Children and Families Commissioner Christine Norbut Beyer**. “Respite provides caregivers with a much-needed break, and reduces familial stress, caregiver fatigue and burnout. The Department of Children and Families is proud to extend these services for families in need, at no cost to them.”

Respite care workers provide temporary, short-term care for an eligible child on behalf of the caregiver in the case of an emergency or on an intermittent basis to relieve the daily stresses and demands of caring for a child with disabilities.

“Increasing the number of hours and dedicating funds for those that take care of our loved ones not only helps our families with much-needed assistance, but it will also attract highly qualified people to the profession. Additionally, this bill will help relieve the daily stresses and demands of caring for a child with a functional impairment to give everyone involved the peace of mind they deserve,” **said Senator Kristin Corrado**.

“This legislation will significantly improve the lives of families in the I/DD community, providing them increased access to quality respite care,” **said Assemblyman Chris Tully**. “Parents of children with intellectual and developmental disabilities depend on respite care services to take care of other family members, grocery shop, and see their own doctors – this bill helps them fulfill those responsibilities without sacrificing their children’s care”

“Families who care for children with intellectual and developmental disabilities not only need, but truly deserve, to have more time to manage other household and personal responsibilities, without worrying about their children’s safety,” **said Assemblywoman Lisa Swain**. “This bill, now law, will provide a substantial increase in quality of life for

New Jerseyans who need it most.”

The Fiscal Year 2025 State Budget includes \$7.3 million to increase funding for respite care hours.