

**52:27D-43.9a**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2012                    **CHAPTER:** 16

**NJSA:** 52:27D-43.9a (Reorganizes Department of Children and Families)

**BILL NO:** A3101                    (Substituted for S2070)

**SPONSOR(S)** Angelini and others

**DATE INTRODUCED:** June 14, 2012

**COMMITTEE:**                    **ASSEMBLY:** Budget

**SENATE:** ---

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** June 25, 2012

**SENATE:** June 28, 2012

**DATE OF APPROVAL:** June 29, 2012

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (First reprint enacted)

**A3101**

**SPONSOR'S STATEMENT:** (Begins on page 130 of introduced bill)                    Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

(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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**S2070**

**SPONSOR'S STATEMENT:** (Begins on page 130 of introduced bill)                    Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/RWH

P.L.2012, CHAPTER 16, *approved June 29, 2012*  
Assembly, No. 3101 (*First Reprint*)

1 AN ACT reorganizing the Department of Children and Families,  
2 transferring the Division on Women from the Department of  
3 Community Affairs to the Department of Children and Families  
4 <sup>1</sup>[and reconstituting the division as the Office on Women]<sup>1</sup>,  
5 transferring certain services for youth from the Department of  
6 Human Services to the Department of Children and Families,  
7 amending various parts of the statutory law, and supplementing  
8 P.L.1974, c.87 (C.52:27D-43.8) and Title 30 of the Revised  
9 Statutes.

10

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

13

14 1. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to  
15 read as follows:

16 24. Disposition of delinquency cases. a. In determining the  
17 appropriate disposition for a juvenile adjudicated delinquent the  
18 court shall weigh the following factors:

19 (1) The nature and circumstances of the offense;

20 (2) The degree of injury to persons or damage to property  
21 caused by the juvenile's offense;

22 (3) The juvenile's age, previous record, prior social service  
23 received, and out-of-home placement history;

24 (4) Whether the disposition supports family strength,  
25 responsibility and unity and the well-being and physical safety of  
26 the juvenile;

27 (5) Whether the disposition provides for reasonable  
28 participation by the child's parent, guardian, or custodian, provided,  
29 however, that the failure of a parent or parents to cooperate in the  
30 disposition shall not be weighed against the juvenile in arriving at  
31 an appropriate disposition;

32 (6) Whether the disposition recognizes and treats the unique  
33 physical, psychological, and social characteristics and needs of the  
34 child;

35 (7) Whether the disposition contributes to the developmental  
36 needs of the child, including the academic and social needs of the

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ABU committee amendments adopted June 21, 2012.

1 child where the child has <sup>1</sup>【mental retardation】 intellectual  
2 disabilities<sup>1</sup> or learning disabilities;

3 (8) Any other circumstances related to the offense and the  
4 juvenile's social history as deemed appropriate by the court;

5 (9) The impact of the offense on the victim or victims;

6 (10) The impact of the offense on the community; and

7 (11) The threat to the safety of the public or any individual posed  
8 by the child.

9 b. If a juvenile is adjudged delinquent, and except to the extent  
10 that an additional specific disposition is required pursuant to  
11 subsection e. or f. of this section, the court may order incarceration  
12 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one  
13 or more of the following dispositions:

14 (1) Adjourn formal entry of disposition of the case for a period  
15 not to exceed 12 months for the purpose of determining whether the  
16 juvenile makes a satisfactory adjustment, and if during the period of  
17 continuance the juvenile makes such an adjustment, dismiss the  
18 complaint; provided that if the court adjourns formal entry of  
19 disposition of delinquency for a violation of an offense defined in  
20 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court  
21 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but  
22 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for  
23 juveniles adjudicated delinquent;

24 (2) Release the juvenile to the supervision of the juvenile's  
25 parent or guardian;

26 (3) Place the juvenile on probation to the chief probation officer  
27 of the county or to any other suitable person who agrees to accept  
28 the duty of probation supervision for a period not to exceed three  
29 years upon such written conditions as the court deems will aid  
30 rehabilitation of the juvenile;

31 (4) Transfer custody of the juvenile to any relative or other  
32 person determined by the court to be qualified to care for the  
33 juvenile;

34 (5) Place the juvenile under the care and responsibility of the  
35 Department of Children and Families so that the commissioner may  
36 designate a division or organizational unit in the department  
37 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of  
38 providing services in or out of the home. Within 14 days, unless for  
39 good cause shown, but not later than 30 days, the Department of  
40 Children and Families shall submit to the court a service plan,  
41 which shall be presumed valid, detailing the specifics of any  
42 disposition order. The plan shall be developed within the limits of  
43 fiscal and other resources available to the department. If the court  
44 determines that the service plan is inappropriate, given existing  
45 resources, the department may request a hearing on that  
46 determination;

47 (6) Place the juvenile under the care and custody of the  
48 Commissioner of <sup>1</sup>【Human Services】 Children and Families<sup>1</sup> for

1 the purpose of receiving the services of the Division of  
2 **'[Developmental Disabilities] Children's System of Care'** of that  
3 department, provided that the juvenile has been determined to be  
4 eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

5 (7) Commit the juvenile, pursuant to applicable laws and the  
6 Rules of Court governing civil commitment, to the Department of  
7 Children and Families under the responsibility of the Division of  
8 **[Child Behavioral Health Services] Children's System of Care** for  
9 the purpose of placement in a suitable public or private hospital or  
10 other residential facility for the treatment of persons who are  
11 mentally ill, on the ground that the juvenile is in need of  
12 involuntary commitment;

13 (8) Fine the juvenile an amount not to exceed the maximum  
14 provided by law for such a crime or offense if committed by an  
15 adult and which is consistent with the juvenile's income or ability to  
16 pay and financial responsibility to the juvenile's family, provided  
17 that the fine is specially adapted to the rehabilitation of the juvenile  
18 or to the deterrence of the type of crime or offense. If the fine is  
19 not paid due to financial limitations, the fine may be satisfied by  
20 requiring the juvenile to submit to any other appropriate disposition  
21 provided for in this section;

22 (9) Order the juvenile to make restitution to a person or entity  
23 who has suffered loss resulting from personal injuries or damage to  
24 property as a result of the offense for which the juvenile has been  
25 adjudicated delinquent. The court may determine the reasonable  
26 amount, terms, and conditions of restitution. If the juvenile  
27 participated in the offense with other persons, the participants shall  
28 be jointly and severally responsible for the payment of restitution.  
29 The court shall not require a juvenile to make full or partial  
30 restitution if the juvenile reasonably satisfies the court that the  
31 juvenile does not have the means to make restitution and could not  
32 reasonably acquire the means to pay restitution;

33 (10) Order that the juvenile perform community services under  
34 the supervision of a probation division or other agency or individual  
35 deemed appropriate by the court. Such services shall be  
36 compulsory and reasonable in terms of nature and duration. Such  
37 services may be performed without compensation, provided that any  
38 money earned by the juvenile from the performance of community  
39 services may be applied towards any payment of restitution or fine  
40 which the court has ordered the juvenile to pay;

41 (11) Order that the juvenile participate in work programs which  
42 are designed to provide job skills and specific employment training  
43 to enhance the employability of job participants. Such programs  
44 may be without compensation, provided that any money earned by  
45 the juvenile from participation in a work program may be applied  
46 towards any payment of restitution or fine which the court has  
47 ordered the juvenile to pay;

- 1 (12) Order that the juvenile participate in programs emphasizing  
2 self-reliance, such as intensive outdoor programs teaching survival  
3 skills, including but not limited to camping, hiking, and other  
4 appropriate activities;
- 5 (13) Order that the juvenile participate in a program of academic  
6 or vocational education or counseling, such as a youth service  
7 bureau, requiring attendance at sessions designed to afford access to  
8 opportunities for normal growth and development. This may  
9 require attendance after school, evenings, and weekends;
- 10 (14) Place the juvenile in a suitable residential or nonresidential  
11 program for the treatment of alcohol or narcotic abuse, provided  
12 that the juvenile has been determined to be in need of such services;
- 13 (15) Order the parent or guardian of the juvenile to participate in  
14 appropriate programs or services when the court has found either  
15 that such person's omission or conduct was a significant  
16 contributing factor towards the commission of the delinquent act,  
17 or, under its authority to enforce litigant's rights, that such person's  
18 omission or conduct has been a significant contributing factor  
19 towards the ineffective implementation of a court order previously  
20 entered in relation to the juvenile;
- 21 (16) (a) Place the juvenile in a nonresidential program operated  
22 by a public or private agency, providing intensive services to  
23 juveniles for specified hours, which may include education,  
24 counseling to the juvenile and the juvenile's family if appropriate,  
25 vocational training, employment counseling, work, or other  
26 services;
- 27 (b) Place the juvenile under the custody of the Juvenile Justice  
28 Commission established pursuant to section 2 of P.L.1995, c.284  
29 (C.52:17B-170) for placement with any private group home or  
30 private residential facility with which the commission has entered  
31 into a purchase of service contract;
- 32 (17) Instead of or in addition to any disposition made according  
33 to this section, the court may postpone, suspend, or revoke for a  
34 period not to exceed two years the driver's license, registration  
35 certificate, or both of any juvenile who used a motor vehicle in the  
36 course of committing an act for which the juvenile was adjudicated  
37 delinquent. In imposing this disposition and in deciding the duration  
38 of the postponement, suspension, or revocation, the court shall  
39 consider the severity of the delinquent act and the potential effect of  
40 the loss of driving privileges on the juvenile's ability to be  
41 rehabilitated. Any postponement, suspension, or revocation shall be  
42 imposed consecutively with any custodial commitment;
- 43 (18) Order that the juvenile satisfy any other conditions  
44 reasonably related to the rehabilitation of the juvenile;
- 45 (19) Order a parent or guardian who has failed or neglected to  
46 exercise reasonable supervision or control of a juvenile who has  
47 been adjudicated delinquent to make restitution to any person or  
48 entity who has suffered a loss as a result of that offense. The court

1 may determine the reasonable amount, terms<sup>1,1</sup> and conditions of  
2 restitution; or

3 (20) Place the juvenile, if eligible, in an appropriate juvenile  
4 offender program established pursuant to P.L.1997, c.81 (C.30:8-61  
5 et al.).

6 c. (1) Except as otherwise provided in subsections e. and f. of  
7 this section, if the county in which the juvenile has been adjudicated  
8 delinquent has a juvenile detention facility meeting the physical and  
9 program standards established pursuant to this subsection by the  
10 Juvenile Justice Commission, the court may, in addition to any of  
11 the dispositions not involving placement out of the home  
12 enumerated in this section, incarcerate the juvenile in the youth  
13 detention facility in that county for a term not to exceed 60  
14 consecutive days. Counties which do not operate their own juvenile  
15 detention facilities may contract for the use of approved  
16 commitment programs with counties with which they have  
17 established agreements for the use of pre-disposition juvenile  
18 detention facilities. The Juvenile Justice Commission shall  
19 promulgate such rules and regulations from time to time as deemed  
20 necessary to establish minimum physical facility and program  
21 standards for the use of juvenile detention facilities pursuant to this  
22 subsection.

23 (2) No juvenile may be incarcerated in any county detention  
24 facility unless the county has entered into an agreement with the  
25 Juvenile Justice Commission concerning the use of the facility for  
26 sentenced juveniles. Upon agreement with the county, the Juvenile  
27 Justice Commission shall certify detention facilities which may  
28 receive juveniles sentenced pursuant to this subsection and shall  
29 specify the capacity of the facility that may be made available to  
30 receive such juveniles; provided, however, that in no event shall the  
31 number of juveniles incarcerated pursuant to this subsection exceed  
32 50% of the maximum capacity of the facility.

33 (3) The court may fix a term of incarceration under this  
34 subsection where:

35 (a) The act for which the juvenile was adjudicated delinquent, if  
36 committed by an adult, would have constituted a crime or repetitive  
37 disorderly persons offense;

38 (b) Incarceration of the juvenile is consistent with the goals of  
39 public safety, accountability, and rehabilitation and the court is  
40 clearly convinced that the aggravating factors substantially  
41 outweigh the mitigating factors as set forth in section 25 of  
42 P.L.1982, c.77 (C.2A:4A-44); and

43 (c) The detention facility has been certified for admission of  
44 adjudicated juveniles pursuant to paragraph (2).

45 (4) If as a result of incarceration of adjudicated juveniles  
46 pursuant to this subsection, a county is required to transport a  
47 predisposition juvenile to a juvenile detention facility in another

1 county, the costs of such transportation shall be borne by the  
2 Juvenile Justice Commission.

3 d. Whenever the court imposes a disposition upon an  
4 adjudicated delinquent which requires the juvenile to perform a  
5 community service, restitution, or to participate in any other  
6 program provided for in this section other than subsection c., the  
7 duration of the juvenile's mandatory participation in such  
8 alternative programs shall extend for a period consistent with the  
9 program goal for the juvenile and shall in no event exceed one year  
10 beyond the maximum duration permissible for the delinquent if the  
11 juvenile had been committed to a term of incarceration.

12 e. In addition to any disposition the court may impose pursuant  
13 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the  
14 following orders shall be included in dispositions of the  
15 adjudications set forth below:

16 (1) An order of incarceration for a term of the duration  
17 authorized pursuant to this section or section 25 of P.L.1982, c.77  
18 (C.2A:4A-44) or an order to perform community service pursuant to  
19 paragraph (10) of subsection b. of this section for a period of at  
20 least 60 days, if the juvenile has been adjudicated delinquent for an  
21 act which, if committed by an adult, would constitute the crime of  
22 theft of a motor vehicle, or the crime of unlawful taking of a motor  
23 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third  
24 degree crime of eluding in violation of subsection b. of  
25 N.J.S.2C:29-2;

26 (2) An order of incarceration for a term of the duration  
27 authorized pursuant to this section or section 25 of P.L.1982, c.77  
28 (C.2A:4A-44) which shall include a minimum term of 60 days  
29 during which the juvenile shall be ineligible for parole, if the  
30 juvenile has been adjudicated delinquent for an act which, if  
31 committed by an adult, would constitute the crime of aggravated  
32 assault in violation of paragraph (6) of subsection b. of  
33 N.J.S.2C:12-1, the second degree crime of eluding in violation of  
34 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case  
35 in which the juvenile has previously been adjudicated delinquent for  
36 an act, which if committed by an adult, would constitute unlawful  
37 taking of a motor vehicle or theft of a motor vehicle;

38 (3) An order to perform community service pursuant to  
39 paragraph (10) of subsection b. of this section for a period of at  
40 least 30 days, if the juvenile has been adjudicated delinquent for an  
41 act which, if committed by an adult, would constitute the fourth  
42 degree crime of unlawful taking of a motor vehicle in violation of  
43 subsection b. of N.J.S.2C:20-10;

44 (4) An order of incarceration for a term of the duration  
45 authorized pursuant to this section or section 25 of P.L.1982, c.77  
46 (C.2A:4A-44) which shall include a minimum term of 30 days  
47 during which the juvenile shall be ineligible for parole, if the  
48 juvenile has been adjudicated delinquent for an act which, if



1 committed by an adult, would constitute the crime of unlawful  
2 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third  
3 degree crime of eluding in violation of subsection b. of  
4 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated  
5 delinquent for an act which, if committed by an adult, would  
6 constitute either theft of a motor vehicle, the unlawful taking of a  
7 motor vehicle or eluding.

8 f. (1) The minimum terms of incarceration required pursuant to  
9 subsection e. of this section shall be imposed regardless of the  
10 weight or balance of factors set forth in this section or in section 25  
11 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of  
12 those factors shall determine the length of the term of incarceration  
13 appropriate, if any, beyond any mandatory minimum term required  
14 pursuant to subsection e. of this section.

15 (2) When a court in a county that does not have a juvenile  
16 detention facility or a contractual relationship permitting  
17 incarceration pursuant to subsection c. of this section is required to  
18 impose a term of incarceration pursuant to subsection e. of this  
19 section, the court may, subject to limitations on commitment to  
20 State correctional facilities of juveniles who are under the age of 11  
21 or developmentally disabled, set a term of incarceration consistent  
22 with subsection c. which shall be served in a State correctional  
23 facility. When a juvenile who because of age or developmental  
24 disability cannot be committed to a State correctional facility or  
25 cannot be incarcerated in a county facility, the court shall order a  
26 disposition appropriate as an alternative to any incarceration  
27 required pursuant to subsection e. '[ ]'

28 (3) For purposes of subsection e. of this section, in the event  
29 that a "boot camp" program for juvenile offenders should be  
30 developed and is available, a term of commitment to such a  
31 program shall be considered a term of incarceration.

32 g. Whenever the court imposes a disposition upon an  
33 adjudicated delinquent which requires the juvenile to perform a  
34 community service, restitution, or to participate in any other  
35 program provided for in this section, the order shall include  
36 provisions which provide balanced attention to the protection of the  
37 community, accountability for offenses committed, fostering  
38 interaction and dialogue between the offender, victim and  
39 community and the development of competencies to enable the  
40 child to become a responsible and productive member of the  
41 community.

42 (cf: P.L.2006, c.47, s.18)

43

44 2. Section 10 of P.L.1982, c.80 (C.2A:4A-85) is amended to  
45 read as follows:

46 10. Alcoholic, drug-dependent parent. a. When a petition is  
47 filed and as a result of any information supplied on the family  
48 situation by the crisis intervention unit, court intake services has

1 reason to believe that the parent or guardian is an alcoholic, as  
2 defined by P.L.1975, c.305 (C.26:2B-8), or a drug-dependent  
3 person, as defined by section 2 of the "New Jersey Controlled  
4 Dangerous Substances Act," P.L.1970, c.226 (C.24:21-2), intake  
5 services shall state the basis for this determination and provide  
6 recommendations to the court.

7 b. When, as a result of any information supplied by the crisis  
8 intervention unit, court intake services has reason to believe that a  
9 juvenile is an "abused or neglected child," as defined in P.L.1974,  
10 c.119 (C. 9:6-8.21), they shall handle the case pursuant to the  
11 procedure set forth in that law. The Division of **[Youth and Family  
12 Services]** Child Protection and Permanency shall, upon disposition  
13 of any case originated pursuant to this subsection, notify court  
14 intake services as to the nature of the disposition.

15 c. (1) When, as a result of any information supplied with  
16 regard to any juvenile by the crisis intervention unit or from any  
17 other source, court intake services has reason to believe that the  
18 juvenile may have an auditory or vision problem, intake services  
19 shall state the basis for this determination and provide  
20 recommendations to the court. Before arriving at its determination,  
21 intake services may request the court to order any appropriate  
22 school medical records of the juvenile. On the basis of this  
23 recommendation or on its own motion, the court may order any  
24 juvenile concerning whom a complaint is filed to be examined by a  
25 physician, optometrist, audiologist, or speech language pathologist.

26 (2) Any examination shall be made and the findings submitted  
27 to the court within 30 days of the date the order is entered, but this  
28 period may be extended by the court for good cause.

29 (3) Copies of any reports of findings submitted to the court shall  
30 be available to counsel for all parties prior to an adjudication of  
31 whether or not the juvenile is delinquent.

32 (cf: P.L.1985, c.437, s.1)

33

34 3. Section 1 of P.L.2009, c.217 (C.2A:4A-92) is amended to  
35 read as follows:

36 1. a. As provided in **[this act]** P.L.2009, c.217, a "Court  
37 Appointed Special Advocate" (CASA) shall mean a community  
38 volunteer who has been recruited, screened, trained, and supervised  
39 by a CASA program affiliated with Court Appointed Special  
40 Advocates of New Jersey or a similar organization as determined by  
41 the Administrative Office of the Courts. An affiliate CASA program  
42 shall meet all State Court Appointed Special Advocate and National  
43 Court Appointed Special Advocate standards, and shall be affiliated  
44 with Court Appointed Special Advocates of New Jersey and the  
45 National Court Appointed Special Advocates Association.

46 b. There shall be established in the State of New Jersey a Court  
47 Appointed Special Advocate program which shall serve as a  
48 resource to the courts in determining the best interests of any child

1 less than 18 years of age who has been removed from his home due  
2 to abuse or neglect. A Court Appointed Special Advocate may  
3 continue to undertake activities in furtherance of the child's best  
4 interests, in appropriate cases, until the child who is the subject of  
5 the court appointment reaches 21 years of age.

6 c. Pursuant to the Rules of Court, the court may appoint a  
7 special advocate from the CASA program to act on behalf of the  
8 court. The special advocate shall undertake certain activities in  
9 furtherance of the child's interests, but shall not supplant or  
10 interfere with the role of counsel or guardian ad litem for that child.  
11 Any such special advocate shall be a volunteer associated with a  
12 court-authorized CASA program. The duties and activities of a  
13 CASA program and all of its volunteers shall be subject to  
14 guidelines and standards established by the Administrative Director  
15 of the Courts.

16 d. A person seeking to volunteer as a Court Appointed Special  
17 Advocate shall be subject to the following:

18 (1) a criminal history record background check submitted by the  
19 Administrative Office of the Courts or its designee to the  
20 appropriate authorities. A copy of the results shall be provided to  
21 the affiliate CASA program. A person shall not be approved as a  
22 Court Appointed Special Advocate if criminal history record  
23 information exists on file with the Federal Bureau of Investigation  
24 or the Division of State Police which would disqualify that person  
25 from serving in that capacity, as determined by the affiliate CASA  
26 program; and

27 (2) a child abuse record information check conducted by the  
28 Department of Children and Families to determine if an incident of  
29 child abuse or neglect has been substantiated, pursuant to section 4  
30 of P.L.1971, c.437 (C.9:6-8.11), against the prospective CASA  
31 volunteer. The department shall cooperate by conducting the child  
32 abuse record information check and providing the results to the  
33 affiliate CASA program.

34 If a prospective volunteer refuses to consent to, or cooperate in,  
35 the securing of a criminal history record background check or a  
36 child abuse record information check, the person shall not be  
37 appointed as a Court Appointed Special Advocate.

38 e. Upon presentation of an order of appointment, the special  
39 advocate shall be provided access to all information and records  
40 relevant to the child, including but not limited to: school records,  
41 child care records, medical records, mental health records, family  
42 court and juvenile court records, and records of the Division of  
43 **[Youth and Family Services] Child Protection and Permanency** in  
44 the Department of Children and Families.

45 f. Any special advocate or affiliate CASA program staff  
46 member acting in good faith within the scope of his appointment or  
47 employment shall have immunity from any civil or criminal liability

1 that otherwise might result by reason of his actions or failure to act,  
2 except in cases of willful or wanton misconduct.

3 (cf: P.L.2009, c.217, s.1)

4

5 4. Section 6 of P.L.2004, c.157 (C.2A:23C-6) is amended to  
6 read as follows:

7 6. Exceptions to Privilege.

8 a. There is no privilege under section 4 of P.L.2004, c.157  
9 (C.2A:23C-4) for a mediation communication that is:

10 (1) in an agreement evidenced by a record signed by all parties  
11 to the agreement;

12 (2) made during a session of a mediation that is open, or is  
13 required by law to be open, to the public;

14 (3) a threat or statement of a plan to inflict bodily injury or  
15 commit a crime;

16 (4) intentionally used to plan a crime, attempt to commit a  
17 crime, or to conceal an ongoing crime or ongoing criminal activity;

18 (5) sought or offered to prove or disprove a claim or complaint  
19 filed against a mediator arising out of a mediation;

20 (6) except as otherwise provided in subsection c., sought or  
21 offered to prove or disprove a claim or complaint of professional  
22 misconduct or malpractice filed against a mediation party, nonparty  
23 participant, or representative of a party based on conduct occurring  
24 during a mediation; or

25 (7) sought or offered to prove or disprove child abuse or neglect  
26 in a proceeding in which the Division of **【Youth and Family  
27 Services】 Child Protection and Permanency** in the Department of  
28 Children and Families is a party, unless the Division of **【Youth and  
29 Family Services】 Child Protection and Permanency** participates in  
30 the mediation.

31 b. There is no privilege under section 4 of P.L.2004, c.157  
32 (C.2A:23C-4) if a court, administrative agency, or arbitrator finds,  
33 after a hearing in camera, that the party seeking discovery or the  
34 proponent of the evidence has shown that the evidence is not  
35 otherwise available, that there is a need for the evidence that  
36 substantially outweighs the interest in protecting confidentiality,  
37 and that the mediation communication is sought or offered in:

38 (1) a court proceeding involving a crime as defined in the "New  
39 Jersey Code of Criminal Justice," N.J.S.2C:1-1 et seq.; or

40 (2) except as otherwise provided in subsection c., a proceeding  
41 to prove a claim to rescind or reform or a defense to avoid liability  
42 on a contract arising out of the mediation.

43 c. A mediator may not be compelled to provide evidence of a  
44 mediation communication referred to in paragraph (6) of subsection  
45 a. or paragraph (2) of subsection b.

46 d. If a mediation communication is not privileged under  
47 subsection a. or b., only the portion of the communication necessary  
48 for the application of the exception from nondisclosure may be

1 admitted. Admission of evidence under subsection a. or b. does not  
2 render the evidence, or any other mediation communication,  
3 discoverable or admissible for any other purpose.

4 (cf: P.L.2006, c.47, s.22)

5

6 5. Section 5 of P.L.1994, c.133 (C.2C:7-5) is amended to read  
7 as follows:

8 5. a. Records maintained pursuant to **【this act】** P.L.1994, c.133  
9 (C.2C:7-1 et seq.) shall be open to any law enforcement agency in  
10 this State, the United States, or any other state and may be released  
11 to the Division of **【Youth and Family Services】** Child Protection  
12 and Permanency in the Department of Children and Families for  
13 use in carrying out its responsibilities under law. Law enforcement  
14 agencies in this State shall be authorized to release relevant and  
15 necessary information regarding sex offenders to the public when  
16 the release of the information is necessary for public protection in  
17 accordance with the provisions of P.L.1994, c.128 (C.2C:7-6 et  
18 seq.).

19 b. An elected public official, public employee, or public  
20 agency is immune from civil liability for damages for any  
21 discretionary decision to release relevant and necessary  
22 information, unless it is shown that the official, employee, or  
23 agency acted with gross negligence or in bad faith. The immunity  
24 provided under this section applies to the release of relevant  
25 information to other employees or officials or to the general public.

26 c. Nothing in **【this act】** P.L.1994, c.133 shall be deemed to  
27 impose any liability upon or to give rise to a cause of action against  
28 any public official, public employee, or public agency for failing to  
29 release information as authorized in subsection d. of this section.

30 d. Nothing in this section shall be construed to prevent law  
31 enforcement officers from notifying members of the public exposed  
32 to danger of any persons that pose a danger under circumstances  
33 that are not enumerated in **【this act】** P.L.1994, c.133.

34 (cf: P.L.2006, c.47, s.23)

35

36 6. N.J.S.2C:12-1 is amended to read as follows:

37 2C:12-1. Assault. a. Simple assault. A person is guilty of  
38 assault if he:

39 (1) Attempts to cause or purposely, knowingly, or recklessly  
40 causes bodily injury to another; or

41 (2) Negligently causes bodily injury to another with a deadly  
42 weapon; or

43 (3) Attempts by physical menace to put another in fear of  
44 imminent serious bodily injury.

45 Simple assault is a disorderly persons offense unless committed  
46 in a fight or scuffle entered into by mutual consent, in which case it  
47 is a petty disorderly persons offense.

- 1       b. Aggravated assault. A person is guilty of aggravated assault  
2 if he:
- 3       (1) Attempts to cause serious bodily injury to another, or causes  
4 such injury purposely or knowingly or under circumstances  
5 manifesting extreme indifference to the value of human life  
6 recklessly causes such injury; or
- 7       (2) Attempts to cause or purposely or knowingly causes bodily  
8 injury to another with a deadly weapon; or
- 9       (3) Recklessly causes bodily injury to another with a deadly  
10 weapon; or
- 11       (4) Knowingly under circumstances manifesting extreme  
12 indifference to the value of human life points a firearm, as defined  
13 in section 2C:39-1f., at or in the direction of another, whether or not  
14 the actor believes it to be loaded; or
- 15       (5) Commits a simple assault as defined in subsection a. (1), (2)  
16 or (3) of this section upon:
- 17       (a) Any law enforcement officer acting in the performance of  
18 his duties while in uniform or exhibiting evidence of his authority  
19 or because of his status as a law enforcement officer; or
- 20       (b) Any paid or volunteer fireman acting in the performance of  
21 his duties while in uniform or otherwise clearly identifiable as being  
22 engaged in the performance of the duties of a fireman; or
- 23       (c) Any person engaged in emergency first-aid or medical  
24 services acting in the performance of his duties while in uniform or  
25 otherwise clearly identifiable as being engaged in the performance  
26 of emergency first-aid or medical services; or
- 27       (d) Any school board member, school administrator, teacher,  
28 school bus driver, or other employee of a public or nonpublic  
29 school or school board while clearly identifiable as being engaged  
30 in the performance of his duties or because of his status as a  
31 member or employee of a public or nonpublic school or school  
32 board or any school bus driver employed by an operator under  
33 contract to a public or nonpublic school or school board while  
34 clearly identifiable as being engaged in the performance of his  
35 duties or because of his status as a school bus driver; or
- 36       (e) Any employee of the Division of **【Youth and Family**  
37 **Services】** Child Protection and Permanency while clearly  
38 identifiable as being engaged in the performance of his duties or  
39 because of his status as an employee of the division; or
- 40       (f) Any justice of the Supreme Court, judge of the Superior  
41 Court, judge of the Tax Court or municipal judge while clearly  
42 identifiable as being engaged in the performance of judicial duties  
43 or because of his status as a member of the judiciary; or
- 44       (g) Any operator of a motorbus or the operator's supervisor or  
45 any employee of a rail passenger service while clearly identifiable  
46 as being engaged in the performance of his duties or because of his  
47 status as an operator of a motorbus or as the operator's supervisor or  
48 as an employee of a rail passenger service; or

- 1 (h) Any Department of Corrections employee, county  
2 corrections officer, juvenile corrections officer, State juvenile  
3 facility employee, juvenile detention staff member, juvenile  
4 detention officer, probation officer or any sheriff, undersheriff, or  
5 sheriff's officer acting in the performance of his duties while in  
6 uniform or exhibiting evidence of his authority; or
- 7 (i) Any employee, including any person employed under  
8 contract, of a utility company as defined in section 2 of P.L.1971,  
9 c.224 (C.2A:42-86) or a cable television company subject to the  
10 provisions of the "Cable Television Act," P.L.1972, c.186  
11 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
12 the performance of his duties in regard to connecting, disconnecting  
13 or repairing or attempting to connect, disconnect or repair any gas,  
14 electric or water utility, or cable television or telecommunication  
15 service; or
- 16 (j) Any health care worker employed by a licensed health care  
17 facility to provide direct patient care, any health care professional  
18 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
19 the Revised Statutes to practice a health care profession, except a  
20 direct care worker at a State or county psychiatric hospital or State  
21 developmental center or veterans' memorial home, while clearly  
22 identifiable as being engaged in the duties of providing direct  
23 patient care or practicing the health care profession; or
- 24 (k) Any direct care worker at a State or county psychiatric  
25 hospital or State developmental center or veterans' memorial home,  
26 while clearly identifiable as being engaged in the duties of  
27 providing direct patient care or practicing the health care  
28 profession, provided that the actor is not a patient or resident at the  
29 facility who is classified by the facility as having a mental illness or  
30 developmental disability; or
- 31 (6) Causes bodily injury to another person while fleeing or  
32 attempting to elude a law enforcement officer in violation of  
33 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
34 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
35 other provision of law to the contrary, a person shall be strictly  
36 liable for a violation of this subsection upon proof of a violation of  
37 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
38 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
39 bodily injury to another person; or
- 40 (7) Attempts to cause significant bodily injury to another or  
41 causes significant bodily injury purposely or knowingly or, under  
42 circumstances manifesting extreme indifference to the value of  
43 human life recklessly causes such significant bodily injury; or
- 44 (8) Causes bodily injury by knowingly or purposely starting a  
45 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
46 results in bodily injury to any emergency services personnel  
47 involved in fire suppression activities, rendering emergency  
48 medical services resulting from the fire or explosion or rescue

1 operations, or rendering any necessary assistance at the scene of the  
2 fire or explosion, including any bodily injury sustained while  
3 responding to the scene of a reported fire or explosion. For  
4 purposes of this subsection, "emergency services personnel" shall  
5 include, but not be limited to, any paid or volunteer fireman, any  
6 person engaged in emergency first-aid or medical services and any  
7 law enforcement officer. Notwithstanding any other provision of  
8 law to the contrary, a person shall be strictly liable for a violation of  
9 this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
10 resulted in bodily injury to any emergency services personnel; or

11 (9) Knowingly, under circumstances manifesting extreme  
12 indifference to the value of human life, points or displays a firearm,  
13 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of  
14 a law enforcement officer; or

15 (10) Knowingly points, displays, or uses an imitation firearm, as  
16 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a  
17 law enforcement officer with the purpose to intimidate, threaten, or  
18 attempt to put the officer in fear of bodily injury or for any unlawful  
19 purpose; or

20 (11) Uses or activates a laser sighting system or device, or a  
21 system or device which, in the manner used, would cause a  
22 reasonable person to believe that it is a laser sighting system or  
23 device, against a law enforcement officer acting in the performance  
24 of his duties while in uniform or exhibiting evidence of his  
25 authority. As used in this paragraph, "laser sighting system or  
26 device" means any system or device that is integrated with or  
27 affixed to a firearm and emits a laser light beam that is used to  
28 assist in the sight alignment or aiming of the firearm.

29 Aggravated assault under subsections b. (1) and b. (6) is a crime  
30 of the second degree; under subsections b. (2), b. (7), b. (9), and b.  
31 (10) is a crime of the third degree; under subsections b. (3) and b.  
32 (4) is a crime of the fourth degree; and under subsection b. (5) is a  
33 crime of the third degree if the victim suffers bodily injury,  
34 otherwise it is a crime of the fourth degree. Aggravated assault  
35 under subsection b.(8) is a crime of the third degree if the victim  
36 suffers bodily injury; if the victim suffers significant bodily injury  
37 or serious bodily injury it is a crime of the second degree.  
38 Aggravated assault under subsection b. (11) is a crime of the third  
39 degree.

40 c. (1) A person is guilty of assault by auto or vessel when the  
41 person drives a vehicle or vessel recklessly and causes either  
42 serious bodily injury or bodily injury to another. Assault by auto or  
43 vessel is a crime of the fourth degree if serious bodily injury results  
44 and is a disorderly persons offense if bodily injury results.

45 (2) Assault by auto or vessel is a crime of the third degree if the  
46 person drives the vehicle while in violation of R.S.39:4-50 or  
47 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily  
48 injury results and is a crime of the fourth degree if the person drives



1 the vehicle while in violation of R.S.39:4-50 or section 2 of  
2 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

3 (3) Assault by auto or vessel is a crime of the second degree if  
4 serious bodily injury results from the defendant operating the auto  
5 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,  
6 c.512 (C.39:4-50.4a) while:

7 (a) on any school property used for school purposes which is  
8 owned by or leased to any elementary or secondary school or school  
9 board, or within 1,000 feet of such school property;

10 (b) driving through a school crossing as defined in R.S.39:1-1  
11 the municipality, by ordinance or resolution, has designated the  
12 school crossing as such; or

13 (c) driving through a school crossing as defined in R.S.39:1-1  
14 knowing that juveniles are present if the municipality has not  
15 designated the school crossing as such by ordinance or resolution.

16 Assault by auto or vessel is a crime of the third degree if bodily  
17 injury results from the defendant operating the auto or vessel in  
18 violation of this paragraph.

19 A map or true copy of a map depicting the location and  
20 boundaries of the area on or within 1,000 feet of any property used  
21 for school purposes which is owned by or leased to any elementary  
22 or secondary school or school board produced pursuant to section 1  
23 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under  
24 subparagraph (a) of paragraph (3) of this subsection.

25 It shall be no defense to a prosecution for a violation of  
26 subparagraph (a) or (b) of paragraph (3) of this subsection that the  
27 defendant was unaware that the prohibited conduct took place while  
28 on or within 1,000 feet of any school property or while driving  
29 through a school crossing. Nor shall it be a defense to a prosecution  
30 under subparagraph (a) or (b) of paragraph (3) of this subsection  
31 that no juveniles were present on the school property or crossing  
32 zone at the time of the offense or that the school was not in session.

33 (4) Assault by auto or vessel is a crime of the third degree if the  
34 person purposely drives a vehicle in an aggressive manner directed  
35 at another vehicle and serious bodily injury results and is a crime of  
36 the fourth degree if the person purposely drives a vehicle in an  
37 aggressive manner directed at another vehicle and bodily injury  
38 results. For purposes of this paragraph, "driving a vehicle in an  
39 aggressive manner" shall include, but is not limited to,  
40 unexpectedly altering the speed of the vehicle, making improper or  
41 erratic traffic lane changes, disregarding traffic control devices,  
42 failing to yield the right of way, or following another vehicle too  
43 closely.

44 As used in this section, "vessel" means a means of conveyance  
45 for travel on water and propelled otherwise than by muscular  
46 power.

47 d. A person who is employed by a facility as defined in section  
48 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as

1 defined in paragraph (1) or (2) of subsection a. of this section upon  
2 an institutionalized elderly person as defined in section 2 of  
3 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
4 degree.

5 e. (Deleted by amendment, P.L.2001, c.443).

6 f. A person who commits a simple assault as defined in  
7 paragraph (1), (2) or (3) of subsection a. of this section in the  
8 presence of a child under 16 years of age at a school or community  
9 sponsored youth sports event is guilty of a crime of the fourth  
10 degree. The defendant shall be strictly liable upon proof that the  
11 offense occurred, in fact, in the presence of a child under 16 years  
12 of age. It shall not be a defense that the defendant did not know  
13 that the child was present or reasonably believed that the child was  
14 16 years of age or older. The provisions of this subsection shall not  
15 be construed to create any liability on the part of a participant in a  
16 youth sports event or to abrogate any immunity or defense available  
17 to a participant in a youth sports event. As used in this act, "school  
18 or community sponsored youth sports event" means a competition,  
19 practice or instructional event involving one or more interscholastic  
20 sports teams or youth sports teams organized pursuant to a  
21 nonprofit or similar charter or which are member teams in a youth  
22 league organized by or affiliated with a county or municipal  
23 recreation department and shall not include collegiate, semi-  
24 professional or professional sporting events.

25 (cf: P.L.2012, c.3, s.1)

26

27 7. N.J.S.2C:13-1 is amended to read as follows:

28 2C:13-1. Kidnapping. a. Holding for ransom, reward, or as a  
29 hostage. A person is guilty of kidnapping if he unlawfully removes  
30 another from the place where he is found or if he unlawfully  
31 confines another with the purpose of holding that person for ransom  
32 or reward or as a shield or hostage.

33 b. Holding for other purposes. A person is guilty of kidnapping  
34 if he unlawfully removes another from his place of residence or  
35 business, or a substantial distance from the vicinity where he is  
36 found, or if he unlawfully confines another for a substantial period,  
37 with any of the following purposes:

38 (1) To facilitate commission of any crime or flight thereafter;

39 (2) To inflict bodily injury on or to terrorize the victim or  
40 another;

41 (3) To interfere with the performance of any governmental or  
42 political function; or

43 (4) To permanently deprive a parent, guardian, or other lawful  
44 custodian of custody of the victim.

45 c. Grading of kidnapping. (1) Except as provided in paragraph  
46 (2) of this subsection, kidnapping is a crime of the first degree and  
47 upon conviction thereof, a person may, notwithstanding the  
48 provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, be

1 sentenced to an ordinary term of imprisonment between 15 and 30  
2 years. If the actor releases the victim unharmed and in a safe place  
3 prior to apprehension, it is a crime of the second degree.

4 (2) Kidnapping is a crime of the first degree and upon  
5 conviction thereof, an actor shall be sentenced to a term of  
6 imprisonment by the court, if the victim of the kidnapping is less  
7 than 16 years of age and if during the kidnapping:

8 (a) A crime under N.J.S.2C:14-2 or subsection a. of  
9 N.J.S.2C:14-3 is committed against the victim;

10 (b) A crime under subsection b. of N.J.S.2C:24-4 is committed  
11 against the victim; or

12 (c) The actor sells or delivers the victim to another person for  
13 pecuniary gain other than in circumstances which lead to the return  
14 of the victim to a parent, guardian or other person responsible for  
15 the general supervision of the victim.

16 Notwithstanding the provisions of paragraph (1) of subsection a.  
17 of N.J.S.2C:43-6, the term of imprisonment imposed under this  
18 paragraph shall be either a term of 25 years during which the actor  
19 shall not be eligible for parole, or a specific term between 25 years  
20 and life imprisonment, of which the actor shall serve 25 years  
21 before being eligible for parole; provided, however, that the crime  
22 of kidnapping under this paragraph and underlying aggravating  
23 crimes listed in subparagraph (a), (b), or (c) of this paragraph shall  
24 merge for purposes of sentencing. If the actor is convicted of the  
25 criminal homicide of a victim of a kidnapping under the provisions  
26 of chapter 11, any sentence imposed under provisions of this  
27 paragraph shall be served consecutively to any sentence imposed  
28 pursuant to the provisions of chapter 11.

29 d. "Unlawful" removal or confinement. A removal or  
30 confinement is unlawful within the meaning of this section and of  
31 sections 2C:13-2 and 2C:13-3, if it is accomplished by force, threat,  
32 or deception, or, in the case of a person who is under the age of 14  
33 or is incompetent, if it is accomplished without the consent of a  
34 parent, guardian, or other person responsible for general supervision  
35 of his welfare.

36 e. It is an affirmative defense to a prosecution under paragraph  
37 (4) of subsection b. of this section, which must be proved by clear  
38 and convincing evidence, that:

39 (1) The actor reasonably believed that the action was necessary  
40 to preserve the victim from imminent danger to his welfare.  
41 However, no defense shall be available pursuant to this subsection  
42 if the actor does not, as soon as reasonably practicable but in no  
43 event more than 24 hours after taking a victim under his protection,  
44 give notice of the victim's location to the police department of the  
45 municipality where the victim resided, the office of the county  
46 prosecutor in the county where the victim resided, or the Division  
47 of **[Youth and Family Services]** Child Protection and Permanency  
48 in the Department of Children and Families;

1 (2) The actor reasonably believed that the taking or detaining of  
2 the victim was consented to by a parent, or by an authorized State  
3 agency; or

4 (3) The victim, being at the time of the taking or concealment  
5 not less than 14 years old, was taken away at his own volition by  
6 his parent and without purpose to commit a criminal offense with or  
7 against the victim.

8 f. It is an affirmative defense to a prosecution under paragraph  
9 (4) of subsection b. of this section that a parent having the right of  
10 custody reasonably believed he was fleeing from imminent physical  
11 danger from the other parent, provided that the parent having  
12 custody, as soon as reasonably practicable:

13 (1) Gives notice of the victim's location to the police department  
14 of the municipality where the victim resided, the office of the  
15 county prosecutor in the county where the victim resided, or the  
16 Division of **[Youth and Family Services]** Child Protection and  
17 Permanency in the Department of Children and Families; or

18 (2) Commences an action affecting custody in an appropriate  
19 court.

20 g. As used in subsections e. and f. of this section, "parent"  
21 means a parent, guardian or other lawful custodian of a victim.

22 (cf: P.L.2006, c.47, s.24)

23  
24 8. N.J.S.2C:13-4 is amended to read as follows:

25 2C:13-4. Interference with custody.

26 a. Custody of children. A person, including a parent, guardian,  
27 or other lawful custodian, is guilty of interference with custody if  
28 he:

29 (1) Takes or detains a minor child with the purpose of  
30 concealing the minor child and thereby depriving the child's other  
31 parent of custody or parenting time with the minor child; or

32 (2) After being served with process or having actual knowledge  
33 of an action affecting marriage or custody but prior to the issuance  
34 of a temporary or final order determining custody and parenting  
35 time rights to a minor child, takes, detains, entices, or conceals the  
36 child within or outside the State for the purpose of depriving the  
37 child's other parent of custody or parenting time, or to evade the  
38 jurisdiction of the courts of this State; or

39 (3) After being served with process or having actual knowledge  
40 of an action affecting the protective services needs of a child  
41 pursuant to Title 9 of the Revised Statutes in an action affecting  
42 custody, but prior to the issuance of a temporary or final order  
43 determining custody rights of a minor child, takes, detains, entices,  
44 or conceals the child within or outside the State for the purpose of  
45 evading the jurisdiction of the courts of this State; or

46 (4) After the issuance of a temporary or final order specifying  
47 custody, joint custody rights or parenting time, takes, detains,

1 entices<sub>2</sub> or conceals a minor child from the other parent in violation  
2 of the custody or parenting time order.

3 Interference with custody is a crime of the second degree if the  
4 child is taken, detained, enticed<sub>2</sub> or concealed: (i) outside the  
5 United States or (ii) for more than 24 hours. Otherwise,  
6 interference with custody is a crime of the third degree but the  
7 presumption of non-imprisonment set forth in subsection e. of  
8 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall  
9 not apply.

10 b. Custody of committed persons. A person is guilty of a crime  
11 of the fourth degree if he knowingly takes or entices any committed  
12 person away from lawful custody when he is not privileged to do  
13 so. "Committed person" means, in addition to anyone committed  
14 under judicial warrant, any orphan, neglected<sub>2</sub> or delinquent child,  
15 person with a mental disease, defect<sub>2</sub> or illness, or other dependent  
16 or incompetent person, entrusted to another's custody by or through  
17 a recognized social agency or otherwise by authority of law.

18 c. It is an affirmative defense to a prosecution under subsection  
19 a. of this section, which must be proved by clear and convincing  
20 evidence, that:

21 (1) The actor reasonably believed that the action was necessary  
22 to preserve the child from imminent danger to his welfare.  
23 However, no defense shall be available pursuant to this subsection  
24 if the actor does not, as soon as reasonably practicable but in no  
25 event more than 24 hours after taking a child under his protection,  
26 give notice of the child's location to the police department of the  
27 municipality where the child resided, the office of the county  
28 prosecutor in the county where the child resided, or the Division of  
29 **【Youth and Family Services】** Child Protection and Permanency in  
30 the Department of Children and Families;

31 (2) The actor reasonably believed that the taking or detaining of  
32 the minor child was consented to by the other parent, or by an  
33 authorized State agency; or

34 (3) The child, being at the time of the taking or concealment not  
35 less than 14 years old, was taken away at his own volition and  
36 without purpose to commit a criminal offense with or against the  
37 child.

38 d. It is an affirmative defense to a prosecution under subsection  
39 a. of this section that a parent having the right of custody  
40 reasonably believed he was fleeing from imminent physical danger  
41 from the other parent, provided that the parent having custody, as  
42 soon as reasonably practicable:

43 (1) Gives notice of the child's location to the police department  
44 of the municipality where the child resided, the office of the county  
45 prosecutor in the county where the child resided, or the Division of  
46 **【Youth and Family Services】** Child Protection and Permanency in  
47 the Department of Children and Families; or

1 (2) Commences an action affecting custody in an appropriate  
2 court.

3 e. The offenses enumerated in this section are continuous in  
4 nature and continue for so long as the child is concealed or  
5 detained.

6 f. (1) In addition to any other disposition provided by law, a  
7 person convicted under subsection a. of this section shall make  
8 restitution of all reasonable expenses and costs, including  
9 reasonable counsel fees, incurred by the other parent in securing the  
10 child's return.

11 (2) In imposing sentence under subsection a. of this section the  
12 court shall consider, in addition to the factors enumerated in chapter  
13 44 of Title 2C of the New Jersey Statutes:

14 (a) Whether the person returned the child voluntarily; and

15 (b) The length of time the child was concealed or detained.

16 g. As used in this section, "parent" means a parent, guardian or  
17 other lawful custodian of a minor child.

18 (cf: P.L.2011, c.232, s.2)

19

20 9. Section 1 of P.L.1999, c.421 (C.2C:25-34) is amended to  
21 read as follows:

22 1. The Administrative Office of the Courts shall establish and  
23 maintain a central registry of all persons who have had domestic  
24 violence restraining orders entered against them, all persons who  
25 have been charged with a crime or offense involving domestic  
26 violence, and all persons who have been charged with a violation of  
27 a court order involving domestic violence. All records made  
28 pursuant to this section shall be kept confidential and shall be  
29 released only to:

30 a. A public agency authorized to investigate a report of  
31 domestic violence;

32 b. A police or other law enforcement agency investigating a  
33 report of domestic violence, or conducting a background  
34 investigation involving a person's application for a firearm permit  
35 or employment as a police or law enforcement officer or for any  
36 other purpose authorized by law or the Supreme Court of the State  
37 of New Jersey;

38 c. A court, upon its finding that access to such records may be  
39 necessary for determination of an issue before the court;

40 d. A surrogate, in that person's official capacity as deputy clerk  
41 of the Superior Court, in order to prepare documents that may be  
42 necessary for a court to determine an issue in an adoption  
43 proceeding; or

44 e. The Division of **【Youth and Family Services】** Child  
45 Protection and Permanency in the Department of Children and  
46 Families when the division is conducting a background  
47 investigation involving:

1 (1) an allegation of child abuse or neglect, to include any adult  
2 member of the same household as the individual who is the subject  
3 of the abuse or neglect allegation; or

4 (2) an out-of-home placement for a child being placed by the  
5 Division of **[Youth and Family Services]** Child Protection and  
6 Permanency, to include any adult member of the prospective  
7 placement household.

8 Any individual, agency, surrogate, or court which receives from  
9 the Administrative Office of the Courts the records referred to in  
10 this section shall keep **[such]** the records and reports, or parts  
11 thereof, confidential and shall not disseminate or disclose such  
12 records and reports, or parts thereof; provided that nothing in this  
13 section shall prohibit a receiving individual, agency, surrogate or  
14 court from disclosing records and reports, or parts thereof, in a  
15 manner consistent with and in furtherance of the purpose for which  
16 the records and reports or parts thereof were received.

17 Any individual who disseminates or discloses a record or report,  
18 or parts thereof, of the central registry, for a purpose other than  
19 investigating a report of domestic violence, conducting a  
20 background investigation involving a person's application for a  
21 firearm permit or employment as a police or law enforcement  
22 officer, making a determination of an issue before the court,  
23 conducting a background investigation as specified in subsection e.  
24 of this section, or for any other purpose other than that which is  
25 authorized by law or the Supreme Court of the State of New Jersey,  
26 shall be guilty of a crime of the fourth degree.

27 (cf: P.L.2006, c.47, s.26)

28

29 10. Section 1 of P.L.2003, c.301 (C.2C:44-6.2) is amended to  
30 read as follows:

31 1. a. In any case in which a person has been convicted of a  
32 crime for which the person will be incarcerated, the court shall  
33 order, as part of the presentence investigation required pursuant to  
34 N.J.S.2C:44-6, that a determination be made as to whether the  
35 person is the sole caretaker of a minor child and, if so, who will  
36 assume responsibility for the child's care and custody during the  
37 period the person is incarcerated.

38 b. If the determination is made that the person is the sole  
39 caretaker of the child, the presentence investigation shall also  
40 include:

41 (1) verification that the person who will be responsible for the  
42 child's care and custody during the period of incarceration has  
43 agreed to assume responsibility for the child's care and custody;

44 (2) an inquiry as to the willingness of the person to assume  
45 responsibility for the child's care and custody during the period of  
46 incarceration; and

47 (3) a PROMIS/GAVEL network check, juvenile central registry  
48 check, and domestic violence central registry check on the person

1 who will be responsible for the child's care and custody during the  
2 period of incarceration and on any adult and juvenile over 12 years  
3 of age in the person's household.

4 c. The court shall provide the information compiled pursuant to  
5 subsection b. of this section, from the presentence investigation, to  
6 the Division of **【Youth and Family Services】** Child Protection and  
7 Permanency in the Department of Children and Families.

8 (cf: P.L.2006, c.27, s.28)

9

10 11. Section 3 of P.L.2003, c.301 (C.2C:44-6.3) is amended to  
11 read as follows:

12 3. a. In any case in which a person has been convicted of a  
13 crime enumerated in subsection b. of this section and:

14 (1) the victim of the crime was either a person under the age of  
15 18 at the time of the commission of the crime, or a person defined  
16 in paragraph (9) of subsection b. of this section; and

17 (2) the person convicted of the crime resides in a household  
18 with other minor children or is a parent of a minor child,

19 the court, based on an interview with the defendant, shall make a  
20 referral to the Division of **【Youth and Family Services】** Child  
21 Protection and Permanency in the Department of Children and  
22 Families and provide the division with the name and address of the  
23 person convicted of the crime, information on the person's criminal  
24 history, and the name and address of each child referred to in  
25 paragraph (2) of this subsection.

26 b. For purposes of this section, "crime" includes any of the  
27 following:

28 (1) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
29 to N.J.S.2C:11-4;

30 (2) simple assault or aggravated assault pursuant to  
31 N.J.S.2C:12-1;

32 (3) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

33 (4) terrorist threats pursuant to N.J.S.2C:12-3;

34 (5) kidnapping and related offenses including criminal restraint;  
35 false imprisonment; interference with custody; criminal coercion; or  
36 enticing a child into a motor vehicle, structure, or isolated area  
37 pursuant to N.J.S.2C:13-1 through 2C:13-6;

38 (6) sexual assault, criminal sexual contact, or lewdness pursuant  
39 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

40 (7) arson pursuant to N.J.S.2C:17-1, or causing or risking  
41 widespread injury or damage which would constitute a crime of the  
42 second degree pursuant to N.J.S.2C:17-2;

43 (8) a crime against a child, including endangering the welfare of  
44 a child and child pornography pursuant to N.J.S.2C:24-4; or child  
45 abuse, neglect, or abandonment pursuant to R.S.9:6-3;

46 (9) endangering the welfare of an incompetent person pursuant  
47 to N.J.S.2C:24-7 or endangering the welfare of an elderly or  
48 disabled person pursuant to N.J.S.2C:24-8;



1 (10) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
2 et seq.); or

3 (11) an attempt or conspiracy to commit an offense listed in  
4 paragraphs (1) through (10) of this subsection.

5 (cf: P.L.2006, c.47, s.29)

6

7 12. Section 3 of P.L.1995, c.76 (C.3B:12-69) is amended to read  
8 as follows:

9 3. As used in **[this act]** P.L.1995, c.76 (C.3:12-67 et seq.):

10 "Appointed standby guardian" means a person appointed  
11 pursuant to section 6 of **[this act]** P.L.1995, c.76 (C.3B:12-72) to  
12 assume the duties of guardian over the person and, when applicable,  
13 the property of a minor child upon the death or a determination of  
14 incapacity or debilitation, and with the consent, of the parent or  
15 legal custodian.

16 "Attending physician" means the physician who has primary  
17 responsibility for the treatment and care for the petitioning parent or  
18 legal custodian. When more than one physician shares this  
19 responsibility, or when a physician is acting on the primary  
20 physician's behalf, any such physician may act as the attending  
21 physician pursuant to this act. When no physician has this  
22 responsibility, a physician who is familiar with the petitioner's  
23 medical condition may act as the attending physician pursuant to  
24 **[this act]** P.L.1995, c.76 (C.3B:12-67 et seq.).

25 "Consent" means written consent signed by the parent or legal  
26 custodian in the presence of two witnesses who shall also sign the  
27 document. The written consent shall constitute the terms for the  
28 commencement of the duties of the standby guardian.

29 "Debilitation" means a chronic and substantial inability, as a  
30 result of a physically debilitating illness, disease, or injury, to care  
31 for one's minor child.

32 "Designated standby guardian" means a person designated  
33 pursuant to section 8 of **[this act]** P.L.1995, c.76 (C.3B:12-74) to  
34 assume temporarily the duties of guardianship over the person and,  
35 when applicable, the property of a minor child upon the death or a  
36 determination of incapacity or debilitation, and with the consent, of  
37 the parent or legal custodian.

38 "Designation" means a written document voluntarily executed by  
39 the designator pursuant to **[this act]** P.L.1995, c.76.

40 "Designator" means a competent parent or legal custodian of a  
41 minor child who makes a designation pursuant to **[this act]**  
42 P.L.1995, c.76.

43 "Determination of debilitation" means a written determination  
44 made by the attending physician which contains the physician's  
45 opinion to a reasonable degree of medical certainty regarding the  
46 nature, cause, extent, and probable duration of the parent's or legal  
47 custodian's debilitation.

1 "Determination of incapacity" means a written determination  
2 made by the attending physician which contains the physician's  
3 opinion to a reasonable degree of medical certainty regarding the  
4 nature, cause, extent, and probable duration of the parent's or legal  
5 custodian's incapacity.

6 "Incapacity" means a chronic and substantial inability, as a result  
7 of mental or organic impairment, to understand the nature and  
8 consequences of decisions concerning the care of one's minor child,  
9 and a consequent inability to make these decisions.

10 "Minor child" means a child under the age of eighteen years but  
11 excludes a child residing in a placement funded or approved by the  
12 Division of **【Youth and Family Services】** Child Protection and  
13 Permanency in the Department of Children and Families pursuant to  
14 either a voluntary placement agreement or court order.

15 "Triggering event" means an event stated in the designation,  
16 petition or decree which empowers the standby guardian to assume  
17 the duties of the office, which event may be the death, incapacity or  
18 debilitation, with the consent, of the custodial parent or legal  
19 custodian, whichever occurs first.

20 (cf: P.L.2006, c.47, s.30)

21  
22 13. Section 2 of P.L.2001, c.250 (C.3B:12A-2) is amended to  
23 read as follows:

24 2. As used in sections 1 through 6 of P.L.2001, c.250  
25 (C.3B:12A-1 et seq.):

26 "Caregiver" means a person over 18 years of age, other than a  
27 child's parent, who has a kinship relationship with the child and has  
28 been providing care and support for the child, while the child has  
29 been residing in the caregiver's home, for either the last 12  
30 consecutive months or 15 of the last 22 months. "Caregiver"  
31 includes a resource family parent as defined in section 1 of  
32 P.L.1962, c.136 (C.30:4C-26.4).

33 "Child" means a person under 18 years of age, except as  
34 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

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

37 "Court" means the Superior Court, Chancery Division, Family  
38 Part.

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

40 "Division" means the Division of **【Youth and Family Services】**  
41 Child Protection and Permanency in the Department of Children  
42 and Families.

43 "Family friend" means a person who is connected to a child or  
44 the child's parent by an established positive psychological or  
45 emotional relationship that is not a biological or legal relationship.

46 "Home review" means the basic review of the information  
47 provided by the petitioner and a visit to the petitioner's home where  
48 the child will continue to reside, in accordance with the provisions

1 of P.L.2001, c.250 (C.3B:12A-1 et al.) and pursuant to regulations  
2 adopted by the commissioner.

3 "Kinship caregiver assessment" means a written report prepared  
4 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1  
5 et al.) and pursuant to regulations adopted by the commissioner.

6 "Kinship legal guardian" means a caregiver who is willing to  
7 assume care of a child due to parental incapacity, with the intent to  
8 raise the child to adulthood, and who is appointed the kinship legal  
9 guardian of the child by the court pursuant to P.L.2001, c.250  
10 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible  
11 for the care and protection of the child and for providing for the  
12 child's health, education and maintenance.

13 "Kinship relationship" means a family friend or a person with a  
14 biological or legal relationship with the child.

15 "Parental incapacity" means incapacity of such a serious nature  
16 as to demonstrate that the parent is unable, unavailable, or unwilling  
17 to perform the regular and expected functions of care and support of  
18 the child.

19 (cf: P.L.2006, c.47, s.31)

20

21 14. Section 2 of P.L.1977, c.367 (C.9:3-38) is amended to read  
22 as follows:

23 2. For the purposes of **[this act]** P.L.1977, c.357 (C.9:3-37 et  
24 seq.):

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

29 b. "Child" means a person under 18 years of age;

30 c. "Custody" means the general right to exercise continuing  
31 control over the person of a child derived from court order or  
32 otherwise;

33 d. "Guardianship" means the right to exercise continuing  
34 control over the person or property or both of a child which  
35 includes any specific right of control over an aspect of the child's  
36 upbringing derived from court order;

37 e. "Guardian ad litem" means a qualified person, not  
38 necessarily an attorney, appointed by the court under the provisions  
39 of this act or at the discretion of the court to represent the interests  
40 of the child whether or not the child is a named party in the action;

41 f. "Parent" means a birth parent or parents, including the birth  
42 father of a child born out of wedlock who has acknowledged the  
43 child or to whom the court has ordered notice to be given, or a  
44 parent or parents by adoption;

45 g. "Placement for adoption" means the transfer of custody of a  
46 child to a person for the purpose of adoption by that person;

47 h. "Plaintiff" means a prospective parent or parents who have  
48 filed a complaint for adoption;

1 i. "Legal services" means the provision of counseling or advice  
2 related to the law and procedure for adoption of a child, preparation  
3 of legal documents, or representation of any person before a court  
4 or administrative agency;

5 j. "Surrender" means a voluntary relinquishment of all parental  
6 rights by a birth parent, previous adoptive parent, or other person or  
7 agency authorized to exercise these rights by law, court order or  
8 otherwise, for purposes of allowing a child to be adopted;

9 k. "Home study" means an approved agency's formal  
10 assessment of the capacity and readiness of prospective adoptive  
11 parents to adopt a child, including the agency's written report and  
12 recommendations conducted in accordance with rules and  
13 regulations promulgated by the Director of the Division of **[Youth**  
14 **and Family Services]** Child Protection and Permanency; and

15 l. "Intermediary" means any person, firm, partnership,  
16 corporation, association, or agency, which is not an approved  
17 agency as defined in this section, who acts for or between any  
18 parent and any prospective parent or acts on behalf of either in  
19 connection with the placement of the parent's child for adoption in  
20 the State or in any other state or country. An intermediary in any  
21 other state or country shall not receive money or other valuable  
22 consideration in connection with the placement of a child for  
23 adoption in this State. An intermediary in this State shall not  
24 receive money or other valuable consideration in connection with  
25 the placement of a child for adoption in this State or in any other  
26 state or country. The provisions of this subsection shall not be  
27 construed to prohibit the receipt of money or other valuable  
28 consideration specifically authorized in section 18 of P.L.1993,  
29 c.345 (C.9:3-39.1).

30 (cf: P.L.2006, c.47, s.33)

31

32 15. Section 18 of P.L.1993, c.345 (C.9:3-39.1) is amended to  
33 read as follows:

34 18. a. A person, firm, partnership, corporation, association, or  
35 agency shall not place, offer to place, or materially assist in the  
36 placement of any child for adoption in New Jersey unless:

37 (1) the person is the parent or guardian of the child, or

38 (2) the firm, partnership, corporation, association, or agency is  
39 an approved agency to act as agent, finder, or to otherwise  
40 materially assist in the placement of any child for adoption in this  
41 State, or

42 (3) the placement for adoption is with a brother, sister, aunt,  
43 uncle, grandparent, birth father, or stepparent of the child, or

44 (4) the placement is through an intermediary and (a) the person  
45 with whom the child is to be placed has been approved for  
46 placement for adoption by an approved agency home study which  
47 consists of the agency's formal written assessment of the capacity  
48 and readiness of the prospective adoptive parents to adopt a child,

1 conducted in accordance with rules and regulations promulgated by  
2 the Director of the Division of [Youth and Family Services] Child  
3 Protection and Permanency;

4 (b) The birth parent, except one who cannot be identified or  
5 located prior to the placement of the child for adoption, shall be  
6 offered counseling as to [his or her] the birth parent's options other  
7 than placement of the child for adoption. Such counseling shall be  
8 made available by or through an approved licensed agency in New  
9 Jersey or in the birth parent's state or country of residence. The fact  
10 that counseling has been made available, and the name, address, and  
11 telephone number of the agency through which the counseling is  
12 available, shall be confirmed in a written document signed by the  
13 birth parent and acknowledged in this State pursuant to section 1 of  
14 P.L.1991, c.308 (R.S.46:14-2.1) or acknowledged in another state  
15 or country pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-6.1)  
16 a copy of which shall be provided to the birth parent and the agency  
17 conducting the adoption complaint investigation pursuant to section  
18 12 of P.L.1977, c.367 (C.9:3-48) and shall be filed with the court  
19 prior to termination of parental rights; and

20 (c) Written notice shall be given to the birth parent, except one  
21 who cannot be identified or located prior to the placement of the  
22 child for adoption, and the adoptive parent that the decision not to  
23 place the child for adoption or the return of the child to the birth  
24 parent cannot be conditioned upon reimbursement of expenses by  
25 the birth parent to the adoptive parent, and that payments by the  
26 adoptive parent are non-refundable. Provision of such notice shall  
27 be confirmed in a written document signed by the birth parent and  
28 adoptive parent in separate documents which shall be acknowledged  
29 in this State pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-  
30 2.1) or acknowledged in another state or country pursuant to section  
31 1 of P.L.1991, c.308 (R.S.46:14-6.1), a copy of which shall be  
32 provided to the birth parent, and the agency conducting the adoption  
33 complaint investigation pursuant to section 12 of P.L.1977, c.367  
34 (C.9:3-48), and shall be filed with the court prior to termination of  
35 parental rights.

36 b. The Superior Court in an action by the Commissioner of  
37 Children and Families may enjoin any party found by the court to  
38 have violated this section from any further violation of this section.

39 c. A person, firm, partnership, corporation, association, or  
40 agency violating subsection a. of this section shall be guilty of a  
41 crime of the third degree.

42 d. A person, firm, partnership, corporation, association,  
43 intermediary, or agency other than an approved agency which pays,  
44 seeks to pay, receives, or seeks to receive money or other valuable  
45 consideration in connection with the placement of a child for  
46 adoption shall be guilty of a crime of the second degree.

47 e. It shall not be a violation of subsection d. of this section: (1)  
48 to pay, provide, or reimburse to a parent of the child, or for a parent

1 of the child to receive payment, provision, or reimbursement for  
2 medical, hospital, counseling, or other similar expenses incurred in  
3 connection with the birth or any illness of the child, or the  
4 reasonable living expenses of the mother of the child during her  
5 pregnancy including payments for reasonable food, clothing,  
6 medical expenses, shelter, and religious, psychological, vocational,  
7 or similar counseling services during the period of the pregnancy  
8 and for a period not to exceed four weeks after the termination of  
9 the pregnancy by birth or otherwise. These payments may be made  
10 directly to the birth mother or on the mother's behalf to the supplier  
11 of the goods or services, or

12 (2) where the child is from a foreign country, reasonable and  
13 customary fees and expenses of a foreign agency or attorney for the  
14 care or representation of the child during any period of foster or  
15 institutional care in the child's country of origin, or

16 (3) reasonable attorney fees and costs for legal services.

17 (cf: P.L.2006, c.47, s.34)

18

19 16. Section 8 of P.L.1977, c.367 (C.9:3-44) is amended to read  
20 as follows:

21 8. Whenever a person receives a child into **【his】** the person's  
22 home for the purpose of adoption other than from an approved  
23 agency, a complaint for adoption shall be filed within 45 days after  
24 receipt of the child. If the person receiving the child has been  
25 approved previously for placement for adoption in accordance with  
26 the provisions of section 18 of P.L.1993, c.345 (C.9:3-39.1), the  
27 person shall, immediately upon receiving the child, notify the  
28 approved agency which granted **【such】** approval of the receipt of  
29 the child, and that agency shall undertake immediate supervision of  
30 the child in accordance with rules and regulations promulgated by  
31 the Director of the Division of **【Youth and Family Services】** Child  
32 Protection and Permanency. The cost of **【such】** the supervision  
33 shall be paid by the person receiving the child. If the agency, in the  
34 course of supervision shall determine that the child is at risk of  
35 harm or that the best interests of the child are not served by the  
36 child remaining in the home, the agency may apply to a court for  
37 removal of the child from the home. Whenever a person receives a  
38 child into **【his】** the person's home for purposes other than adoption  
39 and it is later determined that an adoption shall be sought, a  
40 complaint for adoption shall be instituted with reasonable  
41 promptness following the determination. Failure to file the  
42 complaint in a timely manner shall not be a sole basis for refusal of  
43 the adoption but the failure shall require the filing, with the  
44 complaint, of an affidavit setting forth the reasons for the delay.

45 (cf: P.L.1993, c.345, s.7)

46

47 17. Section 3 of P.L.1999, c.53 (C.9:3-45.2) is amended to read  
48 as follows:

1       3. In any case in which the Division of **[Youth and Family**  
2 **Services]** Child Protection and Permanency accepts a child in its  
3 care or custody, the child's resource family parent or relative  
4 providing care for the child, as applicable, shall receive written  
5 notice of, and shall have a right to be heard at, any review or  
6 hearing held with respect to the child, but the resource family parent  
7 or relative shall not be made a party to the review or hearing solely  
8 on the basis of the notice and right to be heard.

9 (cf: P.L.2007, c.228, s.1)

10  
11       18. Section 21 of P.L.1993, c.345 (C.9:3-54.2) is amended to  
12 read as follows:

13       21. a. (1) In addition to meeting the other requirements  
14 established by the Department of Children and Families, a home  
15 study completed by an approved agency shall include a  
16 recommendation regarding the suitability of the home for the  
17 placement of a child based upon the results of State and federal  
18 criminal history record checks for each prospective adoptive parent  
19 and each adult residing in the home.

20       For the purposes of this section, the federal criminal history  
21 record check conducted by the U.S. Citizenship and Immigration  
22 Services in the Department of Homeland Security on a prospective  
23 adoptive parent shall be valid for the prospective adoptive parent in  
24 fulfilling the home study requirement for the State.

25       (2) Each prospective adoptive parent and each member of the  
26 prospective adoptive parent's household, age 18 or older, shall  
27 submit to the approved agency standard fingerprint cards containing  
28 his name, address and fingerprints taken by a State or municipal law  
29 enforcement agency.

30       (3) The cost of all criminal history record checks conducted  
31 pursuant to this section shall be paid by the prospective adoptive  
32 parent or household member at the time the fingerprint cards are  
33 submitted.

34       (4) The approved agency shall forward the fingerprint cards and  
35 payment to the commissioner.

36       (5) The commissioner is authorized to exchange fingerprint data  
37 and receive criminal history record information from the Federal  
38 Bureau of Investigation and the Division of State Police for use in  
39 making the recommendations provided for in this section.

40       (6) The department shall advise the approved agency of  
41 information received from State and federal criminal history record  
42 checks based upon the fingerprints submitted by the agency.  
43 Information provided to the approved agency shall be confidential  
44 and not disclosed by the approved agency to any individual or entity  
45 without the written permission of the person who is the subject of  
46 the record check.

47       (7) The commissioner shall adopt regulations for the use of  
48 criminal history record information by approved agencies when

1 determining the suitability of a home for the placement of a child  
2 for the purposes of adoption.

3 b. (1) Beginning one year after the effective date of **[this act]**  
4 P.L.1993, c.345, a home study completed by an approved agency  
5 shall include a recommendation regarding the suitability of the  
6 home for the placement of the child based upon a check for any  
7 records which might reveal a history of child abuse or neglect by  
8 the proposed adoptive parent or member of the parent's household  
9 who is 18 years of age or older.

10 (2) Beginning one year after the effective date, at the request of  
11 an approved agency, the commissioner or his designee shall conduct  
12 a search of the records of the Division of **[Youth and Family**  
13 **Services]** Child Protection and Permanency regarding referrals of  
14 dispositions of child abuse or neglect matters as to the proposed  
15 adoptive parent and any member of the parent's household 18 years  
16 of age or older, and, if there is information that would raise a  
17 question of the suitability of the proposed adoptive parent or  
18 member of the parent's household to have guardianship of a child,  
19 shall provide that information to the approved agency for its  
20 consideration. Information provided to the approved agency  
21 pursuant to this paragraph shall be confidential. The commissioner  
22 shall establish penalties for disclosure of this confidential  
23 information.

24 (cf: P.L.2006, c.47, s.40)

25

26 19. Section 9 of P.L.2006, c.47 (C.9:3A-9) is amended to read as  
27 follows:

28 9. All of the functions, powers, and duties of the Office of  
29 Children's Services in the Department of Human Services, and the  
30 power to receive, allocate, expend, and authorize the expenditure of  
31 federal moneys available for children and families are hereby  
32 transferred and assigned to, assumed by, and devolved upon the  
33 Department of Children and Families. To effectuate such transfer  
34 there shall also be transferred such officers and employees as are  
35 necessary, all appropriations or reappropriations, to the extent of  
36 remaining unexpended or unencumbered balances thereof, whether  
37 allocated or unallocated and whether obligated or unobligated, and  
38 all necessary books, papers, records and property. All rules,  
39 regulations, acts, determinations, and decisions in force at the time  
40 of such transfer and proceedings or other such matters undertaken,  
41 commenced, or pending by or before the Office of Children's  
42 Services at the time of such transfer shall continue in force and  
43 effect until duly modified, abrogated or completed by the  
44 Department of Children and Families.

45 As used in this section, the Office of Children's Services  
46 includes, but is not limited to, the Division of **[Youth and Family**  
47 **Services]** Child Protection and Permanency, the Division of **[Child**



1 Behavioral Health Services] Children's System of Care, the  
2 Division of [Prevention and Community Partnerships] Family and  
3 Community Partnerships, and the New Jersey Child Welfare  
4 Training Academy in the Department of Human Services.  
5 (cf: P.L.2006, c.47, s.9)

6  
7 20. Section 10 of P.L.2006, c.47 (C.9:3A-10) is amended to read  
8 as follows:

9 10. a. Whenever the term "Office of Children's Services" occurs  
10 or any reference is made thereto in any law, regulation, contract, or  
11 document, the same shall be deemed to mean or refer to the  
12 Department of Children and Families.

13 b. Whenever the terms "Division of Youth and Family  
14 Services," "Division of Child Behavioral Health Services,"  
15 "Division of Prevention and Community Partnerships" and "New  
16 Jersey Child Welfare Training Academy" occur or any reference is  
17 made thereto in any law, regulation, contract, or document, the  
18 same shall be deemed to mean or refer to, respectively, the  
19 ["Division of Youth and Family Services,"] "Division of Child  
20 Protection and Permanency," ["Division of Child Behavioral Health  
21 Services,"] "Division of Children's System of Care," ["Division of  
22 Prevention and Community Partnerships,"] "Division of Family and  
23 Community Partnerships," and "New Jersey Child Welfare Training  
24 Academy" in the Department of Children and Families established  
25 herein.

26 (cf: P.L.2006, c.47, s.10)

27  
28 21. Section 3 of P.L.1971, c.437 (C.9:6-8.10) is amended to read  
29 as follows:

30 3. Any person having reasonable cause to believe that a child  
31 has been subjected to child abuse or acts of child abuse shall report  
32 the same immediately to the Division of [Youth and Family  
33 Services] Child Protection and Permanency by telephone or  
34 otherwise. Such reports, where possible, shall contain the names  
35 and addresses of the child and his parent, guardian, or other person  
36 having custody and control of the child and, if known, the child's  
37 age, the nature and possible extent of the child's injuries, abuse or  
38 maltreatment, including any evidence of previous injuries, abuse or  
39 maltreatment, and any other information that the person believes  
40 may be helpful with respect to the child abuse and the identity of  
41 the perpetrator.

42 (cf: P.L.1987, c.341, s.4)

43  
44 22. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to  
45 read as follows:

46 1. a. All records of child abuse reports made pursuant to  
47 section 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained

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

20 Nothing in **[this act]** P.L.1977, c.102 (C.9:6-8.10a et seq.) shall  
21 be construed to permit the disclosure of any information deemed  
22 confidential by federal or State law.

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

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

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

31 (3) A physician who has before him a child whom he reasonably  
32 suspects may be abused or neglected or an authorized member of  
33 the staff of a duly designated regional child abuse diagnostic and  
34 treatment center which is involved with a particular child who is the  
35 subject of the request;

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

42 (5) An agency, whether public or private, including any division  
43 or unit in the Department of Human Services or the Department of  
44 Children and Families, authorized to care for, treat, assess, evaluate,  
45 or supervise a child who is the subject of a child abuse report, or a  
46 parent, guardian, resource family parent, or other person who is  
47 responsible for the child's welfare, or both, when the information is  
48 needed in connection with the provision of care, treatment,

1 assessment, evaluation, or supervision to such child or such parent,  
2 guardian, resource family parent, or other person and the provision  
3 of information is in the best interests of the child as determined by  
4 the Division of **[Youth and Family Services]** Child Protection and  
5 Permanency;

6 (6) A court or the Office of Administrative Law, upon its  
7 finding that access to such records may be necessary for  
8 determination of an issue before it, and such records may be  
9 disclosed by the court or the Office of Administrative Law in whole  
10 or in part to the law guardian, attorney, or other appropriate person  
11 upon a finding that such further disclosure is necessary for  
12 determination of an issue before the court or the Office of  
13 Administrative Law;

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

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

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

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

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

32 (12) Any person appealing a department service or status action  
33 or a substantiated finding of child abuse or neglect and his attorney  
34 or authorized lay representative upon a determination by the  
35 department or the presiding Administrative Law Judge that such  
36 disclosure is necessary for a determination of the issue on appeal;

37 (13) Any person or entity mandated by statute to consider child  
38 abuse or neglect information when conducting a background check  
39 or employment-related screening of an individual employed by or  
40 seeking employment with an agency or organization providing  
41 services to children;

42 (14) Any person or entity conducting a disciplinary,  
43 administrative, or judicial proceeding to determine terms of  
44 employment or continued employment of an officer, employee, or  
45 volunteer with an agency or organization providing services for  
46 children. The information may be disclosed in whole or in part to  
47 the appellant or other appropriate person only upon a determination

1 by the person or entity conducting the proceeding that the  
2 disclosure is necessary to make a determination;

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

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

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

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

17 (19) A parent, resource family parent, or legal guardian when the  
18 information is needed in a department matter in which that parent,  
19 resource family parent, or legal guardian is directly involved. The  
20 information may be released only to the extent necessary for the  
21 requesting parent, resource family parent, or legal guardian to  
22 discuss services or the basis for the department's involvement or to  
23 develop, discuss, or implement a case plan for the child;

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

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

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

32 (23) Members of a family team or other case planning group  
33 formed by the Division of **【Youth and Family Services】** Child  
34 Protection and Permanency and established in accordance with  
35 regulations adopted by the Commissioner of Children and Families  
36 for the purpose of addressing the child's safety, permanency, or  
37 well-being, when the provision of such information is in the best  
38 interests of the child as determined by the Division of **【Youth and**  
39 **Family Services】** Child Protection and Permanency.

40 Any individual, agency, board, court, grand jury, legislative  
41 committee, or other entity which receives from the department the  
42 records and reports referred to in subsection a., shall keep **【such】**  
43 the records and reports, or parts thereof, confidential and shall not  
44 disclose **【such】** the records and reports or parts thereof except as  
45 authorized by law.

46 c. The department may share information with a child who is  
47 the subject of a child abuse or neglect report, as appropriate to the  
48 child's age or condition, to enable the child to understand the basis

1 for the department's involvement and to participate in the  
2 development, discussion, or implementation of a case plan for the  
3 child.

4 d. The department may release the records and reports referred  
5 to in subsection a. of this section to any person engaged in a bona  
6 fide research purpose, provided, however, that no names or other  
7 information identifying persons named in the report shall be made  
8 available to the researcher unless it is absolutely essential to the  
9 research purpose and provided further that the approval of the  
10 Commissioner of Children and Families or his designee shall first  
11 have been obtained.

12 e. For incidents determined by the department to be  
13 substantiated, the department shall forward to the police or law  
14 enforcement agency in whose jurisdiction the child named in the  
15 report resides, the identity of persons alleged to have committed  
16 child abuse or neglect and of victims of child abuse or neglect, their  
17 addresses, the nature of the allegations, and other relevant  
18 information, including, but not limited to, prior reports of abuse or  
19 neglect and names of siblings obtained by the department during its  
20 investigation of a report of child abuse or neglect. The police or  
21 law enforcement agency shall keep such information confidential.

22 f. The department may disclose to the public the findings or  
23 information about a case of child abuse or neglect which has  
24 resulted in a child fatality or near fatality. Nothing may be  
25 disclosed which would likely endanger the life, safety, or physical  
26 or emotional well-being of a child or the life or safety of any other  
27 person or which may compromise the integrity of a department  
28 investigation or a civil or criminal investigation or judicial  
29 proceeding. If the department denies access to specific information  
30 on this basis, the requesting entity may seek disclosure of the  
31 information through the Chancery Division of the Superior Court.  
32 No information may be disclosed which is deemed confidential by  
33 federal or State law. The name or any other information identifying  
34 the person or entity who referred the child to the department shall  
35 not be released to the public.

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

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

48 (cf: P.L.2006, c.47, s.42)

1       23. Section 2 of P.L.2003, c.301 (C.9:6-8.10c) is amended to  
2 read as follows:

3       2. a. Upon receiving the presentencing investigation  
4 information from the court pursuant to section 1 of P.L.2003, c.301  
5 (C.2C:44-6.2) concerning a sole caretaker of a child who will be  
6 incarcerated and the person who will assume care and custody of  
7 the child during the period of incarceration, the Division of **[Youth  
8 and Family Services]** Child Protection and Permanency in the  
9 Department of Children and Families shall conduct a child abuse  
10 record information check of its child abuse records to determine if  
11 an incident of child abuse or neglect has been substantiated against  
12 the person who will be responsible for the child's care and custody  
13 or any adult and juvenile over 12 years of age in the person's  
14 household.

15       b. If, based on the information provided by the court and the  
16 check of its child abuse records, the division determines that the  
17 incarcerated person's minor child may be at risk for abuse or neglect  
18 or the child's emotional, physical, health care, and educational  
19 needs will not be met during the period of incarceration, the  
20 division shall take appropriate action to ensure the safety of the  
21 child.

22 (cf: P.L.2006, c.47, s.43)

23

24       24. Section 4 of P.L.1971, c.437 (C.9:6-8.11) is amended to read  
25 as follows:

26       4. Upon receipt of any such report, the Division of **[Youth and  
27 Family Services]** Child Protection and Permanency, or such  
28 another entity in the Department of Children and Families as may  
29 be designated by the Commissioner of Children and Families to  
30 investigate child abuse or neglect, shall immediately take such  
31 action as shall be necessary to insure the safety of the child and to  
32 that end may request and shall receive appropriate assistance from  
33 local and State law enforcement officials. A representative of the  
34 division or other designated entity shall initiate an investigation  
35 within 24 hours of receipt of the report, unless the division or other  
36 entity authorizes a delay based upon the request of a law  
37 enforcement official. The division or other entity shall also, within  
38 72 hours, forward a report of such matter to the child abuse registry  
39 operated by the division in Trenton.

40       The child abuse registry shall be the repository of all information  
41 regarding child abuse or neglect that is accessible to the public  
42 pursuant to State and federal law. No information received in the  
43 child abuse registry shall be considered as a public record within  
44 the meaning of P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001,  
45 c.404 (C.47:1A-5 et al.).

46 (cf: P.L.2006, c.47, s.46)

1       25. Section 5 of P.L.1971, c.437 (C.9:6-8.12) is amended to read  
2 as follows:

3       5. The Division of **【Youth and Family Services】** Child  
4 Protection and Permanency shall maintain, at all times, an  
5 emergency telephone service for the receipt of calls involving a  
6 report, complaint, or allegation of child abuse or neglect.  
7 (cf: P.L.2004, c.130, s.24)

8  
9       26. Section 8 of P.L.1971, c.437 (C.9:6-8.15) is amended to read  
10 as follows:

11       8. The **【Bureau of Children's Services】** Division of Child  
12 Protection and Permanency shall from time to time promulgate such  
13 rules and regulations as may be necessary to effectuate the  
14 provisions of **【this act】** P.L.1971, c.437 (C.9:6-8.8 et seq.).  
15 (cf: P.L.1971, c.437, s.8)

16  
17       27. Section 2 of P.L.1973, c.147 (C.9:6-8.17) is amended to read  
18 as follows:

19       2. The physician or the director or his designate of a hospital or  
20 similar institution taking a child into such protective custody shall  
21 immediately report his action to the Division of **【Youth and Family**  
22 **Services】** Child Protection and Permanency by calling its  
23 emergency telephone service maintained pursuant to section 5 of  
24 P.L.1971, c.437 (C.9:6-8.12).  
25 (cf: P.L.2004, c.130, s.25)

26  
27       28. Section 3 of P.L.1973, c.147 (C.9:6-8.18) is amended to read  
28 as follows:

29       3. The **【Bureau of Children's Services or its successor, the】**  
30 **Division of 【Youth and Family Services】** Child Protection and  
31 Permanency, shall upon receipt of such report, take action to insure  
32 the safety of the child under section 4 of P.L.1971, c.437 (C.9:6-  
33 8.11). The **【said】** report shall be deemed an oral complaint under  
34 section 12 of P.L.1951, c.138 (C.30:4C-12), and the **【Bureau of**  
35 **Children's Services or its successor, the】** **Division of 【Youth and**  
36 **Family Services】** Child Protection and Permanency, shall  
37 investigate the circumstances under which the child was injured and  
38 may, after such investigation has been completed, apply for a court  
39 order placing the child under its care and supervision, pursuant to  
40 section 12 of P.L.1951, c.138 (C.30:4C-12).  
41 (cf: P.L.1973, c.147, s.3)

42  
43       29. Section 4 of P.L.1973, c.147 (C.9:6-8.19) is amended to read  
44 as follows:

45       4. a. The **【Bureau of Children's Services or its successor, the】**  
46 **Division of 【Youth and Family Services】** Child Protection and  
47 Permanency, shall immediately after the receipt of such report, and

1 after making a determination to take the child into protective  
2 custody, shall serve or attempt to serve, written notice upon the  
3 parents or guardian that the said child has been taken into protective  
4 custody. The notice shall contain a statement of the maximum  
5 duration of the protective custody and the location of the child  
6 during protective custody.

7 b. The parents or guardian of a child in protective custody may,  
8 upon request and in the reasonable discretion of the physician,  
9 director, or his designate, or appropriate official of the [Bureau of  
10 Children's Services, or its successor, the] Division of [Youth and  
11 Family Services] Child Protection and Permanency, visit the [said]  
12 child, provided that the life or health of the child will not be  
13 endangered by such visit.

14 c. The entire period of protective custody shall not exceed [3]  
15 three court days. The protective custody may be terminated earlier  
16 at the discretion of the reporting physician, director or appropriate  
17 official of the [Bureau of Children's Services or its successor, the]  
18 Division of [Youth and Family Services] Child Protection and  
19 Permanency, or upon order of the court.

20 (cf: P.L.1973, c.147, s.4)

21

22 30. Section 5 of P.L.1999. c.53 (C.9:6-8.19a) is amended to read  
23 as follows:

24 5. In any case in which the Division of [Youth and Family  
25 Services] Child Protection and Permanency accepts a child in its  
26 care or custody, the child's resource family parent or relative  
27 providing care for the child, as applicable, shall receive written  
28 notice of and an opportunity to be heard at any review or hearing  
29 held with respect to the child, but the resource family parent or  
30 relative shall not be made a party to the review or hearing solely on  
31 the basis of the notice and opportunity to be heard.

32 (cf: P.L.2004, c.130, s.26)

33

34 31. Section 1 of P.L.1974, c.119 (C.9:6-8.21) is amended to read  
35 as follows:

36 1. As used in [this act] P.L.1974, c.119 (C.9-8.21 et seq.),  
37 unless the specific context indicates otherwise:

38 a. "Parent or guardian" means any natural parent, adoptive  
39 parent, resource family parent, stepparent, paramour of a parent, or  
40 any person, who has assumed responsibility for the care, custody, or  
41 control of a child or upon whom there is a legal duty for such care.  
42 Parent or guardian includes a teacher, employee, or volunteer,  
43 whether compensated or uncompensated, of an institution who is  
44 responsible for the child's welfare and any other staff person of an  
45 institution regardless of whether or not the person is responsible for  
46 the care or supervision of the child. Parent or guardian also  
47 includes a teaching staff member or other employee, whether



1 compensated or uncompensated, of a day school as defined in  
2 section 1 of P.L.1974, c.119 (C.9:6-8.21).

3 b. "Child" means any child alleged to have been abused or  
4 neglected.

5 c. "Abused or neglected child" means a child less than 18 years  
6 of age whose parent or guardian, as herein defined, (1) inflicts or  
7 allows to be inflicted upon such child physical injury by other than  
8 accidental means which causes or creates a substantial risk of death,  
9 or serious or protracted disfigurement, or protracted impairment of  
10 physical or emotional health or protracted loss or impairment of the  
11 function of any bodily organ; (2) creates or allows to be created a  
12 substantial or ongoing risk of physical injury to such child by other  
13 than accidental means which would be likely to cause death or  
14 serious or protracted disfigurement, or protracted loss or  
15 impairment of the function of any bodily organ; (3) commits or  
16 allows to be committed an act of sexual abuse against the child; (4)  
17 or a child whose physical, mental, or emotional condition has been  
18 impaired or is in imminent danger of becoming impaired as the  
19 result of the failure of his parent or guardian, as herein defined, to  
20 exercise a minimum degree of care (a) in supplying the child with  
21 adequate food, clothing, shelter, education, medical or surgical care  
22 though financially able to do so or though offered financial or other  
23 reasonable means to do so, or (b) in providing the child with proper  
24 supervision or guardianship, by unreasonably inflicting or allowing  
25 to be inflicted harm, or substantial risk thereof, including the  
26 infliction of excessive corporal punishment; or by any other acts of  
27 a similarly serious nature requiring the aid of the court; (5) or a  
28 child who has been willfully abandoned by his parent or guardian,  
29 as herein defined; (6) or a child upon whom excessive physical  
30 restraint has been used under circumstances which do not indicate  
31 that the child's behavior is harmful to himself, others, or property;  
32 (7) or a child who is in an institution and (a) has been placed there  
33 inappropriately for a continued period of time with the knowledge  
34 that the placement has resulted or may continue to result in harm to  
35 the child's mental or physical well-being or (b) who has been  
36 willfully isolated from ordinary social contact under circumstances  
37 which indicate emotional or social deprivation.

38 A child shall not be considered abused or neglected pursuant to  
39 paragraph (7) of subsection c. of this section if the acts or omissions  
40 described therein occur in a day school as defined in this section.

41 No child who in good faith is under treatment by spiritual means  
42 alone through prayer in accordance with the tenets and practices of  
43 a recognized church or religious denomination by a duly accredited  
44 practitioner thereof shall for this reason alone be considered to be  
45 abused or neglected.

46 d. "Law guardian" means an attorney admitted to the practice  
47 of law in this State, regularly employed by the Office of the Public  
48 Defender or appointed by the court, and designated under **[this act]**

1 P.L.1974, c.119 to represent minors in alleged cases of child abuse  
2 or neglect and in termination of parental rights proceedings.

3 e. "Attorney" means an attorney admitted to the practice of law  
4 in this State who shall be privately retained; or, in the instance of an  
5 indigent parent or guardian, an attorney from the Office of the  
6 Public Defender or an attorney appointed by the court who shall be  
7 appointed in order to avoid conflict between the interests of the  
8 child and the parent or guardian in regard to representation.

9 f. "Division" means the Division of **【Youth and Family**  
10 **Services】** Child Protection and Permanency in the Department of  
11 Children and Families unless otherwise specified.

12 g. "Institution" means a public or private facility in the State  
13 which provides children with out of home care, supervision, or  
14 maintenance. Institution includes, but is not limited to, a  
15 correctional facility, detention facility, treatment facility, day care  
16 center, residential school, shelter, and hospital.

17 h. "Day school" means a public or private school which  
18 provides general or special educational services to day students in  
19 grades kindergarten through 12. Day school does not include a  
20 residential facility, whether public or private, which provides care  
21 on a 24-hour basis.

22 (cf: P.L.2006, c.47, s.47)

23

24 32. Section 9 of P.L.1974, c.119 (C.9:6-8.29) is amended to read  
25 as follows:

26 9. a. A police officer or a designated employee of the Probation  
27 Division or a designated employee of the division may remove a  
28 child from the place where **【he】** the child is residing, or any **【such】**  
29 person or any physician treating **【such】** a child may keep a child in  
30 **【his】** the person's or physician's custody without an order pursuant  
31 to section 8 of P.L.1974, c.119 (C.9:6-8.28) and without the consent  
32 of the parent or guardian regardless of whether the parent or  
33 guardian is absent, if the child is in such condition that **【his】** the  
34 child's continuance in **【said】** the place or residence or in the care  
35 and custody of the parent or guardian presents an imminent danger  
36 to the child's life, safety, or health, and there is insufficient time to  
37 apply for a court order pursuant to section 8 of P.L.1974, c.119  
38 (C.9:6-8.28), or any physician or hospital treating **【such】** a child  
39 may keep a child in custody pursuant to P.L.1973, c.147 (C.9:6-  
40 8.16 et seq.). The Division of **【Youth and Family Services】** Child  
41 Protection and Permanency shall not be required to provide  
42 reasonable efforts to prevent placement if removal of the child is  
43 necessary due to imminent danger to the child's life, safety, or  
44 health in accordance with section 24 of P.L. 1999, c.53 (C.30:4C-  
45 11.2).

46 b. If a person authorized by this section removes or keeps  
47 custody of a child, he shall (1) inform the division immediately; (2)

1 bring the child immediately to a place designated by the division for  
2 this purpose, and (3) make every reasonable effort to inform the  
3 parent or guardian of the facility to which **[he]** the person has  
4 brought the child.

5 c. Any person or institution acting in good faith in the removal  
6 or keeping of a child pursuant to this section shall have immunity  
7 from any liability, civil or criminal, that might otherwise be  
8 incurred or imposed as a result of such removal or keeping.

9 d. Any person acting under the authority of **[this act]**  
10 P.L.1974, c.119 (C.9:6-8.21 et seq.) may request and shall receive  
11 appropriate assistance from local and State law enforcement  
12 officials.

13 (cf: P.L.1999, c.53, s.9)

14

15 33. Section 11 of P.L.1974, c.119 (C.9:6-8.31) is amended to  
16 read as follows:

17 11. Preliminary orders after filing of complaint. a. In any case  
18 where the child has been removed without court order, except  
19 where action has been taken pursuant to P.L.1973, c.147 (C.9:6-  
20 8.16 et seq.) the Superior Court, Chancery Division, Family Part  
21 shall hold a hearing on the next court day, whereby the safety of the  
22 child shall be of paramount concern, to determine whether the  
23 child's interests require protection pending a final order of  
24 disposition. In any other case under **[this act]** P.L.1974, c.119  
25 (C.9:6-8.21 et seq.), any person who may originate a proceeding  
26 may apply for, or the court, on its own motion, may order a hearing  
27 at any time after the complaint is filed to determine, with the safety  
28 of the child of paramount concern, whether the child's interests  
29 require protection pending a final order of disposition.

30 b. Upon such hearing, if the court finds that continued removal  
31 is necessary to avoid an ongoing risk to the child's life, safety, or  
32 health, it shall affirm the removal of the child to an appropriate  
33 place or place him in the custody of a suitable person.

34 If the court determines that removal of the child by a physician,  
35 police officer, designated employee of the Probation Division, or  
36 designated employee of the Division of **[Youth and Family**  
37 **Services]** Child Protection and Permanency was necessary due to  
38 imminent danger to the child's life, safety, or health, the court shall  
39 find that the Division of **[Youth and Family Services]** Child  
40 Protection and Permanency was not required to provide reasonable  
41 efforts to prevent placement of the child in accordance with section  
42 24 of P.L.1999, c.53 (C.30:4C-11.2).

43 c. Upon such hearing the court may, for good cause shown,  
44 issue a preliminary order of protection which may contain any of  
45 the provisions authorized on the making of an order of protection  
46 under section 35 of P.L.1974, c.119 (C.9:6-8.55).

1 d. Upon such hearing, the court may, for good cause shown,  
2 release the child to the custody of his parent or guardian from  
3 whose custody or care the child was removed, pending a final order  
4 of disposition, in accord with section 33 of P.L.1974, c.119 (C.9:6-  
5 8.53).

6 e. Upon such hearing, the court may authorize a physician or  
7 hospital to provide medical or surgical procedures if such  
8 procedures are necessary to safeguard the child's life or health.

9 f. If the court grants or denies a preliminary order requested  
10 pursuant to this section, it shall state the grounds for such decision.

11 g. In all cases involving abuse or neglect the court shall order  
12 an examination of the child by a physician appointed or designated  
13 for the purpose by the division. As part of such examination, the  
14 physician shall arrange to have color photographs taken as soon as  
15 practical of any areas of trauma visible on such child and may if  
16 indicated, arrange to have a radiological examination performed on  
17 the child. The physician, on the completion of such examination,  
18 shall forward the results thereof together with the color photographs  
19 to the court ordering such examination.

20 (cf: P.L.1999, c.53, s.10)

21  
22 34. Section 1 of P.L.1997, c.62 (C.9:6-8.40a) is amended to read  
23 as follows:

24 1. a. The Division of **【Youth and Family Services】** Child  
25 Protection and Permanency in the Department of Children and  
26 Families shall expunge from its records all information relating to a  
27 report, complaint, or allegation of an incident of child abuse or  
28 neglect with respect to which the division or other entity designated  
29 by the Commissioner of Children and Families to investigate  
30 allegations of child abuse or neglect has determined, based upon its  
31 investigation thereof, that the report, complaint, or allegation of the  
32 incident was unfounded.

33 b. (Deleted by amendment, P.L.2004, c.130).

34 The definition of, and process for, making a determination of an  
35 unfounded report, complaint, or allegation of an incident of child  
36 abuse or neglect shall be defined in regulations promulgated by the  
37 department pursuant to the "Administrative Procedure Act,"  
38 P.L.1968, c.410 (C.52:14B-1 et seq.).

39 (cf: P.L.2006, c.47, s.52)

40  
41 35. Section 1 of P.L.1998, c.127 (C.9:6-8.58a) is amended to  
42 read as follows:

43 1. When a child is placed in the custody of a relative or other  
44 suitable person or the Division of **【Youth and Family Services】**  
45 Child Protection and Permanency pursuant to section 34 of  
46 P.L.1974, c.119 (C.9:6-8.54), because of a finding of abuse or  
47 neglect, the Superior Court, Chancery Division, Family Part shall  
48 order the parent and, when appropriate, any other adult domiciled in

1 the home to undergo substance abuse assessment, when necessary.  
2 If the assessment reveals positive evidence of substance abuse, the  
3 court shall require the parent and other adult, when appropriate, to  
4 demonstrate that he is receiving treatment and complying with the  
5 treatment program for the substance abuse problem before the child  
6 is returned to the parental home.

7 (cf: P.L.1998, c.127, s.1)

8

9 36. Section 2 of P.L.1994, c.119 (C.9:6-8.75) is amended to read  
10 as follows:

11 2. There is established the "New Jersey Task Force on Child  
12 Abuse and Neglect."

13 a. The purpose of the task force is to study and develop  
14 recommendations regarding the most effective means of improving  
15 the quality and scope of child protective and preventative services  
16 provided or supported by State government, including a review of  
17 the practices and policies utilized by the Division of **【Youth and  
18 Family Services】** Child Protection and Permanency and the  
19 Division of **【Prevention and Community Partnerships】** Family and  
20 Community Partnerships in the Department of Children and  
21 Families in order to:

22 (1) optimize coordination of child abuse-related services and  
23 investigations;

24 (2) promote the safety of children at risk of abuse or neglect;

25 (3) ensure a timely determination with regard to reports of  
26 alleged child abuse;

27 (4) educate the public about the problems of, and coordinate  
28 activities relating to, child abuse and neglect;

29 (5) develop a Statewide plan to prevent child abuse and neglect  
30 and mechanisms to facilitate child abuse and neglect prevention  
31 strategies in coordination with the Division of **【Prevention and  
32 Community Partnerships】** Family and Community Partnerships;

33 (6) mobilize citizens and community agencies in a proactive  
34 effort to prevent and treat child abuse and neglect; and

35 (7) foster cooperative working relationships between State and  
36 local agencies responsible for providing services to victims of child  
37 abuse and neglect and their families.

38 b. The task force shall receive, evaluate, and approve  
39 applications of public and private agencies and organizations for  
40 grants from moneys annually appropriated from the "Children's  
41 Trust Fund" established pursuant to section 2 of P.L.1985, c.197  
42 (C.54A:9-25.4). Any portion of the moneys actually appropriated  
43 which are remaining at the end of a fiscal year shall lapse to the  
44 "Children's Trust Fund."

45 Grants shall be awarded to public and private agencies for the  
46 purposes of planning and establishing or improving programs and  
47 services for the prevention of child abuse and neglect, including  
48 activities which:

- 1 (1) Provide Statewide educational and public informational  
2 seminars for the purpose of developing appropriate public  
3 awareness regarding the problems of child abuse and neglect;
- 4 (2) Encourage professional persons and groups to recognize and  
5 deal with problems of child abuse and neglect;
- 6 (3) Make information about the problems of child abuse and  
7 neglect available to the public and organizations and agencies  
8 which deal with problems of child abuse and neglect; and
- 9 (4) Encourage the development of community prevention  
10 programs, including:
- 11 (a) community-based educational programs on parenting,  
12 prenatal care, prenatal bonding, child development, basic child care,  
13 care of children with special needs, coping with family stress,  
14 personal safety and sexual abuse prevention training for children,  
15 and self-care training for latchkey children; and
- 16 (b) community-based programs relating to crisis care, aid to  
17 parents, child abuse counseling, peer support groups for abusive or  
18 potentially abusive parents and their children, lay health visitors,  
19 respite of crisis child care, and early identification of families where  
20 the potential for child abuse and neglect exists.
- 21 The task force shall, in awarding grants, establish such priorities  
22 respecting the programs or services to be funded and the amounts of  
23 funding to be provided as it deems appropriate, except that the task  
24 force shall place particular emphasis on community-based programs  
25 and services which are designed to develop and demonstrate  
26 strategies for the early identification, intervention, and assistance of  
27 families and children at risk in order to prevent child abuse and  
28 neglect.
- 29 The task force shall adopt such rules and regulations pursuant to  
30 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
31 seq.) to govern the awarding of grants pursuant to this subsection as  
32 may be necessary to establish adequate reporting requirements on  
33 the use of grant funds by recipient agencies and organizations and  
34 to permit the task force to evaluate the programs and services for  
35 which grants are awarded.
- 36 c. The task force shall establish a Staffing and Oversight  
37 Review Subcommittee to review staffing levels of the Division of  
38 **【Youth and Family Services】** Child Protection and Permanency in  
39 order to develop recommendations regarding staffing levels and the  
40 most effective methods of recruiting, hiring, and retaining staff  
41 within the division. In addition, the subcommittee shall review the  
42 division's performance in the achievement of management and  
43 client outcomes, and shall issue a preliminary report with its  
44 findings and recommendations no later than January 1, 2007, and  
45 subsequent reports annually thereafter with the first full report due  
46 no later than July 1, 2007. The subcommittee shall directly issue its  
47 reports to the Governor and, pursuant to section 2 of P.L.1991,

1 c.164 (C.52:14-19.1), to the Legislature.  
2 (cf: P.L.2007, c.130, s.1)

3  
4 37. Section 3 of P.L.1994, c.119 (C.9:6-8.76) is amended to read  
5 as follows:

6 3. The task force shall consist of ~~30~~ 29 members as follows:  
7 the Commissioners of Human Services, Children and Families,  
8 Education, Community Affairs, Corrections, and Health and Senior  
9 Services, the Attorney General, two judges of the Superior Court  
10 involved in both civil and criminal court proceedings related to  
11 child abuse and neglect as appointed by the Chief Justice of the  
12 Supreme Court, the Public Defender, ~~the Child Advocate~~ and the  
13 Superintendent of State Police, or their designees, as ex officio  
14 members; two members of the Senate and the General Assembly,  
15 respectively, no more than one of whom in each case shall be of the  
16 same political party; and a county prosecutor appointed by the  
17 Attorney General. The 13 public members shall be appointed by  
18 the Governor as follows: one member who is a director of a  
19 regional diagnostic and treatment center for child abuse and neglect;  
20 one member who represents the ~~Association~~ Advocates for  
21 Children of New Jersey; one member who represents Foster and  
22 Adoptive Family Services; one member who represents a faith-  
23 based organization; one member who is a director of a county  
24 department of human services; one member who is a youth 21 years  
25 of age or younger who is or has been placed under the care and  
26 custody of the Division of ~~Youth and Family Services~~ Child  
27 Protection and Permanency because of an allegation of child abuse  
28 or neglect; two members who represent service providers under  
29 contract with the Division of ~~Youth and Family Services~~ Child  
30 Protection and Permanency; and five members of the public who  
31 have an interest or expertise in issues concerning child welfare.  
32 The public members shall reflect the diversity of the residents of the  
33 State and the children and families served by the State's child  
34 welfare system.

35 The task force membership shall comply with the  
36 multidisciplinary requirements set forth in the "Child Abuse  
37 Prevention and Treatment Act," Pub.L.93-247 (42 U.S.C. s.5101 et  
38 seq.).

39 The task force shall be co-chaired, one co-chair shall be the  
40 Commissioner of Children and Families and the other shall be  
41 appointed by the Governor with the advice and consent of the  
42 Senate. The second co-chair shall be selected from among the  
43 public members and shall serve at the pleasure of the Governor.  
44 The public members shall serve for a term of three years.  
45 (cf: P.L.2009, c.29, s.1)

46  
47 38. Section 2 of P.L.1997, c.175 (C.9:6-8.84) is amended to read  
48 as follows:

1       2. As used in this act:

2       "Board" means the Child Fatality and Near Fatality Review  
3 Board established under P.L.1997, c.175 (C.9:6-8.83 et al.).

4       "Child" means any person under the age of 18.

5       "Commissioner" means the Commissioner of Children and  
6 Families.

7       "Division" means the Division of **[Youth and Family Services]**  
8 Child Protection and Permanency in the Department of Children  
9 and Families.

10       "Near fatality" means a case in which a child is in serious or  
11 critical condition, as certified by a physician.

12       "Panel" means a citizen review panel as established under  
13 P.L.1997, c.175 (C.9:6-8.83 et al.).

14       "Parent or guardian" means a person defined pursuant to section  
15 1 of P.L.1974, c.119 (C.9:6-8.21) who has the responsibility for the  
16 care, custody, or control of a child or upon whom there is a legal  
17 duty for such care.

18       "Reasonable efforts" means attempts by an agency authorized by  
19 the Division of **[Youth and Family Services]** Child Protection and  
20 Permanency to assist the parents in remedying the circumstances  
21 and conditions that led to the placement of the child and in  
22 reinforcing the family structure, as defined in section 7 of P.L.1991,  
23 c.275 (C.30:4C-15.1).

24       "Sexual abuse" means contacts or actions between a child and a  
25 parent or caretaker for the purpose of sexual stimulation of either  
26 that person or another person. Sexual abuse includes:

27       a. the employment, use, persuasion, inducement, enticement, or  
28 coercion of any child to engage in, or assist any other person to  
29 engage in, any sexually explicit conduct or simulation of such  
30 conduct;

31       b. sexual conduct including molestation, prostitution, other  
32 forms of sexual exploitation of children, or incest; or

33       c. sexual penetration and sexual contact as defined in  
34 N.J.S.2C:14-1 and a prohibited sexual act as defined in  
35 N.J.S.2C:24-4.

36       "Significant bodily injury" means a temporary loss of the  
37 functioning of any bodily member or organ or temporary loss of any  
38 one of the five senses.

39       "Withholding of medically indicated treatment" means the failure  
40 to respond to a child's life-threatening conditions by providing  
41 treatment, including appropriate nutrition, hydration, and  
42 medication which, in the treating physician's reasonable judgment,  
43 will most likely be effective in ameliorating or correcting all such  
44 conditions. The term does not include the failure to provide  
45 treatment, other than appropriate nutrition, hydration, or medication  
46 to a child when, in the treating physician's reasonable medical  
47 judgment:

48       a. the child is chronically and irreversibly comatose;



1       b. the provision of such treatment would merely prolong dying,  
2 not be effective in ameliorating or correcting all of the child's life-  
3 threatening conditions, or otherwise be futile in terms of the  
4 survival of the child; or

5       c. the provision of such treatment would be virtually futile in  
6 terms of the survival of the child and the treatment itself under such  
7 circumstances would be inhumane.

8 (cf: P.L.2006, c.47, s.58)

9

10       39. Section 7 of P.L.1997, c.175 (C.9:6-8.89) is amended to read  
11 as follows:

12       7. a. The board shall consist of ~~【14】~~ 13 members as follows:  
13 the Commissioner of Children and Families, the Commissioner of  
14 Health and Senior Services, the Director of the Division of ~~【Youth~~  
15 ~~and Family Services】~~ Child Protection and Permanency in the  
16 Department of Children and Families, the Attorney General, ~~【the~~  
17 ~~Child Advocate】~~ and the Superintendent of State Police, or their  
18 designees, the State Medical Examiner, and the Chairperson or  
19 Executive Director of the New Jersey Task Force on Child Abuse  
20 and Neglect, who shall serve ex officio; and six public members  
21 appointed by the Governor, one of whom shall be a representative  
22 of the New Jersey Prosecutors' Association, one of whom shall be a  
23 Law Guardian, one of whom shall be a pediatrician with expertise  
24 in child abuse and neglect, one of whom shall be a psychologist  
25 with expertise in child abuse and neglect, one of whom shall be a  
26 social work educator with experience and expertise in the area of  
27 child abuse or a related field and one of whom shall have expertise  
28 in substance abuse.

29       b. The public members of the board shall serve for three-year  
30 terms. Of the public members first appointed, three shall serve for a  
31 period of two years, and three shall serve for a term of three years.  
32 They shall serve without compensation but shall be eligible for  
33 reimbursement for necessary and reasonable expenses incurred in  
34 the performance of their official duties and within the limits of  
35 funds appropriated for this purpose. Vacancies in the membership  
36 of the board shall be filled in the same manner as the original  
37 appointments were made.

38       c. The Governor shall appoint a public member to serve as  
39 chairperson of the board who shall be responsible for the  
40 coordination of all activities of the board and who shall provide the  
41 technical assistance needed to execute the duties of the board.

42       d. The board is entitled to call to its assistance and avail itself  
43 of the services of employees of any State, county, or municipal  
44 department, board, bureau, commission, or agency as it may require  
45 and as may be available for the purposes of reviewing a case  
46 pursuant to the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.).  
47 The board may also seek the advice of experts, such as persons  
48 specializing in the fields of pediatric, radiological, neurological,

1 psychiatric, orthopedic, and forensic medicine; nursing;  
2 psychology; social work; education; law enforcement; family law;  
3 substance abuse; child advocacy; or other related fields, if the facts  
4 of a case warrant additional expertise.

5 (cf: P.L.2006, c.47, s.60)

6  
7 40. Section 3 of P.L.1999, c.224 (C.9:12A-4) is amended to read  
8 as follows:

9 3. As used in **[this act]** P.L.1999, c.224 (C.9:12A-2 et seq.):

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

11 "Division" means the Division of **[Youth and Family Services]**  
12 Child Protection and Permanency in the Department of Children  
13 and Families.

14 "Homeless youth" means a person 21 years of age or younger  
15 who is without shelter where appropriate care and supervision are  
16 available.

17 (cf: P.L.2006, c.47, s.74)

18  
19 41. Section 2 of P.L.'1979 '[.] ' c.42 (C.18A:35-4.4) is  
20 amended to read as follows:

21 2. The Commissioner of Education, in consultation with the  
22 Department of **[Community Affairs]** Children and Families,  
23 **[Division]** 'Office] Division' on Women, shall appoint an  
24 advisory council to assist and advise the State Board of Education  
25 in the development and implementation of educational programs for  
26 the prevention of sexual assault.

27 The advisory council shall consist of 15 members chosen from  
28 among the legal, law enforcement, medical, and educational  
29 communities, and shall also include representatives of community-  
30 based groups providing services and assistance to victims of sexual  
31 assault. Each shall be appointed for a 2-year term and shall serve  
32 without compensation.

33 (cf: P.L.1979, c.42, s.2)

34  
35 42. Section 1 of P.L.2007, c.248 (C.18A:36-25.2) is amended to  
36 read as follows:

37 1. a. If any child enrolled in a school district has an unexcused  
38 absence from school for five consecutive school days, the  
39 attendance officer of the district shall investigate the absence and  
40 notify the district superintendent of the absence. In the event the  
41 investigation leads the district superintendent to have reasonable  
42 cause to believe the child has been abused or neglected as defined  
43 in section 1 of P.L.1974, c.119 (C.9:6-8.21), the district  
44 superintendent shall then notify the Division of **[Youth and Family**  
45 **Services]** Child Protection and Permanency in the Department of  
46 Children and Families for its determination of whether the division

1 is or has been involved with the child and whether action, as  
2 appropriate, is warranted.

3 b. When a child's parent, guardian, or other person having  
4 charge and control of the child notifies a school district that the  
5 child will be withdrawing from the district and transferring to  
6 another school district, the principal of the school from which the  
7 child is withdrawing shall request that the parent, guardian, or other  
8 person having charge and control of the child provide the principal  
9 with the name and location of the school district in which the child  
10 will subsequently be enrolled and the expected date of enrollment.  
11 The principal shall provide the information supplied by the parent,  
12 guardian, or other person having charge and control of the child to  
13 the district superintendent. Five school days following the expected  
14 date of enrollment, the superintendent of the district of last  
15 attendance shall contact the school district in which the child is to  
16 be subsequently enrolled to determine if the child has enrolled in  
17 the district. If the child has not been so enrolled, the attendance  
18 officer of the transfer district shall investigate the failure to enroll  
19 and notify the superintendent of the transfer district of the failure to  
20 enroll. In the event the investigation leads the superintendent of the  
21 transfer district to have reasonable cause to believe the child has  
22 been abused or neglected as defined in section 1 of P.L.1974, c.119  
23 (C.9:6-8.21), the superintendent of the transfer district shall then  
24 notify the Division of **【Youth and Family Services】** Child  
25 Protection and Permanency in the Department of Children and  
26 Families for its determination of whether the division is or has been  
27 involved with the child and whether action, as appropriate, is  
28 warranted. If the child has been so enrolled, the district of last  
29 attendance and the transfer district shall arrange for the transfer of  
30 the child's records in accordance with the provisions of section 1 of  
31 P.L.1986, c.160 (C.18A:36-19a) and subsection b. of section 4 of  
32 P.L.1995, c.395 (C.18A:36-25.1).

33 c. School district policies for the early detection of missing and  
34 abused children required pursuant to section 2 of P.L.1984, c.228  
35 (C.18A:36-25) shall include provisions to implement the  
36 requirements of this section.  
37 (cf: P.L.2007, c.248, s.1)

38

39 43. Section 1 of P.L.1997, c.362 (C.18A:40A-7.1) is amended as  
40 follows:

41 1. a. Except as provided by section 3 of P.L.1971, c.437  
42 (C.9:6-8.10), if a public or private elementary or secondary school  
43 pupil who is participating in a school-based drug and alcohol abuse  
44 counseling program provides information during the course of a  
45 counseling session in that program which indicates that the pupil's  
46 parent or guardian or other person residing in the pupil's household  
47 is dependent upon or illegally using a substance as that term is  
48 defined in section 2 of P.L.1987, c.387 (C.18A:40A-9), that

1 information shall be kept confidential and may be disclosed only  
2 under the circumstances expressly authorized under subsection b. of  
3 this section.

4 b. The information provided by a pupil pursuant to subsection  
5 a. of this section may be disclosed:

6 (1) subject to the pupil's written consent, to another person or  
7 entity whom the pupil specifies in writing in the case of a secondary  
8 school pupil, or to a member of the pupil's immediate family or the  
9 appropriate school personnel in the case of an elementary school  
10 pupil;

11 (2) pursuant to a court order;

12 (3) to a person engaged in a bona fide research purpose, except  
13 that no names or other information identifying the pupil or the  
14 person with respect to whose substance abuse the information was  
15 provided, shall be made available to the researcher; or

16 (4) to the Division of **【Youth and Family Services】** Child  
17 Protection and Permanency or to a law enforcement agency, if the  
18 information would cause a person to reasonably suspect that the  
19 elementary or secondary school pupil or another child may be an  
20 abused or neglected child as the terms are used in R.S.9:6-1, or as  
21 the terms are defined in section 2 of P.L.1971, c.437 (C.9:6-8.9), or  
22 section 1 of P.L.1974, c.119 (C.9:6-8.21).

23 c. Any disclosure made pursuant to paragraph (1) or (2) of  
24 subsection b. of this section shall be limited to that information  
25 which is necessary to carry out the purpose of the disclosure, and  
26 the person or entity to whom the information is disclosed shall be  
27 prohibited from making any further disclosure of that information  
28 without the pupil's written consent. The disclosure shall be  
29 accompanied by a written statement advising the recipient that the  
30 information is being disclosed from records the confidentiality of  
31 which is protected by P.L.1997, c.362 (C.18A:40A-7.1 et seq.), and  
32 that this law prohibits any further disclosure of this information  
33 without the written consent of the person from whom the  
34 information originated. Nothing in **【this act】** P.L.1997, c.362  
35 (C.18A:40A-7.1 et seq.) shall be construed as prohibiting the  
36 Division of **【Youth and Family Services】** Child Protection and  
37 Permanency or a law enforcement agency from using or disclosing  
38 the information in the course of conducting an investigation or  
39 prosecution. Nothing in **【this act】** P.L.1997, c.362 shall be  
40 construed as authorizing the violation of any federal law.

41 d. The prohibition on the disclosure of information provided by  
42 a pupil pursuant to subsection a. of this section shall apply whether  
43 the person to whom the information was provided believes that the  
44 person seeking the information already has it, has other means of  
45 obtaining it, is a law enforcement or other public official, has  
46 obtained a subpoena, or asserts any other justification for the  
47 disclosure of this information.

48 (cf: P.L.1999, c.320, s.1)

1       44. Section 3 of P.L.1985, c.427 (C.18A:54D-3) is amended to  
2 read as follows:

3       3. The Commissioners of Education and Labor and Workforce  
4 Development each shall:

5       a. Identify the regulations, policies, programs, and procedures  
6 of their respective departments which relate to apprenticeship  
7 programs and other forms of preparation for technical trades;

8       b. In consultation with the Division on Civil Rights in the  
9 Department of Law and Public Safety and the **【Division】** **‘【Office】**  
10 Division<sup>1</sup> on Women in the Department of **【Community Affairs】**  
11 Children and Families, identify the factors which have produced  
12 low rates of minority and female participation in apprenticeship and  
13 other technical training programs;

14       c. Take appropriate action to encourage a higher rate of  
15 minority and female participation in these programs;

16       d. Advise the Legislature of any additional legislative action  
17 which would advance the purposes of **【this act】** P.L.1985, c.427  
18 (C.18A:54D-1 et seq.).

19 (cf: P.L.1985, c.427, s.3)

20

21       45. Section 1 of P.L.2005, c.50 (C.26:2H-12.6b) is amended to  
22 read as follows:

23       1. As used in **【this act】** P.L.2005, c.50 (C.26:2H-12.6b et seq.):

24       "Commissioner" means the Commissioner of Health and Senior  
25 Services.

26       **【"Division on Women"】** **‘【"Office on Women"】** "Division on  
27 Women"<sup>1</sup> means the **【Division】** **‘【Office】** Division<sup>1</sup> on Women in  
28 the Department of **【Community Affairs】** Children and Families.

29       "Emergency care to sexual assault victims" means a medical  
30 examination, procedure, or service provided by an emergency  
31 health care facility to a sexual assault victim following an alleged  
32 sexual offense.

33       "Emergency contraception" means one or more prescription  
34 drugs to prevent pregnancy, used separately or in combination,  
35 administered to or self-administered by a patient within a medically  
36 recommended time after sexual intercourse, dispensed for that  
37 purpose in accordance with professional standards of practice and  
38 determined to be safe by the United States Food and Drug  
39 Administration.

40       "Emergency health care facility" means a general hospital or  
41 satellite emergency department licensed pursuant to P.L.1971, c.136  
42 (C.26:2H-1 et seq.).

43       "Medically and factually accurate and objective" means verified  
44 or supported by the weight of research conducted in compliance  
45 with accepted scientific methods and standards, published in peer-  
46 reviewed journals and recognized as accurate and objective by

1 leading professional organizations and agencies with relevant  
2 expertise in the field of obstetrics and gynecology.

3 "Sexual Assault Nurse Examiner program" means the Statewide  
4 Sexual Assault Nurse Examiner program in the Division of  
5 Criminal Justice in the Department of Law and Public Safety,  
6 established pursuant to P.L.2001, c.81 (C.52:4B-50 et seq.).

7 "Sexual assault victim" means a female who alleges or is alleged  
8 to have suffered a personal, physical, or psychological injury as a  
9 result of a sexual offense.

10 "Sexual offense" means sexual assault and aggravated sexual  
11 assault as set forth in N.J.S.2C:14-2, criminal sexual contact and  
12 aggravated criminal sexual contact as set forth in N.J.S.2C:14-3,  
13 fourth degree lewdness as set forth in subsection b. of N.J.S.2C:14-  
14 4 and endangering the welfare of a child by engaging in sexual  
15 conduct which would impair or debauch the morals of the child as  
16 set forth in N.J.S.2C:24-4.

17 (cf: P.L.2005, c.50, s.1)

18

19 46. Section 4 of P.L.2005, c.50 (C.26:2H-12.6e) is amended to  
20 read as follows:

21 4. a. The commissioner, in collaboration with the Director of  
22 the **【Division】** <sup>1</sup>**【Office】** Division<sup>1</sup> on Women, the New Jersey  
23 Coalition Against Sexual Assault, and the Sexual Assault Nurse  
24 Examiner program, shall develop, prepare, and produce, in  
25 quantities sufficient to comply with the purposes of **【this act】**  
26 P.L.2005, c.50 (C.26:2H-12.6b et seq.), written information relating  
27 to: emergency contraception for the prevention of pregnancy in  
28 sexual assault victims; and sexually transmitted diseases.

29 b. The information shall be clearly written and readily  
30 comprehensible in a culturally competent manner, as the  
31 commissioner, in collaboration with the **【Division】** <sup>1</sup>**【Office】**  
32 Division<sup>1</sup> on Women, the New Jersey Coalition Against Sexual  
33 Assault, and the Sexual Assault Nurse Examiner program, deems  
34 necessary to inform a sexual assault victim. The information shall  
35 explain:

36 (1) the nature of emergency contraception, the effectiveness of  
37 emergency contraception in preventing pregnancy, where  
38 emergency contraception can be obtained, and treatment options;  
39 and

40 (2) the symptoms and effects of sexually transmitted diseases,  
41 and treatment options.

42 c. The information shall be distributed to all hospital and  
43 satellite emergency departments in the State for use in those  
44 facilities pursuant to **【this act】** P.L.2005, c.50.

45 (cf: P.L.2005, c.50, s.4)

46

47 47. Section 5 of P.L.2005, c.50 (C.26:2H-12.6f) is amended to  
48 read as follows:

1 5. a. The commissioner shall:

2 (1) investigate every complaint of noncompliance with the  
3 provisions of **【this act】 P.L.2005, c.50 (C.26:2H-12.6b et seq.)** by  
4 an emergency health care facility, including the failure of a facility  
5 to provide the services required by **【this act】 P.L.2005, c.50**;

6 (2) determine whether the complaint is substantiated, and if so,  
7 what action shall be taken by the emergency health care facility or  
8 commissioner to address the complaint;

9 (3) notify the Sexual Assault Nurse Examiner program of all  
10 substantiated complaints;

11 (4) compile the substantiated complaints;

12 (5) analyze the substantiated complaints, at least annually, to  
13 determine if there is any pattern of failure to provide services  
14 pursuant to **【this act】 P.L.2005, c.50**; and

15 (6) determine, at least annually, whether an emergency health  
16 care facility is complying with the provisions of **【this act】**  
17 **P.L.2005, c.50**. The commissioner may utilize all means within his  
18 regulatory authority concerning health care facilities to verify a  
19 facility's compliance with **【this act】 P.L.2005, c.50**.

20 b. If the commissioner determines that an emergency health  
21 care facility is not in compliance with the provisions of **【this act】**  
22 **P.L.2005, c.50**, the commissioner may assess such penalties and  
23 take other actions against the facility, as provided in P.L.1971,  
24 c.136 (C.26:2H-1 et seq.). Any such penalties assessed for  
25 noncompliance shall be paid to the Department of the Treasury and  
26 allocated, on a quarterly basis, to the **【Division】** <sup>1</sup>**【Office】**  
27 **Division**<sup>1</sup> on Women for supplemental funding for designated rape  
28 crisis centers.

29 c. The commissioner shall prepare an annual report, which  
30 shall be available to the public, summarizing the substantiated  
31 complaints, the actions taken by an emergency health care facility  
32 or the commissioner to address the complaints, and the  
33 commissioner's findings concerning any pattern of failure to  
34 provide services under, or noncompliance with, the provisions of  
35 **【this act】 P.L.2005, c.50**.

36 (cf: P.L.2005, c.50, s.5)

37

38 48. Section 7 of P.L.2005, c.50 (C.26:2H-12.6g) is amended to  
39 read as follows:

40 7. Pursuant to the "Administrative Procedure Act," P.L.1968,  
41 c.410 (C.52:14B-1 et seq.), the commissioner, in consultation with  
42 the Director of the **【Division】** <sup>1</sup>**【Office】** **Division**<sup>1</sup> on Women and  
43 the Sexual Assault Nurse Examiner program, shall adopt rules and  
44 regulations to effectuate the purposes of **【this act】 P.L.2005, c.50**  
45 **(C.26:2H-12.6b et seq.)**; except that, notwithstanding any provision  
46 of P.L.1968, c.410 to the contrary, the commissioner may adopt,  
47 immediately upon filing with the Office of Administrative Law,

1 such regulations as the commissioner deems necessary to  
2 implement the provisions of this act, which shall be effective for a  
3 period not to exceed six months and may thereafter be amended,  
4 adopted or readopted by the commissioner in accordance with the  
5 requirements of P.L.1968, c.410.

6 (cf: P.L.2005, c.50, s.7)

7  
8 49. Section 4 of P.L.1997, c.191 (C.26:2R-4) is amended to read  
9 as follows:

10 4. There is established an Interagency Council on Osteoporosis  
11 in the department to advise the commissioner on the development  
12 and implementation of the program. The members of the council  
13 shall be appointed by the commissioner, and shall include the  
14 following: The Director of the Division of Epidemiology,  
15 Environmental and Occupational Health Services and the Assistant  
16 Commissioner of Senior Affairs in the department and the Director  
17 of the **【Division】** <sup>1</sup>**【Office】 Division**<sup>1</sup> on Women in the Department  
18 of **【Community Affairs】** Children and Families, as ex officio  
19 members, and public members who are representatives of: persons  
20 with osteoporosis; women's health organizations; public health  
21 educators; experts in bone and osteoporosis research, prevention  
22 and treatment; and health care providers, including at least one  
23 radiologist, orthopedist, registered professional nurse, physical  
24 therapist, and nutritionist. The members of the council shall serve  
25 without compensation and shall not be reimbursed for any expenses  
26 incurred by them in the performance of their duties.

27 (cf: P.L.1997, c.191, s.4)

28  
29 50. Section 5 of P.L.1999, c.72 (C.26:2V-5) is amended to read  
30 as follows:

31 5. There is established an Advisory Council on Arthritis in the  
32 department to advise the commissioner on the development and  
33 implementation of the initiative. The council shall include: two  
34 members of the Senate, to be appointed by the President of the  
35 Senate, who shall not be of the same political party; two members  
36 of the General Assembly, to be appointed by the Speaker of the  
37 General Assembly, who shall not be of the same political party; the  
38 Senior Assistant Commissioner, Public Health Prevention and  
39 Protection and the Assistant Commissioner, Division of Senior  
40 Services in the department; the Director of the **【Division】**  
41 <sup>1</sup>**【Office】 Division**<sup>1</sup> on Women in the Department of **【Community**  
42 **Affairs】** Children and Families, and a member of the Interagency  
43 Council on Osteoporosis, as ex officio members; and 15 public  
44 members to be appointed by the commissioner who may include  
45 representatives of persons with arthritis, arthritis health  
46 organizations, public health educators, experts in arthritis research,  
47 prevention and treatment and health care strategic planning, and  
48 health care providers including physicians and nurses. The public



1 members of the council shall serve without compensation and may  
2 be reimbursed for any expenses incurred by them in the  
3 performance of their duties.

4 Legislative members shall serve during their terms of office.  
5 Public members shall serve for a term of three years from the date  
6 of their appointment and until their successors are appointed and  
7 qualified; except that of the first appointments made: five shall be  
8 for a term of one year, five for two years, and five for three years.

9 Vacancies shall be filled in the same manner as the original  
10 appointments were made.

11 The advisory council shall organize as soon as may be  
12 practicable after the appointment of its members and shall select a  
13 chairman from among its members and a secretary who need not be  
14 a member of the council.

15 (cf: P.L.1999, c.72, s.5)

16

17 51. Section 3 of P.L.2007, c.134 (C.26:4-95.4) is amended to  
18 read as follows:

19 3. a. The Commissioner of Health and Senior Services, in  
20 consultation with the Commissioner of Education and the Director  
21 of the **【Division】** <sup>1</sup>**【Office】** Division<sup>1</sup> on Women in the Department  
22 of **【Community Affairs】** Children and Families, shall establish a  
23 public awareness campaign to inform the general public about the  
24 clinical significance and public health implications of the human  
25 papillomavirus, including its causes and the most effective means of  
26 prevention and treatment. The public awareness campaign shall be  
27 established in accordance with accepted public health practice and  
28 recommendations of the federal Centers for Disease Control and  
29 Prevention, and within the limits of available funds and any other  
30 resources available for the purposes thereof.

31 b. The commissioner shall prepare a patient information  
32 brochure regarding the human papillomavirus, including its causes  
33 and the most effective means of prevention and treatment. The  
34 department shall distribute the pamphlet, at no charge, to all  
35 pediatricians in the State. The department shall update the  
36 pamphlet as necessary, and shall make additional copies of the  
37 pamphlet available to other health care providers upon request.

38 (cf: P.L.2007, c.134, s.3)

39

40 52. Section 7 of P.L.2009, c.328 (C.30:4-8.8) is amended to read  
41 as follows:

42 7. The commissioner shall semiannually submit all inmate  
43 complaints submitted to the department concerning female inmates  
44 to the Director of the **【Division】** <sup>1</sup>**【Office】** Division<sup>1</sup> on Women in  
45 the Department of **【Community Affairs established pursuant to the**  
46 **"Division on Women Act of 1974," P.L.1974, c.87 (C.52:27D-43.8**  
47 **et seq.)】** Children and Families.

48 (cf: P.L.2010, c.34, s.8)

1       53. Section 2 of P.L.1951, c.138 (C.30:4C-2) is amended to read  
2 as follows:

3       2. For the purposes of **[this act]** P.L.1951, c.138 (C.30:4C-1 et  
4 seq.) the following words and terms shall, unless otherwise  
5 indicated, be deemed and taken to have the meanings herein given  
6 to them:

7       (a) The term **["Division of Youth and Family Services,"**  
8 **"Division of Child Protection and Permanency"** or "division,"  
9 **[successor to the "Bureau of Children's Services"]** means the State  
10 agency for the care, custody, guardianship, maintenance, and  
11 protection of children, as more specifically described by the  
12 provisions of **[this act]** P.L.1951, c.138, and succeeding the agency  
13 heretofore variously designated by the laws of this State as the State  
14 Board of Child Welfare or the State Board of Children's Guardians.

15       (b) The word "child" includes stepchild and illegitimate child,  
16 and further means any person under the age of 18 years.

17       (c) The term "care" means cognizance of a child for the purpose  
18 of providing necessary welfare services, or maintenance, or both.

19       (d) The term "custody" means continuing responsibility for the  
20 person of a child, as established by a surrender and release of  
21 custody or consent to adoption, for the purpose of providing  
22 necessary welfare services, or maintenance, or both.

23       (e) The term "guardianship" means control over the person and  
24 property of a child as established by the order of a court of  
25 competent jurisdiction, and as more specifically defined by the  
26 provisions of **[this act]** ] P.L.1951, c.138. Guardianship by the  
27 Division of **[Youth and Family Services]** Child Protection and  
28 Permanency shall be treated as guardianship by the Commissioner  
29 of Children and Families exercised on his behalf wholly by and in  
30 the name of the Division of **[Youth and Family Services]** Child  
31 Protection and Permanency, acting through the chief executive  
32 officer of the division or **[his]** the chief executive's authorized  
33 representative. **[Such]** The exercise of guardianship by the  
34 division shall be at all times and in all respects subject to the  
35 supervision of the commissioner.

36       (f) The term "maintenance" means moneys expended by the  
37 Division of **[Youth and Family Services]** Child Protection and  
38 Permanency to procure board, lodging, clothing, medical, dental,  
39 and hospital care, or any other similar or specialized commodity or  
40 service furnished to, on behalf of, or for a child pursuant to the  
41 provisions of **[this act]** P.L.1951, c.138; maintenance also includes  
42 but is not limited to moneys expended for shelter, utilities, food,  
43 repairs, essential household equipment, and other expenditures to  
44 remedy situations of an emergent nature to permit, as far as  
45 practicable, children to continue to live with their families.

46       (g) The term "welfare services" means consultation, counseling,  
47 and referral to or utilization of available resources, for the purpose

1 of determining and correcting or adjusting matters and  
2 circumstances which are endangering the welfare of a child, and for  
3 the purpose of promoting **【his】** a child's proper development and  
4 adjustment in the family and the community.

5 (h) The term "resource family parent" means any person other  
6 than a natural or adoptive parent with whom a child in the care,  
7 custody, or guardianship of the Department of Children and  
8 Families is placed by the department, or with its approval, for care,  
9 and shall include any person with whom a child is placed by the  
10 division for the purpose of adoption until the adoption is finalized.

11 (i) The term "resource family home" means and includes private  
12 residences wherein any child in the care, custody, or guardianship  
13 of the Department of Children and Families may be placed by the  
14 department, or with its approval, for care, and shall include any  
15 private residence maintained by persons with whom any **【such】**  
16 child is placed by the division for the purpose of adoption until the  
17 adoption is finalized.

18 (j) The singular includes the plural form.

19 (k) The masculine noun and pronoun include the feminine.

20 (l) The word "may" shall be construed to be permissive.

21 (m) The term "group home" means and includes any single  
22 family dwelling used in the placement of 12 children or less  
23 pursuant to law, recognized as a group home by the Department of  
24 Children and Families in accordance with rules and regulations  
25 adopted by the Commissioner of Children and Families; provided,  
26 however, that no group home shall contain more than 12 children.

27 (n) The term "youth facility" means a facility within this State  
28 used to house or provide services to children under **【this act】**  
29 P.L.1951, c.138, including but not limited to group homes,  
30 residential facilities, day care centers, and day treatment centers.

31 (o) The term "youth facility aid" means aid provided by the  
32 Division of **【Youth and Family Services】** Child Protection and  
33 Permanency to public, private, or voluntary agencies to purchase,  
34 construct, renovate, repair, upgrade, or otherwise improve a youth  
35 facility in consideration for an agreement for the agency to provide  
36 residential care, day treatment, or other youth services for children  
37 in need of such services.

38 (p) The term "day treatment center" means a facility used to  
39 provide counseling, supplemental educational services, therapy, and  
40 other related services to children for whom it has been determined  
41 that such services are necessary, but is not used to house these  
42 children in a residential setting.

43 (q) The term "residential facility" means a facility used to house  
44 and provide treatment and other related services on a 24-hour basis  
45 to children determined to be in need of such housing and services.

46 (r) The term "legally responsible person" means the natural or  
47 adoptive parent, or the spouse of a child receiving maintenance

1 from or through the Division of **【Youth and Family Services】** Child  
2 Protection and Permanency.

3 (s) "Commissioner" means the Commissioner of Children and  
4 Families.

5 (t) "Department" means the Department of Children and  
6 Families.

7 (cf: P.L.2006, c.47, s.113)

8

9 54. Section 39 of P.L.1962, c.197 (C.30:4C-2.1) is amended to  
10 read as follows:

11 39. Except as otherwise provided by **【this act】** P.L.1962, c.197,  
12 the 【Bureau of Childrens Services】 Division of Child Protection  
13 and Permanency shall in all respects and for all purposes be deemed  
14 a continuation of the agency heretofore known as the State Board of  
15 Children's Guardians or the State Board of Child Welfare.

16 (cf: P.L.1962, c.197, s.39)

17

18 55. Section 3 of P.L.1951, c.138 (C.30:4C-3) is amended to read  
19 as follows:

20 3. The Division of **【Youth and Family Services】** Child  
21 Protection and Permanency, in administering the provisions of **【this**  
22 **act】** P.L.1951, c.138 (C.30:4C-1 et seq.), whereby the safety of  
23 children shall be of paramount concern, shall:

24 (a) provide care and custody for children eligible therefor in  
25 such manner that the children may, so far as practicable, continue to  
26 live in their own homes and family life be thereby preserved and  
27 strengthened;

28 (b) provide necessary welfare services as may be required by  
29 such children, so far as practicable, without assumption of custody;

30 (c) encourage the development of private and voluntary  
31 agencies qualified to provide welfare services for children to the  
32 end that through cooperative effort the need for such services may  
33 be limited or reduced; and

34 (d) for each child placed outside his home by the division,  
35 provide permanency through return of the child to the child's own  
36 home, if the child can be returned home without endangering the  
37 child's health or safety; through adoption, if family reunification is  
38 not possible; or through an alternative permanent placement, if  
39 termination of parental rights is not appropriate.

40 (cf: P.L.1999, c.53, s.21)

41

42 56. Section 1 of P.L.2003, c.40 (C.30:4C-3.7) is amended to  
43 read as follows:

44 1. a. The Division of **【Youth and Family Services】** Child  
45 Protection and Permanency in the Department of Children and  
46 Families shall provide for the photographing of each child under its  
47 custody no later than two months after the division assumes custody

1 of the child. A child who is under the custody of the division on the  
2 effective date of **[this act]** P.L.2003, c.40 (C.30:4C-3.7 et seq.)  
3 shall be photographed for the purposes of **[this act]** P.L.2003, c.40  
4 no later than one year after its effective date.

5 The division shall, in addition, provide for the fingerprinting of  
6 any child under its custody with respect to whom the division  
7 determines, in accordance with criteria as the Commissioner of  
8 Children and Families shall establish by regulation, that the  
9 availability of a fingerprint record would be appropriate; the  
10 fingerprints of any child with respect to whom such a determination  
11 is made shall be taken no later than two months after the division  
12 has made that determination.

13 b. The division shall update the photograph of each child taken  
14 pursuant to subsection a. of this section at least every two years. In  
15 addition, the division shall retain the fingerprint information and  
16 photograph of each child for whom such records are taken for at  
17 least one year after the date that the child is no longer under the  
18 custody of the division.

19 c. The division shall be entitled to receive the assistance of any  
20 other State department, division, or agency as it may deem  
21 necessary and may receive the assistance of any county or  
22 municipal government agency, as may be available, in carrying out  
23 the provisions of **[this act]** P.L.2003, c.40.

24 (cf: P.L.2006, c.47, s.117)

25

26 57. Section 1 of P.L.1962, c.140 (C.30:4C-4.1) is amended to  
27 read as follows:

28 1. Notwithstanding the provisions of any other law, no action  
29 or proceeding, including an application for a writ of habeas corpus,  
30 in any court which the Division of **[Youth and Family Services]**  
31 Child Protection and Permanency is authorized by law to commence  
32 or maintain shall be commenced or maintained by the division,  
33 without the consent and approval of the Commissioner of Children  
34 and Families, as hereinafter provided.

35 (cf: P.L.2006, c.47, s.120)

36

37 58. Section 2 of P.L.1962, c.140 (C.30:4C-4.2) is amended to  
38 read as follows:

39 2. In no case shall the Division of **[Youth and Family**  
40 **Services]** Child Protection and Permanency, defend against any  
41 action or proceeding or make or oppose any application for a writ of  
42 habeas corpus without the express consent and approval of the  
43 Commissioner of Children and Families.

44 (cf: P.L.2006, c.47, s.121)

45

46 59. Section 6 of P.L.1951, c.138 (C.30:4C-6) is amended to read  
47 as follows:

1       6. No person to whom or for whom payments for maintenance  
2 are made under **[this act]** P.L.1951, c.138 (C.30:4C-1 et seq.) shall  
3 be deemed to be or classified as a pauper by reason thereof.

4       The provisions of **[this act]** P.L.1951, c.138 shall not be  
5 construed to deny treatment by spiritual means or prayer, of any  
6 child, in accordance with the religious faith of the parent or parents  
7 of such child. The provisions of **[this act]** P.L.1951, c.138 shall  
8 not be construed to authorize or empower the **[Bureau of Childrens**  
9 **Services]** Division of Child Protection and Permanency to compel  
10 a child to undergo medical or surgical treatment, if the child, or  
11 parent or guardian of **[said]** the child, objects thereto in a signed  
12 statement upon the ground that the proposed action interferes with  
13 the free exercise of his religious principles.

14 (cf: P.L.1962, c.197, s.12)

15  
16       60. Section 7 of P.L.1951, c.138 (C.30:4C-7) is amended to read  
17 as follows:

18       7. All birth, death, and marriage certificates which may be  
19 required under the provisions of **[this act]** P.L.1951, c.138  
20 (C.30:4C-1 et seq.), or under any rule or regulation issued by the  
21 **[Bureau of Childrens Services]** Division of Child Protection and  
22 Permanency, shall be issued free of charge upon the order of **[such**  
23 **bureau]** the division.

24 (cf: P.L.1962, c.197, s.13)

25  
26       61. Section 11 of P.L.1951, c.138 (C.30:4C-11) is amended to  
27 read as follows:

28       11. Whenever it shall appear that any child within this State is of  
29 such circumstances that the child's safety or welfare will be  
30 endangered unless proper care or custody is provided, an  
31 application setting forth the facts in the case may be filed with the  
32 Division of **[Youth and Family Services]** Child Protection and  
33 Permanency by a parent or other relative of **[such]** the child, by a  
34 person standing in loco parentis to **[such]** the child, by a person or  
35 association or agency or public official having a special interest in  
36 **[such]** the child or by the child himself, seeking that the division  
37 accept and provide **[such]** care or custody of **[such]** the child as  
38 the circumstances may require. **[Such]** The application shall be in  
39 writing, and shall contain a statement of the relationship to or  
40 special interest in **[such]** the child which justifies the filing of  
41 **[such]** the application. The provisions of this section shall be  
42 deemed to include an application on behalf of an unborn child when  
43 the prospective mother is within this State at the time of application  
44 for **[such]** services.

45       Upon receipt of an application as provided in this section, the  
46 division shall verify the statements set forth in **[such]** the

1 application and shall investigate all the matters pertaining to the  
2 circumstances of the child. If upon such verification and  
3 investigation it shall appear (a) that the safety or welfare of **[such]**  
4 the child will be endangered unless proper care or custody is  
5 provided; (b) that the needs of **[such]** the child cannot properly be  
6 provided for by financial assistance as made available by the laws  
7 of this State; (c) that there is no person legally responsible for the  
8 support of **[such]** the child whose identity and whereabouts are  
9 known and who is willing and able to provide for the care and  
10 support required by **[such]** the child; and (d) that **[such]** the child,  
11 if suffering from a mental or physical disability requiring  
12 institutional care, is not immediately admissible to any public  
13 institution providing **[such]** care; then the division may accept and  
14 provide **[such]** care or custody as the circumstances of **[such]** the  
15 child may require.

16 (cf: P.L.1999, c.53, s.22)

17

18 62. Section 24 of P.L.1999, c.53 (C.30:4C-11.2) is amended to  
19 read as follows:

20 24. In any case in which the Division of **[Youth and Family**  
21 **Services]** Child Protection and Permanency accepts a child in care  
22 or custody, including placement, the division shall not be required  
23 to provide reasonable efforts to prevent placement of the child if a  
24 court of competent jurisdiction has determined that both of the  
25 following criteria are met:

26 a. One of the following actions has occurred:

27 (1) the parent has subjected the child to aggravated  
28 circumstances of abuse, neglect, cruelty, or abandonment,

29 (2) the parent has been convicted of murder, aggravated  
30 manslaughter, or manslaughter of another child of the parent;  
31 aiding or abetting, attempting, conspiring, or soliciting to commit  
32 murder, aggravated manslaughter, or manslaughter of the child or  
33 another child of the parent; committing or attempting to commit an  
34 assault that resulted, or could have resulted, in the significant bodily  
35 injury to the child or another child of the parent; or committing a  
36 similarly serious criminal act which resulted, or could have  
37 resulted, in the death or significant bodily injury to the child or  
38 another child of the parent,

39 (3) the rights of the parent to another of the parent's children  
40 have been involuntarily terminated or

41 (4) removal of the child was required due to imminent danger to  
42 the child's life, safety or health; and

43 b. Efforts to prevent placement were not reasonable due to risk  
44 of harm to the child's health or safety.

45 When determining whether reasonable efforts are required to  
46 prevent placement, the health and safety of the child shall be of

1 paramount concern to the court.

2 (cf: P.L.2004, c.130, s.50)

3

4 63. Section 25 of P.L.1999, c.53 (C.30:4C-11.3) is amended to  
5 read as follows:

6 25. In any case in which the Division of **【Youth and Family**  
7 **Services】** Child Protection and Permanency accepts a child in care  
8 or custody, including placement, the division shall not be required  
9 to provide reasonable efforts to reunify the child with a parent if a  
10 court of competent jurisdiction has determined that:

11 a. The parent has subjected the child to aggravated  
12 circumstances of abuse, neglect, cruelty, or abandonment;

13 b. The parent has been convicted of murder, aggravated  
14 manslaughter, or manslaughter of another child of the parent; aiding  
15 or abetting, attempting, conspiring, or soliciting to commit murder,  
16 aggravated manslaughter or manslaughter of the child or another  
17 child of the parent; committing or attempting to commit an assault  
18 that resulted, or could have resulted, in significant bodily injury to  
19 the child or another child of the parent; or committing a similarly  
20 serious criminal act which resulted, or could have resulted, in the  
21 death of or significant bodily injury to the child or another child of  
22 the parent; or

23 c. The rights of the parent to another of the parent's children  
24 have been involuntarily terminated.

25 When determining whether reasonable efforts are required to  
26 reunify the child with the parent, the health and safety of the child  
27 and the child's need for permanency shall be of paramount concern  
28 to the court.

29 This section shall not be construed to prohibit the division from  
30 providing reasonable efforts to reunify the family, if the division  
31 determines that family reunification is in the child's best interests.

32 A permanency plan for the child may be established at the same  
33 hearing at which the court determines that reasonable efforts are not  
34 required to reunify the child with the parent, if the hearing meets all  
35 of the requirements of a permanency hearing pursuant to section 50  
36 of P.L.1999, c.53 (C.30:4C-61.2).

37 (cf: P.L.2004, c.130, s.51)

38

39 64. Section 28 of P.L.1999, c.53 (C.30:4C-12.2) is amended to  
40 read as follows:

41 28. In any case in which the Division of **【Youth and Family**  
42 **Services】** Child Protection and Permanency accepts a child in its  
43 care or custody, the child's resource family parent or relative  
44 providing care for the child, as applicable, shall receive written  
45 notice of, and shall have a right to be heard at, any review or  
46 hearing held with respect to the child, but the resource family parent  
47 or relative shall not be made a party to the review or hearing solely



1 on the basis of the notice and right to be heard.

2 (cf: P.L.2007, c.228, s.2)

3

4 65. Section 13 of P.L.1951, c.138 (C.30:4C-13) is amended to  
5 read as follows:

6 13. If in the course of verifying and investigating any  
7 applications or complaints, as provided for in sections 11 and 12  
8 **[hereof]** of P.L.1951, c.138 (C.30:4C-11 and C.30:4C-12), it shall  
9 appear that there is a person legally responsible for the support of  
10 the child who is willing and able to provide the care and support  
11 required by **[such]** the child; or it shall appear that the needs of the  
12 child can properly be provided for by financial assistance as made  
13 available by the laws of this State; then, the **[Bureau of Childrens**  
14 **Services]** Division of Child Protection and Permanency, before  
15 accepting and providing care or custody, shall first make proper  
16 referral of the matter to such legally responsible person, or to the  
17 agency charged with the administration of such financial assistance.  
18 If it shall appear that the welfare of the child is endangered, and that  
19 such condition can be eliminated or ameliorated by making  
20 available to or for **[such]** the child any one or more of whatever  
21 specific services the **[Bureau of Childrens Services]** Division of  
22 Child Protection and Permanency may be authorized, within the  
23 limits of legislative appropriations, to provide for all children in  
24 similar circumstances, the child shall be found eligible for care or  
25 custody, and the **[bureau]** division shall proceed to furnish **[such]**  
26 the services either by direct provision or, if the **[bureau]** division so  
27 determines in the specific case, by purchasing **[such]** services from  
28 any appropriate privately sponsored agency or institution which  
29 complies with whatever rules and regulations, established pursuant  
30 to **[this act]** P.L.1951, c.138 (C.30:4C-1 et seq.), may govern such  
31 arrangements for purchase of service.

32 (cf: P.L.1962, c.197, s.16)

33

34 66. Section 14 of P.L.1951, c.138 (C.30:4C-14) is amended to  
35 read as follows:

36 14. The **[Bureau of Childrens Services]** Division of Child  
37 Protection and Permanency shall give due notice in writing to the  
38 applicant or complainant of the action taken on any application as  
39 provided in sections 11 and 12 **[hereof]** of P.L.1951, c.138  
40 (C.30:4C-11 and C.30:4C-12).

41 (cf: P.L.1962, c.197, s.17)

42

43 67. Section 31 of P.L.1999, c.53 (C.30:4C-15.3) is amended to  
44 read as follows:

45 31. The Division of **[Youth and Family Services]** Child  
46 Protection and Permanency shall not be required to file a petition  
47 seeking the termination of parental rights if:

1 a. The child is being cared for by a relative and a permanent  
2 plan for the child can be achieved without termination of parental  
3 rights;

4 b. The division has documented in the case plan, which shall be  
5 available for court review, a compelling reason for determining that  
6 filing the petition would not be in the best interests of the child; or

7 c. The division is required to provide reasonable efforts to  
8 reunify the family but the division has not provided to the family of  
9 the child, consistent with the time period in the case plan, such  
10 services as the division deems necessary for the safe return of the  
11 child to his home.

12 (cf: P.L.1999, c.53, s.31)

13

14 68. Section 4 of P.L.2000, c.58 (C.30:4C-15.7) is amended to  
15 read as follows:

16 4. a. If a person voluntarily delivers a child who is or appears  
17 to be no more than 30 days old to, and leaves the child at a State,  
18 county or municipal police station and does not express an intent to  
19 return for the child, a State, county, or municipal police officer shall  
20 take the child to the emergency department of a licensed general  
21 hospital in this State and the hospital shall proceed as specified in  
22 subsection b. of this section.

23 b. If a person voluntarily delivers a child who is or appears to  
24 be no more than 30 days old to, and leaves the child at an  
25 emergency department of a licensed general hospital in this State  
26 and does not express an intent to return for the child, or, if a State,  
27 county, or municipal police officer brings a child to a licensed  
28 general hospital under the circumstances set forth in subsection a.  
29 of this section, the hospital shall:

30 (1) take possession of the child without a court order;

31 (2) take any action or provide any treatment necessary to protect  
32 the child's physical health and safety; and

33 (3) no later than the first business day after taking possession of  
34 the child, notify the Division of **【Youth and Family Services】** Child  
35 Protection and Permanency in the Department of Children and  
36 Families that the hospital has taken possession of the child.

37 c. The Division of **【Youth and Family Services】** Child  
38 Protection and Permanency shall assume the care, custody, and  
39 control of the child immediately upon receipt of notice from a  
40 licensed general hospital pursuant to paragraph (3) of subsection b.  
41 of this section. The division shall commence a thorough search of  
42 all listings of missing children to ensure that the relinquished child  
43 has not been reported missing.

44 d. A child for whom the Division of **【Youth and Family**  
45 **Services】** Child Protection and Permanency assumes care, custody,  
46 and control pursuant to subsection c. of this section shall be treated  
47 as a child taken into possession without a court order.

1 e. It shall be an affirmative defense to prosecution for  
2 abandonment of a child that the parent voluntarily delivered the  
3 child to and left the child at, or voluntarily arranged for another  
4 person to deliver the child to and leave the child at, a State, county,  
5 or municipal police station as provided in subsection a. of this  
6 section or the emergency department of a licensed general hospital  
7 in this State as provided in subsection b. of this section. Nothing in  
8 this subsection shall be construed to create a defense to any  
9 prosecution arising from any conduct other than the act of  
10 delivering the child as described herein, and this subsection  
11 specifically shall not constitute a defense to any prosecution arising  
12 from an act of abuse or neglect committed prior to the delivery of  
13 the child to a State, county or municipal police station as provided  
14 in subsection a. of this section or the emergency department of a  
15 licensed general hospital in this State as provided in subsection b.  
16 of this section.

17 f. A State, county, or municipal police officer and the  
18 governmental jurisdiction employing that officer or an employee of  
19 an emergency department of a licensed general hospital in this State  
20 and the hospital employing that person shall incur no civil or  
21 criminal liability for any good faith acts or omissions performed  
22 pursuant to this section.

23 g. Any person who voluntarily delivers a child who is or  
24 appears to be no more than 30 days old to a licensed general  
25 hospital or a police station in accordance with this section shall not  
26 be required to disclose that person's name or other identifying  
27 information or that of the child or the child's parent, if different  
28 from the person who delivers the child to the hospital or police  
29 station, or provide background or medical information about the  
30 child, but may voluntarily do so.

31 (cf: P.L.2006, c.47, s.124)

32

33 69. Section 17 of P.L.1951, c.138 (C.30:4C-17) is amended to  
34 read as follows:

35 17. a. When a petition is filed under section 15 of P.L.1951,  
36 c.138 (C.30:4C-15), by a person, association, or agency other than  
37 the Division of **【Youth and Family Services】** Child Protection and  
38 Permanency, the court, in addition to causing service to be made  
39 upon the parent, parents, guardian, or person having custody and  
40 control of such child in accordance with rules of court, shall also  
41 cause a copy of the petition and notice of the time and place of  
42 hearing to be served on or mailed to the division at least 20 days  
43 before the time of such hearing.

44 b. When a petition is filed under section 15 of P.L.1951, c.138  
45 (C.30:4C-15) by a person, association, or agency, the court shall  
46 cause a copy of the petition to be served upon the absent parent of  
47 the child. The notice shall inform the parent of the purpose of the  
48 action and of the right to file written objections to the guardianship

1 proceedings within 20 days after notice is given in the case of a  
2 resident, and 35 days in the case of a nonresident, of this State.

3 If personal service of the notice cannot be effected because the  
4 whereabouts of an absent parent are unknown, the court shall  
5 determine that an adequate effort has been made to serve notice  
6 upon the parent if the plaintiff has:

7 (1) Sent the notice by regular mail and by certified mail return  
8 receipt requested, to the last known address of the parent;

9 (2) Made a discreet inquiry among any known relatives, friends,  
10 and current or former employers of the parent;

11 (3) Unless otherwise restricted by law, made direct inquiries,  
12 using the party's name and last known or suspected address, to the  
13 local post office, the **【Division of Motor Vehicles】** New Jersey  
14 Motor Vehicle Commission in , but not of, the Department of **【Law**  
15 **and Public Safety】** Transportation, the county welfare agency, the  
16 municipal police department, the Division of State Police in the  
17 Department of Law and Public Safety, the county probation office,  
18 the Department of Corrections, and any other social service or law  
19 enforcement agency known to have had contact with the parent, or  
20 the equivalent agencies in other states, territories, or countries.

21 Failure to receive a response to the inquiries made pursuant to  
22 paragraphs (2) and (3) of this subsection within 45 days shall  
23 constitute a negative response.

24 c. In any case in which the identity of an absent parent cannot  
25 be determined or the known parent of a child is unable or refuses to  
26 identify the other parent, and the court is unable from other  
27 information before the court to identify the other parent, service on  
28 that parent shall be waived by the court.

29 d. Whenever a petition is filed under section 15 of P.L.1951,  
30 c.138 (C.30:4C-15), and there shall be filed with such petition a  
31 statement or statements made under oath and attesting that the best  
32 interests of the child require that he be placed under the  
33 guardianship of the division immediately and pending final hearing,  
34 the court, at a special summary hearing held upon notice to the  
35 division, may make an interlocutory order committing such child to  
36 the division until a final hearing on the petition. Such interlocutory  
37 order shall have the same force and effect as an order of  
38 commitment provided for in section 20 of P.L.1951, c.138  
39 (C.30:4C-20).

40 (cf: P.L.1991, c.275, s.4)

41

42 70. Section 18 of P.L.1951, c.138 (C.30:4C-18) is amended to  
43 read as follows:

44 18. Immediately upon receipt of the copy of a petition served on  
45 or mailed to the **【Bureau of Childrens Services】** Division of Child  
46 Protection and Permanency as provided by section 17 **【hereof】** of  
47 P.L.1951, c.138 (C.30:4C-17), **【such bureau】** the division shall

1 verify such petition and investigate all the facts pertaining to the  
2 eligibility of the child for commitment, and prior to the day set for  
3 hearing shall file with the court a report of its findings. **【Such】** The  
4 report shall show such facts as will assist the court in making a  
5 decision in the matter.

6 (cf: P.L.1962, c.197, s.20)

7

8 71. Section 20 of P.L.1951, c.138 (C.30:4C-20) is amended to  
9 read as follows:

10 20. If upon the completion of **【such】** the hearing the court is  
11 satisfied that the best interests of **【such】** the child require that **【he】**  
12 the child be placed under proper guardianship, **【such】** the court  
13 shall make an order terminating parental rights and committing  
14 **【such】** the child to the guardianship and control of the Division of  
15 **【Youth and Family Services】** Child Protection and Permanency,  
16 and **【such】** the child shall thereupon become the legal ward of the  
17 division, which shall be the legal guardian of **【such】** the child for  
18 all purposes, including the placement of **【such】** the child for  
19 adoption.

20 If the court shall have made an interlocutory order as provided in  
21 section 17 of P.L.1951, c.138 (C.30:4C-17), but at the final hearing  
22 a further order of commitment shall not be made as provided in this  
23 section, the Division of **【Youth and Family Services】** Child  
24 Protection and Permanency shall return the child forthwith to the  
25 parent or parents, guardian, or person having had custody of the  
26 child immediately prior to the filing of the petition; provided,  
27 however, that if the return does not ensure the safety of the child or  
28 if the parent or parents, guardian, or person having had custody  
29 cannot be found or, for other reason satisfactory to the court, is  
30 unable to accept the child, the division, upon order of the court,  
31 may place the child with such other person or persons who, at the  
32 time of final hearing, expressed willingness to accept the child, but  
33 **【such】** the order shall in no wise be construed as a grant of custody  
34 or guardianship. In all such cases the interlocutory order shall  
35 continue in full force and effect until the division shall have made  
36 disposition of the child as provided herein or as otherwise provided  
37 by law, but in no case for a period longer than 30 days after the  
38 final hearing.

39 (cf: P.L.1999, c.53, s.32)

40

41 72. Section 21 of P.L.1951, c.138 (C.30:4C-21) is amended to  
42 read as follows:

43 21. The order of the court committing a child to the  
44 guardianship of the **【Bureau of Childrens Services】** Division of  
45 Child Protection and Permanency, shall in no wise be restrictive of  
46 the duties, powers, and authority of **【such bureau】** the division in  
47 the care, custody, placement, welfare, and exclusive guardianship

1 of the child as provided in **[this act]** P.L.1951, c.138 (C.30:4C-1 et  
2 seq.), and **[such bureau]** the division shall be removed as **[such]**  
3 the guardian only by a court of competent jurisdiction upon charges  
4 preferred and upon good cause shown after an opportunity to be  
5 heard.

6 (cf: P.L.1962, c.197, s.22)

7

8 73. Section 23 of P.L.1951, c.138 (C.30:4C-23) is amended to  
9 read as follows:

10 23. In addition to the methods otherwise provided in this article  
11 for establishing guardianship by the **[Bureau of Childrens Services]**  
12 Division of Child Protection and Permanency, and when necessary  
13 to carry out the provisions of **[this act]** P.L.1951, c.138 (C.30:4C-1  
14 et seq.), the **[Bureau of Childrens Services]** Division of Child  
15 Protection and Permanency, after due investigation and  
16 consideration, may, in cases where it would be to the permanent  
17 advantage of the child, take voluntary surrenders and releases of  
18 custody and consents to adoption from the parent, parents,  
19 guardians, or other persons or agencies having the right or authority  
20 to give such surrenders, releases, or consents. Such surrenders,  
21 releases, or consents, when properly acknowledged before a person  
22 authorized to take acknowledgments of proofs in the State of New  
23 Jersey, shall be valid and binding irrespective of the age of the  
24 person giving the same, and shall be irrevocable except at the  
25 discretion of the **[Bureau of Childrens Services]** Division of Child  
26 Protection and Permanency or upon order of a court of competent  
27 jurisdiction.

28 (cf: PL.1962, c.197, s.24)

29

30 74. Section 24 of P.L.1951, c.138 (C.30:4C-24) is amended to  
31 read as follows:

32 24. Whenever the director of welfare of any county or  
33 municipality in this State shall be called upon to serve any child  
34 whose needs cannot properly be provided for by financial assistance  
35 as made available by the laws of this State, **[such]** the director  
36 shall, within 24 hours thereafter, give written notice thereof to the  
37 **[Bureau of Childrens Services]** Division of Child Protection and  
38 Permanency, and shall file an application for care or custody, as  
39 provided in section 11 of **[this act]** P.L.1951, c.138 (C.30:4C-11),  
40 or shall file a complaint as provided in section 12 of **[this act]**  
41 P.L.1951, c.138 (C.30:4C-12), or shall file a petition as provided in  
42 section 15 of **[this act]** P.L.1951, c.138 (C.30:4C-15), as the  
43 situation of the child may require. **[Such]** The notice shall contain  
44 all available information concerning the child and **[his]** the child's  
45 circumstances, which will enable the **[Bureau of Childrens**  
46 **Services]** Division of Child Protection and Permanency to take  
47 proper action. If the immediate needs of the child so require, the

1 director shall provide for **his** the child's care in a suitable place,  
2 approved with reasonable promptness for that purpose by the  
3 **bureau** division, paying therefor as a charge against county or  
4 municipal funds until such time as the child has been found eligible  
5 for care, custody, or guardianship in accordance with the provisions  
6 of **this act** P.L.1951, c.138 (C.30:4C-1 et seq.).

7 (cf: P.L.1962, c.197, s.25)

8

9 75. Section 25 of P.L.1951, c.138 (C.30:4C-25) is amended to  
10 read as follows:

11 25. The **Bureau of Childrens Services** Division of Child  
12 Protection and Permanency, by its agent or agents, shall regularly  
13 visit all children under its care, custody, or guardianship under the  
14 provisions of **this act** P.L.1951, c.138 (C.30:4C-1 et seq.) in  
15 order to assure the maximum benefit from such services.

16 (cf: P.L.1962, c.197, s.26)

17

18 76. Section 3 of P.L.2010, c.69 (C.30:4C-26b) is amended to  
19 read as follows:

20 3. a. Whenever the Division of **Youth and Family Services**  
21 Child Protection and Permanency in the Department of Children  
22 and Families places any child in a resource family home, including  
23 a change in a placement following the initial placement, there shall  
24 be a presumption that the child shall remain in the school currently  
25 attended by the child and the child shall remain in that school,  
26 pending a best interest determination as set forth in subsection c. of  
27 this section, unless the division determines that the circumstances  
28 provided in subsection b. of this section are present.

29 b. If the division determines that remaining in the present  
30 school is not in the best interest of the child upon consideration of  
31 the best interest factors listed in subsection f. of this section, and  
32 would present significant safety concerns or otherwise be a  
33 significant and immediate detriment to the child, the child may be  
34 immediately enrolled in the school district in which the resource  
35 family home is located. If the division enrolls the child in the  
36 school district in which the resource family home is located,  
37 pursuant to this subsection, the division shall, within two business  
38 days of taking such action, provide notice to the child's law  
39 guardian and a parent or legal guardian, of the new school  
40 placement and the basis for such action. If the division determines  
41 there exists a credible safety issue for the child if the location of the  
42 school in the resource family's district is disclosed to the parent or  
43 legal guardian, the division shall not include the location of that  
44 school or other information about the identity of the school in the  
45 notice to the parent or legal guardian.

46 c. Except as provided in subsection b. of this section, within  
47 five business days of placement in a resource family home, the

1 division shall make a determination, upon consideration of the best  
2 interest factors listed in subsection f. of this section, whether the  
3 presumption that the child continue to attend the school that the  
4 child currently attends is outweighed by the best interest factors  
5 supporting placement in the school district in which the resource  
6 family home is located.

7 In making that determination, the division shall make reasonable  
8 efforts to consult with a parent or guardian of the child, the child,  
9 the child's law guardian, a representative from the school the child  
10 attended at the time of removal, and any school district under  
11 consideration for placement.

12 d. If the division's determination, pursuant to subsection c. of  
13 this section, is that it is in the best interest of the child to enroll the  
14 child in the school district in which the resource family home is  
15 located, the determination shall remain preliminary pending the  
16 completion of the requirements of this subsection. If the division's  
17 determination is consistent with the presumption established  
18 pursuant to subsection a. of this section, the determination shall be  
19 deemed conclusive at the time the determination is made.

20 (1) The division shall immediately transmit a written notice to  
21 the child's law guardian and a parent or legal guardian of the child:  
22 (a) advising of the preliminary determination; (b) providing the  
23 basis for the preliminary determination; and (c) that the preliminary  
24 determination shall be deemed conclusive if the division does not  
25 receive notice that an application pursuant to this subsection has  
26 been made with the court by the date indicated on the notice, which  
27 date shall be five business days from the date the notice is  
28 transmitted by the division.

29 The child shall remain enrolled in his current school at least until  
30 the time allotted to seek a court review of the preliminary  
31 determination is exhausted.

32 (2) Any party may make an application with the court seeking a  
33 review of whether the division's preliminary determination is in the  
34 best interest of the child upon consideration of the best interest  
35 factors listed in subsection f. of this section within the time allotted  
36 by the division as specified in the division's notice, which date shall  
37 be five business days from the date the notice is transmitted by the  
38 division, unless the child's law guardian, on behalf of the child, and  
39 a parent or legal guardian of the child agrees, in writing, to waive  
40 the opportunity for a court review of the preliminary determination  
41 pursuant to this subsection, in which case the determination  
42 becomes conclusive.

43 Any party who makes an application for court review of the  
44 preliminary determination pursuant to this subsection shall provide  
45 simultaneous notice to the division and all other parties involved in  
46 the division's complaint for custody and guardianship. The court  
47 shall hear and decide such application in an expedited manner. In  
48 any such proceedings, the division shall bear the burden of proof,



1 based on a preponderance of the evidence, that its determination to  
2 enroll the child in the school district in which the resource family  
3 home is located is in the best interest of the child.

4 If a party makes an application for court review of the division's  
5 preliminary determination pursuant to this subsection, the child  
6 shall continue to attend his current school while the court hears and  
7 decides the application.

8 (3) If the division does not receive timely notice pursuant to  
9 paragraph (2) of this subsection that an application has been made  
10 for court review within five business days of the transmittal date of  
11 the notice of the preliminary determination, the preliminary  
12 determination shall be deemed conclusive and the division shall  
13 implement its determination as provided in subsection g. of this  
14 section.

15 e. (1) At any time during placement of a child in a resource  
16 family home, the court may, upon application by any party to the  
17 division's complaint for custody or guardianship, review the child's  
18 school placement upon consideration of the best interest factors  
19 listed in subsection f. of this section, and make appropriate orders  
20 regarding school placement.

21 (2) At any time during placement in a resource family home, the  
22 division may reconsider the child's school placement and make a  
23 new determination in accordance with subsection b. or c. and d. of  
24 this section, upon consideration of the best interest factors listed in  
25 subsection f. of this section.

26 f. The factors the division and the court shall consider in  
27 making a best interest determination, as provided in this section,  
28 shall include, but not be limited to:

29 (1) safety considerations;

30 (2) the proximity of the resource family home to the child's  
31 present school;

32 (3) the age and grade level of the child as it relates to the other  
33 best interest factors listed in this subsection;

34 (4) the needs of the child, including social adjustment and  
35 wellbeing;

36 (5) the child's preference;

37 (6) the child's performance, continuity of education, and  
38 engagement in the school the child presently attends;

39 (7) the child's special education programming if the child is  
40 classified;

41 (8) the point of time in the school year;

42 (9) the child's permanency goal and the likelihood of  
43 reunification;

44 (10) the anticipated duration of the current placement; and

45 (11) such other factors as provided by regulation of the  
46 Commissioner of Children and Families.

47 g. At the time a determination becomes conclusive or upon any  
48 subsequent decision by the court, the child shall either continue to

1 be enrolled in his current school or shall be immediately enrolled in  
2 the new school district, and the mandated student record shall be  
3 provided to the new school district in accordance with applicable  
4 regulations of the State Board of Education.

5 h. The division shall provide transportation for the child to  
6 attend school during the time that a determination is being made or  
7 while a court review is pending as to where the child will attend  
8 school and for the subsequent five school days. At such time as a  
9 determination is made by the division or a decision is rendered by  
10 the court, the division shall immediately notify the school district  
11 where the child is currently attending school, the school district of  
12 residence, and the school district where the resource family home is  
13 located, as applicable.

14 The district of residence shall be responsible for transportation  
15 for the child to attend school, within five days of being notified by  
16 the division where the child will attend school.

17 i. Nothing in this section shall be construed to require any  
18 public entity to fund students placed in nonpublic schools by their  
19 parents or guardians.

20 j. Notwithstanding the provisions of this section, the division  
21 shall not be required to identify the school where the child is or will  
22 be enrolled to a parent or legal guardian, if the release of such  
23 information would pose a risk to the safety of the child.

24 (cf: P.L.2010, c.69, s.3)

25

26 77. Section 1 of P.L.1962, c.137 (C.30:4C-26.1) is amended to  
27 read as follows:

28 1. As used in **[this act]** P.L.1962, c.137 (C.30:4C-26.1 et seq.)  
29 "resource family home" means and includes private residences  
30 wherein any child in the care, custody, or guardianship of the  
31 Department of Children and Families may be placed by the  
32 department, or with its approval, for care, and shall include any  
33 private residence maintained by persons with whom any **[such]**  
34 child is placed by the Division of **[Youth and Family Services]**  
35 Child Protection and Permanency for the purpose of adoption until  
36 the adoption is finalized.

37 (cf: P.L.2006, c.47, s.131)

38

39 78. Section 2 of P.L.1962, c.137 (C.30:4C-26.2) is amended to  
40 read as follows:

41 2. The Division of **[Youth and Family Services]** Child  
42 Protection and Permanency, shall establish and maintain, within the  
43 limits of available appropriations, child care shelters in **[such]**  
44 numbers and at **[such]** locations throughout the State as the  
45 Commissioner of Children and Families shall deem to be necessary.

46 (cf: P.L. 2006, c.47, s.132)

1       79. Section 3 of P.L.1962, c.137 (C.30:4C-26.3) is amended to  
2 read as follows:

3       3. **【Such】** The shelters shall be equipped and used for the  
4 temporary care and supervision of children who are placed in the  
5 care, custody, or guardianship of the Division of **【Youth and**  
6 **Family Services】** Child Protection and Permanency, during the  
7 interim between such placement and placement in a suitable  
8 resource family home. **【Such】** The shelters shall be properly  
9 staffed to provide for child care and supervision and shall contain  
10 the necessary facilities for both physical and psychological  
11 examinations of **【such】** children.

12 (cf: P.L.2004, c.130, s.60)

13

14       80. Section 1 of P.L.1962, c.136 (C.30:4C-26.4) is amended to  
15 read as follows:

16       1. As used in **【this act】** P.L.1962, c.136 (C.30:4C-26.4 et seq.)  
17 "resource family parent" shall mean any person with whom a child  
18 in the care, custody, or guardianship of the Department of Children  
19 and Families is placed by the department, or with its approval, for  
20 care and shall include any person with whom a child is placed by  
21 the Division of **【Youth and Family Services】** Child Protection and  
22 Permanency for the purpose of adoption until the adoption is  
23 finalized.

24 (cf: P.L.2006, c.47, s.133)

25

26       81. Section 2 of P.L.1962, c.136 (C. 30:4C-26.5) is amended to  
27 read as follows:

28       2. Notwithstanding the provisions of any other law or any rule  
29 or regulation of the Division of **【Youth and Family Services】** Child  
30 Protection and Permanency, no agreement entered into between the  
31 division and any resource family parent for the care of any child in  
32 the care, custody, or guardianship of the division shall contain any  
33 provision prohibiting the adoption of any child by the resource  
34 family parent.

35 (cf: P.L.2004, c.130, s.62)

36

37       82. Section 1 of P.L.1962, c.139 (C.30:4C-26.6) is amended to  
38 read as follows:

39       1. As used in **【this act】** P.L.1962, c.139 (C.30:4C-26.6 et seq.)  
40 "resource family parent" shall mean any person with whom a child  
41 in the care, custody, or guardianship of the Department of Children  
42 and Families is placed by the department, or with its approval, for  
43 care and shall include any person with whom a child is placed by  
44 the Division of **【Youth and Family Services】** Child Protection and  
45 Permanency for the purpose of adoption until the adoption is  
46 finalized.

47 (cf: P.L.2006, c.47, s.134)

1       83. Section 2 of P.L.1962, c.139 (C.30:4C-26.7) is amended to  
2 read as follows:

3       2. Any person, who, as a resource family parent, has cared for  
4 a child continuously for a period of 15 months or more, may apply  
5 to the Division of **【Youth and Family Services】** Child Protection  
6 and Permanency, for the placement of the child with them for the  
7 purpose of adoption and if the child is eligible for adoption, the  
8 division shall give preference and first consideration to their  
9 application over all other applications for adoption placements.  
10 (cf: P.L.2004, c.130, s.64)

11

12       84. Section 1 of P.L.1985, c.396 (C.30:4C-26.8) is amended to  
13 read as follows:

14       1. a. A person, in addition to meeting other requirements as  
15 may be established by the Department of Children and Families,  
16 shall become a resource family parent or eligible to adopt a child  
17 only upon the completion of an investigation to ascertain if there is  
18 a State or federal record of criminal history for the prospective  
19 adoptive or resource family parent or any other adult residing in the  
20 prospective parent's home. The investigation shall be conducted by  
21 the Division of State Police in the Department of Law and Public  
22 Safety and shall include an examination of its own files and the  
23 obtaining of a similar examination by federal authorities.

24       b. If the prospective resource family parent or any adult  
25 residing in the prospective parent's home has a record of criminal  
26 history, the Department of Children and Families shall review the  
27 record with respect to the type and date of the criminal offense and  
28 make a determination as to the suitability of the person to become a  
29 resource family parent or the suitability of placing a child in that  
30 person's home, as the case may be.

31       c. For the purposes of this section, a conviction for one of the  
32 offenses enumerated in subsection d. or e. of this section has  
33 occurred if the person has been convicted under the laws of this  
34 State or any other state or jurisdiction for an offense that is  
35 substantially equivalent to the offenses enumerated in these  
36 subsections.

37       d. A person shall be disqualified from being a resource family  
38 parent or shall not be eligible to adopt a child if that person or any  
39 adult residing in that person's household ever committed a crime  
40 which resulted in a conviction for:

41       (1) a crime against a child, including endangering the welfare of  
42 a child and child pornography pursuant to N.J.S.2C:24-4; or child  
43 abuse, neglect, or abandonment pursuant to R.S.9:6-3;

44       (2) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
45 to N.J.S.2C:11-4;

46       (3) aggravated assault which would constitute a crime of the  
47 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

48       (4) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

1 (5) kidnapping and related offenses including criminal restraint;  
2 false imprisonment; interference with custody; criminal coercion; or  
3 enticing a child into a motor vehicle, structure, or isolated area  
4 pursuant to N.J.S.2C:13-1 through 2C:13-6;

5 (6) sexual assault, criminal sexual contact, or lewdness pursuant  
6 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

7 (7) robbery which would constitute a crime of the first degree  
8 pursuant to N.J.S.2C:15-1;

9 (8) burglary which would constitute a crime of the second  
10 degree pursuant to N.J.S.2C:18-2;

11 (9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
12 et seq.);

13 (10) endangering the welfare of an incompetent person pursuant  
14 to N.J.S.2C:24-7 or endangering the welfare of an elderly or  
15 disabled person pursuant to N.J.S.2C:24-8;

16 (11) terrorist threats pursuant to N.J.S.2C:12-3;

17 (12) arson pursuant to N.J.S.2C:17-1, or causing or risking  
18 widespread injury or damage which would constitute a crime of the  
19 second degree pursuant to N.J.S.2C:17-2; or

20 (13) an attempt or conspiracy to commit an offense listed in  
21 paragraphs (1) through (12) of this subsection.

22 e. A person shall be disqualified from being a resource family  
23 parent if that person or any adult residing in that person's household  
24 was convicted of one of the following crimes and the date of release  
25 from confinement occurred during the preceding five years:

26 (1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;

27 (2) aggravated assault which would constitute a crime of the  
28 fourth degree pursuant to subsection b. of N.J.S.2C:12-1;

29 (3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1  
30 et seq.);

31 (4) robbery which would constitute a crime of the second degree  
32 pursuant to N.J.S.2C:15-1;

33 (5) burglary which would constitute a crime of the third degree  
34 pursuant to N.J.S.2C:18-2; or

35 (6) an attempt or conspiracy to commit an offense listed in  
36 paragraphs (1) through (5) of this subsection.

37 For the purposes of this subsection, the "date of release from  
38 confinement" means the date of termination of court-ordered  
39 supervision through probation, parole, or residence in a correctional  
40 facility, whichever date occurs last.

41 For purposes of this section, "resource family parent" means any  
42 person with whom a child in the care, custody, or guardianship of  
43 the Department of Children and Families is placed by the  
44 department, or with its approval, for care and shall include any  
45 person with whom a child is placed by the Division of **[Youth and  
46 Family Services]** Child Protection and Permanency for the purpose  
47 of adoption until the adoption is finalized.

48 (cf: P.L.2006, c.47, s.135)

1 85. Section 1 of P.L.1989, c.21 (C.30:4C-26.9) is amended to  
2 read as follows:

3 1. The Department of Children and Families may grant  
4 approval to a prospective resource family parent for a period not to  
5 exceed six months, upon completion of the State portion of the  
6 criminal history record investigation required pursuant to P.L.1985,  
7 c.396 (C.30:4C-26.8), pending completion and review of the federal  
8 portion of the criminal history record investigation required  
9 pursuant to that act, if: (1) the State portion of the criminal history  
10 record investigation indicates no information which would  
11 disqualify the person, (2) the prospective resource family parent and  
12 any adult residing in the prospective resource family parent's home  
13 submit a sworn statement to the Department of Children and  
14 Families attesting that the person does not have a record of criminal  
15 history which would disqualify the person, and (3) there is  
16 substantial compliance with department standards for resource  
17 family homes indicating there is no risk to a child's health or safety.

18 For purposes of this section, "resource family parent" means any  
19 person with whom a child in the care, custody, or guardianship of  
20 the Department of Children and Families is placed by the  
21 department, or with its approval, for care and shall include any  
22 person with whom a child is placed by the Division of **[Youth and  
23 Family Services]** Child Protection and Permanency for the purpose  
24 of adoption until the adoption is finalized.

25 (cf: P.L.2006, c.47, s.136)

26

27 86. Section 1 of P.L.2010, c.98 (C.30:4C-26.20) is amended to  
28 read as follows:

29 1. a. Notwithstanding any other provision of law to the  
30 contrary, if a minor is placed in a resource family home, group  
31 home, or institution, pursuant to section 26 of P.L.1951, c.138  
32 (C.30:4C-26), and is pregnant, becomes pregnant, or gives birth to a  
33 child while in the placement, the Division of **[Youth and Family  
34 Services]** Child Protection and Permanency in the Department of  
35 Children and Families shall provide or arrange for the provision of  
36 services to ensure that the minor and her child remain together as a  
37 family unit.

38 b. A Division of **[Youth and Family Services]** Child Protection  
39 and Permanency caseworker shall develop and implement a  
40 permanency plan for the minor and her child that will enable the  
41 minor to provide a safe and stable home for her child, and shall not  
42 limit the minor's legal right to make decisions regarding the care,  
43 custody, and supervision of her child. The plan shall address, but  
44 shall not be limited to, the following areas:

45 (1) counseling and advocacy services;

46 (2) information about and referral to physicians, certified nurse  
47 midwives, and other health care professionals providing prenatal  
48 care;

1 (3) medical care, including hospital, maternity, postnatal, and  
2 preventive pediatric services; and

3 (4) maintenance services, including, clothing, food, housing,  
4 and financial assistance.

5 c. If, as a result of the minor's pregnancy or birth of her child,  
6 the minor's current placement is no longer available, is  
7 inappropriate, or could result in harm to the minor or her child, the  
8 caseworker shall locate and place the minor and her child together  
9 in a substitute living arrangement.

10 d. The Division of **【Youth and Family Services】** Child  
11 Protection and Permanency shall not be required to arrange or  
12 provide for services to the minor and her child pursuant to  
13 subsection a. of this section, if the division has reasonable cause to  
14 believe that the minor's child has been subjected to child abuse or  
15 acts of child abuse or neglect by the minor.

16 e. For purposes of this section, "minor" means a person 21  
17 years of age or younger who is under the care and supervision or  
18 custody of the Division of **【Youth and Family Services】** Child  
19 Protection and Permanency pursuant to section 12 of P.L.1951,  
20 c.138 (C.30:4C-12).

21 (cf: P.L.2010, c.98, s.1)

22

23 87. Section 1 of P.L.1962, c.135 (C.30:4C-27.1) is amended to  
24 read as follows:

25 1. As used in **【this act】** P.L.1962, c.135 (C.30:4C-27.1 et seq.)  
26 "resource family parent" shall mean any person with whom a child  
27 in the care, custody, or guardianship of the Department of Children  
28 and Families is placed by the department, or with its approval, for  
29 care and shall include any person with whom a child is placed by  
30 the Division of **【Youth and Family Services】** Child Protection and  
31 Permanency for the purpose of adoption until the adoption is  
32 finalized.

33 (cf: P.L.2006, c.47, s.137)

34

35 88. Section 2 of P.L.1962, c.135 (C.30:4C-27.2) is amended to  
36 read as follows:

37 2. Notwithstanding the provision of any other law, the  
38 maintenance of a clothing warehouse and distribution center for the  
39 distribution of clothing to children in the care, custody, or  
40 guardianship of the Division of **【Youth and Family Services】** Child  
41 Protection and Permanency, shall be discontinued and in lieu  
42 thereof the division shall increase the monthly allowance payable to  
43 any resource family parent caring for any of the children in a  
44 sufficient amount to enable the resource family parent to purchase  
45 the necessary clothing items required by the children from the local  
46 merchants of the locality wherein the resource family parent  
47 resides.

48 (cf: P.L.2004, c.130, s.69)

1 89. Section 3 of P.L.2001, c.419 (C.30:4C-27.5) is amended to  
2 read as follows:

3 3. As used in **[this act]** P.L.2001, c.419 (C.30:4C-27.3 et seq.):

4 "Child" means a person who: is either under the age of 18 or  
5 meets the criteria set forth in subsection f. of section 2 of P.L.1972,  
6 c.81 (C.9:17B-2); and is under the care or custody of the division or  
7 another public or private agency authorized to place children in  
8 New Jersey.

9 "Commissioner" means the Commissioner of Children and  
10 Families.

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

12 "Division" means the Division of **[Youth and Family Services]**  
13 Child Protection and Permanency in the Department of Children  
14 and Families.

15 "Resource family home" or "home" means a private residence,  
16 other than a children's group home or shelter home, in which board,  
17 lodging, care, and temporary out-of-home placement services are  
18 provided by a resource family parent on a 24-hour basis to a child  
19 under the auspices of the division or any public or private agency  
20 authorized to place children in New Jersey.

21 "Resource family parent" means a person who has been licensed  
22 pursuant to **[this act]** P.L.2001, c.419 to provide resource family  
23 care to five or fewer children, including a child who has been  
24 placed by the division with the person for the purpose of adoption,  
25 except that the department may license a resource family parent to  
26 provide care for more than five children, if necessary, to keep  
27 sibling groups intact or to serve the best interests of the children in  
28 the home.

29 "License" means a document issued by the department to a  
30 person who meets the requirements of **[this act]** P.L.2001, c.419 to  
31 provide resource family care to children in the person's home.  
32 (cf: P.L.2006, c.47, s.138)

33

34 90. Section 1 of P.L.2003, c.186 (C.30:4C-27.16) is amended to  
35 read as follows:

36 1. As used in sections 1 through 6 and 8 through 11 of **[this**  
37 **act]** P.L.2003, c.186 (C.30:4C-27.16 et al.):

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

39 "Division" means the Division of **[Youth and Family Services]**  
40 Child Protection and Permanency in the Department of Children  
41 and Families.

42 "Residential child care facility" or "facility" means any public or  
43 private establishment subject to the regulatory authority of the  
44 department that provides room, board, care, shelter, or treatment  
45 services for children on a 24-hour-a-day basis. The term shall  
46 include: residential facilities operated by or under contract or  
47 agreement with the division to serve 13 or more children with



1 emotional or behavioral problems as defined pursuant to section 2  
2 of P.L.1951, c.138 (C.30:4C-2); State-operated children's  
3 psychiatric facilities providing inpatient treatment; group homes,  
4 treatment homes, teaching family homes, alternative care homes,  
5 and supervised transitional living homes operated by or under  
6 contract or agreement with the division to serve 12 or fewer  
7 children with emotional or behavioral problems as defined pursuant  
8 to N.J.A.C.10:128-1.2; and shelter care facilities and homes,  
9 including shelters serving children in juvenile-family crisis and in  
10 need of temporary shelter care, as defined pursuant to section 3 of  
11 P.L.1982, c.77 (C.2A:4A-22).

12 "Staff member" means an individual 18 years of age or older  
13 who is an administrator of, employed by, or works in a facility on a  
14 regularly scheduled basis during the facility's operating hours,  
15 including full-time, part-time, voluntary, contract, consulting, and  
16 substitute staff, whether compensated or not.

17 (cf: P.L.2006, c.47, s.139)

18

19 91. Section 28 of P.L.1951, c.138 (C.30:4C-28) is amended to  
20 read as follows:

21 28. The **【Bureau of Childrens Services】** Division of Child  
22 Protection and Permanency may at any time discharge from its care,  
23 custody, or guardianship any child, if in the opinion of **【such**  
24 **bureau】** the division the best interests of the child will be promoted  
25 thereby.

26 (cf: P.L.1962, c.197, s.29)

27

28 92. Section 29 of P.L.1951, c.138 (C.30:4C-29) is amended to  
29 read as follows:

30 29. Subject to the provisions of section 30 **【hereof】** of P.L.1951,  
31 c.138 (C.30:4C-30), payments for maintenance shall be made by the  
32 **【Bureau of Childrens Services】** Division of Child Protection and  
33 Permanency.

34 The **【Bureau of Childrens Services】** Division of Child Protection  
35 and Permanency is hereby empowered to receive from the State  
36 Treasurer and from the county treasurer of each county such sums  
37 as shall be appropriated for the purposes of **【this act】** P.L.1951,  
38 c.138 (C.30:4C-1 et seq.), and shall cause such sums to be set up  
39 in a special account or accounts subject to disbursement by the  
40 **【Bureau of Childrens Services】** Division of Child Protection and  
41 Permanency.

42 (cf: P.L.1962, c.197, s.30)

43

44 93. Section 1 of P.L.1962, c.142 (C.30:4C-29.1) is amended to  
45 read as follows:

46 1. a. In any case in which the Department of Children and  
47 Families, through the Division of **【Youth and Family Services】**

1 Child Protection and Permanency, is providing care or custody for  
2 any child when the child is in a resource family home, any legally  
3 responsible person of the child, if of sufficient financial ability, is  
4 liable for the full costs of maintenance of the child incurred by the  
5 division. If the legally responsible person is of insufficient  
6 financial ability, the person is liable in an amount which a court of  
7 competent jurisdiction directs according to a scheduled rate  
8 approved by the division. Nothing contained herein shall prevent  
9 the legally responsible person from voluntarily executing an  
10 agreement for payment to the division for the costs of maintenance  
11 of the child receiving care or custody when the child is in a resource  
12 family home.

13 b. The division shall have a lien against the property of the  
14 legally responsible person in an amount equal to the amount to be  
15 paid, which lien shall have priority over all unrecorded  
16 encumbrances.

17 c. If the legally responsible person fails to reimburse the  
18 department, through the division, for the costs of maintenance of a  
19 child incurred by the division when the child is in a resource family  
20 home, a court of competent jurisdiction, upon the complaint of the  
21 Commissioner of Children and Families, may summon the legally  
22 responsible person and other witnesses, and may order the legally  
23 responsible person to pay an amount to the department, according to  
24 a scheduled rate approved by the division.

25 d. In any case in which the department, through the division,  
26 has agreed to provide youth facilities aid to a public, private, or  
27 voluntary agency pursuant to **[this act] P.L.1962, c.142 (C.30:4C-**  
28 **29.1 et seq.)**, the division shall have a lien against the property of  
29 any person, persons, or agency so contracting, in an amount equal  
30 to the amount or amounts so contracted to be paid, which lien shall  
31 have priority over all unrecorded encumbrances. **[Such] The** lien  
32 shall be reduced for each year of service provided by the agency at  
33 a rate to be negotiated by the division and the agency, but in no case  
34 more than 20% a year; provided, however, that annual reductions  
35 shall not exceed \$10,000.

36 (cf: P.L.2006, c.47, s.140)

37

38 94. Section 32 of P.L.1951, c.138 (C.30:4C-32) is amended to  
39 read as follows:

40 32. Whenever a child receiving care, custody, or guardianship as  
41 provided by **[this act] P.L.1951, c.138 (C.30:4C-1 et seq.)** has died,  
42 and an investigation by the Division of **[Youth and Family**  
43 **Services] Child Protection and Permanency** discloses that there are  
44 insufficient funds from any other source to provide proper burial,  
45 **[such] the** division shall authorize the expenditure of an amount  
46 reasonably necessary to provide proper burial for **[such] the** child,  
47 and **[such] the** amount shall be a proper charge against State funds,

1 within the limits of available appropriations, in the same manner  
2 and extent as expenditures for maintenance.

3 The amount reasonably necessary to provide proper burial shall  
4 be determined by the average cost for a proper burial and funeral  
5 charged by funeral directors in the locality in which the child is  
6 buried.

7 (cf: P.L.1990, c.66, s.5)

8

9 95. Section 33 of P.L.1951, c.138 (C.30:4C-33) is amended to  
10 read as follows:

11 33. The **【Bureau of Childrens Services】** Division of Child  
12 Protection and Permanency may compromise and settle any claim  
13 due or which may become due **【such bureau】** the division for  
14 reimbursement of moneys paid to any individual or organization for  
15 maintenance of a child. A memorandum of the compromise and  
16 settlement shall be entered in the official records of the **【bureau】**  
17 division.

18 (cf: P.L.1962, c.197, s.34)

19

20 96. Section 34 of P.L.1951, c.138 (C.30:4C-34) is amended to  
21 read as follows:

22 34. Whenever the **【Bureau of Childrens Services】** Division of  
23 Child Protection and Permanency shall recover or receive  
24 reimbursement of any moneys paid to any individual or  
25 organization for the maintenance of a child, the moneys so  
26 recovered or received shall be credited to the State treasury or to the  
27 Federal Government in the same proportion as they were charged in  
28 the original instance. The **【Bureau of Childrens Services】** division  
29 is hereby authorized to take all necessary and proper action under  
30 the laws of this State for the recovery of any **【such】** moneys  
31 wrongfully received or retained by any individual or organization,  
32 or for the recovery from the person or persons responsible under the  
33 laws of this State for the support of **【such】** the child the value of  
34 maintenance furnished to **【such】** the child.

35 (cf: P.L.1962, c.197, s.35)

36

37 97. Section 35 of P.L.1951, c.138 (C.30:4C-35) is amended to  
38 read as follows:

39 35. The **【Bureau of Childrens Services】** Division of Child  
40 Protection and Permanency is authorized to retain any voluntary  
41 contributions of money heretofore received by it, and to receive  
42 future contributions. All **【such】** contributions, whether already  
43 received or hereafter received, shall be kept in a separate fund, and  
44 shall be used only upon order of the **【bureau】** division for the  
45 purposes for which the contributions were made, and **【such】** the  
46 funds shall be in the custody and control of the **【Bureau of**  
47 **Childrens Services】** division; provided, however, that any **【such】**

1 contribution made to the **【bureau】** division, the original purpose of  
2 which is no longer practicable or possible of achievement, may be  
3 used by the **【bureau】** division, at its discretion, for the general  
4 benefit and welfare of children under its supervision.

5 (cf: P.L.1962, c.197, s.36)

6  
7 98. Section 36 of P.L.1951, c.138 (C.30:4C-36) is amended to  
8 read as follows:

9 36. On application in writing by the **【Bureau of Childrens**  
10 **Services】** Division of Child Protection and Permanency, the State  
11 Treasurer on warrant of the Director of the Division of Budget and  
12 Accounting may pay to the **【bureau】** division from its annual  
13 appropriation such amount not exceeding **【\$5,000.00】** \$5,000 as  
14 may be necessary to establish a petty cash fund for the payment of  
15 traveling expenses and **【such】** other current expenses as require a  
16 prompt cash outlay.

17 The **【Bureau of Childrens Services】** division shall file an  
18 account with vouchers attached showing all expenditures from its  
19 petty cash fund and on receipt of the amount thereof from the State  
20 Treasurer shall reimburse the fund. Any questions with reference to  
21 the allowance, expenditure, accounting, and reimbursement of petty  
22 cash moneys shall be finally determined by ruling of the Director of  
23 the Division of Budget and Accounting.

24 (cf: P.L.1962, c.197, s.37)

25  
26 99. Section 37 of P.L.1951, c.138 (C.30:4C-37) is amended to  
27 read as follows:

28 37. Whenever the **【Bureau of Childrens Services】** Division of  
29 Child Protection and Permanency shall have issued, or shall  
30 hereafter issue, any checks, drafts, or warrants to be paid from  
31 moneys received from the Federal Government, the State, or any  
32 county of this State for the cost of maintenance, and **【such】** the  
33 checks, drafts, or warrants shall not be cashed for a period of **【1】**  
34 one year from the date of issue, the following procedure shall be  
35 taken:

36 (a) The **【Bureau of Childrens Services】** division shall give due  
37 notice to the bank on which **【such】** the checks, drafts, or warrants  
38 were issued that no payment shall be made thereon.

39 (b) The **【Bureau of Childrens Services】** division shall then from  
40 time to time deposit in a special fund moneys in an amount equal to  
41 that represented by **【such】** the checks, drafts, or warrants, which  
42 moneys shall be held for the payments of **【such】** the checks, drafts,  
43 or warrants. **【Such】** The special fund shall be in the custody and  
44 control of the **【Bureau of Childrens Services】** division.

45 (c) The moneys so deposited shall be maintained in **【such】** the  
46 special fund for a period of **【6】** six years from the date of deposit,

1 and, if still unclaimed after that time by anyone having a legal right  
2 thereto, shall be credited to the Federal Government, the State, or  
3 any county of this State in the same proportion as **such** the  
4 moneys were received by the **Bureau of Childrens Services**  
5 division in the original instance.

6 Whenever the **Bureau of Childrens Services** division shall  
7 have credited any moneys to the Federal Government, the State, or  
8 any county of this State pursuant to the provisions of this section, it  
9 shall thereupon be free of all obligations as to those checks, drafts,  
10 or warrants for which such moneys have been held for payment.

11 (cf: P.L.1962, c.197, s.38)

12

13 100. Section 2 of P.L.1962, c.206 (C.30:4C-42) is amended to  
14 read as follows:

15 2. The **Bureau of Childrens Services** Division of Child  
16 Protection and Permanency, is hereby authorized and empowered,  
17 subject to the availability of appropriations therefor, to establish an  
18 Adoption Resource Exchange, the services of which shall be  
19 available only to approved agencies as a further resource to  
20 facilitate placement of children for adoption by and through **such**  
21 the agencies.

22 (cf: P.L.1964, c.102, s.26)

23

24 101. Section 3 of P.L.1962, c.206 (C.30:4C-43) is amended to  
25 read as follows:

26 43. The Adoption Resource Exchange authorized by **this act**  
27 P.L.1962, c.206 (C.30:4C-41 et seq.) shall not itself engage in the  
28 placement of children for adoption nor shall it be construed as a  
29 substitute for other local community resources, whether public or  
30 voluntary. It shall be a facility whereby the **Bureau of Childrens**  
31 **Services** Division of Child Protection and Permanency and other  
32 approved agencies may mutually share and exchange information  
33 concerning children available for adoption and homes available for  
34 the placement of adoptive children.

35 (cf: P.L.1964, c.102, s.27)

36

37 102. Section 4 of P.L.1962, c.206 (C.30:4C-44) is amended to  
38 read as follows:

39 44. The **Bureau of Childrens Services** Division of Child  
40 Protection and Permanency is hereby authorized and empowered to  
41 establish rules, regulations, and procedures necessary to accomplish  
42 the purposes of **this act** P.L.1962, c.206 (C.30:4C-41 et seq.).

43 (cf: P.L.1964, c.102, s.28)

44

45 103. Section 2 of P.L.1973, c.81 (C.30:4C-46) is amended to  
46 read as follows:

1       2. The Division of **【Youth and Family Services】** Child  
2 Protection and Permanency shall make payments to adoptive  
3 parents on behalf of a child placed for adoption by the division  
4 whenever:

5       a. The child because of physical or mental condition, race, age,  
6 or membership in a sibling group, or for any other reason falls into  
7 the category of a child hard to place for adoption;

8       b. The adoptive family is capable of providing the permanent  
9 family relationships needed by the child; and

10       c. Except in situations involving adoption by a child's resource  
11 family parent, there has been a reasonable effort to place the child  
12 in an adoptive setting without providing a subsidy.

13       Payments shall be made on behalf of a child placed for adoption  
14 by the division except that whenever a child who would otherwise  
15 be eligible for subsidy payment is in the care of an approved New  
16 Jersey adoption agency pursuant to P.L.1977, c.367 (C.9:3-37 et  
17 seq.) a child shall, upon application by the agency and satisfaction  
18 of the regular requirements of the adoption subsidy program, be  
19 approved for participation in the adoption subsidy program. In any  
20 case the division may approve payment in subsidization of adoption  
21 for a child without legal transfer of care or custody of the child to  
22 the division. The division shall adopt regulations for administration  
23 of this program with respect to these children, except that all  
24 children are evaluated for eligibility in the same manner as children  
25 already under the care, custody, or guardianship of the division.  
26 (cf: P.L.2004, c.130, s.82)

27  
28       104. Section 4 of P.L.1973, c.81 (C.30:4C-48) is amended to  
29 read as follows:

30       4. Qualification for payments in subsidization of adoption shall  
31 be determined and approved by the Division of **【Youth and Family**  
32 **Services】** Child Protection and Permanency prior to the completion  
33 of the adoption proceeding, and may be redetermined annually  
34 thereafter. No payments shall be made for any child who the  
35 division has determined was brought into this State for the sole  
36 purpose of qualifying for an adoption subsidy pursuant to P.L.1973,  
37 c. 81 (C. 30:4C-45 et seq.).  
38 (cf: P.L.1983, c.484, s.3)

39  
40       105. Section 5 of P.L.1973, c.81 (C.30:4C-49) is amended to  
41 read as follows:

42       5. The Division of **【Youth and Family Services】** Child  
43 Protection and Permanency shall make all necessary rules and  
44 regulations for administering the program for payments in  
45 subsidization of adoptions.  
46 (cf: P.L.1983, c.484, s.4)

1       106. Section 2 of P.L.1977, c.424 (C.30:4C-51) is amended to  
2 read as follows:

3       2. The Legislature declares that it is in the public interest,  
4 whereby the safety of children shall be of paramount concern, to  
5 afford every child placed outside his home by the Division of  
6 **【Youth and Family Services】 Child Protection and Permanency**  
7 with the opportunity for eventual return to **【his】 the child's** home or  
8 placement in an alternative permanent home; that it is the obligation  
9 of the State to promote this end through effective planning and  
10 regular review of each child's placement; and that it is the purpose  
11 of **【this act】 P.L.1977, c.424 (C.30:4C-50 et seq.)** to establish  
12 procedures for both administrative and judicial review of each  
13 child's placement in order to ensure that such placement ensures the  
14 safety and health and serves the best interest of the child.

15 (cf: P.L.1999, c.53, s.37)

16

17       107. Section 3 of P.L.1977, c.424 (C.30:4C-52) is amended to  
18 read as follows:

19       3. As used in **【this act】 P.L.1977, c.424 (C.30:4C-50 et seq.)**,  
20 unless the context indicates otherwise:

21       a. "Child" means any person less than 18 years of age;

22       b. "Child placed outside his home" means a child under the  
23 care, custody, or guardianship of the division who resides in a  
24 resource family home, group home, residential treatment facility,  
25 shelter for the care of abused or neglected children or juveniles  
26 considered as juvenile-family crisis cases, or independent living  
27 arrangement operated by or approved for payment by the division,  
28 or a child who has been placed by the division in the home of a  
29 person who is not related to the child and does not receive any  
30 payment for the care of the child from the division, or a child placed  
31 by the court in juvenile-family crisis cases pursuant to P.L.1982,  
32 c.77 (C.2A:4A-20 et seq.), but does not include a child placed by  
33 the court in the home of a person related to the child who does not  
34 receive any payment from the division for the care of the child;

35       c. "County of supervision" means the county in which the  
36 division has established responsibility for supervision of the child;

37       d. "Division" means the Division of **【Youth and Family  
38 Services】 Child Protection and Permanency** in the Department of  
39 Children and Families;

40       e. "Temporary caretaker" means a resource family parent as  
41 defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4) or a director  
42 of a group home or residential treatment facility;

43       f. "Designated agency" means an agency designated by the  
44 court pursuant to P.L.1982, c.80 (C.2A:4A-76 et seq.) to develop a  
45 family services plan.

46 (cf: P.L.2006, c.47, s.141)

1       108. Section 1 of P.L.1991, c.448 (C.30:4C-53.1) is amended to  
2 read as follows:

3       1. The Legislature finds and declares that it is in the public  
4 interest, whereby the safety of children shall be of paramount  
5 concern, to afford every child placed outside **【his】** the child's home  
6 by the Division of **【Youth and Family Services】** Child Protection  
7 and Permanency in the Department of Children and Families with  
8 permanency through return to **【his】** the child's own home, if the  
9 child can be returned home without endangering the child's health  
10 or safety; through adoption, if family reunification is not possible;  
11 or through an alternative permanent placement, if termination of  
12 parental rights is not appropriate:

13       a. Due to the severity of health and social problems such as  
14 AIDS, drug abuse, and homelessness, the division often works with  
15 families over a period of many years, and the children of these  
16 families often spend a majority of their young lives in resource  
17 family care; and

18       b. Research has shown that the longer children remain in the  
19 resource family care system, the greater number of placements they  
20 experience. As a result of these multiple placements, from birth  
21 family to resource family home, and from one resource family home  
22 to another resource family home, children develop emotional and  
23 psychological problems, making it more difficult for them to  
24 develop a positive self-image; and

25       c. (Deleted by amendment, P.L.2004, c.130).

26       d. The obligation of the State to recognize and protect the  
27 rights of children in the child welfare system should be fulfilled in  
28 the context of a clear and consistent policy which limits the  
29 repeated placement of children in resource family care and  
30 promotes the eventual placement of these children in stable and safe  
31 permanent homes.

32 (cf: P.L.2006, c.47, s.142)

33

34       109. Section 2 of P.L.1991, c.448 (C.30:4C-53.2) is amended to  
35 read as follows:

36       2. For purposes of **【this act】** P.L.1991, c.448 (C.30:4C-53.1 et  
37 seq.), the terms "repeated placement into resource family care" and  
38 "placed again into resource family care" shall apply to a child who  
39 has been placed in the custody of the Division of **【Youth and**  
40 **Family Services】** Child Protection and Permanency for placement  
41 in resource family care by the Family Part of the Chancery Division  
42 of the Superior Court or as a result of a voluntary placement  
43 agreement pursuant to P.L.1974, c.119 (C.9:6-8.21 et seq.), released  
44 into the custody of **【his】** the child's parents or legally responsible  
45 guardian at the conclusion of the placement and is once again  
46 temporarily removed from **【his】** the child's place of residence and



1 placed under the division's care and supervision.

2 (cf: P.L.2004, c.130, s.85)

3

4 110. Section 7 of P.L.2001, c.250 (C.30:4C-84) is amended to  
5 read as follows:

6 7. As used in sections 7 through 10 of P.L.2001, c.250  
7 (C.30:4C-84 et seq.):

8 "Caregiver" means a person over 18 years of age, other than a  
9 child's parent, who has a kinship relationship with the child and has  
10 been providing care and support for the child, while the child has  
11 been residing in the caregiver's home, for either the last 12  
12 consecutive months or 15 of the last 22 months. "Caregiver"  
13 includes a resource family parent as defined in section 1 of  
14 P.L.1962, c.136 (C.30:4C-26.4).

15 "Child" means a person under 18 years of age, except as  
16 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

17 "Commissioner" means the Commissioner of Children and  
18 Families.

19 "Court" means the Superior Court, Chancery Division, Family  
20 Part.

21 "Division" means the Division of **【Youth and Family Services】**  
22 Child Protection and Permanency in the Department of Children  
23 and Families.

24 "Family friend" means a person who is connected to a child or  
25 the child's parent by an established, positive psychological or  
26 emotional relationship that is not a biological or legal relationship.

27 "Kinship caregiver assessment" means a written report prepared  
28 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1  
29 et al.) and pursuant to regulations adopted by the commissioner.

30 "Kinship legal guardian" means a caregiver who is willing to  
31 assume care of a child due to parental incapacity, with the intent to  
32 raise the child to adulthood, and who is appointed the kinship legal  
33 guardian of the child by the court pursuant to P.L.2001, c.250  
34 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible  
35 for the care and protection of the child and for providing for the  
36 child's health, education, and maintenance.

37 "Kinship relationship" means a family friend or a person with a  
38 biological or legal relationship with the child.

39 (cf: P.L.2006, c.47, s.154)

40

41 111. Section 2 of P.L.2005, c.95 (C.30:4C-90) is amended to  
42 read as follows:

43 2. The Legislature finds and declares that:

44 a. An increasing number of relatives in the State, including  
45 grandparents, find themselves providing care on a long-term basis  
46 to children who cannot reside with their parents due to the parent's  
47 incapacity or inability to perform the regular and expected functions  
48 of care and support of the child;

1       b. The State law allows for the appointment of an individual as  
2 a kinship legal guardian; a kinship legal guardian has the same  
3 rights, responsibilities, and authority relating to a child as a birth  
4 parent, with the exception of consenting to the adoption of the child  
5 or a name change for the child, while the birth parent retains the  
6 obligation to pay child support and the right to court-approved  
7 visitation or parenting time with the child;

8       c. ~~['The Department of Human Services and the Department of~~  
9 ~~Children and Families offers a variety of support services and~~  
10 ~~financial aid to kinship legal guardians, which include monthly~~  
11 ~~payments through the federal TANF program, Medicaid eligibility~~  
12 ~~for the child, funding for short-term or one-time expenses, support~~  
13 ~~groups, child support collection, housing assistance, legal services,~~  
14 ~~child care, respite services, and education] (Deleted by amendment,~~  
15 ~~P.L. , c. ) (pending before the Legislature as this bill)<sup>1</sup> ;~~

16       d. The ~~[department]~~ Department of Children and Families has  
17 established the Kinship Navigator program, which is a referral  
18 service designed to help kinship caregivers coordinate the various  
19 government and community resources that may be available to  
20 them; and

21       e. It is appropriate for the State to ensure that individuals who  
22 may be eligible to become kinship legal guardians are aware of the  
23 eligibility requirements for, and the responsibilities of, kinship legal  
24 guardianship, and that both individuals who may be eligible to  
25 become kinship legal guardians and current kinship legal guardians  
26 are aware of the services available to kinship legal guardians in the  
27 State.

28 (cf: P.L.2005, c.95, s.2)

29  
30       <sup>1</sup>112. Section 3 of P.L.2005, c.95 (C.30:4C-91) is amended to  
31 read as follows:

32       3. The Department of ~~[Human Services]~~ Children and  
33 Families shall, in easily understandable language:

34       a. inform individuals, of whom the department is aware, who  
35 may be eligible to become kinship legal guardians of:

36       (1) the eligibility requirements for, and the responsibilities of,  
37 kinship legal guardianship; and

38       (2) the full-range of services for which kinship legal guardians  
39 may be eligible and the eligibility requirements for those services;  
40 and

41       b. inform current kinship legal guardians of the full-range of  
42 services for which kinship legal guardians may be eligible and the  
43 eligibility requirements for those services.<sup>1</sup>

44 (cf: P.L.2005, c.95, s.3)

45  
46       <sup>1</sup>113. Section 4 of P.L.2005, c.95 (C.30:4C-92) is amended to  
47 read as follows:

1       4. The Commissioner of **[Human Services]** Children and  
2 Families shall adopt rules and regulations, pursuant to the  
3 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
4 seq.), to effectuate the purposes of **[this act]** P.L.2005, c.95  
5 (C.30:4C-89 et seq.).<sup>1</sup>  
6 (cf: P.L.2005, c.95, s.4)

7  
8       <sup>1</sup>**[112.] 114.**<sup>1</sup> Section 3 of P.L.1968, c.413 (C.30:4D-3) is  
9 amended to read as follows:

10       3. Definitions. As used in **[this act]** P.L.1968, c.413 (C.30:4D-  
11 1 et seq.), and unless the context otherwise requires:

12       a. "Applicant" means any person who has made application for  
13 purposes of becoming a "qualified applicant."

14       b. "Commissioner" means the Commissioner of Human  
15 Services.

16       c. "Department" means the Department of Human Services,  
17 which is herein designated as the single State agency to administer  
18 the provisions of this act.

19       d. "Director" means the Director of the Division of Medical  
20 Assistance and Health Services.

21       e. "Division" means the Division of Medical Assistance and  
22 Health Services.

23       f. "Medicaid" means the New Jersey Medical Assistance and  
24 Health Services Program.

25       g. "Medical assistance" means payments on behalf of recipients  
26 to providers for medical care and services authorized under **[this**  
27 **act]** P.L.1968, c.413.

28       h. "Provider" means any person, public or private institution,  
29 agency, or business concern approved by the division lawfully  
30 providing medical care, services, goods, and supplies authorized  
31 under **[this act]** P.L.1968, c.413, holding, where applicable, a  
32 current valid license to provide such services or to dispense such  
33 goods or supplies.

34       i. "Qualified applicant" means a person who is a resident of  
35 this State, and either a citizen of the United States or an eligible  
36 alien, and is determined to need medical care and services as  
37 provided under **[this act]** P.L.1968, c.413, with respect to whom  
38 the period for which eligibility to be a recipient is determined shall  
39 be the maximum period permitted under federal law, and who:

40       (1) Is a dependent child or parent or caretaker relative of a  
41 dependent child who would be, except for resources, eligible for the  
42 aid to families with dependent children program under the State  
43 Plan for Title IV-A of the federal Social Security Act as of July 16,  
44 1996;

45       (2) Is a recipient of Supplemental Security Income for the Aged,  
46 Blind and Disabled under Title XVI of the Social Security Act;

- 1 (3) Is an "ineligible spouse" of a recipient of Supplemental  
2 Security Income for the Aged, Blind and Disabled under Title XVI  
3 of the Social Security Act, as defined by the federal Social Security  
4 Administration;
- 5 (4) Would be eligible to receive Supplemental Security Income  
6 under Title XVI of the federal Social Security Act or, without  
7 regard to resources, would be eligible for the aid to families with  
8 dependent children program under the State Plan for Title IV-A of  
9 the federal Social Security Act as of July 16, 1996, except for  
10 failure to meet an eligibility condition or requirement imposed  
11 under such State program which is prohibited under Title XIX of  
12 the federal Social Security Act such as a durational residency  
13 requirement, relative responsibility, consent to imposition of a lien;
- 14 (5) (Deleted by amendment, P.L.2000, c.71).
- 15 (6) Is an individual under 21 years of age who, without regard to  
16 resources, would be, except for dependent child requirements,  
17 eligible for the aid to families with dependent children program  
18 under the State Plan for Title IV-A of the federal Social Security  
19 Act as of July 16, 1996, or groups of such individuals, including but  
20 not limited to, children in resource family placement under  
21 supervision of the Division of **【Youth and Family Services】** Child  
22 Protection and Permanency in the Department of Children and  
23 Families whose maintenance is being paid in whole or in part from  
24 public funds, children placed in a resource family home or  
25 institution by a private adoption agency in New Jersey or children  
26 in intermediate care facilities, including developmental centers for  
27 the developmentally disabled, or in psychiatric hospitals;
- 28 (7) Would be eligible for the Supplemental Security Income  
29 program, but is not receiving such assistance and applies for  
30 medical assistance only;
- 31 (8) Is determined to be medically needy and meets all the  
32 eligibility requirements described below:
- 33 (a) The following individuals are eligible for services, if they  
34 are determined to be medically needy:
- 35 (i) Pregnant women;
- 36 (ii) Dependent children under the age of 21;
- 37 (iii) Individuals who are 65 years of age and older; and
- 38 (iv) Individuals who are blind or disabled pursuant to either 42  
39 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.
- 40 (b) The following income standard shall be used to determine  
41 medically needy eligibility:
- 42 (i) For one person and two person households, the income  
43 standard shall be the maximum allowable under federal law, but  
44 shall not exceed 133 1/3% of the State's payment level to two  
45 person households under the aid to families with dependent children  
46 program under the State Plan for Title IV-A of the federal Social  
47 Security Act in effect as of July 16, 1996; and

1 (ii) For households of three or more persons, the income standard  
2 shall be set at 133 1/3% of the State's payment level to similar size  
3 households under the aid to families with dependent children  
4 program under the State Plan for Title IV-A of the federal Social  
5 Security Act in effect as of July 16, 1996.

6 (c) The following resource standard shall be used to determine  
7 medically needy eligibility:

8 (i) For one person households, the resource standard shall be  
9 200% of the resource standard for recipients of Supplemental  
10 Security Income pursuant to 42 U.S.C. s.1382(1)(B);

11 (ii) For two person households, the resource standard shall be  
12 200% of the resource standard for recipients of Supplemental  
13 Security Income pursuant to 42 U.S.C. s.1382(2)(B);

14 (iii) For households of three or more persons, the resource  
15 standard in subparagraph (c)(ii) above shall be increased by  
16 \$100.00 for each additional person; and

17 (iv) The resource standards established in (i), (ii), and (iii) are  
18 subject to federal approval and the resource standard may be lower  
19 if required by the federal Department of Health and Human  
20 Services.

21 (d) Individuals whose income exceeds those established in  
22 subparagraph (b) of paragraph (8) of this subsection may become  
23 medically needy by incurring medical expenses as defined in 42  
24 C.F.R.435.831(c) which will reduce their income to the applicable  
25 medically needy income established in subparagraph (b) of  
26 paragraph (8) of this subsection.

27 (e) A six-month period shall be used to determine whether an  
28 individual is medically needy.

29 (f) Eligibility determinations for the medically needy program  
30 shall be administered as follows:

31 (i) County welfare agencies and other entities designated by the  
32 commissioner are responsible for determining and certifying the  
33 eligibility of pregnant women and dependent children. The division  
34 shall reimburse county welfare agencies for 100% of the reasonable  
35 costs of administration which are not reimbursed by the federal  
36 government for the first 12 months of this program's operation.  
37 Thereafter, 75% of the administrative costs incurred by county  
38 welfare agencies which are not reimbursed by the federal  
39 government shall be reimbursed by the division;

40 (ii) The division is responsible for certifying the eligibility of  
41 individuals who are 65 years of age and older and individuals who  
42 are blind or disabled. The division may enter into contracts with  
43 county welfare agencies to determine certain aspects of eligibility.  
44 In such instances the division shall provide county welfare agencies  
45 with all information the division may have available on the  
46 individual.

47 The division shall notify all eligible recipients of the  
48 Pharmaceutical Assistance to the Aged and Disabled program,

1 P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the  
2 medically needy program and the program's general requirements.  
3 The division shall take all reasonable administrative actions to  
4 ensure that Pharmaceutical Assistance to the Aged and Disabled  
5 recipients, who notify the division that they may be eligible for the  
6 program, have their applications processed expeditiously, at times  
7 and locations convenient to the recipients; and

8 (iii) The division is responsible for certifying incurred medical  
9 expenses for all eligible persons who attempt to qualify for the  
10 program pursuant to subparagraph (d) of paragraph (8) of this  
11 subsection;

12 (9) (a) Is a child who is at least one year of age and under 19  
13 years of age and, if older than six years of age but under 19 years of  
14 age, is uninsured; and

15 (b) Is a member of a family whose income does not exceed  
16 133% of the poverty level and who meets the federal Medicaid  
17 eligibility requirements set forth in section 9401 of Pub.L.99-509  
18 (42 U.S.C. s.1396a);

19 (10) Is a pregnant woman who is determined by a provider to be  
20 presumptively eligible for medical assistance based on criteria  
21 established by the commissioner, pursuant to section 9407 of  
22 Pub.L.99-509 (42 U.S.C. s.1396a(a));

23 (11) Is an individual 65 years of age and older, or an individual  
24 who is blind or disabled pursuant to section 301 of Pub.L.92-603  
25 (42 U.S.C. s.1382c), whose income does not exceed 100% of the  
26 poverty level, adjusted for family size, and whose resources do not  
27 exceed 100% of the resource standard used to determine medically  
28 needy eligibility pursuant to paragraph (8) of this subsection;

29 (12) Is a qualified disabled and working individual pursuant to  
30 section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d) whose income  
31 does not exceed 200% of the poverty level and whose resources do  
32 not exceed 200% of the resource standard used to determine  
33 eligibility under the Supplemental Security Income Program,  
34 P.L.1973, c.256 (C.44:7-85 et seq.);

35 (13) Is a pregnant woman or is a child who is under one year of  
36 age and is a member of a family whose income does not exceed  
37 185% of the poverty level and who meets the federal Medicaid  
38 eligibility requirements set forth in section 9401 of Pub.L.99-509  
39 (42 U.S.C. s.1396a), except that a pregnant woman who is  
40 determined to be a qualified applicant shall, notwithstanding any  
41 change in the income of the family of which she is a member,  
42 continue to be deemed a qualified applicant until the end of the 60-  
43 day period beginning on the last day of her pregnancy;

44 (14) (Deleted by amendment, P.L.1997, c.272).

45 (15) (a) Is a specified low-income Medicare beneficiary pursuant  
46 to 42 U.S.C. s.1396a(a)10(E)iii whose resources beginning January  
47 1, 1993 do not exceed 200% of the resource standard used to  
48 determine eligibility under the Supplemental Security Income

1 program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income  
2 beginning January 1, 1993 does not exceed 110% of the poverty  
3 level, and beginning January 1, 1995 does not exceed 120% of the  
4 poverty level.

5 (b) An individual who has, within 36 months, or within 60  
6 months in the case of funds transferred into a trust, of applying to  
7 be a qualified applicant for Medicaid services in a nursing facility  
8 or a medical institution, or for home or community-based services  
9 under section 1915(c) of the federal Social Security Act (42 U.S.C.  
10 s.1396n(c)), disposed of resources or income for less than fair  
11 market value shall be ineligible for assistance for nursing facility  
12 services, an equivalent level of services in a medical institution, or  
13 home or community-based services under section 1915(c) of the  
14 federal Social Security Act (42 U.S.C. s.1396n(c)). The period of  
15 the ineligibility shall be the number of months resulting from  
16 dividing the uncompensated value of the transferred resources or  
17 income by the average monthly private payment rate for nursing  
18 facility services in the State as determined annually by the  
19 commissioner. In the case of multiple resource or income transfers,  
20 the resulting penalty periods shall be imposed sequentially.  
21 Application of this requirement shall be governed by 42 U.S.C.  
22 s.1396p(c). In accordance with federal law, this provision is  
23 effective for all transfers of resources or income made on or after  
24 August 11, 1993. Notwithstanding the provisions of this subsection  
25 to the contrary, the State eligibility requirements concerning  
26 resource or income transfers shall not be more restrictive than those  
27 enacted pursuant to 42 U.S.C. s.1396p(c).

28 (c) An individual seeking nursing facility services or home or  
29 community-based services and who has a community spouse shall  
30 be required to expend those resources which are not protected for  
31 the needs of the community spouse in accordance with section  
32 1924(c) of the federal Social Security Act (42 U.S.C. s.1396r-5(c))  
33 on the costs of long-term care, burial arrangements, and any other  
34 expense deemed appropriate and authorized by the commissioner.  
35 An individual shall be ineligible for Medicaid services in a nursing  
36 facility or for home or community-based services under section  
37 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)) if  
38 the individual expends funds in violation of this subparagraph. The  
39 period of ineligibility shall be the number of months resulting from  
40 dividing the uncompensated value of transferred resources and  
41 income by the average monthly private payment rate for nursing  
42 facility services in the State as determined by the commissioner.  
43 The period of ineligibility shall begin with the month that the  
44 individual would otherwise be eligible for Medicaid coverage for  
45 nursing facility services or home or community-based services.

46 This subparagraph shall be operative only if all necessary  
47 approvals are received from the federal government including, but

1 not limited to, approval of necessary State plan amendments and  
2 approval of any waivers;

3 (16) Subject to federal approval under Title XIX of the federal  
4 Social Security Act, is a dependent child, parent or specified  
5 caretaker relative of a child who is a qualified applicant, who would  
6 be eligible, without regard to resources, for the aid to families with  
7 dependent children program under the State Plan for Title IV-A of  
8 the federal Social Security Act as of July 16, 1996, except for the  
9 income eligibility requirements of that program, and whose family  
10 earned income,

11 (a) if a dependent child, does not exceed 133% of the poverty  
12 level; and

13 (b) if a parent or specified caretaker relative, beginning  
14 September 1, 2005 does not exceed 100% of the poverty level,  
15 beginning September 1, 2006 does not exceed 115% of the poverty  
16 level and beginning September 1, 2007 does not exceed 133% of  
17 the poverty level,

18 plus such earned income disregards as shall be determined  
19 according to a methodology to be established by regulation of the  
20 commissioner;

21 The commissioner may increase the income eligibility limits for  
22 children and parents and specified caretaker relatives, as funding  
23 permits;

24 (17) Is an individual from 18 through 20 years of age who is not  
25 a dependent child and would be eligible for medical assistance  
26 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to  
27 income or resources, who, on the individual's 18th birthday was in  
28 resource family care under the care and custody of the Division of  
29 **【Youth and Family Services】** Child Protection and Permanency in  
30 the Department of Children and Families and whose maintenance  
31 was being paid in whole or in part from public funds;

32 (18) Is a person between the ages of 16 and 65 who is  
33 permanently disabled and working, and:

34 (a) whose income is at or below 250% of the poverty level, plus  
35 other established disregards;

36 (b) who pays the premium contribution and other cost sharing as  
37 established by the commissioner, subject to the limits and  
38 conditions of federal law; and

39 (c) whose assets, resources and unearned income do not exceed  
40 limitations as established by the commissioner;

41 (19) Is an uninsured individual under 65 years of age who:

42 (a) has been screened for breast or cervical cancer under the  
43 federal Centers for Disease Control and Prevention breast and  
44 cervical cancer early detection program;

45 (b) requires treatment for breast or cervical cancer based upon  
46 criteria established by the commissioner;

47 (c) has an income that does not exceed the income standard  
48 established by the commissioner pursuant to federal guidelines;



1 (d) meets all other Medicaid eligibility requirements; and

2 (e) in accordance with Pub.L.106-354, is determined by a  
3 qualified entity to be presumptively eligible for medical assistance  
4 pursuant to 42 U.S.C. s.1396a(aa), based upon criteria established  
5 by the commissioner pursuant to section 1920B of the federal Social  
6 Security Act (42 U.S.C. s.1396r-1b); or

7 (20) Subject to federal approval under Title XIX of the federal  
8 Social Security Act, is a single adult or couple, without dependent  
9 children, whose income in 2006 does not exceed 50% of the poverty  
10 level, in 2007 does not exceed 75% of the poverty level and in 2008  
11 and each year thereafter does not exceed 100% of the poverty level;  
12 except that a person who is a recipient of Work First New Jersey  
13 general public assistance, pursuant to P.L.1947, c.156 (C.44:8-107  
14 et seq.), shall not be a qualified applicant.

15 j. "Recipient" means any qualified applicant receiving benefits  
16 under this act.

17 k. "Resident" means a person who is living in the State  
18 voluntarily with the intention of making his home here and not for a  
19 temporary purpose. Temporary absences from the State, with  
20 subsequent returns to the State or intent to return when the purposes  
21 of the absences have been accomplished, do not interrupt continuity  
22 of residence.

23 l. "State Medicaid Commission" means the Governor, the  
24 Commissioner of Human Services, the President of the Senate and  
25 the Speaker of the General Assembly, hereby constituted a  
26 commission to approve and direct the means and method for the  
27 payment of claims pursuant to **[this act]** P.L.1968, c.413.

28 m. "Third party" means any person, institution, corporation,  
29 insurance company, group health plan as defined in section 607(1)  
30 of the federal "Employee Retirement and Income Security Act of  
31 1974," 29 U.S.C. s.1167(1), service benefit plan, health  
32 maintenance organization, or other prepaid health plan, or public,  
33 private or governmental entity who is or may be liable in contract,  
34 tort, or otherwise by law or equity to pay all or part of the medical  
35 cost of injury, disease or disability of an applicant for or recipient  
36 of medical assistance payable under **[this act]** P.L.1968, c.413.

37 n. "Governmental peer grouping system" means a separate  
38 class of skilled nursing and intermediate care facilities administered  
39 by the State or county governments, established for the purpose of  
40 screening their reported costs and setting reimbursement rates under  
41 the Medicaid program that are reasonable and adequate to meet the  
42 costs that must be incurred by efficiently and economically operated  
43 State or county skilled nursing and intermediate care facilities.

44 o. "Comprehensive maternity or pediatric care provider" means  
45 any person or public or private health care facility that is a provider  
46 and that is approved by the commissioner to provide comprehensive  
47 maternity care or comprehensive pediatric care as defined in

1 subsection b. (18) and (19) of section 6 of P.L.1968, c.413  
2 (C.30:4D-6).

3 p. "Poverty level" means the official poverty level based on  
4 family size established and adjusted under Section 673(2) of  
5 Subtitle B, the "Community Services Block Grant Act," of  
6 Pub.L.97-35 (42 U.S.C. s.9902(2)).

7 q. "Eligible alien" means one of the following:

8 (1) an alien present in the United States prior to August 22,  
9 1996, who is:

10 (a) a lawful permanent resident;

11 (b) a refugee pursuant to section 207 of the federal "Immigration  
12 and Nationality Act" (8 U.S.C. s.1157);

13 (c) an asylee pursuant to section 208 of the federal  
14 "Immigration and Nationality Act" (8 U.S.C. s.1158);

15 (d) an alien who has had deportation withheld pursuant to  
16 section 243(h) of the federal "Immigration and Nationality Act" (8  
17 U.S.C. s.1253 (h));

18 (e) an alien who has been granted parole for less than one year  
19 by the U.S. Citizenship and Immigration Services pursuant to  
20 section 212(d)(5) of the federal "Immigration and Nationality Act"  
21 (8 U.S.C. s.1182(d)(5));

22 (f) an alien granted conditional entry pursuant to section  
23 203(a)(7) of the federal "Immigration and Nationality Act" (8  
24 U.S.C. s.1153(a)(7)) in effect prior to April 1, 1980; or

25 (g) an alien who is honorably discharged from or on active duty  
26 in the United States armed forces and the alien's spouse and  
27 unmarried dependent child.

28 (2) An alien who entered the United States on or after August  
29 22, 1996, who is:

30 (a) an alien as described in paragraph (1)(b), (c), (d) or (g) of  
31 this subsection; or

32 (b) an alien as described in paragraph (1)(a), (e) or (f) of this  
33 subsection who entered the United States at least five years ago.

34 (3) A legal alien who is a victim of domestic violence in  
35 accordance with criteria specified for eligibility for public benefits  
36 as provided in Title V of the federal "Illegal Immigration Reform  
37 and Immigrant Responsibility Act of 1996" (8 U.S.C. s.1641).

38 (cf: P.L.2006, c.47, s.159)

39

40 '113.] 115.' Section 7 of P.L.2007, c.58 (C.30:4D-59) is  
41 amended to read as follows:

42 7. a. The Medicaid audit, program integrity, fraud and abuse  
43 prevention and recovery functions, all officers and employees that  
44 the Medicaid Inspector General deems qualified and substantially  
45 engaged therein, and any documents and records that the Medicaid  
46 Inspector General deems necessary and related to the transfer of  
47 such functions and personnel, shall be transferred to the Office of  
48 the Medicaid Inspector General from the Medicaid Office of

1 Program Integrity Unit and the Third Party Liability Unit in the  
2 Division of Medical Assistance and Health Services, the Division of  
3 Disability Services, the Division of Developmental Disabilities, the  
4 Division of Mental Health and Addiction Services, the Division of  
5 **【Youth and Family Services】** Child Protection and Permanency, the  
6 Division of **【Child Behavioral Health Services】** Children’s System  
7 of Care, the Department of Health and Senior Services, and the  
8 Department of the Treasury. The Medicaid Inspector General shall  
9 consult with the head of each department or agency from which  
10 such function is to be transferred to determine the officers and  
11 employees to be transferred.

12 b. The Medicaid Inspector General shall have general  
13 managerial control over the office and shall establish the  
14 organizational structure of the office as the Medicaid Inspector  
15 General deems appropriate to carry out the responsibilities and  
16 functions of the office. Within the limits of funds appropriated  
17 therefor, the Medicaid Inspector General may hire such employees  
18 in the unclassified service as are necessary to administer the office.  
19 These employees shall serve at the pleasure of the Medicaid  
20 Inspector General. Subject to the availability of appropriations, the  
21 Medicaid Inspector General may obtain the services of certified  
22 public accountants, qualified management consultants, professional  
23 auditors, or other professionals necessary to independently perform  
24 the functions of the office.

25 (cf: P.L.2007, c.58, s.7)

26

27 <sup>1</sup>**【114.】** 116. Section 10 of P.L.1985, c.307 (C.30:4G-10) is  
28 amended to read as follows:

29 10. a. There is established in the department an Advisory  
30 Council on Personal Attendant Services which consists of 19  
31 members as follows: the Commissioner of Health and Senior  
32 Services, the Director of the Division of **【Youth and Family**  
33 **Services】** Child Protection and Permanency in the Department of  
34 Children and Families, the Director of the Division of  
35 Developmental Disabilities, and the Director of the Division of  
36 Medical Assistance and Health Services in the Department of  
37 Human Services, the Director of the Division of Veterans' Services  
38 in the Department of Military and Veterans' Affairs, and the  
39 Director of the Division of Vocational Rehabilitation Services in  
40 the Department of Labor and Workforce Development, or their  
41 designees, who shall serve ex officio, and 13 members appointed by  
42 the commissioner who are residents of this State, one of whom is a  
43 member of the New Jersey Association of County Representatives  
44 of Disabled Persons, four of whom represent providers of personal  
45 attendant services, five of whom represent consumers of personal  
46 attendant services and three of whom represent advocacy groups or  
47 agencies for the physically disabled.

1 A vacancy in the membership of the council shall be filled in the  
2 same manner as the original appointment.

3 The members of the council shall serve without compensation,  
4 but the department shall reimburse the members for the reasonable  
5 expenses incurred in the performance of their duties.

6 b. The council shall hold an organizational meeting within 30  
7 days after the appointment of its members. The members of the  
8 council shall elect from among them a chairman, who shall be the  
9 chief executive officer of the council and the members shall elect a  
10 secretary, who need not be a member of the council.

11 c. The council shall:

12 (1) Advise the commissioner on matters pertaining to personal  
13 attendant services and the development of the personal attendant  
14 program, upon the request of the commissioner;

15 (2) Review the rules and regulations promulgated for the  
16 implementation of the personal attendant program and make  
17 recommendations to the commissioner, as appropriate;

18 (3) Evaluate the effectiveness of the personal attendant program  
19 in achieving the purposes of this act; and

20 (4) Assess the Statewide need for personal attendant services  
21 and the projected cost for providing these services Statewide.

22 (cf: P.L.2006, c.47, s.160)

23

24 <sup>1</sup>**[115.] 117.**<sup>1</sup> Section 1 of P.L.1997, c.254 (C.30:5B-6.1) is  
25 amended to read as follows:

26 1. As used in **[this act]** P.L.1997, c.254 (C.30:5B-6.1 et seq.):

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

28 "Division" means the Division of **[Youth and Family Services]**  
29 Child Protection and Permanency in the Department of Children  
30 and Families.

31 "Staff member" means any owner, sponsor, director, or person  
32 employed by or working at a child care center on a regularly  
33 scheduled basis during the center's operating hours, including full-  
34 time, part-time, voluntary, contract, consulting, and substitute staff,  
35 whether compensated or not.

36 "Child care center" or **["Center"]** "center" means any facility  
37 which is maintained for the care, development or supervision of six  
38 or more children under 13 years of age who attend the facility for  
39 less than 24 hours a day, and which is subject to State licensure or  
40 life-safety approval, pursuant to the provisions of the "Child Care  
41 Licensing Act," P.L. 1983, c.492 (C.30:5B-1 to 30:5B-15) .

42 (cf: P.L.2006, c.47, s.163)

43

44 <sup>1</sup>**[116.] 118.**<sup>1</sup> Section 1 of P.L.2000, c.77 (C.30:5B-6.10) is  
45 amended to read as follows:

46 1. As used in sections 1 through 7 and 9 through 12 of  
47 P.L.2000, c.77 (C.30:5B-6.10 et seq.):

1 "Child care center" or "center" means any facility which is  
2 maintained for the care, development, or supervision of six or more  
3 children under 13 years of age who attend the facility for less than  
4 24 hours a day, and which is subject to State licensure or life-safety  
5 approval pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

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

7 "Division" means the Division of **[Youth and Family Services]**  
8 Child Protection and Permanency in the Department of Children  
9 and Families.

10 "Staff member" means a person 18 years of age or older who  
11 owns, sponsors, or directs a child care center, or who is employed  
12 by or works in a child care center on a regularly scheduled basis  
13 during the center's operating hours, including full-time, part-time,  
14 voluntary, contract, consulting, and substitute staff, whether  
15 compensated or not.

16 (cf: P.L.2006, c.47, s.164)

17  
18 <sup>1</sup>**[117.] 119.** Section 14 of P.L.1983, c.492 (C.30:5B-14) is  
19 amended to read as follows:

20 14. a. The Director of the Division of Family Development in  
21 the Department of Human Services, a designee of the  
22 Commissioner of Children and Families, and the Director of the  
23 **[Division]** <sup>1</sup>**[Office]** Division<sup>1</sup> on Women in the Department of  
24 **[Community Affairs]** Children and Families shall establish a Child  
25 Care Advisory Council which shall consist of at least 15 individuals  
26 who have experience, training, or other interests in child care  
27 issues. To the extent possible, the directors shall designate  
28 members of existing councils or task forces heretofore established  
29 on child care in New Jersey as the advisory council.

30 b. The advisory council shall:

31 (1) Review rules and regulations or proposed revisions to  
32 existing rules and regulations governing the licensing of child care  
33 centers;

34 (2) Review proposed statutory amendments governing the  
35 licensing of child care centers and make recommendations to the  
36 commissioner;

37 (3) Advise the commissioner on the administration of the  
38 licensing responsibilities under this act;

39 (4) Advise the Commissioners of Human Services **[,]** and  
40 Children and Families**[, and Community Affairs]** and other  
41 appropriate units of State government on the needs, priorities,  
42 programs, and policies relating to child care throughout the State;

43 (5) Study and recommend alternative resources for child care;  
44 and

45 (6) Facilitate employer supported child care through information  
46 and technical assistance.

1 c. The advisory council may accept from any governmental  
2 department or agency, public or private body, or any other source  
3 grants or contributions to be used in carrying out its responsibilities  
4 under **[this act]** P.L.1983, c.492 (C.30:5B-1 et seq.).  
5 (cf: P.L.2006, c.47, s.165)  
6

7 **'[118.] 120.'** Section 2 of P.L.1993, c.350 (C.30:5B-25.2) is  
8 amended to read as follows:

9 2. As used in sections 1 through 4 of P.L.1993, c.350  
10 (C.30:5B-25.1 through C.30:5B-25.4):

11 "Child abuse registry" means the child abuse registry of the  
12 Division of **[Youth and Family Services]** Child Protection and  
13 Permanency in the Department of Children and Families established  
14 pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11).

15 "Provider" means a family day care provider as defined by  
16 section 3 of P.L.1987, c.27 (C.30:5B-18) and includes, but is not  
17 limited to, a family day care provider's assistant and a substitute  
18 family day care provider.

19 "Family day care sponsoring organization" means an agency or  
20 organization which contracts with the Department of Human  
21 Services to assist in the registration of family day care providers in  
22 a specific geographic area pursuant to P.L.1987, c.27 (C.30:5B-16  
23 et seq.).

24 "Household member" means an individual over 14 years of age  
25 who resides in a family day care provider's home.

26 (cf: P.L.2006, c.47, s.168)  
27

28 **'[119.] 121.'** Section 3 of P.L.1993, c.350, (C.30:5B-25.3) is  
29 amended to read as follows:

30 3. a. The Division of **[Youth and Family Services]** Child  
31 Protection and Permanency in the Department of Children and  
32 Families shall conduct a search of its child abuse registry to  
33 determine if a report of child abuse or neglect has been filed,  
34 pursuant to section 3 of P.L.1971, c.437 (C.9:6-8.10), involving a  
35 person registering as a prospective provider or a household member  
36 of the prospective provider or as a current provider or household  
37 member of the current provider.

38 b. The division shall conduct the search only upon receipt of  
39 the prospective or current provider or household member's written  
40 consent to the search. If the person refuses to provide his consent,  
41 the family day care sponsoring organization shall deny the  
42 prospective or current provider's application for a certificate or  
43 renewal of registration.

44 c. The division shall advise the sponsoring organization of the  
45 results of the child abuse registry search within a time period to be  
46 determined by the Department of Children and Families.

47 d. The department shall not issue a certificate or renewal of  
48 registration to a prospective or current provider unless the

1 department has first determined that no substantiated charge of  
2 child abuse or neglect against the prospective or current provider or  
3 household member is found during the child abuse registry search.  
4 (cf: P.L.2006, c.47, s.169)  
5

6 <sup>1</sup>~~120.~~ 122. Section 3 of P.L.1987, c.215 (C.30:5B-28) is  
7 amended to read as follows:

8 3. The Commissioner of Human Services, in consultation with  
9 the Commissioner of Education and the Advisory Council on Child  
10 Care established pursuant to section 14 of P.L.1983, c.492  
11 (C.30:5B-14) and the ~~Division~~ <sup>1</sup>~~Office~~ Division on Women in  
12 the Department of ~~Community Affairs established pursuant to~~  
13 ~~P.L.1974, c.87 (C.52:27D-43.8 et seq.)~~ Children and Families,  
14 shall establish criteria for assessing the suitability of grant  
15 applicants. Each applicant for a grant under this act shall:

16 a. Describe the need for and type of child care services to be  
17 furnished;

18 b. Provide assurances that the applicant has knowledge of and  
19 experience in the special nature of child care services for school-age  
20 children;

21 c. Provide assurances that each person to be employed by the  
22 applicant for child care has appropriate experience and character  
23 including a criminal history records check of the files of the State  
24 Bureau of Identification and the Federal Bureau of Investigation,  
25 Identification Division;

26 d. Provide evidence that the applicant will be afforded use of  
27 an appropriate school facility or another appropriate location as  
28 approved by the commissioner, which may be a child care center  
29 licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.);

30 e. Provide assurances that the program will be in conformity  
31 with all appropriate statutes, regulations, ordinances, and such  
32 programs as shall be developed for the program created by ~~this~~  
33 ~~act~~ P.L.1987, c.215 (C.30:5B-26 et seq.);

34 f. Provide a tentative budget for the program, including a  
35 proposed sliding-fee schedule which should reflect a family's  
36 capacity to pay;

37 g. Provide assurances that the parents of school-age children  
38 will be involved in the development and implementation of the  
39 child care program; and

40 h. Provide such other assurances and information as the  
41 commissioner shall reasonably require to carry out the provisions of  
42 ~~this act~~ P.L.1987, c.215.

43 (cf: P.L.1987, c.215, s.3)  
44

45 <sup>1</sup>~~121.~~ 123. Section 2 of P.L.2003, c.185 (C.30:5B-32) is  
46 amended to read as follows:

- 1       2. a. A unified child care agency contracted with the  
2 Department of Human Services pursuant to N.J.A.C.10:15-2.1, shall  
3 request that the Division of **【Youth and Family Services】** Child  
4 Protection and Permanency in the Department of Children and  
5 Families conduct a child abuse record information check of the  
6 division's child abuse records, as promptly as possible, to determine  
7 if an incident of child abuse or neglect has been substantiated,  
8 pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11), against:
- 9       (1) a prospective approved home provider as defined in  
10 N.J.A.C.10:15-1.2 providing child care services under the "New  
11 Jersey Cares for Kids Program" established pursuant to  
12 N.J.A.C.10:15-5.1, or to a child whose parent is receiving  
13 assistance under the Work First New Jersey program established  
14 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) or is employed but  
15 continues to receive supportive services pursuant to the provisions  
16 of section 5 of P.L.1997, c.13 (C.44:10-38); or
- 17       (2) any adult member of the prospective provider's household.
- 18       b. The division shall conduct the child abuse record  
19 information check only upon receipt of the prospective approved  
20 home provider's or any adult household member's written consent to  
21 the check. If the person refuses to provide his consent, the unified  
22 child care agency shall deny the prospective approved home  
23 provider's application to provide child care services.
- 24       c. If the division determines that an incident of child abuse or  
25 neglect by the prospective approved home provider or any adult  
26 member of the household has been substantiated, the division shall  
27 release the results of the child abuse record information check to the  
28 unified child care agency pursuant to subsection g. of section 1 of  
29 P.L.1977, c.102 (C.9:6-8.10a) and the agency shall deny the  
30 prospective approved home provider's application to provide child  
31 care services.
- 32       d. Before denying the prospective approved home provider's  
33 application to provide child care services, the unified child care  
34 agency shall give notice personally or by certified or registered mail  
35 to the last known address of the prospective approved home  
36 provider with return receipt requested, of the reasons why the  
37 application will be denied. The notice shall afford the prospective  
38 approved home provider the opportunity to be heard and to contest  
39 the agency's action. The hearing shall be conducted in accordance  
40 with the "Administrative Procedure Act," P.L.1968, c.410  
41 (C.52:14B-1 et seq.).
- 42       e. If a prospective approved home provider's application to  
43 provide child care services is denied, the unified child care agency  
44 shall notify the parent of the child who would be eligible to receive  
45 such services, personally and in writing, of the reasons why the  
46 application was denied and the parent's right to select another  
47 provider. The parent shall keep such information confidential and



1 shall not disclose the information except as authorized by law.  
2 (cf: P.L.2006, c.47, s.171)

3

4 ~~'[122.] 124.'~~<sup>1</sup> Section 2 of P.L.1995, c.321 (C.30:9A-19) is  
5 amended to read as follows:

6 2. a. A person shall not conduct, maintain or operate a mental  
7 health program unless: (1) the commissioner or the Commissioner  
8 of Children and Families, as applicable, has issued a license to that  
9 person, in accordance with rules and regulations adopted by the  
10 commissioner or the Commissioner of Children and Families, as  
11 applicable, which prescribe standards for the provision of services  
12 by a mental health program; and (2) that person has a purchase of  
13 service contract or an affiliation agreement with the Division of  
14 Mental Health and Addiction Services in the Department of Human  
15 Services or the Department of Children and Families, including, but  
16 not limited to, the Division of **【Child Behavioral Health Services】**  
17 Children's System of Care, as applicable.

18 b. Application for a license to conduct, maintain, or operate a  
19 mental health program shall be made upon forms prescribed by the  
20 commissioner or the Commissioner of Children and Families, as  
21 applicable. The commissioner or the Commissioner of Children  
22 and Families, as applicable, shall charge such nonrefundable fees  
23 for the filing of an application for a license, and for any renewal  
24 thereof, as the commissioner or the Commissioner of Children and  
25 Families, as applicable, shall from time to time fix by regulation.  
26 (cf: 2006, c.47, s.172)

27

28 ~~'[123.] 125.'~~<sup>1</sup> Section 2 of P.L.1977, c.448 (C.30:11B-2) is  
29 amended to read as follows:

30 2. "Community residence for the developmentally disabled"  
31 means any community residential facility housing up to 16 persons  
32 with developmental disabilities, which provides food, shelter, and  
33 personal guidance for persons with developmental disabilities who  
34 require assistance, temporarily or permanently, in order to live  
35 independently in the community. Such residences shall not be  
36 considered health care facilities within the meaning of the "Health  
37 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)  
38 and shall include, but not be limited to, group homes, halfway  
39 houses, supervised apartment living arrangements and hostels.

40 "Community residence for the mentally ill" means any  
41 community residential facility which provides food, shelter, and  
42 personal guidance, under such supervision as required, to not more  
43 than 15 persons with mental illness who require assistance  
44 temporarily or permanently, in order to live independently in the  
45 community. These residences shall be approved for a purchase of  
46 service contract or an affiliation agreement pursuant to procedures  
47 established by the Division of Mental Health and Addiction  
48 Services in the Department of Human Services or the Division of

1 **【Child Behavioral Health Services】** Children's System of Care in  
2 the Department of Children and Families, as applicable. These  
3 residences shall not house persons who have been assigned to a  
4 State psychiatric hospital after having been found not guilty of a  
5 criminal offense by reason of insanity or unfit to be tried on a  
6 criminal charge. These residences shall not be considered health  
7 care facilities within the meaning of the "Health Care Facilities  
8 Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) and shall  
9 include, but not be limited to, group homes, halfway houses,  
10 supervised apartment living arrangements, family care homes, and  
11 hostels.

12 "Community residence for persons with head injuries" means a  
13 community residential facility providing food, shelter, and personal  
14 guidance, under such supervision as required, to not more than 15  
15 persons with head injuries, who require assistance, temporarily or  
16 permanently, in order to live in the community, and shall include,  
17 but not be limited to: group homes, halfway houses, supervised  
18 apartment living arrangements, and hostels. Such a residence shall  
19 not be considered a health care facility within the meaning of the  
20 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1  
21 et seq.).

22 "Developmental disability" or "developmentally disabled" means  
23 a severe, chronic disability of a person which: a. is attributable to a  
24 mental or physical impairment or combination of mental or physical  
25 impairments; b. is manifest before age 22; c. is likely to continue  
26 indefinitely; d. results in substantial functional limitations in three  
27 or more of the following areas of major life activity, that is, self-  
28 care, receptive and expressive language, learning, mobility, self-  
29 direction and capacity for independent living, or economic self-  
30 sufficiency; and e. reflects the need for a combination and sequence  
31 of special interdisciplinary or generic care, treatment or other  
32 services which are of lifelong or extended duration and are  
33 individually planned and coordinated. Developmental disability  
34 includes, but is not limited to, severe disabilities attributable to an  
35 intellectual disability, autism, cerebral palsy, epilepsy, spina bifida,  
36 and other neurological impairments where the above criteria are  
37 met.

38 "Mentally ill" or "mental illness" means any psychiatric disorder  
39 which has required an individual to receive either inpatient  
40 psychiatric care or outpatient psychiatric care on an extended basis.

41 "Person with head injury" means a person who has sustained an  
42 injury, illness, or traumatic changes to the skull, the brain contents  
43 or its coverings which results in a temporary or permanent  
44 physiobiological decrease of cognitive, behavioral, social, or  
45 physical functioning which causes partial or total disability.

46 (cf: P.L.2010, c.50, s.60)

1       <sup>1</sup>~~124.~~ 126. Section 10 of P.L.1987, c.112 (C.30:11B-4.2) is  
2 amended to read as follows:

3       10. a. Within six months of the effective date of ~~124.~~  
4 126. the Director of the Division of Mental Health ~~and~~  
5 Addiction Services in the Department of Human Services or the  
6 Division of ~~Child Behavioral Health Services~~ Children's System  
7 of Care in the Department of Children and Families, as applicable,  
8 shall develop program standards which include criteria for  
9 educational and professional experience of employees of a  
10 community residence for the mentally ill and staffing ratios  
11 appropriate to the needs of the residents of the community  
12 residences for the mentally ill.

13       b. Within six months after the effective date of P.L.1993,  
14 c.329, the Commissioner of Human Services or the Commissioner  
15 of Children and Families, as applicable, shall develop program  
16 standards which include criteria for educational and professional  
17 experience of employees of a community residence for persons with  
18 head injuries and staffing ratios appropriate to the needs of the  
19 residents of these community residences.  
20 (cf: P.L.2006, c.47, s.179)

21  
22       <sup>1</sup>~~125.~~ 127. Section 4 of P.L.1979, c.337 (C.30:14-4) is  
23 amended to read as follows:

24       4. a. There is created an Advisory Council on Domestic  
25 Violence which shall consist of 20 members: the Director of the  
26 ~~Division~~ <sup>1</sup>~~Office~~ Division on Women in the Department ~~of~~  
27 ~~Community Affairs~~ Children and Families, the Director of the  
28 Division of ~~Youth and Family Services~~ Child Protection and  
29 Permanency in the Department of Children and Families and the  
30 Director of the Division of Family Development in the Department  
31 of Human Services, the Director of the Administrative Office of the  
32 Courts, the Commissioner of the Department of Education, the  
33 Commissioner of Labor and Workforce Development, the Attorney  
34 General, or their designees, and one representative of Legal  
35 Services of New Jersey, one former domestic violence shelter  
36 resident, one representative of the Police Chiefs Association, one  
37 representative of the County Prosecutors Association, one  
38 representative of the New Jersey State Nurses Association, one  
39 representative of the Mental Health Association in New Jersey, one  
40 representative of the New Jersey Crime Prevention Officers  
41 Association, one representative of the New Jersey Hospital  
42 Association, one representative of the Violent Crimes  
43 Compensation Board, and four representatives of the New Jersey  
44 Coalition for Battered Women to be appointed by the Governor.

45       b. The advisory council shall:

46       (1) Monitor the effectiveness of the laws concerning domestic  
47 violence and make recommendations for their improvement;

1 (2) Review proposed legislation governing domestic violence  
2 and make recommendations to the Governor and the Legislature;

3 (3) Study the needs, priorities, programs, and policies relating to  
4 domestic violence throughout the State; and

5 (4) Ensure that all service providers and citizens are aware of  
6 the needs of and services available to victims of domestic violence  
7 and make recommendations for community education and training  
8 programs.

9 c. The advisory council shall periodically advise the Director  
10 of the Division of **[Youth and Family Services]** Child Protection  
11 and Permanency in the Department of Children and Families and  
12 the Director of the **[Division]** <sup>1</sup>**[Office]** Division<sup>1</sup> on Women in  
13 the Department of **[Community Affairs]** Children and Families on  
14 its activities, findings, and recommendations.

15 (cf: P.L.2006, c.47, s.181)

16

17 <sup>1</sup>**[126.]** 128.<sup>1</sup> Section 3 of P.L.2001, c.195 (C.30:14-15) is  
18 amended to read as follows:

19 3. a. There is hereby established the "Domestic Violence  
20 Victims' Fund," a dedicated fund within the General Fund and  
21 administered by the Division of **[Youth and Family Services]** Child  
22 Protection and Permanency in the Department of Children and  
23 Families. The fund shall be the depository of moneys realized from  
24 the civil penalty imposed pursuant to section 1 of P.L.2001, c.195  
25 (C.2C:25-29.1) and any other moneys made available for the  
26 purposes of the fund.

27 b. All moneys deposited in the "Domestic Violence Victims'  
28 Fund" shall be used for direct services to victims of domestic  
29 violence, including, but not limited to, shelter services, legal  
30 advocacy services, and legal assistance services, and for related  
31 administrative costs of the Division of **[Youth and Family**  
32 **Services]** Child Protection and Permanency.

33 (cf: P.L.2006, c.47, s.182)

34

35 <sup>1</sup>**[127.]** 129.<sup>1</sup> Section 1 of P.L.1999, c.223 (C.34:15C-21) is  
36 amended to read as follows:

37 1. a. There is created, in the New Jersey State Employment and  
38 Training Commission, a council which shall be known as the  
39 Council on Gender Parity in Labor and Education.

40 b. The council shall consist of **[17]** 16 members who are  
41 individuals with experience in the fields of labor, education,  
42 training, or gender equity. The **[17]** 16 members shall include: six  
43 members appointed by the Director of the **[Division]** <sup>1</sup>**[Office]**  
44 Division<sup>1</sup> on Women; six members appointed by the Executive  
45 Director of the State Employment and Training Commission; and  
46 **[five]** four members who shall serve ex officio, one of whom shall  
47 be appointed by the Commissioner of **[Community Affairs]**

1 Children and Families, one by the Commissioner of Education, one  
2 by the Commissioner of Human Services, [one by the  
3 Commissioner of Labor and Workforce Development] and one by  
4 the Executive Director of the Commission on Higher Education.  
5 Not more than half of the members appointed by the Director of the  
6 [Division] '[Office] Division' on Women and not more than half  
7 of the members appointed by the Executive Director of the State  
8 Employment and Training Commission shall be of the same  
9 political party. The members appointed by the director and  
10 executive director shall serve for terms of three years, except that of  
11 the eight members first appointed by the director and the executive  
12 director, four shall be appointed for three years, two shall be  
13 appointed for two years, and two shall be appointed for one year.  
14 Each member shall hold office for the term of appointment and until  
15 his successor is appointed and qualified. A member appointed to  
16 fill a vacancy occurring in the membership of the council for any  
17 reason other than the expiration of the term shall have a term of  
18 appointment for the unexpired term only. Vacancies shall be filled  
19 in the same manner as the original appointment. A member may be  
20 appointed for any number of successive terms. Any member  
21 appointed by the director or the executive director may be removed  
22 from the council by the director or the executive director, as the  
23 case may be, for cause, after a hearing and may be suspended by the  
24 director or the executive director pending the completion of the  
25 hearing.

26 c. Members of the council shall serve without compensation,  
27 but may be reimbursed for necessary expenses incurred in the  
28 performance of their duties as members. Action may be taken and  
29 motions and resolutions may be adopted by the council at a council  
30 meeting by an affirmative vote of a majority of the members. The  
31 council shall elect from its members a chairperson who shall be a  
32 nongovernmental member of the council. Advanced notification  
33 for, and copies of the minutes of, each meeting of the council shall  
34 be filed with the Governor, the President of the Senate, and the  
35 Speaker of the General Assembly.

36 (cf: P.L.2005, c.354, s.19)

37

38 '[128.] 130.' Section 2 of P.L.1999, c.223 (C.34:15C-22) is  
39 amended to read as follows:

40 2. The Council shall:

41 a. Assess the effectiveness of State programs designed to  
42 provide gender equity in labor, education, and training;

43 b. Make recommendations to the Commissioners of '[the]'  
44 [Departments of Community Affairs] Children and Families,  
45 Education, Human Services, and Labor and Workforce  
46 Development, and the Secretary of Higher Education regarding the

- 1 needs, priorities, programs, and policies related to access and equity  
2 for labor, education, and workforce training throughout the State;
- 3 c. Review current and proposed legislation and regulations  
4 pertaining to gender equity in labor, education, and workforce  
5 training and make recommendations regarding possible legislation  
6 and regulations to the State Employment and Training Commission  
7 and the **[Division]** <sup>1</sup>**[Office]** Division<sup>1</sup> on Women;
- 8 d. Develop policies to insure that State agencies set  
9 benchmarks and integrate their data collection systems to assess  
10 progress toward achieving gender equity and take action to insure  
11 that appropriate data collection systems exist where needed;
- 12 e. Develop policies to promote linkages among individuals,  
13 schools, organizations, and public agencies providing gender equity  
14 services and programs;
- 15 f. Educate and provide information to the public on the issues  
16 and current developments in gender equity by issuing reports and  
17 holding events such as conferences and symposia;
- 18 g. Submit an annual report to the Governor, the Legislature, the  
19 State Employment and Training Commission, and the **[Division]**  
20 <sup>1</sup>**[Office]** Division<sup>1</sup> on Women of its assessments and  
21 recommendations made pursuant to this section;
- 22 h. Conduct studies and promote research, as practicable, to  
23 develop the means to correct gender inequitable practices, including  
24 practices leading to pay disparities between men and women and  
25 publish and otherwise make available to employers, labor  
26 organizations, professional associations, educational institutions,  
27 the media, and the general public the findings resulting from these  
28 studies and other materials;
- 29 i. Develop and make available information, as practicable,  
30 regarding best practices for workplace gender equity to enable  
31 employers to evaluate job categories based on objective criteria,  
32 such as educational requirements, skill requirements, independence,  
33 working conditions, and responsibility; and
- 34 j. Establish a Statewide recognition of exceptional practices, as  
35 practicable, to promote gender equity in the workplace to be  
36 presented to a workplace, as shall be defined by the Council, that, at  
37 a minimum, has demonstrated it has made a substantial effort to  
38 eliminate pay disparities between men and women, and thus  
39 deserves special recognition, in addition to any other requirements  
40 and specifications the Council deems appropriate in the  
41 determination of the workplace to be recognized.
- 42 (cf: P.L.2011, c.186, s.1)
- 43

44 <sup>1</sup>**[129.] 131.**<sup>1</sup> Section 2 of P.L.2007, c.319, s.2 (C.38A:3-39) is  
45 amended to read as follows:

46 2. The commission shall consist of 15 members who are New  
47 Jersey residents. The Governor shall appoint 12 members and of  
48 the 12 appointed, nine shall be women. There shall be appointed

1 one representative from each of the following branches of military  
2 service who may also be affiliated with an organization named  
3 below: the Army; the Air Force; the Coast Guard[,]; the Marines;  
4 and the Navy. There shall also be appointed by the Governor, one  
5 representative from the Veterans of Foreign Wars, one  
6 representative from the American Legion, one representative from  
7 the Disabled American Veterans, one representative from the  
8 American Veterans, one representative from the New Jersey Army  
9 National Guard, one representative from the New Jersey Air  
10 National Guard[;] , and one representative from the Military Order  
11 of the Purple Heart. The Commissioner of [the Department of]  
12 Military and Veterans' Affairs, the Commissioner of [the  
13 Department of] Labor and Workforce Development, and the  
14 Director of the [Division] '[Office] Division' on Women in the  
15 Department of [Community Affairs] Children and Families, or  
16 their respective designees, shall serve as ex-officio members.

17 The public members shall serve for terms of three years and until  
18 the appointment and qualification of their successors, except that of  
19 the initial appointment of public members, four shall be appointed  
20 for a term of three years, four shall be appointed for a term of two  
21 years, and four shall be appointed for a term of one year.

22 If any public member discontinues affiliation with the respective  
23 veterans' organization, the member shall immediately resign  
24 membership with the commission.

25 Any vacancy in the membership of the commission shall be  
26 filled in the same manner as the original appointments are made.

27 (cf: P.L.2007, c.319, s.2)

28

29 '[130.] 132.' Section 35 of P.L.1979, c.496 (C.44:7-93) is  
30 amended to read as follows:

31 35. a. As used in this section, "eligible resident" means a  
32 resident of a residential health care facility, rooming house, or  
33 boarding house who is: eligible to receive services under the latest  
34 New Jersey Comprehensive Annual Services Program Plan for the  
35 use of funds appropriated under Title XX of the Federal Social  
36 Security Act; an "eligible person" under the act to which this act is  
37 a supplement; an otherwise aged, blind, or disabled person; or a  
38 resident designated to be eligible by the Commissioner of Human  
39 Services.

40 b. County welfare boards shall provide services to eligible  
41 residents of residential health care facilities, rooming houses, and  
42 boarding houses which shall include, but not be limited to, the  
43 following:

44 (1) Investigation and evaluation of reports of abuse or  
45 exploitation, as defined in section 36 hereunder, or of threats of  
46 such abuse or exploitation of eligible residents, at the direction of  
47 the Commissioner of Human Services;

1 (2) Visits to all such facilities having eligible residents, at  
2 regularly scheduled intervals to assess the needs of such residents,  
3 determine whether they are receiving needed services and  
4 appropriate levels of care, and to provide such services where  
5 appropriate;

6 (3) Provision of information to eligible residents concerning  
7 social service, welfare, mental health, home health, and medical  
8 assistance programs available to them; referral of eligible residents  
9 to State, county, and local agencies and organizations for any  
10 **[such]** services which county welfare boards cannot provide; and  
11 follow up to such referrals to determine whether such services are  
12 being provided;

13 (4) Reporting of any suspected violations of the provisions of  
14 this act and of any complaints received concerning services and  
15 conditions in such facilities to the commissioner and to appropriate  
16 State and local agencies for remedial action; and

17 (5) Provision of information to eligible residents whose  
18 continued residence in such facilities may be injurious or dangerous  
19 to their health concerning alternative housing and living  
20 arrangements available to them.

21 County welfare boards shall coordinate all services provided  
22 under this subsection with services provided to eligible residents by  
23 the State Divisions of Mental Health and Addiction Services and  
24 Developmental Disabilities in the Department of Human Services  
25 and Division of **[Youth and Family Services]** Child Protection and  
26 Permanency in the Department of Children and Families, charitable  
27 institutions, and other State and local agencies and service  
28 providers.

29 c. In order to fulfill their responsibilities under subsection b.  
30 above, county welfare boards shall be entitled to receive full and  
31 free access to residential health care facilities, rooming houses, and  
32 boarding houses by the owners and operators of **[such]** the  
33 facilities, and to receive cooperation and assistance from State and  
34 local law enforcement officials as needed.

35 d. The Commissioner of Human Services shall:

36 (1) Promulgate all necessary regulations to implement the  
37 provisions of this section;

38 (2) Maintain a central file of all complaints received concerning  
39 suspected violations of the provisions of this act and concerning  
40 services and conditions at residential health care facilities, rooming  
41 houses, and boarding houses and shall maintain a record of the State  
42 and local agencies to which complaints have been referred by  
43 county welfare boards; refer any **[such]** complaints received by the  
44 commissioner to State and local agencies for remedial action as  
45 necessary; and follow up all complaints to determine whether  
46 **[such]** remedial action has been taken;



1 (3) Provide such training and educational programs to the  
2 operators of such facilities as will enable them to appropriately  
3 respond to the needs of their residents;

4 (4) Designate agencies to:

5 (a) Identify those residential health care facilities, rooming  
6 houses, and boarding houses in which substantial numbers of  
7 persons reside who are in need of mental health or developmental  
8 disabilities services;

9 (b) Receive referrals and be responsible for the provision of  
10 mental health or developmental disability services, or both;

11 (c) Report any apparent violation of this act to the appropriate  
12 State and local officials and authorities;

13 (d) Coordinate their efforts with county welfare boards,  
14 charitable institutions, the State Divisions of Mental Health and  
15 Addiction Services and Developmental Disabilities in the  
16 Department of Human Services, and Division of **[Youth and Family  
17 Services]** Child Protection and Permanency in the Department of  
18 Children and Families, and other State and local entities and service  
19 providers;

20 (5) Periodically monitor and evaluate services provided to  
21 eligible residents by county welfare boards and community agencies  
22 serving persons with mental illness or developmental disabilities;

23 (6) Issue a report to the Legislature's Standing Reference  
24 Committees on Health, Human Services and Senior Citizens  
25 concerning the implementation of this section, **[1]** one year  
26 following the effective date of this act.

27 e. Any person who submits or reports a complaint concerning a  
28 suspected violation of the provisions of this act or concerning  
29 services and conditions in residential health care facilities, rooming  
30 houses, and boarding houses, or who testifies in any administrative  
31 or judicial proceeding arising from **[such]** a complaint, shall have  
32 immunity from any civil or criminal liability on account of such  
33 complaint, unless such person has acted in bad faith or with  
34 malicious purpose.

35 (cf: P.L.2010, c.50, s.75)

36  
37 **'[131.] 133.'**<sup>1</sup> Section 10 of P.L.1991, c.134 (C.45:15BB-10) is  
38 amended to read as follows:

39 10. There is created within the Division of Consumer Affairs in  
40 the Department of Law and Public Safety, the State Board of Social  
41 Work Examiners. The board shall consist of **[nine]** 10 members  
42 who are residents of the State, two of whom shall be public  
43 members appointed pursuant to the provisions of subsection b. of  
44 section 2 of P.L.1971, c.60 (C.45:1-2.2) and one of whom shall be  
45 the Commissioner of Human Services, or **[his]** the commissioner's  
46 designee, and one of whom shall be the Commissioner of Children  
47 and Families, or the commissioner's designee, the latter two

1 appointed in fulfillment of the requirement of subsection c. of that  
2 section. Of the six remaining members, three shall have been  
3 actively engaged in the practice of social work for at least five years  
4 immediately preceding their appointment, and, except for the  
5 members first appointed, one shall be a licensed clinical social  
6 worker, one shall be a licensed social worker, and one shall be a  
7 certified social worker pursuant to this act. Of the three remaining  
8 members, two shall be social work educators, one of whom shall  
9 represent a baccalaureate level program and one of whom shall  
10 represent a master's level program; and one shall be a social worker  
11 with a doctorate level degree, and, all of whom, except for the  
12 members first appointed, shall be licensed or certified pursuant to  
13 this act.

14 The Governor shall appoint each member, other than the State  
15 executive department member, for terms of three years, except that  
16 of the social worker members first appointed, two shall serve for a  
17 term of three years, two shall serve for terms of two years and two  
18 shall serve for terms of one year. Any vacancy in the membership  
19 shall be filled for the unexpired term in the manner provided by the  
20 original appointment. No member of the board may serve more  
21 than two successive terms in addition to any unexpired term to  
22 which he has been appointed. The Governor may remove any  
23 member of the board, other than the State executive department  
24 member, for cause.

25 (cf: P.L.1991, c.134, s.10)

26

27 '【132.】 134.' Section 3 of P.L.2001, c.81 (C.52:4B-51) is  
28 amended to read as follows:

29 3. The Attorney General shall establish a Statewide Sexual  
30 Assault Nurse Examiner program in the Department of Law and  
31 Public Safety.

32 Upon implementation of the certification process for a forensic  
33 sexual assault nurse examiner pursuant to section 5 of 【this act】  
34 P.L.2001, c.81 (C.52:4B-53), the county prosecutor in each county  
35 shall appoint or designate a certified forensic sexual assault nurse  
36 examiner to serve as program coordinator for the program in the  
37 county in accordance with the provisions of this section.

38 a. The county prosecutor may appoint an employee of the  
39 prosecutor's office who is a certified forensic sexual assault nurse  
40 examiner to serve as program coordinator to administer the program  
41 in that county.

42 b. In a county where the county prosecutor does not appoint an  
43 employee of his office to serve as program coordinator, the county  
44 prosecutor shall designate a certified forensic sexual assault nurse  
45 examiner who is an employee of a licensed health care facility or a  
46 county rape care program that is designated by the 【Division】  
47 '【Office】 Division' on Women in the Department of 【Community  
48 Affairs】 Children and Families to serve as the program coordinator.

1 A person designated as a program coordinator pursuant to this  
2 subsection shall not be deemed an employee of the county  
3 prosecutor's office.

4 (cf: P.L.2001, c.81, s.3)

5

6 <sup>1</sup>~~133.~~ 135. Section 6 of P.L.2001, c.81 (C.52:4B-54) is  
7 amended to read as follows:

8 6. a. The county prosecutor's office in each county shall  
9 establish a Sexual Assault Response Team or shall enter into a  
10 collaborative agreement with another county to share the services of  
11 that county's response team. The response team shall be comprised  
12 of: a certified forensic sexual assault nurse examiner, a rape care  
13 advocate from the county program established, or designated by the  
14 ~~Division~~ <sup>1</sup>~~Office~~ Division<sup>1</sup> on Women in the Department of  
15 ~~Community Affairs~~ Children and Families, as provided under  
16 section 3 of P.L.2001, c.81 (C.52:4B-51), and a law enforcement  
17 official. The response team shall:

18 (1) respond to a report of sexual assault at the request of a  
19 victim of sexual assault pursuant to guidelines established by the  
20 Attorney General pursuant to section 17 of ~~this act~~ P.L.2001,  
21 c.81 (C.52:4B-60); and

22 (2) provide treatment, counseling, legal, and forensic medical  
23 services to a victim of sexual assault in accordance with the  
24 standard protocols developed by the Attorney General pursuant to  
25 subsection d. of section 6 of P.L.1985, c.404 (C.52:4B-44).

26 b. Each member of the response team shall complete the  
27 standardized education and training program developed by the  
28 program coordinator pursuant to subsection e. of section 4 of ~~this~~  
29 act P.L.2001, c.81 (C.52:4B-52).

30 (cf: P.L.2001, c.81, s.6)

31

32 <sup>1</sup>~~134.~~ 136. Section 7 of P.L.2001, c.81 (C.52:4B-55) is  
33 amended to read as follows:

34 7. a. The Attorney General shall establish a Sexual Assault  
35 Nurse Examiner Program Coordinating Council comprised of: the  
36 Attorney General, the Director of the ~~Division~~ <sup>1</sup>~~Office~~  
37 Division<sup>1</sup> on Women, the Chief of the Office of Victim-Witness  
38 Advocacy, the Executive Director of the New Jersey Coalition  
39 Against Sexual Assault, and the Executive Director of the New  
40 Jersey Board of Nursing, or their respective designees; a  
41 representative from the New Jersey County Prosecutor's  
42 Association; and the program coordinators appointed or designated  
43 pursuant to section 3 of ~~this act~~ P.L.2001, c.81 (C.52:4B-51).

44 The Attorney General, through the sexual assault unit established  
45 pursuant to section 8 of P.L.2001, c.81 (C.52:4B-56), and in  
46 consultation with the coordinating council, shall oversee the  
47 Statewide Sexual Assault Nurse Examiner program and identify and

1 obtain any State and federal funding available to supplement the  
2 funds appropriated to operate the program.

3 b. The coordinating council shall review the effectiveness of  
4 the services provided by the State to victims of sexual assault and  
5 make recommendations to the Attorney General for any needed  
6 changes in the standards, regulations or State policy concerning the  
7 provision of victim services.

8 (cf: P.L.2001, c.81, s.7)

9

10 '135.] 137.' Section 2 of P.L.1961, c.49 (C.52:14-17.26) is  
11 amended to read as follows:

12 2. As used in [this act] P.L.1961, c.49 (C.52:14-17.26 et seq.):

13 (a) The term "State" means the State of New Jersey.

14 (b) The term "commission" means the State Health Benefits  
15 Commission, created by section 3 of [this act] P.L.1961, c.49  
16 (C.52:14-17.27).

17 (c) (1) The term "employee" means an appointive or elective  
18 officer, a full-time employee of the State of New Jersey, or a full-  
19 time employee of an employer other than the State who appears on  
20 a regular payroll and receives a salary or wages for an average of  
21 the number of hours per week as prescribed by the governing body  
22 of the participating employer which number of hours worked shall  
23 be considered full-time, determined by resolution, and not less than  
24 20.

25 (2) After the effective date of P.L.2010, c.2, the term  
26 "employee" means (i) a full-time appointive or elective officer  
27 whose hours of work are fixed at 35 or more per week, a full-time  
28 employee of the State, or a full-time employee of an employer other  
29 than the State who appears on a regular payroll and receives a  
30 salary or wages for an average of the number of hours per week as  
31 prescribed by the governing body of the participating employer  
32 which number of hours worked shall be considered full-time,  
33 determined by resolution, and not less than 25, or (ii) an appointive  
34 or elective officer, an employee of the State, or an employee of an  
35 employer other than the State who has or is eligible for health  
36 benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et  
37 seq.) or sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1  
38 et seq.) on that effective date and continuously thereafter provided  
39 the officer or employee is covered by the definition in paragraph (1)  
40 of this subsection. For the purposes of this act an employee of  
41 Rutgers, The State University of New Jersey, shall be deemed to be  
42 an employee of the State, and an employee of the New Jersey  
43 Institute of Technology shall be considered to be an employee of  
44 the State during such time as the Trustees of the Institute are party  
45 to a contractual agreement with the State Treasurer for the provision  
46 of educational services. The term "employee" shall further mean,  
47 for purposes of this act, a former employee of the South Jersey Port  
48 Corporation, who is employed by a subsidiary corporation or other

1 corporation, which has been established by the Delaware River Port  
2 Authority pursuant to subdivision (m) of Article I of the compact  
3 creating the Delaware River Port Authority (R.S.32:3-2), as defined  
4 in section 3 of P.L.1997, c.150 (C.34:1B-146), and who is eligible  
5 for continued membership in the Public Employees' Retirement  
6 System pursuant to subsection j. of section 7 of P.L.1954, c.84  
7 (C.43:15A-7).

8 For the purposes of this act the term "employee" shall not  
9 include persons employed on a short-term, seasonal, intermittent or  
10 emergency basis, persons compensated on a fee basis, persons  
11 having less than two months of continuous service or persons whose  
12 compensation from the State is limited to reimbursement of  
13 necessary expenses actually incurred in the discharge of their  
14 official duties, provided, however, that the term "employee" shall  
15 include persons employed on an intermittent basis to whom the  
16 State has agreed to provide coverage under P.L.1961, c.49  
17 (C.52:14-17.25 et seq.) in accordance with a binding collective  
18 negotiations agreement. An employee paid on a 10-month basis,  
19 pursuant to an annual contract, will be deemed to have satisfied the  
20 two-month waiting period if the employee begins employment at  
21 the beginning of the contract year. The term "employee" shall also  
22 not include retired persons who are otherwise eligible for benefits  
23 under this act but who, although they meet the age or disability  
24 eligibility requirement of Medicare, are not covered by Medicare  
25 Hospital Insurance, also known as Medicare Part A, and Medicare  
26 Medical Insurance, also known as Medicare Part B. A determination  
27 by the commission that a person is an eligible employee within the  
28 meaning of this act shall be final and shall be binding on all parties.

29 (d) (1) The term "dependents" means an employee's spouse,  
30 partner in a civil union couple or an employee's domestic partner as  
31 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), and the  
32 employee's unmarried children under the age of 23 years who live  
33 with the employee in a regular parent-child relationship. "Children"  
34 shall include stepchildren, legally adopted children and children  
35 placed by the Division of **【Youth and Family Services】** Child  
36 Protection and Permanency in the Department of Children and  
37 Families, provided they are reported for coverage and are wholly  
38 dependent upon the employee for support and maintenance. A  
39 spouse, partner in a civil union couple, domestic partner or child  
40 enlisting or inducted into military service shall not be considered a  
41 dependent during the military service. The term "dependents" shall  
42 not include spouses, partners in a civil union couple or domestic  
43 partners of retired persons who are otherwise eligible for the  
44 benefits under this act but who, although they meet the age or  
45 disability eligibility requirement of Medicare, are not covered by  
46 Medicare Hospital Insurance, also known as Medicare Part A, and  
47 Medicare Medical Insurance, also known as Medicare Part B.

1 (2) Notwithstanding the provisions of paragraph (1) of this  
2 subsection to the contrary and subject to the provisions of paragraph  
3 (3) of this subsection, for the purposes of an employer other than  
4 the State that is participating in the State Health Benefits Program  
5 pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term  
6 "dependents" means an employee's spouse or partner in a civil  
7 union couple and the employee's unmarried children under the age  
8 of 23 years who live with the employee in a regular parent-child  
9 relationship. "Children" shall include stepchildren, legally adopted  
10 children and children placed by the Division of **[Youth and Family  
11 Services]** Child Protection and Permanency in the Department of  
12 Children and Families provided they are reported for coverage and  
13 are wholly dependent upon the employee for support and  
14 maintenance. A spouse, partner in a civil union couple or child  
15 enlisting or inducted into military service shall not be considered a  
16 dependent during the military service. The term "dependents" shall  
17 not include spouses or partners in a civil union couple of retired  
18 persons who are otherwise eligible for benefits under P.L.1961, c.49  
19 (C.52:14-17.25 et seq.) but who, although they meet the age or  
20 disability eligibility requirement of Medicare, are not covered by  
21 Medicare Hospital Insurance, also known as Medicare Part A, and  
22 Medicare Medical Insurance, also known as Medicare Part B.

23 (3) An employer other than the State that is participating in the  
24 State Health Benefits Program pursuant to section 3 of P.L.1964,  
25 c.125 (C.52:14-17.34) may adopt a resolution providing that the  
26 term "dependents" as defined in paragraph (2) of this subsection  
27 shall include domestic partners as provided in paragraph (1) of this  
28 subsection.

29 (e) The term "carrier" means a voluntary association,  
30 corporation or other organization, including a health maintenance  
31 organization as defined in section 2 of the "Health Maintenance  
32 Organizations Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully  
33 engaged in providing or paying for or reimbursing the cost of,  
34 personal health services, including hospitalization, medical and  
35 surgical services, under insurance policies or contracts, membership  
36 or subscription contracts, or the like, in consideration of premiums  
37 or other periodic charges payable to the carrier.

38 (f) The term "hospital" means (1) an institution operated  
39 pursuant to law which is primarily engaged in providing on its own  
40 premises, for compensation from its patients, medical diagnostic  
41 and major surgical facilities for the care and treatment of sick and  
42 injured persons on an inpatient basis, and which provides such  
43 facilities under the supervision of a staff of physicians and with 24  
44 hour a day nursing service by registered graduate nurses, or (2) an  
45 institution not meeting all of the requirements of (1) but which is  
46 accredited as a hospital by the Joint Commission on Accreditation  
47 of Hospitals. In no event shall the term "hospital" include a  
48 convalescent nursing home or any institution or part thereof which

1 is used principally as a convalescent facility, residential center for  
2 the treatment and education of children with mental disorders, rest  
3 facility, nursing facility or facility for the aged or for the care of  
4 drug addicts or alcoholics.

5 (g) The term "State managed care plan" means a health care  
6 plan under which comprehensive health care services and supplies  
7 are provided to eligible employees, retirees, and dependents: (1)  
8 through a group of doctors and other providers employed by the  
9 plan; or (2) through an individual practice association, preferred  
10 provider organization, or point of service plan under which services  
11 and supplies are furnished to plan participants through a network of  
12 doctors and other providers under contracts or agreements with the  
13 plan on a prepayment or reimbursement basis and which may  
14 provide for payment or reimbursement for services and supplies  
15 obtained outside the network. The plan may be provided on an  
16 insured basis through contracts with carriers or on a self-insured  
17 basis, and may be operated and administered by the State or by  
18 carriers under contracts with the State.

19 (h) The term "Medicare" means the program established by the  
20 "Health Insurance for the Aged Act," Title XVIII of the "Social  
21 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,  
22 or its successor plan or plans.

23 (i) The term "traditional plan" means a health care plan which  
24 provides basic benefits, extended basic benefits and major medical  
25 expense benefits as set forth in section 5 of P.L.1961, c.49  
26 (C.52:14-17.29) by indemnifying eligible employees, retirees, and  
27 dependents for expenses for covered health care services and  
28 supplies through payments to providers or reimbursements to  
29 participants.

30 (j) The term "successor plan" means a State managed care plan  
31 that shall replace the traditional plan and that shall provide benefits  
32 as set forth in subsection (B) of section 5 of P.L.1961, c.49  
33 (C.52:14-17.29) with provisions regarding reimbursements and  
34 payments as set forth in paragraph (1) of subsection (C) of section 5  
35 of P.L.1961, c.49 (C.52:14-17.29).

36 (cf: P.L.2010, c.2, s.9)

37

38 <sup>1</sup>**[136.] 138.**<sup>1</sup> Section 1 of P.L.2005, c.347 (C.52:17B-210) is  
39 amended to read as follows:

40 1. The Attorney General, in consultation with the New Jersey  
41 School Boards Association, the New Jersey Coalition Against  
42 Sexual Assault, the New Jersey Education Association, and the  
43 **[Division]** <sup>1</sup>**[Office]** Division<sup>1</sup> on Women, shall prepare a  
44 pamphlet to educate children about pedophile crimes and how to  
45 reduce their chances of becoming victims of **[such]** pedophile  
46 crimes. The pamphlet shall be distributed to all public and private  
47 elementary and secondary schools throughout the State. The

1 schools shall reproduce the pamphlet for distribution to students.  
2 The pamphlets shall be designed by the Attorney General.  
3 (cf: P.L.2005, c.347, s.1)

4  
5 <sup>1</sup>[137.] 139.<sup>1</sup> Section 2 of P.L.1985, c.66 (C.52:27D-29.15) is  
6 amended to read as follows:

7 2. The Commissioner of **[the Department of Community**  
8 **Affairs] Children and Families**, in consultation with the **[Division]**  
9 <sup>1</sup>**[Office] Division<sup>1</sup> on Women **[established pursuant to P.L.1974,**  
10 **c.87 (C.52:27D-43.8 et seq.)]** and the Advisory Council on Child  
11 Care established pursuant to section 14 of P.L.1983, c.492  
12 (C.30:5B-14), shall establish an Intergenerational Child Care  
13 Demonstration Matching Program in the Division on Aging  
14 established pursuant to section 28 of P.L.1966, c.293 (C.52:27D-28)  
15 to enable senior residents of the State, 60 years of age or older, to  
16 be recruited and matched by a county office on aging so they may  
17 render nurturing child care services to pre-school and latchkey  
18 children of working parents after school hours.  
19 (cf: P.L.1985, c.66, s.2)**

20  
21 <sup>1</sup>[138.] 140.<sup>1</sup> Section 3 of P.L.1985, c.66 (C.52:27D-29.16) is  
22 amended to read as follows:

23 3. a. The Division on Aging, the **[Division]** <sup>1</sup>**[Office]**  
24 **Division**<sup>1</sup> on Women, and the Advisory Council on Child Care shall  
25 recommend standards to ensure that the Intergenerational Child  
26 Care Demonstration Matching Program is of high quality and  
27 benefits both children and older people. Subject to the  
28 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
29 seq.), the Commissioner of **[the Department of Community**  
30 **Affairs] Children and Families** shall adopt all regulations necessary  
31 to effectuate the purposes of **[this act] P.L.1985, c.66 (C.52:27D-**  
32 **29.14 et seq.**).

33 b. Any county office on aging that is interested in participating  
34 in the program may submit a proposal to the commissioner. The  
35 commissioner shall review the proposals and approve the proposals  
36 that best meet the purposes of the demonstration program.  
37 (cf: P.L.1985, c.66, s.3)

38  
39 <sup>1</sup>[139.] 141.<sup>1</sup> Section 1 of P.L.1974, c.87 (C.52:27D-43.8) is  
40 amended to read as follows:

41 1. This act shall be known as, and may be cited as, the  
42 **["Division] <sup>1</sup>["Office] Division**<sup>1</sup> on Women Act **[of 1974]."**  
43 (cf: P.L.1974, c.87, s.1)

44  
45 <sup>1</sup>[140.] 142.<sup>1</sup> Section 2 of P.L.1974, c.87 (C.52:27D-43.9) is  
46 amended to read as follows:



1       2. There is hereby established in the Department of  
 2 **【Community Affairs a Division】** Children and Families <sup>1</sup>**【,**  
 3 Division of Family and Community Partnerships, an Office】 a  
 4 Division<sup>1</sup> on Women. The **【division】** <sup>1</sup>**【office】** division<sup>1</sup> shall  
 5 consist of a director and the New Jersey Advisory Commission on  
 6 the Status of Women.

7 (cf: P.L.1974, c.87, s.2)

8  
 9       <sup>1</sup>**【141.】** 143.<sup>1</sup> (New section) a. The Division on Women in the  
 10 Department of Community Affairs, together with its functions,  
 11 powers, and duties, is transferred to the Department of Children and  
 12 Families <sup>1</sup>**【and shall be reconstituted as the Office on Women in the**  
 13 **department】**<sup>1</sup>. <sup>1</sup>All programs, services, and funding maintained and  
 14 associated with the division in effect during Fiscal Year 2012, and  
 15 prior to the start of Fiscal Year 2013, shall continue in the division  
 16 and shall not be altered or diminished by the transfer of the  
 17 division.<sup>1</sup> The transfer pursuant to this section shall be made in  
 18 accordance with the provisions of the “State Agency Transfer Act,”  
 19 P.L.1971, c.375 (C.52:14D-1 et seq.).

20       b. All appropriations and other monies available, and to  
 21 become available, to the Division on Women in the Department of  
 22 Community Affairs, transferred to the Department of Children and  
 23 Families <sup>1</sup>**【and reconstituted as the Office on Women in the**  
 24 **department pursuant to P.L. , c. (C. ) (pending before the**  
 25 **Legislature as this bill)】**<sup>1</sup>, are continued in the <sup>1</sup>**【Office】** Division<sup>1</sup>  
 26 on Women in the Department of Children and Families established  
 27 hereunder and shall be available for the objects and purposes for  
 28 which these monies are appropriated, subject to the provisions of  
 29 P.L. , c. (C. ) (pending before the Legislature as this bill)  
 30 and any other terms, restrictions, limitations, or other requirements  
 31 imposed by law.

32       c. Whenever, in any law, rule, regulation, order, contract,  
 33 document, judicial, or administrative proceeding or otherwise,  
 34 reference is made to the Division on Women in the Department of  
 35 Community Affairs, the same shall mean and refer to the <sup>1</sup>**【Office】**  
 36 Division<sup>1</sup> on Women in the Department of Children and Families.

37  
 38       <sup>1</sup>**【142.】** 144.<sup>1</sup> Section 3 of P.L.1974, c.87 (C.52:27D-43.10) is  
 39 amended to read as follows:

40       3. The Director of the **【Division】** <sup>1</sup>**【Office】** Division<sup>1</sup> on  
 41 Women shall be a person qualified by training and experience to  
 42 perform the duties of **【his or her】** the <sup>1</sup>**【office】** division<sup>1</sup>. The  
 43 director shall be appointed by the Governor, by and with the advice  
 44 and consent of the Senate, and shall serve at the pleasure of the  
 45 Governor during the Governor's term of office and until the  
 46 appointment and qualification of a successor. The director shall  
 47 administer the work of **【such division】** the <sup>1</sup>**【office】** division<sup>1</sup>

1 under the direction and supervision of the commissioner, and shall  
2 perform such other functions of the department as the commissioner  
3 may prescribe. The director shall receive such salary as shall be  
4 provided by law.

5 (cf: P.L.1974, c.87, s.3)

6

7 <sup>1</sup>[143.] 145.<sup>1</sup> Section 5 of P.L.1974, c.87 (C.52:27D-43.12) is  
8 amended to read as follows:

9 5. The **[Division]** <sup>1</sup>**[Office]** Division<sup>1</sup> on Women shall be  
10 under the supervision of the director. The director shall:

11 a. Appoint and remove such professionals, technical, and  
12 clerical assistants, and employees, subject to the provisions of Title  
13 11, Civil Service of the Revised Statutes, and other applicable  
14 statutes, as may be necessary to enable the **[division]** <sup>1</sup>**[office]**  
15 division<sup>1</sup> to perform the duties imposed upon it by **[this act]**  
16 P.L.1974, c.87 (C.52:27D-43.8 et seq.) and shall fix their  
17 compensation within the limits of available appropriations and as  
18 shall be provided by law;

19 b. Select and retain the services of consultants whose advice is  
20 considered necessary to assist the **[division]** <sup>1</sup>**[office]** division<sup>1</sup> in  
21 obtaining information or developing plans and programs required  
22 for the performance of the duties and responsibilities of the  
23 **[division]** <sup>1</sup>**[office]** division<sup>1</sup> as provided by **[this act]** P.L.1974,  
24 c.87;

25 c. Attend all meetings of the New Jersey Advisory  
26 Commission on the Status of Women and its committees but shall  
27 have no vote. The director may delegate to subordinate officers or  
28 employees the responsibility to attend the meetings of the  
29 commission.

30 (cf: P.L.1974, c.87, s.5)

31

32 <sup>1</sup>[144.] 146.<sup>1</sup> Section 6 of P.L.1974, c.87 (C.52:27D-43.13) is  
33 amended to read as follows:

34 6. The **[division]** <sup>1</sup>**[office]** division<sup>1</sup>, under the supervision  
35 and leadership of the director, shall:

36 a. Serve as the central permanent agency for the coordination  
37 of programs and services for the women of New Jersey and for the  
38 evaluation of the effectiveness of their implementation and as a  
39 planning agency for the development of new programs and services;

40 b. Establish a liaison with all other governmental departments  
41 and agencies involved with the enforcement of laws, ordinances,  
42 and regulations and with the development of programs affecting the  
43 status of women;

44 c. Request State departments and other public and private  
45 agencies on a State, county, and local level to initiate joint efforts to  
46 promote the expansion of rights and opportunities available to the  
47 women of this State;

- 1 d. Cooperate with all Federal and interstate programs and  
2 services provided for women;
- 3 e. Engage in a continuous study of the changing needs and  
4 concerns of women in New Jersey and develop and recommend new  
5 programs to the Governor and the Legislature;
- 6 f. Consult with, advise, and otherwise provide professional  
7 assistance to organized efforts by communities, organizations,  
8 associations, and groups which are working toward the goal of  
9 improving the status of women;
- 10 g. Serve as a clearing house to publish and disseminate  
11 information and to provide assistance and direction to women with  
12 specific problems and needs;
- 13 h. Act as a search committee for the Governor and other  
14 executive officers in the State Government for the purpose of  
15 discovering and recommending women who are talented and  
16 qualified to serve in the Executive Branch of the State  
17 Government;
- 18 i. Report annually to the Commissioner of **the Department of**  
19 **Community Affairs** Children and Families and the Governor on its  
20 activities and recommendations;
- 21 j. Do all other things necessary to carry out the powers and  
22 duties granted under **this act** P.L.1974, c.87 (C.52:27D-43.8 et  
23 seq.).
- 24 (cf: P.L.1974, c.87, s.6)

25  
26 <sup>1</sup>**[145.] 147.** Section 8 of P.L.1974, c.87 (C.52:27D-43.15) is  
27 amended read as follows:

28 8. The commission, acting jointly and as a body, shall advise  
29 the Director of the **Division** <sup>1</sup>**[Office] Division** on Women on  
30 matters referred to it by the director and may originate and make  
31 recommendations to the director concerning policies and their  
32 implementation. The commission, or any member thereof, may not  
33 act in the name of or as an agent of the **Division** <sup>1</sup>**[Office]**  
34 **Division** on Women or give instructions to the director or a  
35 member of the staff of the **division** <sup>1</sup>**[office] division**.

36 (cf: P.L.1974, c.87, s.8)

37  
38 <sup>1</sup>**[146.] 148.** Section 1 of P.L.2003, c.225 (C.52:27D-43.17a)  
39 is amended to read as follows:

40 1. As used in this act:

41 "Board" means the Domestic Violence Fatality and Near Fatality  
42 Review Board established pursuant to **this act** P.L.2003, c.225  
43 (C.52:27D-43.17a et seq.).

44 "Domestic violence-related fatality" or "fatality" means a death  
45 which arises as a result of one or more acts of domestic violence as  
46 defined in section 3 of P.L.1991, c.261 (C.2C:25-19).

1 "Near fatality" means a case in which a victim of domestic  
2 violence is in serious or critical condition, as certified by a  
3 physician.

4 "Panel" means the Panel to Study Domestic Violence in the Law  
5 Enforcement Community established pursuant to section 9 of [this  
6 act] P.L.2003, c.225 (C.52:27D-43.17i).  
7 (cf: P.L.2003, c.225, s.1)  
8

9 <sup>1</sup>[147.] 149.<sup>1</sup> Section 2 of P.L.2003, c.225 (C.52:27D-43.17b) is  
10 amended to read as follows:

11 2. There is established the Domestic Violence Fatality and  
12 Near Fatality Review Board. For the purposes of complying with  
13 the provisions of Article V, Section IV, paragraph 1 of the New  
14 Jersey Constitution, the board is established within the Department  
15 of [Community Affairs] Children and Families, but  
16 notwithstanding the establishment, the board shall be independent  
17 of any supervision or control by the department or any board or  
18 officer thereof.

19 The purpose of the board is to review the facts and circumstances  
20 surrounding domestic violence-related fatalities and near fatalities  
21 in New Jersey in order to identify their causes and their relationship  
22 to government and nongovernment service delivery systems, and to  
23 develop methods of prevention. The board shall: review trends and  
24 patterns of fatalities and near fatalities; evaluate the responses of  
25 government and nongovernment service delivery systems to  
26 fatalities and near fatalities and offer recommendations for  
27 improvement of these responses; identify and characterize high-risk  
28 groups in order to develop public policy; collect statistical data, in a  
29 consistent and uniform manner, on the occurrence of fatalities and  
30 near fatalities; and improve collaboration between State and local  
31 agencies and organizations for the purpose of developing initiatives  
32 to prevent domestic violence.

33 (cf: P.L.2003, c.225, s.2)  
34

35 <sup>1</sup>[148.] 150.<sup>1</sup> Section 3 of P.L.2003, c.225 (C.52:27D-43.17c)  
36 is amended to read as follows:

37 3. a. The board shall consist of [23] 20 members as follows:

38 (1) the Commissioners of Community Affairs, Human Services,  
39 Children and Families, and Health and Senior Services, [the  
40 Director of the Division on Women in the Department of  
41 Community Affairs], the Attorney General, the Public Defender,  
42 the Superintendent of the State Police, the Director of the Division  
43 of [Youth and Family Services] Child Protection and Permanency  
44 in the Department of Children and Families, [the Supervisor of the  
45 Office on the Prevention of Violence Against Women in the  
46 Department of Community Affairs established pursuant to  
47 Executive Order No. 61 (1992)], the State Medical Examiner, [the

1 Program Director of the Domestic Violence Fatality Review Board  
2 established pursuant to Executive Order No. 110 (2000)] and the  
3 chairperson of the Child Fatality and Near Fatality Review Board,  
4 or their designees, who shall serve ex officio;

5 (2) eight public members appointed by the Governor who shall  
6 include a representative of the County Prosecutors Association of  
7 New Jersey with expertise in prosecuting domestic violence cases, a  
8 representative of the New Jersey Coalition for Battered Women, a  
9 representative of a program for battered women that provides  
10 intervention services to perpetrators of acts of domestic violence, a  
11 representative of the law enforcement community with expertise in  
12 the area of domestic violence, a psychologist with expertise in the  
13 area of domestic violence or other related fields, a licensed social  
14 worker with expertise in the area of domestic violence, a licensed  
15 health care professional knowledgeable in the screening and  
16 identification of domestic violence cases and a county probation  
17 officer; and

18 (3) two retired judges appointed by the Administrative Director  
19 of the Administrative Office of the Courts, one with expertise in  
20 family law and one with expertise in municipal law as it relates to  
21 domestic violence.

22 b. The public members of the board shall serve for three-year  
23 terms, except that of the public members first appointed, four shall  
24 serve for a period of one year, three shall serve for a period of two  
25 years and two shall serve for a period of three years. The members  
26 shall serve without compensation, but shall be eligible for  
27 reimbursement for necessary and reasonable expenses incurred in  
28 the performance of their official duties and within the limits of  
29 funds appropriated for this purpose. Vacancies in the membership  
30 of the board shall be filled in the same manner as the original  
31 appointments were made.

32 c. The board shall select a chairperson from among its  
33 members who shall be responsible for the coordination of all  
34 activities of the board.

35 d. The board is entitled to call to its assistance and avail itself  
36 of the services of employees of any State, county, or municipal  
37 department, board, bureau, commission, or agency as it may require  
38 and as may be available for the purposes of reviewing a case  
39 pursuant to the provisions of [this act] P.L. 2003, c.225 (C.52:27D-  
40 43.17a. et seq.).

41 e. The board may seek the advice of experts, such as persons  
42 specializing in the fields of psychiatric and forensic medicine,  
43 nursing, psychology, social work, education, law enforcement,  
44 family law, academia, military affairs, or other related fields, if the  
45 facts of a case warrant additional expertise.

46 (cf: P.L.2011, c.129, s.1)

1       <sup>1</sup>[149.] 151.<sup>1</sup> Section 2 of P.L.1979, c.125 (C.52:27D-43.19) is  
2 amended to read as follows:

3       2. As used in **[this act]** P.L.1979, c.125 (C.52:27D-43.18 et  
4 seq), a "displaced homemaker" is an individual who has not worked  
5 in the labor force for a substantial number of years but has, during  
6 those years, worked in the home providing unpaid services for  
7 family members and has been dependent upon the income of  
8 another family member but is no longer supported by that income  
9 and:

10       a. Is receiving public assistance because of dependent children  
11 in the home but is within **[1]** one year of no longer being eligible  
12 for **[such]** assistance; or

13       b. Is unemployed or underemployed and is experiencing  
14 difficulty in obtaining or upgrading employment; or

15       c. Is at least 40 years of age, an age at which discrimination  
16 based on age is likely, and at which entry or reentry to or  
17 advancement in the labor market is difficult.

18       "Commissioner" means the Commissioner of **[the Department of**  
19 **Community Affairs]** Children and Families.

20       **["Division"]** <sup>1</sup>**["Office]** "Division"<sup>1</sup> shall mean the **[Division]**  
21 <sup>1</sup>**["Office]** Division<sup>1</sup> on Women within the Department of  
22 **[Community Affairs]** Children and Families.

23 (cf: P.L.1979, c.125, s.2)

24

25       <sup>1</sup>[150.] 152.<sup>1</sup> Section 3 of P.L.1979, c.125 (C.52:27D-43.20) is  
26 amended to read as follows:

27       3. The **[Division]** <sup>1</sup>**["Office]** Division<sup>1</sup> on Women in the  
28 Department of **[Community Affairs]** Children and Families shall  
29 identify existing displaced homemaker programs and provide  
30 technical assistance and encouragement for the expansion of other  
31 multi-purpose programs which provide:

32       a. Job counseling services which are specifically designed for  
33 displaced homemakers, and which aid them in acquiring knowledge  
34 of their talents and skills in relation to existing jobs, and which  
35 counsel displaced homemakers with respect to appropriate job  
36 opportunities.

37       b. Job training and job placement services which develop, by  
38 working with State and local government agencies and private  
39 employers, training and placement programs for jobs in the public  
40 and private sectors, which assist participants in gaining admission  
41 to existing public and private job training programs and  
42 opportunities, and which identify community needs and encourage  
43 the creation of new jobs in the public and private sectors.

44       c. Health education and counseling services which cooperate  
45 with existing health programs to provide counseling on preventive  
46 health care, health care consumer education, family health care and

1 nutrition, alcohol and drug addiction, and overcoming health  
2 barriers to employment.

3 d. Financial management services which provide information  
4 and assistance with respect to credit, insurance, taxes, estate and  
5 probate problems, mortgages, loans, and other related financial  
6 matters.

7 e. Educational services, including outreach and information  
8 about courses offering credit through secondary or post-secondary  
9 education programs, and including bilingual programs where  
10 appropriate, as well as information about other programs which are  
11 determined to be of interest and benefit to displaced homemakers in  
12 developing employable skills.

13 f. Legal counseling and referral services.

14 g. Outreach and information services with respect to Federal  
15 and State employment, education, health, public assistance, and  
16 unemployment assistance programs.

17 (cf: P.L.1979, c.125, s.3)

18

19 <sup>1</sup>[151.] 153. Section 5 of P.L.1979, c.125 (C.52:27D-43.22) is  
20 amended to read as follows:

21 5. The ~~【Division】~~ <sup>1</sup>【~~Office】~~ Division on Women within the  
22 Department of ~~【Community Affairs】~~ Children and Families shall  
23 make a continuous study of the needs of displaced homemakers, and  
24 effective programs and services and funding available to meet those  
25 needs. The ~~【division】~~ <sup>1</sup>【~~office】~~ division shall also coordinate  
26 community organizations, women's groups, and public agencies to  
27 maximize the utilization of existing programs and resources.  
28 ~~【Such】~~ The coordination shall include, but not be limited to, the  
29 Division on Aging in the Department of Community Affairs, the  
30 Office on Women of the Division of Vocational Education in the  
31 Department of Education, the Division of Vocational Rehabilitation  
32 Services in the Department of Labor and Industry, and the Division  
33 of Welfare in the Department of Human Services. The goal of this  
34 coordination shall be to put eligible people in touch with existing  
35 programs and to foster cooperation and the exchange of information  
36 among all departments and agencies of State Government which  
37 sponsor programs for which displaced homemakers would be  
38 eligible.

39 (cf: P.L.1979, c.125, s.5)

40

41 <sup>1</sup>[152.] 154. Section 6 of P.L.1979, c.125 (C.52:27D-43.23) is  
42 amended to read as follows:

43 6. The ~~【division】~~ <sup>1</sup>【~~office】~~ division shall compile and  
44 maintain a description and assessment of each program operating  
45 pursuant to ~~【this act】~~ P.L.1979, c.125 (C.52:27D-43.18 et seq.),  
46 including the number of displaced homemakers served, the number  
47 who obtained employment, the number who enrolled in educational

1 courses, the number of those enrolled who completed such  
2 educational courses, the cost per displaced homemaker for each  
3 program, and the total number of staff and staff ratio to persons  
4 served under the program. **【Such】** The report shall be available  
5 within **【1】** one year of the effective date of **【the act】** P.L.1979,  
6 c.125.

7 (cf: P.L.1979, c.125, s.6)

8  
9 **‘【153.】 155.’** Section 3 of P.L.1993, c.188 (C.52:27D-43.24b) is  
10 amended to read as follows:

11 3. The Department of **【Community Affairs】** Children and  
12 Families shall establish a trust fund for the deposit of the fees  
13 collected pursuant to section 2 of **【this amendatory and**  
14 **supplementary act】** P.L.1993, c.188 (C.52:27D-43.24a). The  
15 moneys from the trust fund shall be used for the specific purpose of  
16 providing grants-in-aid to programs for displaced homemakers as  
17 identified by the **【Division】** **‘【Office】** Division<sup>1</sup>**’** on Women in the  
18 Department of **【Community Affairs】** Children and Families  
19 pursuant to section 3 of P.L.1979, c.125 (C.52:27D-43.20).

20 (cf: P.L.1993, c.188, s.3)

21  
22 **‘【154.】 156.’** Section 2 of P.L.2005, c.204 (C.52:27D-43.36) is  
23 amended to read as follows:

24 2. a. The Director of the **【Division】** **‘【Office】** Division<sup>1</sup>**’** on  
25 Women in the Department of **【Community Affairs】** Children and  
26 Families, in consultation with the Advisory Council on Domestic  
27 Violence and the Commissioners of Human Services and Health  
28 and Senior Services, shall establish a domestic violence public  
29 awareness campaign in order to promote public awareness of  
30 domestic violence among the general public and health care and  
31 social services professionals and provide information to assist  
32 victims of domestic violence and their children.

33 b. The public awareness campaign shall include the  
34 development and implementation of public awareness and outreach  
35 efforts to promote domestic violence prevention and education,  
36 including, but not limited to, the following subjects:

37 (1) the causes and nature of domestic violence;

38 (2) risk factors;

39 (3) preventive measures; and

40 (4) the availability of, and how to access, services in the  
41 community for victims of domestic violence, including, but not  
42 limited to, shelter services, legal advocacy services, and legal  
43 assistance services.

44 c. The director shall coordinate the efforts of the **【division】**  
45 **‘【office】** division<sup>1</sup>**’** with any activities being undertaken by other  
46 State agencies to promote public awareness of, and provide  
47 information to the public about, domestic violence.



1 d. The director, within the limits of funds available for this  
2 purpose, shall seek to utilize electronic and print media, and may  
3 prepare and disseminate such written information as the director  
4 deems necessary, to accomplish the purposes of **[this act]**  
5 P.L.2005, c.204 (C.52:27D-43.35 et seq.).

6 e. The **[division]** <sup>1</sup>**[office]** division<sup>1</sup> shall make available  
7 electronically on its Internet website in English and Spanish  
8 information about domestic violence as described in subsection b.  
9 of this section.

10 f. The director may accept, for the purposes of the public  
11 awareness campaign, any special grant of funds, services, or  
12 property from the federal government or any of its agencies, or  
13 from any foundation, organization, or other entity.

14 g. The director shall report to the Governor and the Legislature,  
15 no later than 18 months after the effective date of **[this act]**  
16 P.L.2005, c.204 (C.52:27D-43.35 et seq.), on the activities and  
17 accomplishments of the public awareness campaign.

18 (cf: P.L.2005, c.204, s.2)

19  
20 <sup>1</sup>**[155.] 157.**<sup>1</sup> Section 2 of P.L.1999, c.239 (C.52:27D-444) is  
21 amended to read as follows:

22 2. The Legislature finds and declares that:

23 a. Micro-business loans are usually granted to those businesses  
24 that are mostly sole proprietorships with five or fewer employees,  
25 that require an initial capital outlay of less than \$35,000 to start a  
26 new business or expand an existing business, utilize loans in  
27 amounts of less than \$15,000 with most loans being paid back on  
28 time, and experience a default rate that is often no higher than on  
29 commercial loans;

30 b. Experience in numerous other states and in certain urban  
31 areas in New Jersey has shown that "micro lending," or carefully  
32 underwriting small loans to individual entrepreneurs with well-  
33 developed, realistic business plans, has been successful in helping  
34 individuals, without regard to geographical location, to start micro-  
35 businesses;

36 c. Nonprofit community-based development corporations have  
37 the experience of providing the training and technical assistance  
38 that is necessary for prospective entrepreneurs to establish a viable  
39 business;

40 d. While the New Jersey Economic Development Authority  
41 currently manages several programs to promote the development of  
42 micro and small businesses in the State and the New Jersey  
43 Development Authority for Small Businesses, Minorities' and  
44 Women's Enterprises has a peer group micro-lending program in  
45 place which targets urban areas of the State, there is a need to  
46 establish a separate micro-business credit program to provide new  
47 and innovative ways to assist more unemployed women and  
48 underemployed women in all areas of the State to enter or reenter

1 the marketplace and to recognize that nonprofit community-based  
2 development corporations and certain Statewide women's business  
3 organizations have the experience of providing the training and  
4 technical assistance that is necessary for prospective entrepreneurs  
5 to establish a viable business; and

6 e. It is appropriate to establish a micro-business credit program  
7 that would target only those potential female entrepreneurs who  
8 have little or no prior business experience, are self-motivated and  
9 are willing to undertake an extensive training program and receive  
10 other kinds of technical assistance in order to gain the necessary  
11 experience to start a successful business through grants given to  
12 certified nonprofit community development corporations and  
13 certain Statewide women's business organizations, and the  
14 Department of Community Affairs which has experience in  
15 evaluating and monitoring community development corporations  
16 **【and which already manages a number of programs through its**  
17 **Division on Women to assist women to improve their lives】** is the  
18 appropriate State agency to accomplish these goals.

19 (cf: P.L.2004, c.176, s.2)

20  
21 **'【156.】 158.'** (New section) a. Notwithstanding any law, rule,  
22 or regulation to the contrary, commencing on or after the effective  
23 date of P.L. , c. (C. ) (pending before the Legislature as this  
24 bill) and subject to the provisions of subsection b. of this  
25 section, the Division of Children's System of Care in the  
26 Department of Children and Families shall determine eligibility and  
27 provide support and services, **'【to the extent possible】 deemed**  
28 **clinically and functionally appropriate by the Department of**  
29 **Children and Families, as limited by service availability and**  
30 **appropriations and other monies available, and to become**  
31 **available**<sup>1</sup>, for persons with developmental disabilities, as defined in  
32 section 3 of P.L.1977, c.82 (C.30:6D-3), under 21 years of age. The  
33 Division of Children's System of Care shall be responsible for  
34 licensing, inspection, and standard-setting with regard to facilities  
35 providing services for persons with developmental disabilities under  
36 21 years of age.

37 **'【The】 With the exception of the services provided to adults**  
38 **over the age of 18 by the Moderate Security Unit, established**  
39 **pursuant to P.L.2006, c.5 (C.30:4-25.13 et seq.), the**<sup>1</sup> Division of  
40 Developmental Disabilities in the Department of Human Services  
41 shall cease providing services for those persons with developmental  
42 disabilities under 21 years of age as of the date that the Division of  
43 Children's System of Care in Department of Children and Families  
44 commences determining eligibility and providing services for these  
45 persons **'【, except that】**, **except that, as agreed to by the**  
46 **Department of Children and Families and the Department of Human**  
47 **Services pursuant to subsection b. of this section,**<sup>1</sup> the Division of

1   Developmental Disabilities may 'continue to provide services to  
2 individuals under 21 years of age determined eligible for such  
3 services prior to the effective date of P.L. , c. (C. ) ( pending  
4 before the Legislature as this bill). The Division of Developmental  
5 Disabilities may' establish 'rules and' procedures 'for the transition  
6 of persons receiving services from the Department of Children and  
7 Families to adult services provided by the Division of  
8 Developmental Disabilities.' including, but not limited to, a  
9 redetermination of eligibility for services '[, if appropriate, by the  
10 Commissioner of Human Services, for the transition of persons with  
11 developmental disabilities to adult services provided by the<sup>1</sup> '] .  
12 'There shall not be a presumption of eligibility for persons seeking  
13 adult services through the' Division of Developmental Disabilities  
14 in the Department of Human Services.

15       'The Division of Developmental Disabilities shall retain all  
16 responsibility for and authority over the operation of State  
17 developmental centers pursuant to R.S.30:1-7.'

18       b. The '[Director of the Division of Developmental  
19 Disabilities in the Department] Commissioner' of Human Services  
20 and the '[Director of the Division of Children's System of Care in  
21 the Department] Commissioner' of Children and Families ', or the  
22 commissioners' designees.' shall establish and enter into an inter-  
23 agency agreement as necessary for the purposes of subsection a. of  
24 this section.

25       c. The Commissioners of Human Services and Children and  
26 Families, '[in consultation with each other and]' pursuant to the  
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
28 seq.), shall adopt, notwithstanding any provision of P.L.1968, c.410  
29 (C.52:14B-1 et seq.) to the contrary, immediately upon filing with  
30 the Office of Administrative Law, such rules and regulations as the  
31 Commissioners deem necessary to effectuate the purposes of  
32 section '[156] 158' of P.L. , c. (C. ) (pending before the  
33 Legislature as this bill), which shall be effective for a period not to  
34 exceed 12 months following the effective date of P.L. , c. (C. )  
35 (pending before the Legislature as this bill). The regulations shall  
36 thereafter be amended, adopted, or readopted by the commissioners  
37 in accordance with the provision of P.L.1968, c.410 (C.52:14B-1 et  
38 seq.).

39       d. Whenever 'in' any 'current' law, rule, regulation, 'or' order,  
40 '[contract, or document]' pertaining to persons with developmental  
41 disabilities, as defined in section 3 of P.L.1977, c.82 (C.30:6D-3),  
42 under 21 years of age refers to the Division of Developmental  
43 Disabilities in the Department of Human Services, the same shall  
44 mean and refer to the Division of Children's System of Care in the  
45 Department of Children and Families.

1       <sup>1</sup>[157.] 159.<sup>1</sup> (New section) a. Notwithstanding any law, rule,  
2 or regulation to the contrary, commencing on or after the effective  
3 date of P.L. , c. (C. ) (pending before the Legislature as  
4 this bill) and subject to the provisions of subsection b. of this  
5 section, the Division of Children's System of Care in the  
6 Department of Children and Families, in lieu of the Division of  
7 Mental Health and Addiction Services in the Department of Human  
8 Services, shall provide, manage, and coordinate services for the  
9 treatment of <sup>1</sup>alcoholism and<sup>1</sup> substance abuse <sup>1</sup>[and related  
10 afflictions]<sup>1</sup> for persons under 21 years of age <sup>1</sup>, deemed clinically  
11 and functionally appropriate by the Department of Children and  
12 Families, as limited by service availability and appropriations and  
13 other monies available, and to become available, except that, as  
14 agreed to by the Department of Children and Families and the  
15 Department of Human Services pursuant to subsection b. of this  
16 section, the Division of Mental Health and Addiction Services may  
17 continue to exclusively provide, manage, and coordinate programs  
18 and services designed primarily for adults 18 years of age or older,  
19 including, but not limited to, services provided pursuant to  
20 R.S.39:4-50 and the Drug Courts of this State<sup>1</sup>.

21       b. The <sup>1</sup>[Director of the Division of Mental Health and  
22 Addiction Services in the Department] Commissioner<sup>1</sup> of Human  
23 Services and the <sup>1</sup>[Director of the Division of Children's System of  
24 Care in the Department] Commissioner<sup>1</sup> of Children and Families<sup>1</sup>,  
25 or the commissioners' designees,<sup>1</sup> shall establish and enter into an  
26 inter-agency agreement as necessary for the purposes of subsection  
27 a. of this section.

28       c. The Commissioners of Human Services and Children and  
29 Families, <sup>1</sup>[in consultation with each other and]<sup>1</sup> pursuant to the  
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
31 seq.), shall adopt, notwithstanding any provision of P.L.1968, c.410  
32 (C.52:14B-1 et seq.) to the contrary, immediately upon filing with  
33 the Office of Administrative Law, such rules and regulations as the  
34 Commissioners deem necessary to effectuate the purposes of  
35 section <sup>1</sup>[157] 159<sup>1</sup> of P.L. , c. (C. ) (pending before the  
36 Legislature as this bill), which shall be effective for a period not to  
37 exceed 12 months following the effective date of P.L. , c. (C. )  
38 (pending before the Legislature as this bill). The regulations shall  
39 thereafter be amended, adopted, or readopted by the commissioners  
40 in accordance with the provision of P.L.1968, c.410 (C.52:14B-1 et  
41 seq.).

42       <sup>1</sup>d. Whenever in any current law, rule, regulation, or order  
43 pertaining to the treatment of alcoholism and substance abuse for  
44 persons under 21 years of age refers to the Division of Mental  
45 Health and Addiction Services in the Department of Human  
46 Services, the same shall mean and refer to the Division of  
47 Children's System of Care in the Department of Children and

1 Families, except where the Division of Mental Health and  
2 Addiction Services continues to exclusively provide, manage, and  
3 coordinate programs and services consistent with this section.<sup>1</sup>

4

5 <sup>1</sup>~~[158.]~~ 160.<sup>1</sup> This act shall take effect immediately.

6

7

8

9

10 Reorganizes Department of Children and Families.

# ASSEMBLY, No. 3101

## STATE OF NEW JERSEY

### 215th LEGISLATURE

INTRODUCED JUNE 14, 2012

**Sponsored by:**

**Assemblywoman MARY PAT ANGELINI**  
**District 11 (Monmouth)**

**Co-Sponsored by:**

**Assemblywoman Handlin**

**SYNOPSIS**

Reorganizes Department of Children and Families.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/22/2012)

A3101 ANGELINI

2

1 AN ACT reorganizing the Department of Children and Families,  
2 transferring the Division on Women from the Department of  
3 Community Affairs to the Department of Children and Families  
4 and reconstituting the division as the Office on Women,  
5 transferring certain services for youth from the Department of  
6 Human Services to the Department of Children and Families,  
7 amending various parts of the statutory law, and supplementing  
8 P.L.1974, c.87 (C.52:27D-43.8) and Title 30 of the Revised  
9 Statutes.

10

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

13

14 1. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to  
15 read as follows:

16 24. Disposition of delinquency cases. a. In determining the  
17 appropriate disposition for a juvenile adjudicated delinquent the  
18 court shall weigh the following factors:

19 (1) The nature and circumstances of the offense;

20 (2) The degree of injury to persons or damage to property  
21 caused by the juvenile's offense;

22 (3) The juvenile's age, previous record, prior social service  
23 received, and out-of-home placement history;

24 (4) Whether the disposition supports family strength,  
25 responsibility and unity and the well-being and physical safety of  
26 the juvenile;

27 (5) Whether the disposition provides for reasonable  
28 participation by the child's parent, guardian, or custodian, provided,  
29 however, that the failure of a parent or parents to cooperate in the  
30 disposition shall not be weighed against the juvenile in arriving at  
31 an appropriate disposition;

32 (6) Whether the disposition recognizes and treats the unique  
33 physical, psychological, and social characteristics and needs of the  
34 child;

35 (7) Whether the disposition contributes to the developmental  
36 needs of the child, including the academic and social needs of the  
37 child where the child has mental retardation or learning disabilities;

38 (8) Any other circumstances related to the offense and the  
39 juvenile's social history as deemed appropriate by the court;

40 (9) The impact of the offense on the victim or victims;

41 (10) The impact of the offense on the community; and

42 (11) The threat to the safety of the public or any individual posed  
43 by the child.

44 b. If a juvenile is adjudged delinquent, and except to the extent  
45 that an additional specific disposition is required pursuant to

**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 subsection e. or f. of this section, the court may order incarceration  
2 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one  
3 or more of the following dispositions:

4 (1) Adjourn formal entry of disposition of the case for a period  
5 not to exceed 12 months for the purpose of determining whether the  
6 juvenile makes a satisfactory adjustment, and if during the period of  
7 continuance the juvenile makes such an adjustment, dismiss the  
8 complaint; provided that if the court adjourns formal entry of  
9 disposition of delinquency for a violation of an offense defined in  
10 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court  
11 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but  
12 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for  
13 juveniles adjudicated delinquent;

14 (2) Release the juvenile to the supervision of the juvenile's  
15 parent or guardian;

16 (3) Place the juvenile on probation to the chief probation officer  
17 of the county or to any other suitable person who agrees to accept  
18 the duty of probation supervision for a period not to exceed three  
19 years upon such written conditions as the court deems will aid  
20 rehabilitation of the juvenile;

21 (4) Transfer custody of the juvenile to any relative or other  
22 person determined by the court to be qualified to care for the  
23 juvenile;

24 (5) Place the juvenile under the care and responsibility of the  
25 Department of Children and Families so that the commissioner may  
26 designate a division or organizational unit in the department  
27 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of  
28 providing services in or out of the home. Within 14 days, unless for  
29 good cause shown, but not later than 30 days, the Department of  
30 Children and Families shall submit to the court a service plan,  
31 which shall be presumed valid, detailing the specifics of any  
32 disposition order. The plan shall be developed within the limits of  
33 fiscal and other resources available to the department. If the court  
34 determines that the service plan is inappropriate, given existing  
35 resources, the department may request a hearing on that  
36 determination;

37 (6) Place the juvenile under the care and custody of the  
38 Commissioner of Human Services for the purpose of receiving the  
39 services of the Division of Developmental Disabilities of that  
40 department, provided that the juvenile has been determined to be  
41 eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

42 (7) Commit the juvenile, pursuant to applicable laws and the  
43 Rules of Court governing civil commitment, to the Department of  
44 Children and Families under the responsibility of the Division of  
45 **【Child Behavioral Health Services】** Children's System of Care for  
46 the purpose of placement in a suitable public or private hospital or  
47 other residential facility for the treatment of persons who are



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1 mentally ill, on the ground that the juvenile is in need of  
2 involuntary commitment;

3 (8) Fine the juvenile an amount not to exceed the maximum  
4 provided by law for such a crime or offense if committed by an  
5 adult and which is consistent with the juvenile's income or ability to  
6 pay and financial responsibility to the juvenile's family, provided  
7 that the fine is specially adapted to the rehabilitation of the juvenile  
8 or to the deterrence of the type of crime or offense. If the fine is  
9 not paid due to financial limitations, the fine may be satisfied by  
10 requiring the juvenile to submit to any other appropriate disposition  
11 provided for in this section;

12 (9) Order the juvenile to make restitution to a person or entity  
13 who has suffered loss resulting from personal injuries or damage to  
14 property as a result of the offense for which the juvenile has been  
15 adjudicated delinquent. The court may determine the reasonable  
16 amount, terms, and conditions of restitution. If the juvenile  
17 participated in the offense with other persons, the participants shall  
18 be jointly and severally responsible for the payment of restitution.  
19 The court shall not require a juvenile to make full or partial  
20 restitution if the juvenile reasonably satisfies the court that the  
21 juvenile does not have the means to make restitution and could not  
22 reasonably acquire the means to pay restitution;

23 (10) Order that the juvenile perform community services under  
24 the supervision of a probation division or other agency or individual  
25 deemed appropriate by the court. Such services shall be  
26 compulsory and reasonable in terms of nature and duration. Such  
27 services may be performed without compensation, provided that any  
28 money earned by the juvenile from the performance of community  
29 services may be applied towards any payment of restitution or fine  
30 which the court has ordered the juvenile to pay;

31 (11) Order that the juvenile participate in work programs which  
32 are designed to provide job skills and specific employment training  
33 to enhance the employability of job participants. Such programs  
34 may be without compensation, provided that any money earned by  
35 the juvenile from participation in a work program may be applied  
36 towards any payment of restitution or fine which the court has  
37 ordered the juvenile to pay;

38 (12) Order that the juvenile participate in programs emphasizing  
39 self-reliance, such as intensive outdoor programs teaching survival  
40 skills, including but not limited to camping, hiking, and other  
41 appropriate activities;

42 (13) Order that the juvenile participate in a program of academic  
43 or vocational education or counseling, such as a youth service  
44 bureau, requiring attendance at sessions designed to afford access to  
45 opportunities for normal growth and development. This may  
46 require attendance after school, evenings, and weekends;

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1 (14) Place the juvenile in a suitable residential or nonresidential  
2 program for the treatment of alcohol or narcotic abuse, provided  
3 that the juvenile has been determined to be in need of such services;

4 (15) Order the parent or guardian of the juvenile to participate in  
5 appropriate programs or services when the court has found either  
6 that such person's omission or conduct was a significant  
7 contributing factor towards the commission of the delinquent act,  
8 or, under its authority to enforce litigant's rights, that such person's  
9 omission or conduct has been a significant contributing factor  
10 towards the ineffective implementation of a court order previously  
11 entered in relation to the juvenile;

12 (16) (a) Place the juvenile in a nonresidential program operated  
13 by a public or private agency, providing intensive services to  
14 juveniles for specified hours, which may include education,  
15 counseling to the juvenile and the juvenile's family if appropriate,  
16 vocational training, employment counseling, work, or other  
17 services;

18 (b) Place the juvenile under the custody of the Juvenile Justice  
19 Commission established pursuant to section 2 of P.L.1995, c.284  
20 (C.52:17B-170) for placement with any private group home or  
21 private residential facility with which the commission has entered  
22 into a purchase of service contract;

23 (17) Instead of or in addition to any disposition made according  
24 to this section, the court may postpone, suspend, or revoke for a  
25 period not to exceed two years the driver's license, registration  
26 certificate, or both of any juvenile who used a motor vehicle in the  
27 course of committing an act for which the juvenile was adjudicated  
28 delinquent. In imposing this disposition and in deciding the duration  
29 of the postponement, suspension, or revocation, the court shall  
30 consider the severity of the delinquent act and the potential effect of  
31 the loss of driving privileges on the juvenile's ability to be  
32 rehabilitated. Any postponement, suspension, or revocation shall be  
33 imposed consecutively with any custodial commitment;

34 (18) Order that the juvenile satisfy any other conditions  
35 reasonably related to the rehabilitation of the juvenile;

36 (19) Order a parent or guardian who has failed or neglected to  
37 exercise reasonable supervision or control of a juvenile who has  
38 been adjudicated delinquent to make restitution to any person or  
39 entity who has suffered a loss as a result of that offense. The court  
40 may determine the reasonable amount, terms and conditions of  
41 restitution; or

42 (20) Place the juvenile, if eligible, in an appropriate juvenile  
43 offender program established pursuant to P.L.1997, c.81 (C.30:8-61  
44 et al.).

45 c. (1) Except as otherwise provided in subsections e. and f. of  
46 this section, if the county in which the juvenile has been adjudicated  
47 delinquent has a juvenile detention facility meeting the physical and  
48 program standards established pursuant to this subsection by the

1 Juvenile Justice Commission, the court may, in addition to any of  
2 the dispositions not involving placement out of the home  
3 enumerated in this section, incarcerate the juvenile in the youth  
4 detention facility in that county for a term not to exceed 60  
5 consecutive days. Counties which do not operate their own juvenile  
6 detention facilities may contract for the use of approved  
7 commitment programs with counties with which they have  
8 established agreements for the use of pre-disposition juvenile  
9 detention facilities. The Juvenile Justice Commission shall  
10 promulgate such rules and regulations from time to time as deemed  
11 necessary to establish minimum physical facility and program  
12 standards for the use of juvenile detention facilities pursuant to this  
13 subsection.

14 (2) No juvenile may be incarcerated in any county detention  
15 facility unless the county has entered into an agreement with the  
16 Juvenile Justice Commission concerning the use of the facility for  
17 sentenced juveniles. Upon agreement with the county, the Juvenile  
18 Justice Commission shall certify detention facilities which may  
19 receive juveniles sentenced pursuant to this subsection and shall  
20 specify the capacity of the facility that may be made available to  
21 receive such juveniles; provided, however, that in no event shall the  
22 number of juveniles incarcerated pursuant to this subsection exceed  
23 50% of the maximum capacity of the facility.

24 (3) The court may fix a term of incarceration under this  
25 subsection where:

26 (a) The act for which the juvenile was adjudicated delinquent, if  
27 committed by an adult, would have constituted a crime or repetitive  
28 disorderly persons offense;

29 (b) Incarceration of the juvenile is consistent with the goals of  
30 public safety, accountability, and rehabilitation and the court is  
31 clearly convinced that the aggravating factors substantially  
32 outweigh the mitigating factors as set forth in section 25 of  
33 P.L.1982, c.77 (C.2A:4A-44); and

34 (c) The detention facility has been certified for admission of  
35 adjudicated juveniles pursuant to paragraph (2).

36 (4) If as a result of incarceration of adjudicated juveniles  
37 pursuant to this subsection, a county is required to transport a  
38 predisposition juvenile to a juvenile detention facility in another  
39 county, the costs of such transportation shall be borne by the  
40 Juvenile Justice Commission.

41 d. Whenever the court imposes a disposition upon an  
42 adjudicated delinquent which requires the juvenile to perform a  
43 community service, restitution, or to participate in any other  
44 program provided for in this section other than subsection c., the  
45 duration of the juvenile's mandatory participation in such  
46 alternative programs shall extend for a period consistent with the  
47 program goal for the juvenile and shall in no event exceed one year

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1 beyond the maximum duration permissible for the delinquent if the  
2 juvenile had been committed to a term of incarceration.

3 e. In addition to any disposition the court may impose pursuant  
4 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the  
5 following orders shall be included in dispositions of the  
6 adjudications set forth below:

7 (1) An order of incarceration for a term of the duration  
8 authorized pursuant to this section or section 25 of P.L.1982, c.77  
9 (C.2A:4A-44) or an order to perform community service pursuant to  
10 paragraph (10) of subsection b. of this section for a period of at  
11 least 60 days, if the juvenile has been adjudicated delinquent for an  
12 act which, if committed by an adult, would constitute the crime of  
13 theft of a motor vehicle, or the crime of unlawful taking of a motor  
14 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third  
15 degree crime of eluding in violation of subsection b. of  
16 N.J.S.2C:29-2;

17 (2) An order of incarceration for a term of the duration  
18 authorized pursuant to this section or section 25 of P.L.1982, c.77  
19 (C.2A:4A-44) which shall include a minimum term of 60 days  
20 during which the juvenile shall be ineligible for parole, if the  
21 juvenile has been adjudicated delinquent for an act which, if  
22 committed by an adult, would constitute the crime of aggravated  
23 assault in violation of paragraph (6) of subsection b. of  
24 N.J.S.2C:12-1, the second degree crime of eluding in violation of  
25 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case  
26 in which the juvenile has previously been adjudicated delinquent for  
27 an act, which if committed by an adult, would constitute unlawful  
28 taking of a motor vehicle or theft of a motor vehicle;

29 (3) An order to perform community service pursuant to  
30 paragraph (10) of subsection b. of this section for a period of at  
31 least 30 days, if the juvenile has been adjudicated delinquent for an  
32 act which, if committed by an adult, would constitute the fourth  
33 degree crime of unlawful taking of a motor vehicle in violation of  
34 subsection b. of N.J.S.2C:20-10;

35 (4) An order of incarceration for a term of the duration  
36 authorized pursuant to this section or section 25 of P.L.1982, c.77  
37 (C.2A:4A-44) which shall include a minimum term of 30 days  
38 during which the juvenile shall be ineligible for parole, if the  
39 juvenile has been adjudicated delinquent for an act which, if  
40 committed by an adult, would constitute the crime of unlawful  
41 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third  
42 degree crime of eluding in violation of subsection b. of  
43 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated  
44 delinquent for an act which, if committed by an adult, would  
45 constitute either theft of a motor vehicle, the unlawful taking of a  
46 motor vehicle or eluding.

47 f. (1) The minimum terms of incarceration required pursuant to  
48 subsection e. of this section shall be imposed regardless of the

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1 weight or balance of factors set forth in this section or in section 25  
2 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of  
3 those factors shall determine the length of the term of incarceration  
4 appropriate, if any, beyond any mandatory minimum term required  
5 pursuant to subsection e. of this section.

6 (2) When a court in a county that does not have a juvenile  
7 detention facility or a contractual relationship permitting  
8 incarceration pursuant to subsection c. of this section is required to  
9 impose a term of incarceration pursuant to subsection e. of this  
10 section, the court may, subject to limitations on commitment to  
11 State correctional facilities of juveniles who are under the age of 11  
12 or developmentally disabled, set a term of incarceration consistent  
13 with subsection c. which shall be served in a State correctional  
14 facility. When a juvenile who because of age or developmental  
15 disability cannot be committed to a State correctional facility or  
16 cannot be incarcerated in a county facility, the court shall order a  
17 disposition appropriate as an alternative to any incarceration  
18 required pursuant to subsection e.

19 (3) For purposes of subsection e. of this section, in the event  
20 that a "boot camp" program for juvenile offenders should be  
21 developed and is available, a term of commitment to such a  
22 program shall be considered a term of incarceration.

23 g. Whenever the court imposes a disposition upon an  
24 adjudicated delinquent which requires the juvenile to perform a  
25 community service, restitution, or to participate in any other  
26 program provided for in this section, the order shall include  
27 provisions which provide balanced attention to the protection of the  
28 community, accountability for offenses committed, fostering  
29 interaction and dialogue between the offender, victim and  
30 community and the development of competencies to enable the  
31 child to become a responsible and productive member of the  
32 community.

33 (cf: P.L.2006, c.47, s.18)

34

35 2. Section 10 of P.L.1982, c.80 (C.2A:4A-85) is amended to  
36 read as follows:

37 10. Alcoholic, drug-dependent parent. a. When a petition is  
38 filed and as a result of any information supplied on the family  
39 situation by the crisis intervention unit, court intake services has  
40 reason to believe that the parent or guardian is an alcoholic, as  
41 defined by P.L.1975, c.305 (C. 26:2B-8), or a drug-dependent  
42 person, as defined by section 2 of the "New Jersey Controlled  
43 Dangerous Substances Act," P.L.1970, c.226 (C.24:21-2), intake  
44 services shall state the basis for this determination and provide  
45 recommendations to the court.

46 b. When, as a result of any information supplied by the crisis  
47 intervention unit, court intake services has reason to believe that a  
48 juvenile is an "abused or neglected child," as defined in P.L.1974,

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1 c.119 (C. 9:6-8.21), they shall handle the case pursuant to the  
2 procedure set forth in that law. The Division of [Youth and Family  
3 Services] Child Protection and Permanency shall, upon disposition  
4 of any case originated pursuant to this subsection, notify court  
5 intake services as to the nature of the disposition.

6 c. (1) When, as a result of any information supplied with  
7 regard to any juvenile by the crisis intervention unit or from any  
8 other source, court intake services has reason to believe that the  
9 juvenile may have an auditory or vision problem, intake services  
10 shall state the basis for this determination and provide  
11 recommendations to the court. Before arriving at its determination,  
12 intake services may request the court to order any appropriate  
13 school medical records of the juvenile. On the basis of this  
14 recommendation or on its own motion, the court may order any  
15 juvenile concerning whom a complaint is filed to be examined by a  
16 physician, optometrist, audiologist, or speech language pathologist.

17 (2) Any examination shall be made and the findings submitted  
18 to the court within 30 days of the date the order is entered, but this  
19 period may be extended by the court for good cause.

20 (3) Copies of any reports of findings submitted to the court shall  
21 be available to counsel for all parties prior to an adjudication of  
22 whether or not the juvenile is delinquent.

23 (cf: P.L.1985, c.437, s.1)

24

25 3. Section 1 of P.L.2009, c.217 (C.2A:4A-92) is amended to  
26 read as follows:

27 1. a. As provided in [this act] P.L.2009, c.217, a "Court  
28 Appointed Special Advocate" (CASA) shall mean a community  
29 volunteer who has been recruited, screened, trained, and supervised  
30 by a CASA program affiliated with Court Appointed Special  
31 Advocates of New Jersey or a similar organization as determined by  
32 the Administrative Office of the Courts. An affiliate CASA program  
33 shall meet all State Court Appointed Special Advocate and National  
34 Court Appointed Special Advocate standards, and shall be affiliated  
35 with Court Appointed Special Advocates of New Jersey and the  
36 National Court Appointed Special Advocates Association.

37 b. There shall be established in the State of New Jersey a Court  
38 Appointed Special Advocate program which shall serve as a  
39 resource to the courts in determining the best interests of any child  
40 less than 18 years of age who has been removed from his home due  
41 to abuse or neglect. A Court Appointed Special Advocate may  
42 continue to undertake activities in furtherance of the child's best  
43 interests, in appropriate cases, until the child who is the subject of  
44 the court appointment reaches 21 years of age.

45 c. Pursuant to the Rules of Court, the court may appoint a  
46 special advocate from the CASA program to act on behalf of the  
47 court. The special advocate shall undertake certain activities in  
48 furtherance of the child's interests, but shall not supplant or

1 interfere with the role of counsel or guardian ad litem for that child.  
2 Any such special advocate shall be a volunteer associated with a  
3 court-authorized CASA program. The duties and activities of a  
4 CASA program and all of its volunteers shall be subject to  
5 guidelines and standards established by the Administrative Director  
6 of the Courts.

7 d. A person seeking to volunteer as a Court Appointed Special  
8 Advocate shall be subject to the following:

9 (1) a criminal history record background check submitted by the  
10 Administrative Office of the Courts or its designee to the  
11 appropriate authorities. A copy of the results shall be provided to  
12 the affiliate CASA program. A person shall not be approved as a  
13 Court Appointed Special Advocate if criminal history record  
14 information exists on file with the Federal Bureau of Investigation  
15 or the Division of State Police which would disqualify that person  
16 from serving in that capacity, as determined by the affiliate CASA  
17 program; and

18 (2) a child abuse record information check conducted by the  
19 Department of Children and Families to determine if an incident of  
20 child abuse or neglect has been substantiated, pursuant to section 4  
21 of P.L.1971, c.437 (C.9:6-8.11), against the prospective CASA  
22 volunteer. The department shall cooperate by conducting the child  
23 abuse record information check and providing the results to the  
24 affiliate CASA program.

25 If a prospective volunteer refuses to consent to, or cooperate in,  
26 the securing of a criminal history record background check or a  
27 child abuse record information check, the person shall not be  
28 appointed as a Court Appointed Special Advocate.

29 e. Upon presentation of an order of appointment, the special  
30 advocate shall be provided access to all information and records  
31 relevant to the child, including but not limited to: school records,  
32 child care records, medical records, mental health records, family  
33 court and juvenile court records, and records of the Division of  
34 **【Youth and Family Services】** Child Protection and Permanency in  
35 the Department of Children and Families.

36 f. Any special advocate or affiliate CASA program staff  
37 member acting in good faith within the scope of his appointment or  
38 employment shall have immunity from any civil or criminal liability  
39 that otherwise might result by reason of his actions or failure to act,  
40 except in cases of willful or wanton misconduct.

41 (cf: P.L.2009, c.217, s.1)

42

43 4. Section 6 of P.L.2004, c.157 (C.2A:23C-6) is amended to  
44 read as follows:

45 6. Exceptions to Privilege.

46 a. There is no privilege under section 4 of P.L.2004, c.157  
47 (C.2A:23C-4) for a mediation communication that is:

- 1 (1) in an agreement evidenced by a record signed by all parties  
2 to the agreement;
- 3 (2) made during a session of a mediation that is open, or is  
4 required by law to be open, to the public;
- 5 (3) a threat or statement of a plan to inflict bodily injury or  
6 commit a crime;
- 7 (4) intentionally used to plan a crime, attempt to commit a  
8 crime, or to conceal an ongoing crime or ongoing criminal activity;
- 9 (5) sought or offered to prove or disprove a claim or complaint  
10 filed against a mediator arising out of a mediation;
- 11 (6) except as otherwise provided in subsection c., sought or  
12 offered to prove or disprove a claim or complaint of professional  
13 misconduct or malpractice filed against a mediation party, nonparty  
14 participant, or representative of a party based on conduct occurring  
15 during a mediation; or
- 16 (7) sought or offered to prove or disprove child abuse or neglect  
17 in a proceeding in which the Division of **【Youth and Family**  
18 **Services】** Child Protection and Permanency in the Department of  
19 Children and Families is a party, unless the Division of **【Youth and**  
20 **Family Services】** Child Protection and Permanency participates in  
21 the mediation.
- 22 b. There is no privilege under section 4 of P.L.2004, c.157  
23 (C.2A:23C-4) if a court, administrative agency, or arbitrator finds,  
24 after a hearing in camera, that the party seeking discovery or the  
25 proponent of the evidence has shown that the evidence is not  
26 otherwise available, that there is a need for the evidence that  
27 substantially outweighs the interest in protecting confidentiality,  
28 and that the mediation communication is sought or offered in:
- 29 (1) a court proceeding involving a crime as defined in the "New  
30 Jersey Code of Criminal Justice," N.J.S. 2C:1-1 et seq.; or
- 31 (2) except as otherwise provided in subsection c., a proceeding  
32 to prove a claim to rescind or reform or a defense to avoid liability  
33 on a contract arising out of the mediation.
- 34 c. A mediator may not be compelled to provide evidence of a  
35 mediation communication referred to in paragraph (6) of subsection  
36 a. or paragraph (2) of subsection b.
- 37 d. If a mediation communication is not privileged under  
38 subsection a. or b., only the portion of the communication necessary  
39 for the application of the exception from nondisclosure may be  
40 admitted. Admission of evidence under subsection a. or b. does not  
41 render the evidence, or any other mediation communication,  
42 discoverable or admissible for any other purpose.
- 43 (cf: P.L.2006, c.47, s.22)
- 44
- 45 5. Section 5 of P.L.1994, c.133 (C.2C:7-5) is amended to read  
46 as follows:
- 47 5. a. Records maintained pursuant to **【this act】** P.L.1994,  
48 c.133 (C.2C:7-1 et seq.) shall be open to any law enforcement



1 agency in this State, the United States, or any other state and may  
2 be released to the Division of **[Youth and Family Services]** Child  
3 Protection and Permanency in the Department of Children and  
4 Families for use in carrying out its responsibilities under law. Law  
5 enforcement agencies in this State shall be authorized to release  
6 relevant and necessary information regarding sex offenders to the  
7 public when the release of the information is necessary for public  
8 protection in accordance with the provisions of P.L.1994, c.128  
9 (C.2C:7-6 et seq.).

10 b. An elected public official, public employee, or public  
11 agency is immune from civil liability for damages for any  
12 discretionary decision to release relevant and necessary  
13 information, unless it is shown that the official, employee, or  
14 agency acted with gross negligence or in bad faith. The immunity  
15 provided under this section applies to the release of relevant  
16 information to other employees or officials or to the general public.

17 c. Nothing in **[this act]** P.L.1994, c.133 shall be deemed to  
18 impose any liability upon or to give rise to a cause of action against  
19 any public official, public employee, or public agency for failing to  
20 release information as authorized in subsection d. of this section.

21 d. Nothing in this section shall be construed to prevent law  
22 enforcement officers from notifying members of the public exposed  
23 to danger of any persons that pose a danger under circumstances  
24 that are not enumerated in **[this act]** P.L.1994, c.133.

25 (cf: P.L.2006, c.47, s.23)

26

27 6. N.J.S.2C:12-1 is amended to read as follows:

28 2C:12-1. Assault. a. Simple assault. A person is guilty of  
29 assault if he:

30 (1) Attempts to cause or purposely, knowingly, or recklessly  
31 causes bodily injury to another; or

32 (2) Negligently causes bodily injury to another with a deadly  
33 weapon; or

34 (3) Attempts by physical menace to put another in fear of  
35 imminent serious bodily injury.

36 Simple assault is a disorderly persons offense unless committed  
37 in a fight or scuffle entered into by mutual consent, in which case it  
38 is a petty disorderly persons offense.

39 b. Aggravated assault. A person is guilty of aggravated assault  
40 if he:

41 (1) Attempts to cause serious bodily injury to another, or causes  
42 such injury purposely or knowingly or under circumstances  
43 manifesting extreme indifference to the value of human life  
44 recklessly causes such injury; or

45 (2) Attempts to cause or purposely or knowingly causes bodily  
46 injury to another with a deadly weapon; or

47 (3) Recklessly causes bodily injury to another with a deadly  
48 weapon; or

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- 1 (4) Knowingly under circumstances manifesting extreme  
2 indifference to the value of human life points a firearm, as defined  
3 in section 2C:39-1f., at or in the direction of another, whether or not  
4 the actor believes it to be loaded; or
- 5 (5) Commits a simple assault as defined in subsection a. (1), (2)  
6 or (3) of this section upon:
- 7 (a) Any law enforcement officer acting in the performance of  
8 his duties while in uniform or exhibiting evidence of his authority  
9 or because of his status as a law enforcement officer; or
- 10 (b) Any paid or volunteer fireman acting in the performance of  
11 his duties while in uniform or otherwise clearly identifiable as being  
12 engaged in the performance of the duties of a fireman; or
- 13 (c) Any person engaged in emergency first-aid or medical  
14 services acting in the performance of his duties while in uniform or  
15 otherwise clearly identifiable as being engaged in the performance  
16 of emergency first-aid or medical services; or
- 17 (d) Any school board member, school administrator, teacher,  
18 school bus driver, or other employee of a public or nonpublic  
19 school or school board while clearly identifiable as being engaged  
20 in the performance of his duties or because of his status as a  
21 member or employee of a public or nonpublic school or school  
22 board or any school bus driver employed by an operator under  
23 contract to a public or nonpublic school or school board while  
24 clearly identifiable as being engaged in the performance of his  
25 duties or because of his status as a school bus driver; or
- 26 (e) Any employee of the Division of Youth and Family  
27 Services Child Protection and Permanency while clearly  
28 identifiable as being engaged in the performance of his duties or  
29 because of his status as an employee of the division; or
- 30 (f) Any justice of the Supreme Court, judge of the Superior  
31 Court, judge of the Tax Court or municipal judge while clearly  
32 identifiable as being engaged in the performance of judicial duties  
33 or because of his status as a member of the judiciary; or
- 34 (g) Any operator of a motorbus or the operator's supervisor or  
35 any employee of a rail passenger service while clearly identifiable  
36 as being engaged in the performance of his duties or because of his  
37 status as an operator of a motorbus or as the operator's supervisor or  
38 as an employee of a rail passenger service; or
- 39 (h) Any Department of Corrections employee, county  
40 corrections officer, juvenile corrections officer, State juvenile  
41 facility employee, juvenile detention staff member, juvenile  
42 detention officer, probation officer or any sheriff, undersheriff, or  
43 sheriff's officer acting in the performance of his duties while in  
44 uniform or exhibiting evidence of his authority; or
- 45 (i) Any employee, including any person employed under  
46 contract, of a utility company as defined in section 2 of P.L.1971,  
47 c.224 (C.2A:42-86) or a cable television company subject to the  
48 provisions of the "Cable Television Act," P.L.1972, c.186

1 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
2 the performance of his duties in regard to connecting, disconnecting  
3 or repairing or attempting to connect, disconnect or repair any gas,  
4 electric or water utility, or cable television or telecommunication  
5 service; or

6 (j) Any health care worker employed by a licensed health care  
7 facility to provide direct patient care, any health care professional  
8 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
9 the Revised Statutes to practice a health care profession, except a  
10 direct care worker at a State or county psychiatric hospital or State  
11 developmental center or veterans' memorial home, while clearly  
12 identifiable as being engaged in the duties of providing direct  
13 patient care or practicing the health care profession; or

14 (k) Any direct care worker at a State or county psychiatric  
15 hospital or State developmental center or veterans' memorial home,  
16 while clearly identifiable as being engaged in the duties of  
17 providing direct patient care or practicing the health care  
18 profession, provided that the actor is not a patient or resident at the  
19 facility who is classified by the facility as having a mental illness or  
20 developmental disability; or

21 (6) Causes bodily injury to another person while fleeing or  
22 attempting to elude a law enforcement officer in violation of  
23 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
24 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
25 other provision of law to the contrary, a person shall be strictly  
26 liable for a violation of this subsection upon proof of a violation of  
27 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
28 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
29 bodily injury to another person; or

30 (7) Attempts to cause significant bodily injury to another or  
31 causes significant bodily injury purposely or knowingly or, under  
32 circumstances manifesting extreme indifference to the value of  
33 human life recklessly causes such significant bodily injury; or

34 (8) Causes bodily injury by knowingly or purposely starting a  
35 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
36 results in bodily injury to any emergency services personnel  
37 involved in fire suppression activities, rendering emergency  
38 medical services resulting from the fire or explosion or rescue  
39 operations, or rendering any necessary assistance at the scene of the  
40 fire or explosion, including any bodily injury sustained while  
41 responding to the scene of a reported fire or explosion. For  
42 purposes of this subsection, "emergency services personnel" shall  
43 include, but not be limited to, any paid or volunteer fireman, any  
44 person engaged in emergency first-aid or medical services and any  
45 law enforcement officer. Notwithstanding any other provision of  
46 law to the contrary, a person shall be strictly liable for a violation of  
47 this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
48 resulted in bodily injury to any emergency services personnel; or

1 (9) Knowingly, under circumstances manifesting extreme  
2 indifference to the value of human life, points or displays a firearm,  
3 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of  
4 a law enforcement officer; or

5 (10) Knowingly points, displays, or uses an imitation firearm, as  
6 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a  
7 law enforcement officer with the purpose to intimidate, threaten, or  
8 attempt to put the officer in fear of bodily injury or for any unlawful  
9 purpose; or

10 (11) Uses or activates a laser sighting system or device, or a  
11 system or device which, in the manner used, would cause a  
12 reasonable person to believe that it is a laser sighting system or  
13 device, against a law enforcement officer acting in the performance  
14 of his duties while in uniform or exhibiting evidence of his  
15 authority. As used in this paragraph, "laser sighting system or  
16 device" means any system or device that is integrated with or  
17 affixed to a firearm and emits a laser light beam that is used to  
18 assist in the sight alignment or aiming of the firearm.

19 Aggravated assault under subsections b. (1) and b. (6) is a crime  
20 of the second degree; under subsections b. (2), b. (7), b. (9), and b.  
21 (10) is a crime of the third degree; under subsections b. (3) and b.  
22 (4) is a crime of the fourth degree; and under subsection b. (5) is a  
23 crime of the third degree if the victim suffers bodily injury,  
24 otherwise it is a crime of the fourth degree. Aggravated assault  
25 under subsection b.(8) is a crime of the third degree if the victim  
26 suffers bodily injury; if the victim suffers significant bodily injury  
27 or serious bodily injury it is a crime of the second degree.  
28 Aggravated assault under subsection b. (11) is a crime of the third  
29 degree.

30 c. (1) A person is guilty of assault by auto or vessel when the  
31 person drives a vehicle or vessel recklessly and causes either  
32 serious bodily injury or bodily injury to another. Assault by auto or  
33 vessel is a crime of the fourth degree if serious bodily injury results  
34 and is a disorderly persons offense if bodily injury results.

35 (2) Assault by auto or vessel is a crime of the third degree if the  
36 person drives the vehicle while in violation of R.S.39:4-50 or  
37 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily  
38 injury results and is a crime of the fourth degree if the person drives  
39 the vehicle while in violation of R.S.39:4-50 or section 2 of  
40 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

41 (3) Assault by auto or vessel is a crime of the second degree if  
42 serious bodily injury results from the defendant operating the auto  
43 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,  
44 c.512 (C.39:4-50.4a) while:

45 (a) on any school property used for school purposes which is  
46 owned by or leased to any elementary or secondary school or school  
47 board, or within 1,000 feet of such school property;

1 (b) driving through a school crossing as defined in R.S.39:1-1 if  
2 the municipality, by ordinance or resolution, has designated the  
3 school crossing as such; or

4 (c) driving through a school crossing as defined in R.S.39:1-1  
5 knowing that juveniles are present if the municipality has not  
6 designated the school crossing as such by ordinance or resolution.

7 Assault by auto or vessel is a crime of the third degree if bodily  
8 injury results from the defendant operating the auto or vessel in  
9 violation of this paragraph.

10 A map or true copy of a map depicting the location and  
11 boundaries of the area on or within 1,000 feet of any property used  
12 for school purposes which is owned by or leased to any elementary  
13 or secondary school or school board produced pursuant to section 1  
14 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under  
15 subparagraph (a) of paragraph (3) of this subsection.

16 It shall be no defense to a prosecution for a violation of  
17 subparagraph (a) or (b) of paragraph (3) of this subsection that the  
18 defendant was unaware that the prohibited conduct took place while  
19 on or within 1,000 feet of any school property or while driving  
20 through a school crossing. Nor shall it be a defense to a prosecution  
21 under subparagraph (a) or (b) of paragraph (3) of this subsection  
22 that no juveniles were present on the school property or crossing  
23 zone at the time of the offense or that the school was not in session.

24 (4) Assault by auto or vessel is a crime of the third degree if the  
25 person purposely drives a vehicle in an aggressive manner directed  
26 at another vehicle and serious bodily injury results and is a crime of  
27 the fourth degree if the person purposely drives a vehicle in an  
28 aggressive manner directed at another vehicle and bodily injury  
29 results. For purposes of this paragraph, "driving a vehicle in an  
30 aggressive manner" shall include, but is not limited to,  
31 unexpectedly altering the speed of the vehicle, making improper or  
32 erratic traffic lane changes, disregarding traffic control devices,  
33 failing to yield the right of way, or following another vehicle too  
34 closely.

35 As used in this section, "vessel" means a means of conveyance  
36 for travel on water and propelled otherwise than by muscular  
37 power.

38 d. A person who is employed by a facility as defined in section  
39 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as  
40 defined in paragraph (1) or (2) of subsection a. of this section upon  
41 an institutionalized elderly person as defined in section 2 of  
42 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
43 degree.

44 e. (Deleted by amendment, P.L.2001, c.443).

45 f. A person who commits a simple assault as defined in  
46 paragraph (1), (2) or (3) of subsection a. of this section in the  
47 presence of a child under 16 years of age at a school or community  
48 sponsored youth sports event is guilty of a crime of the fourth

1 degree. The defendant shall be strictly liable upon proof that the  
2 offense occurred, in fact, in the presence of a child under 16 years  
3 of age. It shall not be a defense that the defendant did not know  
4 that the child was present or reasonably believed that the child was  
5 16 years of age or older. The provisions of this subsection shall not  
6 be construed to create any liability on the part of a participant in a  
7 youth sports event or to abrogate any immunity or defense available  
8 to a participant in a youth sports event. As used in this act, "school  
9 or community sponsored youth sports event" means a competition,  
10 practice or instructional event involving one or more interscholastic  
11 sports teams or youth sports teams organized pursuant to a  
12 nonprofit or similar charter or which are member teams in a youth  
13 league organized by or affiliated with a county or municipal  
14 recreation department and shall not include collegiate, semi-  
15 professional or professional sporting events.

16 (cf: P.L.2012, c.3, s.1)

17

18 7. N.J.S.2C:13-1 is amended to read as follows:

19 2C:13-1. Kidnapping. a. Holding for ransom, reward, or as a  
20 hostage. A person is guilty of kidnapping if he unlawfully removes  
21 another from the place where he is found or if he unlawfully  
22 confines another with the purpose of holding that person for ransom  
23 or reward or as a shield or hostage.

24 b. Holding for other purposes. A person is guilty of kidnapping  
25 if he unlawfully removes another from his place of residence or  
26 business, or a substantial distance from the vicinity where he is  
27 found, or if he unlawfully confines another for a substantial period,  
28 with any of the following purposes:

29 (1) To facilitate commission of any crime or flight thereafter;

30 (2) To inflict bodily injury on or to terrorize the victim or  
31 another;

32 (3) To interfere with the performance of any governmental or  
33 political function; or

34 (4) To permanently deprive a parent, guardian, or other lawful  
35 custodian of custody of the victim.

36 c. Grading of kidnapping. (1) Except as provided in paragraph  
37 (2) of this subsection, kidnapping is a crime of the first degree and  
38 upon conviction thereof, a person may, notwithstanding the  
39 provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, be  
40 sentenced to an ordinary term of imprisonment between 15 and 30  
41 years. If the actor releases the victim unharmed and in a safe place  
42 prior to apprehension, it is a crime of the second degree.

43 (2) Kidnapping is a crime of the first degree and upon  
44 conviction thereof, an actor shall be sentenced to a term of  
45 imprisonment by the court, if the victim of the kidnapping is less  
46 than 16 years of age and if during the kidnapping:

47 (a) A crime under N.J.S.2C:14-2 or subsection a. of  
48 N.J.S.2C:14-3 is committed against the victim;

1 (b) A crime under subsection b. of N.J.S.2C:24-4 is committed  
2 against the victim; or

3 (c) The actor sells or delivers the victim to another person for  
4 pecuniary gain other than in circumstances which lead to the return  
5 of the victim to a parent, guardian or other person responsible for  
6 the general supervision of the victim.

7 Notwithstanding the provisions of paragraph (1) of subsection a.  
8 of N.J.S.2C:43-6, the term of imprisonment imposed under this  
9 paragraph shall be either a term of 25 years during which the actor  
10 shall not be eligible for parole, or a specific term between 25 years  
11 and life imprisonment, of which the actor shall serve 25 years  
12 before being eligible for parole; provided, however, that the crime  
13 of kidnapping under this paragraph and underlying aggravating  
14 crimes listed in subparagraph (a), (b), or (c) of this paragraph shall  
15 merge for purposes of sentencing. If the actor is convicted of the  
16 criminal homicide of a victim of a kidnapping under the provisions  
17 of chapter 11, any sentence imposed under provisions of this  
18 paragraph shall be served consecutively to any sentence imposed  
19 pursuant to the provisions of chapter 11.

20 d. "Unlawful" removal or confinement. A removal or  
21 confinement is unlawful within the meaning of this section and of  
22 sections 2C:13-2 and 2C:13-3, if it is accomplished by force, threat,  
23 or deception, or, in the case of a person who is under the age of 14  
24 or is incompetent, if it is accomplished without the consent of a  
25 parent, guardian, or other person responsible for general supervision  
26 of his welfare.

27 e. It is an affirmative defense to a prosecution under paragraph  
28 (4) of subsection b. of this section, which must be proved by clear  
29 and convincing evidence, that:

30 (1) The actor reasonably believed that the action was necessary  
31 to preserve the victim from imminent danger to his welfare.  
32 However, no defense shall be available pursuant to this subsection  
33 if the actor does not, as soon as reasonably practicable but in no  
34 event more than 24 hours after taking a victim under his protection,  
35 give notice of the victim's location to the police department of the  
36 municipality where the victim resided, the office of the county  
37 prosecutor in the county where the victim resided, or the Division  
38 of **【Youth and Family Services】** Child Protection and Permanency  
39 in the Department of Children and Families;

40 (2) The actor reasonably believed that the taking or detaining of  
41 the victim was consented to by a parent, or by an authorized State  
42 agency; or

43 (3) The victim, being at the time of the taking or concealment  
44 not less than 14 years old, was taken away at his own volition by  
45 his parent and without purpose to commit a criminal offense with or  
46 against the victim.

47 f. It is an affirmative defense to a prosecution under paragraph  
48 (4) of subsection b. of this section that a parent having the right of

1 custody reasonably believed he was fleeing from imminent physical  
2 danger from the other parent, provided that the parent having  
3 custody, as soon as reasonably practicable:

4 (1) Gives notice of the victim's location to the police department  
5 of the municipality where the victim resided, the office of the  
6 county prosecutor in the county where the victim resided, or the  
7 Division of **【Youth and Family Services】** Child Protection and  
8 Permanency in the Department of Children and Families; or

9 (2) Commences an action affecting custody in an appropriate  
10 court.

11 g. As used in subsections e. and f. of this section, "parent"  
12 means a parent, guardian or other lawful custodian of a victim.

13 (cf: P.L.2006, c.47, s.24)

14

15 8. N.J.S.2C:13-4 is amended to read as follows:

16 2C:13-4. Interference with custody.

17 a. Custody of children. A person, including a parent, guardian,  
18 or other lawful custodian, is guilty of interference with custody if  
19 he:

20 (1) Takes or detains a minor child with the purpose of  
21 concealing the minor child and thereby depriving the child's other  
22 parent of custody or parenting time with the minor child; or

23 (2) After being served with process or having actual knowledge  
24 of an action affecting marriage or custody but prior to the issuance  
25 of a temporary or final order determining custody and parenting  
26 time rights to a minor child, takes, detains, entices, or conceals the  
27 child within or outside the State for the purpose of depriving the  
28 child's other parent of custody or parenting time, or to evade the  
29 jurisdiction of the courts of this State; or

30 (3) After being served with process or having actual knowledge  
31 of an action affecting the protective services needs of a child  
32 pursuant to Title 9 of the Revised Statutes in an action affecting  
33 custody, but prior to the issuance of a temporary or final order  
34 determining custody rights of a minor child, takes, detains, entices,  
35 or conceals the child within or outside the State for the purpose of  
36 evading the jurisdiction of the courts of this State; or

37 (4) After the issuance of a temporary or final order specifying  
38 custody, joint custody rights or parenting time, takes, detains,  
39 entices, or conceals a minor child from the other parent in violation  
40 of the custody or parenting time order.

41 Interference with custody is a crime of the second degree if the  
42 child is taken, detained, enticed, or concealed: (i) outside the  
43 United States or (ii) for more than 24 hours. Otherwise,  
44 interference with custody is a crime of the third degree but the  
45 presumption of non-imprisonment set forth in subsection e. of  
46 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall  
47 not apply.



1       b. Custody of committed persons. A person is guilty of a crime  
2 of the fourth degree if he knowingly takes or entices any committed  
3 person away from lawful custody when he is not privileged to do  
4 so. "Committed person" means, in addition to anyone committed  
5 under judicial warrant, any orphan, neglected, or delinquent child,  
6 person with a mental disease, defect, or illness, or other dependent  
7 or incompetent person, entrusted to another's custody by or through  
8 a recognized social agency or otherwise by authority of law.

9       c. It is an affirmative defense to a prosecution under subsection  
10 a. of this section, which must be proved by clear and convincing  
11 evidence, that:

12       (1) The actor reasonably believed that the action was necessary  
13 to preserve the child from imminent danger to his welfare.  
14 However, no defense shall be available pursuant to this subsection  
15 if the actor does not, as soon as reasonably practicable but in no  
16 event more than 24 hours after taking a child under his protection,  
17 give notice of the child's location to the police department of the  
18 municipality where the child resided, the office of the county  
19 prosecutor in the county where the child resided, or the Division of  
20 **[Youth and Family Services]** Child Protection and Permanency in  
21 the Department of Children and Families;

22       (2) The actor reasonably believed that the taking or detaining of  
23 the minor child was consented to by the other parent, or by an  
24 authorized State agency; or

25       (3) The child, being at the time of the taking or concealment not  
26 less than 14 years old, was taken away at his own volition and  
27 without purpose to commit a criminal offense with or against the  
28 child.

29       d. It is an affirmative defense to a prosecution under subsection  
30 a. of this section that a parent having the right of custody  
31 reasonably believed he was fleeing from imminent physical danger  
32 from the other parent, provided that the parent having custody, as  
33 soon as reasonably practicable:

34       (1) Gives notice of the child's location to the police department  
35 of the municipality where the child resided, the office of the county  
36 prosecutor in the county where the child resided, or the Division of  
37 **[Youth and Family Services]** Child Protection and Permanency in  
38 the Department of Children and Families; or

39       (2) Commences an action affecting custody in an appropriate  
40 court.

41       e. The offenses enumerated in this section are continuous in  
42 nature and continue for so long as the child is concealed or  
43 detained.

44       f. (1) In addition to any other disposition provided by law, a  
45 person convicted under subsection a. of this section shall make  
46 restitution of all reasonable expenses and costs, including  
47 reasonable counsel fees, incurred by the other parent in securing the  
48 child's return.

1 (2) In imposing sentence under subsection a. of this section the  
2 court shall consider, in addition to the factors enumerated in chapter  
3 44 of Title 2C of the New Jersey Statutes:

4 (a) Whether the person returned the child voluntarily; and

5 (b) The length of time the child was concealed or detained.

6 g. As used in this section, "parent" means a parent, guardian or  
7 other lawful custodian of a minor child.

8 (cf: P.L.2011, c.232, s.2)

9  
10 9. Section 1 of P.L.1999, c.421 (C.2C:25-34) is amended to  
11 read as follows:

12 1. The Administrative Office of the Courts shall establish and  
13 maintain a central registry of all persons who have had domestic  
14 violence restraining orders entered against them, all persons who  
15 have been charged with a crime or offense involving domestic  
16 violence, and all persons who have been charged with a violation of  
17 a court order involving domestic violence. All records made  
18 pursuant to this section shall be kept confidential and shall be  
19 released only to:

20 a. A public agency authorized to investigate a report of  
21 domestic violence;

22 b. A police or other law enforcement agency investigating a  
23 report of domestic violence, or conducting a background  
24 investigation involving a person's application for a firearm permit  
25 or employment as a police or law enforcement officer or for any  
26 other purpose authorized by law or the Supreme Court of the State  
27 of New Jersey;

28 c. A court, upon its finding that access to such records may be  
29 necessary for determination of an issue before the court;

30 d. A surrogate, in that person's official capacity as deputy clerk  
31 of the Superior Court, in order to prepare documents that may be  
32 necessary for a court to determine an issue in an adoption  
33 proceeding; or

34 e. The Division of **【Youth and Family Services】** Child  
35 Protection and Permanency in the Department of Children and  
36 Families when the division is conducting a background  
37 investigation involving:

38 (1) an allegation of child abuse or neglect, to include any adult  
39 member of the same household as the individual who is the subject  
40 of the abuse or neglect allegation; or

41 (2) an out-of-home placement for a child being placed by the  
42 Division of **【Youth and Family Services】** Child Protection and  
43 Permanency, to include any adult member of the prospective  
44 placement household.

45 Any individual, agency, surrogate, or court which receives from  
46 the Administrative Office of the Courts the records referred to in  
47 this section shall keep **【such】** the records and reports, or parts  
48 thereof, confidential and shall not disseminate or disclose such

1 records and reports, or parts thereof; provided that nothing in this  
2 section shall prohibit a receiving individual, agency, surrogate or  
3 court from disclosing records and reports, or parts thereof, in a  
4 manner consistent with and in furtherance of the purpose for which  
5 the records and reports or parts thereof were received.

6 Any individual who disseminates or discloses a record or report,  
7 or parts thereof, of the central registry, for a purpose other than  
8 investigating a report of domestic violence, conducting a  
9 background investigation involving a person's application for a  
10 firearm permit or employment as a police or law enforcement  
11 officer, making a determination of an issue before the court,  
12 conducting a background investigation as specified in subsection e.  
13 of this section, or for any other purpose other than that which is  
14 authorized by law or the Supreme Court of the State of New Jersey,  
15 shall be guilty of a crime of the fourth degree.

16 (cf: P.L.2006, c.47, s.26)

17

18 10. Section 1 of P.L.2003, c.301 (C.2C:44-6.2) is amended to  
19 read as follows:

20 1. a. In any case in which a person has been convicted of a  
21 crime for which the person will be incarcerated, the court shall  
22 order, as part of the presentence investigation required pursuant to  
23 N.J.S.2C:44-6, that a determination be made as to whether the  
24 person is the sole caretaker of a minor child and, if so, who will  
25 assume responsibility for the child's care and custody during the  
26 period the person is incarcerated.

27 b. If the determination is made that the person is the sole  
28 caretaker of the child, the presentence investigation shall also  
29 include:

30 (1) verification that the person who will be responsible for the  
31 child's care and custody during the period of incarceration has  
32 agreed to assume responsibility for the child's care and custody;

33 (2) an inquiry as to the willingness of the person to assume  
34 responsibility for the child's care and custody during the period of  
35 incarceration; and

36 (3) a PROMIS/GAVEL network check, juvenile central registry  
37 check, and domestic violence central registry check on the person  
38 who will be responsible for the child's care and custody during the  
39 period of incarceration and on any adult and juvenile over 12 years  
40 of age in the person's household.

41 c. The court shall provide the information compiled pursuant to  
42 subsection b. of this section, from the presentence investigation, to  
43 the Division of **[Youth and Family Services]** Child Protection and  
44 Permanency in the Department of Children and Families.

45 (cf: P.L.2006, c.27, s.28)

46

47 11. Section 3 of P.L.2003, c.301 (C.2C:44-6.3) is amended to  
48 read as follows:

1       3. a. In any case in which a person has been convicted of a  
2 crime enumerated in subsection b. of this section and:

3       (1) the victim of the crime was either a person under the age of  
4 18 at the time of the commission of the crime, or a person defined  
5 in paragraph (9) of subsection b. of this section; and

6       (2) the person convicted of the crime resides in a household  
7 with other minor children or is a parent of a minor child,  
8 the court, based on an interview with the defendant, shall make a  
9 referral to the Division of **[Youth and Family Services]** Child  
10 Protection and Permanency in the Department of Children and  
11 Families and provide the division with the name and address of the  
12 person convicted of the crime, information on the person's criminal  
13 history, and the name and address of each child referred to in  
14 paragraph (2) of this subsection.

15       b. For purposes of this section, "crime" includes any of the  
16 following:

17       (1) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
18 to N.J.S.2C:11-4;

19       (2) simple assault or aggravated assault pursuant to  
20 N.J.S.2C:12-1;

21       (3) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

22       (4) terrorist threats pursuant to N.J.S.2C:12-3;

23       (5) kidnapping and related offenses including criminal restraint;  
24 false imprisonment; interference with custody; criminal coercion; or  
25 enticing a child into a motor vehicle, structure, or isolated area  
26 pursuant to N.J.S.2C:13-1 through 2C:13-6;

27       (6) sexual assault, criminal sexual contact, or lewdness pursuant  
28 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

29       (7) arson pursuant to N.J.S.2C:17-1, or causing or risking  
30 widespread injury or damage which would constitute a crime of the  
31 second degree pursuant to N.J.S.2C:17-2;

32       (8) a crime against a child, including endangering the welfare of  
33 a child and child pornography pursuant to N.J.S.2C:24-4; or child  
34 abuse, neglect, or abandonment pursuant to R.S.9:6-3;

35       (9) endangering the welfare of an incompetent person pursuant  
36 to N.J.S.2C:24-7 or endangering the welfare of an elderly or  
37 disabled person pursuant to N.J.S.2C:24-8;

38       (10) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
39 et seq.); or

40       (11) an attempt or conspiracy to commit an offense listed in  
41 paragraphs (1) through (10) of this subsection.

42 (cf: P.L.2006, c.47, s.29)

43

44       12. Section 3 of P.L.1995, c.76 (C.3B:12-69) is amended to read  
45 as follows:

46       3. As used in **[this act]** P.L.1995, c.76 (C.3:12-67 et seq.):

47       "Appointed standby guardian" means a person appointed  
48 pursuant to section 6 of **[this act]** P.L.1995, c.76 (C.3B:12-72) to

1 assume the duties of guardian over the person and, when applicable,  
2 the property of a minor child upon the death or a determination of  
3 incapacity or debilitation, and with the consent, of the parent or  
4 legal custodian.

5 "Attending physician" means the physician who has primary  
6 responsibility for the treatment and care for the petitioning parent or  
7 legal custodian. When more than one physician shares this  
8 responsibility, or when a physician is acting on the primary  
9 physician's behalf, any such physician may act as the attending  
10 physician pursuant to this act. When no physician has this  
11 responsibility, a physician who is familiar with the petitioner's  
12 medical condition may act as the attending physician pursuant to  
13 **[this act] P.L.1995, c.76 (C.3B:12-67 et seq.)**.

14 "Consent" means written consent signed by the parent or legal  
15 custodian in the presence of two witnesses who shall also sign the  
16 document. The written consent shall constitute the terms for the  
17 commencement of the duties of the standby guardian.

18 "Debilitation" means a chronic and substantial inability, as a  
19 result of a physically debilitating illness, disease, or injury, to care  
20 for one's minor child.

21 "Designated standby guardian" means a person designated  
22 pursuant to section 8 of **[this act] P.L.1995, c.76 (C.3B:12-74)** to  
23 assume temporarily the duties of guardianship over the person and,  
24 when applicable, the property of a minor child upon the death or a  
25 determination of incapacity or debilitation, and with the consent, of  
26 the parent or legal custodian.

27 "Designation" means a written document voluntarily executed by  
28 the designator pursuant to **[this act] P.L.1995, c.76**.

29 "Designator" means a competent parent or legal custodian of a  
30 minor child who makes a designation pursuant to **[this act]**  
31 **P.L.1995, c.76**.

32 "Determination of debilitation" means a written determination  
33 made by the attending physician which contains the physician's  
34 opinion to a reasonable degree of medical certainty regarding the  
35 nature, cause, extent, and probable duration of the parent's or legal  
36 custodian's debilitation.

37 "Determination of incapacity" means a written determination  
38 made by the attending physician which contains the physician's  
39 opinion to a reasonable degree of medical certainty regarding the  
40 nature, cause, extent, and probable duration of the parent's or legal  
41 custodian's incapacity.

42 "Incapacity" means a chronic and substantial inability, as a result  
43 of mental or organic impairment, to understand the nature and  
44 consequences of decisions concerning the care of one's minor child,  
45 and a consequent inability to make these decisions.

46 "Minor child" means a child under the age of eighteen years but  
47 excludes a child residing in a placement funded or approved by the  
48 Division of **[Youth and Family Services] Child Protection and**

1 Permanency in the Department of Children and Families pursuant to  
2 either a voluntary placement agreement or court order.

3 "Triggering event" means an event stated in the designation,  
4 petition or decree which empowers the standby guardian to assume  
5 the duties of the office, which event may be the death, incapacity or  
6 debilitation, with the consent, of the custodial parent or legal  
7 custodian, whichever occurs first.

8 (cf: P.L.2006, c.47, s.30)

9

10 13. Section 2 of P.L.2001, c.250 (C.3B:12A-2) is amended to  
11 read as follows:

12 2. As used in sections 1 through 6 of P.L.2001, c.250  
13 (C.3B:12A-1 et seq.):

14 "Caregiver" means a person over 18 years of age, other than a  
15 child's parent, who has a kinship relationship with the child and has  
16 been providing care and support for the child, while the child has  
17 been residing in the caregiver's home, for either the last 12  
18 consecutive months or 15 of the last 22 months. "Caregiver"  
19 includes a resource family parent as defined in section 1 of  
20 P.L.1962, c.136 (C.30:4C-26.4).

21 "Child" means a person under 18 years of age, except as  
22 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

23 "Commissioner" means the Commissioner of Children and  
24 Families.

25 "Court" means the Superior Court, Chancery Division, Family  
26 Part.

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

28 "Division" means the Division of **【Youth and Family Services】**  
29 Child Protection and Permanency in the Department of Children  
30 and Families.

31 "Family friend" means a person who is connected to a child or  
32 the child's parent by an established positive psychological or  
33 emotional relationship that is not a biological or legal relationship.

34 "Home review" means the basic review of the information  
35 provided by the petitioner and a visit to the petitioner's home where  
36 the child will continue to reside, in accordance with the provisions  
37 of P.L.2001, c.250 (C.3B:12A-1 et al.) and pursuant to regulations  
38 adopted by the commissioner.

39 "Kinship caregiver assessment" means a written report prepared  
40 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1  
41 et al.) and pursuant to regulations adopted by the commissioner.

42 "Kinship legal guardian" means a caregiver who is willing to  
43 assume care of a child due to parental incapacity, with the intent to  
44 raise the child to adulthood, and who is appointed the kinship legal  
45 guardian of the child by the court pursuant to P.L.2001, c.250  
46 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible  
47 for the care and protection of the child and for providing for the  
48 child's health, education and maintenance.

1 "Kinship relationship" means a family friend or a person with a  
2 biological or legal relationship with the child.

3 "Parental incapacity" means incapacity of such a serious nature  
4 as to demonstrate that the parent is unable, unavailable, or unwilling  
5 to perform the regular and expected functions of care and support of  
6 the child.

7 (cf: P.L.2006, c.47, s.31)

8

9 14. Section 2 of P.L.1977, c.367 (C.9:3-38) is amended to read  
10 as follows:

11 2. For the purposes of **[this act]** P.L.1977, c.357 (C.9:3-37 et  
12 seq.):

13 a. "Approved agency" means a nonprofit corporation,  
14 association, or agency, including any public agency, approved by  
15 the Department of Children and Families for the purpose of placing  
16 children for adoption in New Jersey;

17 b. "Child" means a person under 18 years of age;

18 c. "Custody" means the general right to exercise continuing  
19 control over the person of a child derived from court order or  
20 otherwise;

21 d. "Guardianship" means the right to exercise continuing  
22 control over the person or property or both of a child which  
23 includes any specific right of control over an aspect of the child's  
24 upbringing derived from court order;

25 e. "Guardian ad litem" means a qualified person, not  
26 necessarily an attorney, appointed by the court under the provisions  
27 of this act or at the discretion of the court to represent the interests  
28 of the child whether or not the child is a named party in the action;

29 f. "Parent" means a birth parent or parents, including the birth  
30 father of a child born out of wedlock who has acknowledged the  
31 child or to whom the court has ordered notice to be given, or a  
32 parent or parents by adoption;

33 g. "Placement for adoption" means the transfer of custody of a  
34 child to a person for the purpose of adoption by that person;

35 h. "Plaintiff" means a prospective parent or parents who have  
36 filed a complaint for adoption;

37 i. "Legal services" means the provision of counseling or advice  
38 related to the law and procedure for adoption of a child, preparation  
39 of legal documents, or representation of any person before a court  
40 or administrative agency;

41 j. "Surrender" means a voluntary relinquishment of all parental  
42 rights by a birth parent, previous adoptive parent, or other person or  
43 agency authorized to exercise these rights by law, court order or  
44 otherwise, for purposes of allowing a child to be adopted;

45 k. "Home study" means an approved agency's formal  
46 assessment of the capacity and readiness of prospective adoptive  
47 parents to adopt a child, including the agency's written report and  
48 recommendations conducted in accordance with rules and

1 regulations promulgated by the Director of the Division of **[Youth**  
2 **and Family Services]** Child Protection and Permanency; and

3 l. "Intermediary" means any person, firm, partnership,  
4 corporation, association, or agency, which is not an approved  
5 agency as defined in this section, who acts for or between any  
6 parent and any prospective parent or acts on behalf of either in  
7 connection with the placement of the parent's child for adoption in  
8 the State or in any other state or country. An intermediary in any  
9 other state or country shall not receive money or other valuable  
10 consideration in connection with the placement of a child for  
11 adoption in this State. An intermediary in this State shall not  
12 receive money or other valuable consideration in connection with  
13 the placement of a child for adoption in this State or in any other  
14 state or country. The provisions of this subsection shall not be  
15 construed to prohibit the receipt of money or other valuable  
16 consideration specifically authorized in section 18 of P.L.1993,  
17 c.345 (C.9:3-39.1).

18 (cf: P.L.2006, c.47, s.33)

19

20 15. Section 18 of P.L.1993, c.345 (C.9:3-39.1) is amended to  
21 read as follows:

22 18. a. A person, firm, partnership, corporation, association, or  
23 agency shall not place, offer to place, or materially assist in the  
24 placement of any child for adoption in New Jersey unless:

25 (1) the person is the parent or guardian of the child, or

26 (2) the firm, partnership, corporation, association, or agency is  
27 an approved agency to act as agent, finder, or to otherwise  
28 materially assist in the placement of any child for adoption in this  
29 State, or

30 (3) the placement for adoption is with a brother, sister, aunt,  
31 uncle, grandparent, birth father, or stepparent of the child, or

32 (4) the placement is through an intermediary and (a) the person  
33 with whom the child is to be placed has been approved for  
34 placement for adoption by an approved agency home study which  
35 consists of the agency's formal written assessment of the capacity  
36 and readiness of the prospective adoptive parents to adopt a child,  
37 conducted in accordance with rules and regulations promulgated by  
38 the Director of the Division of **[Youth and Family Services]** Child  
39 Protection and Permanency;

40 (b) The birth parent, except one who cannot be identified or  
41 located prior to the placement of the child for adoption, shall be  
42 offered counseling as to **[his or her]** the birth parent's options other  
43 than placement of the child for adoption. Such counseling shall be  
44 made available by or through an approved licensed agency in New  
45 Jersey or in the birth parent's state or country of residence. The fact  
46 that counseling has been made available, and the name, address, and  
47 telephone number of the agency through which the counseling is  
48 available, shall be confirmed in a written document signed by the



1 birth parent and acknowledged in this State pursuant to section 1 of  
2 P.L.1991, c.308 (R.S.46:14-2.1) or acknowledged in another state  
3 or country pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-6.1)  
4 a copy of which shall be provided to the birth parent and the agency  
5 conducting the adoption complaint investigation pursuant to section  
6 12 of P.L.1977, c.367 (C.9:3-48) and shall be filed with the court  
7 prior to termination of parental rights; and

8 (c) Written notice shall be given to the birth parent, except one  
9 who cannot be identified or located prior to the placement of the  
10 child for adoption, and the adoptive parent that the decision not to  
11 place the child for adoption or the return of the child to the birth  
12 parent cannot be conditioned upon reimbursement of expenses by  
13 the birth parent to the adoptive parent, and that payments by the  
14 adoptive parent are non-refundable. Provision of such notice shall  
15 be confirmed in a written document signed by the birth parent and  
16 adoptive parent in separate documents which shall be acknowledged  
17 in this State pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-  
18 2.1) or acknowledged in another state or country pursuant to section  
19 1 of P.L.1991, c.308 (R.S.46:14-6.1), a copy of which shall be  
20 provided to the birth parent, and the agency conducting the adoption  
21 complaint investigation pursuant to section 12 of P.L.1977, c.367  
22 (C.9:3-48), and shall be filed with the court prior to termination of  
23 parental rights.

24 b. The Superior Court in an action by the Commissioner of  
25 Children and Families may enjoin any party found by the court to  
26 have violated this section from any further violation of this section.

27 c. A person, firm, partnership, corporation, association, or  
28 agency violating subsection a. of this section shall be guilty of a  
29 crime of the third degree.

30 d. A person, firm, partnership, corporation, association,  
31 intermediary, or agency other than an approved agency which pays,  
32 seeks to pay, receives, or seeks to receive money or other valuable  
33 consideration in connection with the placement of a child for  
34 adoption shall be guilty of a crime of the second degree.

35 e. It shall not be a violation of subsection d. of this section: (1)  
36 to pay, provide, or reimburse to a parent of the child, or for a parent  
37 of the child to receive payment, provision, or reimbursement for  
38 medical, hospital, counseling, or other similar expenses incurred in  
39 connection with the birth or any illness of the child, or the  
40 reasonable living expenses of the mother of the child during her  
41 pregnancy including payments for reasonable food, clothing,  
42 medical expenses, shelter, and religious, psychological, vocational,  
43 or similar counseling services during the period of the pregnancy  
44 and for a period not to exceed four weeks after the termination of  
45 the pregnancy by birth or otherwise. These payments may be made  
46 directly to the birth mother or on the mother's behalf to the supplier  
47 of the goods or services, or

1 (2) where the child is from a foreign country, reasonable and  
2 customary fees and expenses of a foreign agency or attorney for the  
3 care or representation of the child during any period of foster or  
4 institutional care in the child's country of origin, or

5 (3) reasonable attorney fees and costs for legal services.

6 (cf: P.L.2006, c.47, s.34)

7  
8 16. Section 8 of P.L.1977, c.367 (C.9:3-44) is amended to read  
9 as follows:

10 8. Whenever a person receives a child into **[his]** the person's  
11 home for the purpose of adoption other than from an approved  
12 agency, a complaint for adoption shall be filed within 45 days after  
13 receipt of the child. If the person receiving the child has been  
14 approved previously for placement for adoption in accordance with  
15 the provisions of section 18 of P.L.1993, c.345 (C.9:3-39.1), the  
16 person shall, immediately upon receiving the child, notify the  
17 approved agency which granted **[such]** approval of the receipt of  
18 the child, and that agency shall undertake immediate supervision of  
19 the child in accordance with rules and regulations promulgated by  
20 the Director of the Division of **[Youth and Family Services]** Child  
21 Protection and Permanency. The cost of **[such]** the supervision  
22 shall be paid by the person receiving the child. If the agency, in the  
23 course of supervision shall determine that the child is at risk of  
24 harm or that the best interests of the child are not served by the  
25 child remaining in the home, the agency may apply to a court for  
26 removal of the child from the home. Whenever a person receives a  
27 child into **[his]** the person's home for purposes other than adoption  
28 and it is later determined that an adoption shall be sought, a  
29 complaint for adoption shall be instituted with reasonable  
30 promptness following the determination. Failure to file the  
31 complaint in a timely manner shall not be a sole basis for refusal of  
32 the adoption but the failure shall require the filing, with the  
33 complaint, of an affidavit setting forth the reasons for the delay.

34 (cf: P.L.1993, c.345, s.7)

35  
36 17. Section 3 of P.L.1999, c.53 (C.9:3-45.2) is amended to read  
37 as follows:

38 3. In any case in which the Division of **[Youth and Family**  
39 **Services]** Child Protection and Permanency accepts a child in its  
40 care or custody, the child's resource family parent or relative  
41 providing care for the child, as applicable, shall receive written  
42 notice of, and shall have a right to be heard at, any review or  
43 hearing held with respect to the child, but the resource family parent  
44 or relative shall not be made a party to the review or hearing solely  
45 on the basis of the notice and right to be heard.

46 (cf: P.L.2007, c.228, s.1)

1 18. Section 21 of P.L.1993, c.345 (C.9:3-54.2) is amended to  
2 read as follows:

3 21. a. (1) In addition to meeting the other requirements  
4 established by the Department of Children and Families, a home  
5 study completed by an approved agency shall include a  
6 recommendation regarding the suitability of the home for the  
7 placement of a child based upon the results of State and federal  
8 criminal history record checks for each prospective adoptive parent  
9 and each adult residing in the home.

10 For the purposes of this section, the federal criminal history  
11 record check conducted by the U.S. Citizenship and Immigration  
12 Services in the Department of Homeland Security on a prospective  
13 adoptive parent shall be valid for the prospective adoptive parent in  
14 fulfilling the home study requirement for the State.

15 (2) Each prospective adoptive parent and each member of the  
16 prospective adoptive parent's household, age 18 or older, shall  
17 submit to the approved agency standard fingerprint cards containing  
18 his name, address and fingerprints taken by a State or municipal law  
19 enforcement agency.

20 (3) The cost of all criminal history record checks conducted  
21 pursuant to this section shall be paid by the prospective adoptive  
22 parent or household member at the time the fingerprint cards are  
23 submitted.

24 (4) The approved agency shall forward the fingerprint cards and  
25 payment to the commissioner.

26 (5) The commissioner is authorized to exchange fingerprint data  
27 and receive criminal history record information from the Federal  
28 Bureau of Investigation and the Division of State Police for use in  
29 making the recommendations provided for in this section.

30 (6) The department shall advise the approved agency of  
31 information received from State and federal criminal history record  
32 checks based upon the fingerprints submitted by the agency.  
33 Information provided to the approved agency shall be confidential  
34 and not disclosed by the approved agency to any individual or entity  
35 without the written permission of the person who is the subject of  
36 the record check.

37 (7) The commissioner shall adopt regulations for the use of  
38 criminal history record information by approved agencies when  
39 determining the suitability of a home for the placement of a child  
40 for the purposes of adoption.

41 b. (1) Beginning one year after the effective date of **[this act]**  
42 P.L.1993, c.345, a home study completed by an approved agency  
43 shall include a recommendation regarding the suitability of the  
44 home for the placement of the child based upon a check for any  
45 records which might reveal a history of child abuse or neglect by  
46 the proposed adoptive parent or member of the parent's household  
47 who is 18 years of age or older.

1 (2) Beginning one year after the effective date, at the request of  
2 an approved agency, the commissioner or his designee shall conduct  
3 a search of the records of the Division of **【Youth and Family**  
4 **Services】** Child Protection and Permanency regarding referrals of  
5 dispositions of child abuse or neglect matters as to the proposed  
6 adoptive parent and any member of the parent's household 18 years  
7 of age or older, and, if there is information that would raise a  
8 question of the suitability of the proposed adoptive parent or  
9 member of the parent's household to have guardianship of a child,  
10 shall provide that information to the approved agency for its  
11 consideration. Information provided to the approved agency  
12 pursuant to this paragraph shall be confidential. The commissioner  
13 shall establish penalties for disclosure of this confidential  
14 information.

15 (cf: P.L.2006, c.47, s.40)

16

17 19. Section 9 of P.L.2006, c.47 (C.9:3A-9) is amended to read  
18 as follows:

19 9. All of the functions, powers, and duties of the Office of  
20 Children's Services in the Department of Human Services, and the  
21 power to receive, allocate, expend, and authorize the expenditure of  
22 federal moneys available for children and families are hereby  
23 transferred and assigned to, assumed by, and devolved upon the  
24 Department of Children and Families. To effectuate such transfer  
25 there shall also be transferred such officers and employees as are  
26 necessary, all appropriations or reappropriations, to the extent of  
27 remaining unexpended or unencumbered balances thereof, whether  
28 allocated or unallocated and whether obligated or unobligated, and  
29 all necessary books, papers, records and property. All rules,  
30 regulations, acts, determinations, and decisions in force at the time  
31 of such transfer and proceedings or other such matters undertaken,  
32 commenced, or pending by or before the Office of Children's  
33 Services at the time of such transfer shall continue in force and  
34 effect until duly modified, abrogated or completed by the  
35 Department of Children and Families.

36 As used in this section, the Office of Children's Services  
37 includes, but is not limited to, the Division of **【Youth and Family**  
38 **Services】** Child Protection and Permanency, the Division of **【Child**  
39 **Behavioral Health Services】** Children's System of Care, the  
40 Division of **【Prevention and Community Partnerships】** Family and  
41 Community Partnerships, and the New Jersey Child Welfare  
42 Training Academy in the Department of Human Services.

43 (cf: P.L.2006, c.47, s.9)

44

45 20. Section 10 of P.L.2006, c.47 (C.9:3A-10) is amended to read  
46 as follows:

1       10. a. Whenever the term "Office of Children's Services" occurs  
2 or any reference is made thereto in any law, regulation, contract, or  
3 document, the same shall be deemed to mean or refer to the  
4 Department of Children and Families.

5       b. Whenever the terms "Division of Youth and Family  
6 Services," "Division of Child Behavioral Health Services,"  
7 "Division of Prevention and Community Partnerships" and "New  
8 Jersey Child Welfare Training Academy" occur or any reference is  
9 made thereto in any law, regulation, contract, or document, the  
10 same shall be deemed to mean or refer to, respectively, the  
11 **["Division of Youth and Family Services,"]** "Division of Child  
12 Protection and Permanency," **["Division of Child Behavioral Health**  
13 **Services,"]** "Division of Children's System of Care," **["Division of**  
14 **Prevention and Community Partnerships,"]** "Division of Family and  
15 Community Partnerships," and "New Jersey Child Welfare Training  
16 Academy" in the Department of Children and Families established  
17 herein.

18 (cf: P.L.2006, c.47, s.10)

19

20       21. Section 3 of P.L.1971, c.437 (C.9:6-8.10) is amended to read  
21 as follows:

22       3. Any person having reasonable cause to believe that a child  
23 has been subjected to child abuse or acts of child abuse shall report  
24 the same immediately to the Division of **[Youth and Family**  
25 **Services]** Child Protection and Permanency by telephone or  
26 otherwise. Such reports, where possible, shall contain the names  
27 and addresses of the child and his parent, guardian, or other person  
28 having custody and control of the child and, if known, the child's  
29 age, the nature and possible extent of the child's injuries, abuse or  
30 maltreatment, including any evidence of previous injuries, abuse or  
31 maltreatment, and any other information that the person believes  
32 may be helpful with respect to the child abuse and the identity of  
33 the perpetrator.

34 (cf: P.L.1987, c.341, s.4)

35

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

38       1. a. All records of child abuse reports made pursuant to  
39 section 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained  
40 by the Department of Children and Families in investigating such  
41 reports including reports received pursuant to section 20 of  
42 P.L.1974, c.119 (C.9:6-8.40), and all reports of findings forwarded  
43 to the child abuse registry pursuant to section 4 of P.L.1971, c.437  
44 (C.9:6-8.11) shall be kept confidential and may be disclosed only  
45 under the circumstances expressly authorized under subsections b.,  
46 c., d., e., f., and g. herein. The department shall disclose  
47 information only as authorized under subsections b., c., d., e., f.,

1 and g. of this section that is relevant to the purpose for which the  
2 information is required, provided, however, that nothing may be  
3 disclosed which would likely endanger the life, safety, or physical  
4 or emotional well-being of a child or the life or safety of any other  
5 person or which may compromise the integrity of a department  
6 investigation or a civil or criminal investigation or judicial  
7 proceeding. If the department denies access to specific information  
8 on this basis, the requesting entity may seek disclosure through the  
9 Chancery Division of the Superior Court. This section shall not be  
10 construed to prohibit disclosure pursuant to paragraphs (2) and (7)  
11 of subsection b. of this section.

12 Nothing in **[this act]** P.L.1977, c.102 (C.9:6-8.10a et seq.) shall  
13 be construed to permit the disclosure of any information deemed  
14 confidential by federal or State law.

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

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

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

23 (3) A physician who has before him a child whom he reasonably  
24 suspects may be abused or neglected or an authorized member of  
25 the staff of a duly designated regional child abuse diagnostic and  
26 treatment center which is involved with a particular child who is the  
27 subject of the request;

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

34 (5) An agency, whether public or private, including any division  
35 or unit in the Department of Human Services or the Department of  
36 Children and Families, authorized to care for, treat, assess, evaluate,  
37 or supervise a child who is the subject of a child abuse report, or a  
38 parent, guardian, resource family parent, or other person who is  
39 responsible for the child's welfare, or both, when the information is  
40 needed in connection with the provision of care, treatment,  
41 assessment, evaluation, or supervision to such child or such parent,  
42 guardian, resource family parent, or other person and the provision  
43 of information is in the best interests of the child as determined by  
44 the Division of **[Youth and Family Services]** Child Protection and  
45 Permanency;

46 (6) A court or the Office of Administrative Law, upon its  
47 finding that access to such records may be necessary for  
48 determination of an issue before it, and such records may be

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1 disclosed by the court or the Office of Administrative Law in whole  
2 or in part to the law guardian, attorney, or other appropriate person  
3 upon a finding that such further disclosure is necessary for  
4 determination of an issue before the court or the Office of  
5 Administrative Law;

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

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

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

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

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

24 (12) Any person appealing a department service or status action  
25 or a substantiated finding of child abuse or neglect and his attorney  
26 or authorized lay representative upon a determination by the  
27 department or the presiding Administrative Law Judge that such  
28 disclosure is necessary for a determination of the issue on appeal;

29 (13) Any person or entity mandated by statute to consider child  
30 abuse or neglect information when conducting a background check  
31 or employment-related screening of an individual employed by or  
32 seeking employment with an agency or organization providing  
33 services to children;

34 (14) Any person or entity conducting a disciplinary,  
35 administrative, or judicial proceeding to determine terms of  
36 employment or continued employment of an officer, employee, or  
37 volunteer with an agency or organization providing services for  
38 children. The information may be disclosed in whole or in part to  
39 the appellant or other appropriate person only upon a determination  
40 by the person or entity conducting the proceeding that the  
41 disclosure is necessary to make a determination;

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

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

- 1 (17) The legal counsel of a child, parent, or guardian, whether  
2 court-appointed or retained, when information is needed to discuss  
3 the case with the department in order to make decisions relating to  
4 or concerning the child;
- 5 (18) A person who has filed a report of suspected child abuse or  
6 neglect for the purpose of providing that person with only the  
7 disposition of the investigation;
- 8 (19) A parent, resource family parent, or legal guardian when the  
9 information is needed in a department matter in which that parent,  
10 resource family parent, or legal guardian is directly involved. The  
11 information may be released only to the extent necessary for the  
12 requesting parent, resource family parent, or legal guardian to  
13 discuss services or the basis for the department's involvement or to  
14 develop, discuss, or implement a case plan for the child;
- 15 (20) A federal, State, or local government entity, to the extent  
16 necessary for such entity to carry out its responsibilities under law  
17 to protect children from abuse and neglect;
- 18 (21) Citizen review panels designated by the State in compliance  
19 with the federal "Child Abuse Prevention and Treatment Act  
20 Amendments of 1996," Pub.L.104-235;
- 21 (22) The Child Fatality and Near Fatality Review Board  
22 established pursuant to P.L.1997, c.175 (C.9:6-8.83 et al.); or
- 23 (23) Members of a family team or other case planning group  
24 formed by the Division of **[Youth and Family Services]** Child  
25 Protection and Permanency and established in accordance with  
26 regulations adopted by the Commissioner of Children and Families  
27 for the purpose of addressing the child's safety, permanency, or  
28 well-being, when the provision of such information is in the best  
29 interests of the child as determined by the Division of **[Youth and**  
30 **Family Services]** Child Protection and Permanency.
- 31 Any individual, agency, board, court, grand jury, legislative  
32 committee, or other entity which receives from the department the  
33 records and reports referred to in subsection a., shall keep **[such]**  
34 the records and reports, or parts thereof, confidential and shall not  
35 disclose **[such]** the records and reports or parts thereof except as  
36 authorized by law.
- 37 c. The department may share information with a child who is  
38 the subject of a child abuse or neglect report, as appropriate to the  
39 child's age or condition, to enable the child to understand the basis  
40 for the department's involvement and to participate in the  
41 development, discussion, or implementation of a case plan for the  
42 child.
- 43 d. The department may release the records and reports referred  
44 to in subsection a. of this section to any person engaged in a bona  
45 fide research purpose, provided, however, that no names or other  
46 information identifying persons named in the report shall be made  
47 available to the researcher unless it is absolutely essential to the  
48 research purpose and provided further that the approval of the



1 Commissioner of Children and Families or his designee shall first  
2 have been obtained.

3 e. For incidents determined by the department to be  
4 substantiated, the department shall forward to the police or law  
5 enforcement agency in whose jurisdiction the child named in the  
6 report resides, the identity of persons alleged to have committed  
7 child abuse or neglect and of victims of child abuse or neglect, their  
8 addresses, the nature of the allegations, and other relevant  
9 information, including, but not limited to, prior reports of abuse or  
10 neglect and names of siblings obtained by the department during its  
11 investigation of a report of child abuse or neglect. The police or  
12 law enforcement agency shall keep such information confidential.

13 f. The department may disclose to the public the findings or  
14 information about a case of child abuse or neglect which has  
15 resulted in a child fatality or near fatality. Nothing may be  
16 disclosed which would likely endanger the life, safety, or physical  
17 or emotional well-being of a child or the life or safety of any other  
18 person or which may compromise the integrity of a department  
19 investigation or a civil or criminal investigation or judicial  
20 proceeding. If the department denies access to specific information  
21 on this basis, the requesting entity may seek disclosure of the  
22 information through the Chancery Division of the Superior Court.  
23 No information may be disclosed which is deemed confidential by  
24 federal or State law. The name or any other information identifying  
25 the person or entity who referred the child to the department shall  
26 not be released to the public.

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

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

39 (cf: P.L.2006, c.47, s.42)

40

41 23. Section 2 of P.L.2003, c.301 (C.9:6-8.10c) is amended to  
42 read as follows:

43 2. a. Upon receiving the presentencing investigation  
44 information from the court pursuant to section 1 of P.L.2003, c.301  
45 (C.2C:44-6.2) concerning a sole caretaker of a child who will be  
46 incarcerated and the person who will assume care and custody of  
47 the child during the period of incarceration, the Division of **[Youth**  
48 **and Family Services]** Child Protection and Permanency in the

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1 Department of Children and Families shall conduct a child abuse  
2 record information check of its child abuse records to determine if  
3 an incident of child abuse or neglect has been substantiated against  
4 the person who will be responsible for the child's care and custody  
5 or any adult and juvenile over 12 years of age in the person's  
6 household.

7 b. If, based on the information provided by the court and the  
8 check of its child abuse records, the division determines that the  
9 incarcerated person's minor child may be at risk for abuse or neglect  
10 or the child's emotional, physical, health care, and educational  
11 needs will not be met during the period of incarceration, the  
12 division shall take appropriate action to ensure the safety of the  
13 child.

14 (cf: P.L.2006, c.47, s.43)

15

16 24. Section 4 of P.L.1971, c.437 (C.9:6-8.11) is amended to read  
17 as follows:

18 4. Upon receipt of any such report, the Division of **【Youth and**  
19 **Family Services】** Child Protection and Permanency, or such  
20 another entity in the Department of Children and Families as may  
21 be designated by the Commissioner of Children and Families to  
22 investigate child abuse or neglect, shall immediately take such  
23 action as shall be necessary to insure the safety of the child and to  
24 that end may request and shall receive appropriate assistance from  
25 local and State law enforcement officials. A representative of the  
26 division or other designated entity shall initiate an investigation  
27 within 24 hours of receipt of the report, unless the division or other  
28 entity authorizes a delay based upon the request of a law  
29 enforcement official. The division or other entity shall also, within  
30 72 hours, forward a report of such matter to the child abuse registry  
31 operated by the division in Trenton.

32 The child abuse registry shall be the repository of all information  
33 regarding child abuse or neglect that is accessible to the public  
34 pursuant to State and federal law. No information received in the  
35 child abuse registry shall be considered as a public record within  
36 the meaning of P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001,  
37 c.404 (C.47:1A-5 et al.).

38 (cf: P.L.2006, c.47, s.46)

39

40 25. Section 5 of P.L.1971, c.437 (C.9:6-8.12) is amended to read  
41 as follows:

42 5. The Division of **【Youth and Family Services】** Child  
43 Protection and Permanency shall maintain, at all times, an  
44 emergency telephone service for the receipt of calls involving a  
45 report, complaint, or allegation of child abuse or neglect.

46 (cf: P.L.2004, c.130, s.24)

1       26. Section 8 of P.L.1971, c.437 (C.9:6-8.15) is amended to read  
2 as follows:

3       8. The **【Bureau of Children's Services】** Division of Child  
4 Protection and Permanency shall from time to time promulgate such  
5 rules and regulations as may be necessary to effectuate the  
6 provisions of **【this act】** P.L.1971, c.437 (C.9:6-8.8 et seq.).  
7 (cf: P.L.1971, c.437, s.8)  
8

9       27. Section 2 of P.L.1973, c.147 (C.9:6-8.17) is amended to read  
10 as follows:

11       2. The physician or the director or his designate of a hospital or  
12 similar institution taking a child into such protective custody shall  
13 immediately report his action to the Division of **【Youth and Family**  
14 **Services】** Child Protection and Permanency by calling its  
15 emergency telephone service maintained pursuant to section 5 of  
16 P.L.1971, c.437 (C.9:6-8.12).  
17 (cf: P.L.2004, c.130, s.25)  
18

19       28. Section 3 of P.L.1973, c.147 (C.9:6-8.18) is amended to read  
20 as follows:

21       3. The **【Bureau of Children's Services or its successor, the】**  
22 Division of **【Youth and Family Services】** Child Protection and  
23 Permanency, shall upon receipt of such report, take action to insure  
24 the safety of the child under section 4 of P.L.1971, c.437 (C.9:6-  
25 8.11). The **【said】** report shall be deemed an oral complaint under  
26 section 12 of P.L.1951, c.138 (C.30:4C-12), and the **【Bureau of**  
27 **Children's Services or its successor, the】** Division of **【Youth and**  
28 **Family Services】** Child Protection and Permanency, shall  
29 investigate the circumstances under which the child was injured and  
30 may, after such investigation has been completed, apply for a court  
31 order placing the child under its care and supervision, pursuant to  
32 section 12 of P.L.1951, c.138 (C.30:4C-12).  
33 (cf: P.L.1973, c.147, s.3)  
34

35       29. Section 4 of P.L.1973, c.147 (C.9:6-8.19) is amended to read  
36 as follows:

37       4. a. The **【Bureau of Children's Services or its successor, the】**  
38 Division of **【Youth and Family Services】** Child Protection and  
39 Permanency, shall immediately after the receipt of such report, and  
40 after making a determination to take the child into protective  
41 custody, shall serve or attempt to serve, written notice upon the  
42 parents or guardian that the said child has been taken into protective  
43 custody. The notice shall contain a statement of the maximum  
44 duration of the protective custody and the location of the child  
45 during protective custody.

46       b. The parents or guardian of a child in protective custody may,  
47 upon request and in the reasonable discretion of the physician,

1 director, or his designate, or appropriate official of the [Bureau of  
2 Children's Services, or its successor, the] Division of [Youth and  
3 Family Services] Child Protection and Permanency, visit the [said]  
4 child, provided that the life or health of the child will not be  
5 endangered by such visit.

6 c. The entire period of protective custody shall not exceed [3]  
7 three court days. The protective custody may be terminated earlier  
8 at the discretion of the reporting physician, director or appropriate  
9 official of the [Bureau of Children's Services or its successor, the]  
10 Division of [Youth and Family Services] Child Protection and  
11 Permanency, or upon order of the court.

12 (cf: P.L.1973, c.147, s.4)

13

14 30. Section 5 of P.L.1999. c.53 (C.9:6-8.19a) is amended to read  
15 as follows:

16 5. In any case in which the Division of [Youth and Family  
17 Services] Child Protection and Permanency accepts a child in its  
18 care or custody, the child's resource family parent or relative  
19 providing care for the child, as applicable, shall receive written  
20 notice of and an opportunity to be heard at any review or hearing  
21 held with respect to the child, but the resource family parent or  
22 relative shall not be made a party to the review or hearing solely on  
23 the basis of the notice and opportunity to be heard.

24 (cf: P.L.2004, c.130, s.26)

25

26 31. Section 1 of P.L.1974, c.119 (C.9:6-8.21) is amended to read  
27 as follows:

28 1. As used in [this act] P.L.1974, c.119 (C.9-8.21 et seq.),  
29 unless the specific context indicates otherwise:

30 a. "Parent or guardian" means any natural parent, adoptive  
31 parent, resource family parent, stepparent, paramour of a parent, or  
32 any person, who has assumed responsibility for the care, custody, or  
33 control of a child or upon whom there is a legal duty for such care.  
34 Parent or guardian includes a teacher, employee, or volunteer,  
35 whether compensated or uncompensated, of an institution who is  
36 responsible for the child's welfare and any other staff person of an  
37 institution regardless of whether or not the person is responsible for  
38 the care or supervision of the child. Parent or guardian also  
39 includes a teaching staff member or other employee, whether  
40 compensated or uncompensated, of a day school as defined in  
41 section 1 of P.L.1974, c.119 (C.9:6-8.21).

42 b. "Child" means any child alleged to have been abused or  
43 neglected.

44 c. "Abused or neglected child" means a child less than 18 years  
45 of age whose parent or guardian, as herein defined, (1) inflicts or  
46 allows to be inflicted upon such child physical injury by other than  
47 accidental means which causes or creates a substantial risk of death,

1 or serious or protracted disfigurement, or protracted impairment of  
2 physical or emotional health or protracted loss or impairment of the  
3 function of any bodily organ; (2) creates or allows to be created a  
4 substantial or ongoing risk of physical injury to such child by other  
5 than accidental means which would be likely to cause death or  
6 serious or protracted disfigurement, or protracted loss or  
7 impairment of the function of any bodily organ; (3) commits or  
8 allows to be committed an act of sexual abuse against the child; (4)  
9 or a child whose physical, mental, or emotional condition has been  
10 impaired or is in imminent danger of becoming impaired as the  
11 result of the failure of his parent or guardian, as herein defined, to  
12 exercise a minimum degree of care (a) in supplying the child with  
13 adequate food, clothing, shelter, education, medical or surgical care  
14 though financially able to do so or though offered financial or other  
15 reasonable means to do so, or (b) in providing the child with proper  
16 supervision or guardianship, by unreasonably inflicting or allowing  
17 to be inflicted harm, or substantial risk thereof, including the  
18 infliction of excessive corporal punishment; or by any other acts of  
19 a similarly serious nature requiring the aid of the court; (5) or a  
20 child who has been willfully abandoned by his parent or guardian,  
21 as herein defined; (6) or a child upon whom excessive physical  
22 restraint has been used under circumstances which do not indicate  
23 that the child's behavior is harmful to himself, others, or property;  
24 (7) or a child who is in an institution and (a) has been placed there  
25 inappropriately for a continued period of time with the knowledge  
26 that the placement has resulted or may continue to result in harm to  
27 the child's mental or physical well-being or (b) who has been  
28 willfully isolated from ordinary social contact under circumstances  
29 which indicate emotional or social deprivation.

30 A child shall not be considered abused or neglected pursuant to  
31 paragraph (7) of subsection c. of this section if the acts or omissions  
32 described therein occur in a day school as defined in this section.

33 No child who in good faith is under treatment by spiritual means  
34 alone through prayer in accordance with the tenets and practices of  
35 a recognized church or religious denomination by a duly accredited  
36 practitioner thereof shall for this reason alone be considered to be  
37 abused or neglected.

38 d. "Law guardian" means an attorney admitted to the practice  
39 of law in this State, regularly employed by the Office of the Public  
40 Defender or appointed by the court, and designated under **[this act]**  
41 P.L.1974, c.119 to represent minors in alleged cases of child abuse  
42 or neglect and in termination of parental rights proceedings.

43 e. "Attorney" means an attorney admitted to the practice of law  
44 in this State who shall be privately retained; or, in the instance of an  
45 indigent parent or guardian, an attorney from the Office of the  
46 Public Defender or an attorney appointed by the court who shall be  
47 appointed in order to avoid conflict between the interests of the  
48 child and the parent or guardian in regard to representation.

1 f. "Division" means the Division of **【Youth and Family**  
2 **Services】** Child Protection and Permanency in the Department of  
3 Children and Families unless otherwise specified.

4 g. "Institution" means a public or private facility in the State  
5 which provides children with out of home care, supervision, or  
6 maintenance. Institution includes, but is not limited to, a  
7 correctional facility, detention facility, treatment facility, day care  
8 center, residential school, shelter, and hospital.

9 h. "Day school" means a public or private school which  
10 provides general or special educational services to day students in  
11 grades kindergarten through 12. Day school does not include a  
12 residential facility, whether public or private, which provides care  
13 on a 24-hour basis.

14 (cf: P.L.2006, c.47, s.47)

15

16 32. Section 9 of P.L.1974, c.119 (C.9:6-8.29) is amended to read  
17 as follows:

18 9. a. A police officer or a designated employee of the  
19 Probation Division or a designated employee of the division may  
20 remove a child from the place where **【he】** the child is residing, or  
21 any **【such】** person or any physician treating **【such】** a child may  
22 keep a child in **【his】** the person's or physician's custody without an  
23 order pursuant to section 8 of P.L.1974, c.119 (C.9:6-8.28) and  
24 without the consent of the parent or guardian regardless of whether  
25 the parent or guardian is absent, if the child is in such condition that  
26 **【his】** the child's continuance in **【said】** the place or residence or in  
27 the care and custody of the parent or guardian presents an imminent  
28 danger to the child's life, safety, or health, and there is insufficient  
29 time to apply for a court order pursuant to section 8 of P.L.1974,  
30 c.119 (C.9:6-8.28), or any physician or hospital treating **【such】** a  
31 child may keep a child in custody pursuant to P.L.1973, c.147  
32 (C.9:6-8.16 et seq.). The Division of **【Youth and Family Services】**  
33 Child Protection and Permanency shall not be required to provide  
34 reasonable efforts to prevent placement if removal of the child is  
35 necessary due to imminent danger to the child's life, safety, or  
36 health in accordance with section 24 of P.L. 1999, c.53 (C.30:4C-  
37 11.2).

38 b. If a person authorized by this section removes or keeps  
39 custody of a child, he shall (1) inform the division immediately; (2)  
40 bring the child immediately to a place designated by the division for  
41 this purpose, and (3) make every reasonable effort to inform the  
42 parent or guardian of the facility to which **【he】** the person has  
43 brought the child.

44 c. Any person or institution acting in good faith in the removal  
45 or keeping of a child pursuant to this section shall have immunity  
46 from any liability, civil or criminal, that might otherwise be  
47 incurred or imposed as a result of such removal or keeping.

1 d. Any person acting under the authority of **[this act]**  
2 P.L.1974, c.119 (C.9:6-8.21 et seq.) may request and shall receive  
3 appropriate assistance from local and State law enforcement  
4 officials.

5 (cf: P.L.1999, c.53, s.9)

6  
7 33. Section 11 of P.L.1974, c.119 (C.9:6-8.31) is amended to  
8 read as follows:

9 11. Preliminary orders after filing of complaint. a. In any case  
10 where the child has been removed without court order, except  
11 where action has been taken pursuant to P.L.1973, c.147 (C.9:6-  
12 8.16 et seq.) the Superior Court, Chancery Division, Family Part  
13 shall hold a hearing on the next court day, whereby the safety of the  
14 child shall be of paramount concern, to determine whether the  
15 child's interests require protection pending a final order of  
16 disposition. In any other case under **[this act]** P.L.1974, c.119  
17 (C.9:6-8.21 et seq.), any person who may originate a proceeding  
18 may apply for, or the court, on its own motion, may order a hearing  
19 at any time after the complaint is filed to determine, with the safety  
20 of the child of paramount concern, whether the child's interests  
21 require protection pending a final order of disposition.

22 b. Upon such hearing, if the court finds that continued removal  
23 is necessary to avoid an ongoing risk to the child's life, safety, or  
24 health, it shall affirm the removal of the child to an appropriate  
25 place or place him in the custody of a suitable person.

26 If the court determines that removal of the child by a physician,  
27 police officer, designated employee of the Probation Division, or  
28 designated employee of the Division of **[Youth and Family**  
29 **Services]** Child Protection and Permanency was necessary due to  
30 imminent danger to the child's life, safety, or health, the court shall  
31 find that the Division of **[Youth and Family Services]** Child  
32 Protection and Permanency was not required to provide reasonable  
33 efforts to prevent placement of the child in accordance with section  
34 24 of P.L.1999, c.53 (C.30:4C-11.2).

35 c. Upon such hearing the court may, for good cause shown,  
36 issue a preliminary order of protection which may contain any of  
37 the provisions authorized on the making of an order of protection  
38 under section 35 of P.L.1974, c.119 (C.9:6-8.55).

39 d. Upon such hearing, the court may, for good cause shown,  
40 release the child to the custody of his parent or guardian from  
41 whose custody or care the child was removed, pending a final order  
42 of disposition, in accord with section 33 of P.L.1974, c.119 (C.9:6-  
43 8.53).

44 e. Upon such hearing, the court may authorize a physician or  
45 hospital to provide medical or surgical procedures if such  
46 procedures are necessary to safeguard the child's life or health.

47 f. If the court grants or denies a preliminary order requested  
48 pursuant to this section, it shall state the grounds for such decision.

1 g. In all cases involving abuse or neglect the court shall order  
2 an examination of the child by a physician appointed or designated  
3 for the purpose by the division. As part of such examination, the  
4 physician shall arrange to have color photographs taken as soon as  
5 practical of any areas of trauma visible on such child and may if  
6 indicated, arrange to have a radiological examination performed on  
7 the child. The physician, on the completion of such examination,  
8 shall forward the results thereof together with the color photographs  
9 to the court ordering such examination.  
10 (cf: P.L.1999, c.53, s.10)

11  
12 34. Section 1 of P.L.1997, c.62 (C.9:6-8.40a) is amended to read  
13 as follows:

14 1. a. The Division of **【Youth and Family Services】** Child  
15 Protection and Permanency in the Department of Children and  
16 Families shall expunge from its records all information relating to a  
17 report, complaint, or allegation of an incident of child abuse or  
18 neglect with respect to which the division or other entity designated  
19 by the Commissioner of Children and Families to investigate  
20 allegations of child abuse or neglect has determined, based upon its  
21 investigation thereof, that the report, complaint, or allegation of the  
22 incident was unfounded.

23 b. (Deleted by amendment, P.L.2004, c.130).

24 The definition of, and process for, making a determination of an  
25 unfounded report, complaint, or allegation of an incident of child  
26 abuse or neglect shall be defined in regulations promulgated by the  
27 department pursuant to the "Administrative Procedure Act,"  
28 P.L.1968, c.410 (C.52:14B-1 et seq.).  
29 (cf: P.L.2006, c.47, s.52)

30  
31 35. Section 1 of P.L.1998, c.127 (C.9:6-8.58a) is amended to  
32 read as follows:

33 1. When a child is placed in the custody of a relative or other  
34 suitable person or the Division of **【Youth and Family Services】**  
35 Child Protection and Permanency pursuant to section 34 of  
36 P.L.1974, c.119 (C.9:6-8.54), because of a finding of abuse or  
37 neglect, the Superior Court, Chancery Division, Family Part shall  
38 order the parent and, when appropriate, any other adult domiciled in  
39 the home to undergo substance abuse assessment, when necessary.  
40 If the assessment reveals positive evidence of substance abuse, the  
41 court shall require the parent and other adult, when appropriate, to  
42 demonstrate that he is receiving treatment and complying with the  
43 treatment program for the substance abuse problem before the child  
44 is returned to the parental home.  
45 (cf: P.L.1998, c.127, s.1)

46  
47 36. Section 2 of P.L.1994, c.119 (C.9:6-8.75) is amended to read  
48 as follows:



1       2. There is established the "New Jersey Task Force on Child  
2 Abuse and Neglect."

3       a. The purpose of the task force is to study and develop  
4 recommendations regarding the most effective means of improving  
5 the quality and scope of child protective and preventative services  
6 provided or supported by State government, including a review of  
7 the practices and policies utilized by the Division of **【Youth and**  
8 **Family Services】** Child Protection and Permanency and the  
9 Division of **【Prevention and Community Partnerships】** Family and  
10 Community Partnerships in the Department of Children and  
11 Families in order to:

12       (1) optimize coordination of child abuse-related services and  
13 investigations;

14       (2) promote the safety of children at risk of abuse or neglect;

15       (3) ensure a timely determination with regard to reports of  
16 alleged child abuse;

17       (4) educate the public about the problems of, and coordinate  
18 activities relating to, child abuse and neglect;

19       (5) develop a Statewide plan to prevent child abuse and neglect  
20 and mechanisms to facilitate child abuse and neglect prevention  
21 strategies in coordination with the Division of **【Prevention and**  
22 **Community Partnerships】** Family and Community Partnerships;

23       (6) mobilize citizens and community agencies in a proactive  
24 effort to prevent and treat child abuse and neglect; and

25       (7) foster cooperative working relationships between State and  
26 local agencies responsible for providing services to victims of child  
27 abuse and neglect and their families.

28       b. The task force shall receive, evaluate, and approve  
29 applications of public and private agencies and organizations for  
30 grants from moneys annually appropriated from the "Children's  
31 Trust Fund" established pursuant to section 2 of P.L.1985, c.197  
32 (C.54A:9-25.4). Any portion of the moneys actually appropriated  
33 which are remaining at the end of a fiscal year shall lapse to the  
34 "Children's Trust Fund."

35       Grants shall be awarded to public and private agencies for the  
36 purposes of planning and establishing or improving programs and  
37 services for the prevention of child abuse and neglect, including  
38 activities which:

39       (1) Provide Statewide educational and public informational  
40 seminars for the purpose of developing appropriate public  
41 awareness regarding the problems of child abuse and neglect;

42       (2) Encourage professional persons and groups to recognize and  
43 deal with problems of child abuse and neglect;

44       (3) Make information about the problems of child abuse and  
45 neglect available to the public and organizations and agencies  
46 which deal with problems of child abuse and neglect; and

47       (4) Encourage the development of community prevention  
48 programs, including:

1 (a) community-based educational programs on parenting,  
2 prenatal care, prenatal bonding, child development, basic child care,  
3 care of children with special needs, coping with family stress,  
4 personal safety and sexual abuse prevention training for children,  
5 and self-care training for latchkey children; and

6 (b) community-based programs relating to crisis care, aid to  
7 parents, child abuse counseling, peer support groups for abusive or  
8 potentially abusive parents and their children, lay health visitors,  
9 respite of crisis child care, and early identification of families where  
10 the potential for child abuse and neglect exists.

11 The task force shall, in awarding grants, establish such priorities  
12 respecting the programs or services to be funded and the amounts of  
13 funding to be provided as it deems appropriate, except that the task  
14 force shall place particular emphasis on community-based programs  
15 and services which are designed to develop and demonstrate  
16 strategies for the early identification, intervention, and assistance of  
17 families and children at risk in order to prevent child abuse and  
18 neglect.

19 The task force shall adopt such rules and regulations pursuant to  
20 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
21 seq.) to govern the awarding of grants pursuant to this subsection as  
22 may be necessary to establish adequate reporting requirements on  
23 the use of grant funds by recipient agencies and organizations and  
24 to permit the task force to evaluate the programs and services for  
25 which grants are awarded.

26 c. The task force shall establish a Staffing and Oversight  
27 Review Subcommittee to review staffing levels of the Division of  
28 **【Youth and Family Services】** Child Protection and Permanency in  
29 order to develop recommendations regarding staffing levels and the  
30 most effective methods of recruiting, hiring, and retaining staff  
31 within the division. In addition, the subcommittee shall review the  
32 division's performance in the achievement of management and  
33 client outcomes, and shall issue a preliminary report with its  
34 findings and recommendations no later than January 1, 2007, and  
35 subsequent reports annually thereafter with the first full report due  
36 no later than July 1, 2007. The subcommittee shall directly issue its  
37 reports to the Governor and, pursuant to section 2 of P.L.1991,  
38 c.164 (C.52:14-19.1), to the Legislature.

39 (cf: P.L.2007, c.130, s.1)

40

41 37. Section 3 of P.L.1994, c.119 (C.9:6-8.76) is amended to read  
42 as follows:

43 3. The task force shall consist of **【30】** 29 members as follows:  
44 the Commissioners of Human Services, Children and Families,  
45 Education, Community Affairs, Corrections, and Health and Senior  
46 Services, the Attorney General, two judges of the Superior Court  
47 involved in both civil and criminal court proceedings related to  
48 child abuse and neglect as appointed by the Chief Justice of the

1 Supreme Court, the Public Defender, **the Child Advocate** and the  
2 Superintendent of State Police, or their designees, as ex officio  
3 members; two members of the Senate and the General Assembly,  
4 respectively, no more than one of whom in each case shall be of the  
5 same political party; and a county prosecutor appointed by the  
6 Attorney General. The 13 public members shall be appointed by  
7 the Governor as follows: one member who is a director of a  
8 regional diagnostic and treatment center for child abuse and neglect;  
9 one member who represents the **Association** Advocates for  
10 Children of New Jersey; one member who represents Foster and  
11 Adoptive Family Services; one member who represents a faith-  
12 based organization; one member who is a director of a county  
13 department of human services; one member who is a youth 21 years  
14 of age or younger who is or has been placed under the care and  
15 custody of the Division of **Youth and Family Services** Child  
16 Protection and Permanency because of an allegation of child abuse  
17 or neglect; two members who represent service providers under  
18 contract with the Division of **Youth and Family Services** Child  
19 Protection and Permanency; and five members of the public who  
20 have an interest or expertise in issues concerning child welfare.  
21 The public members shall reflect the diversity of the residents of the  
22 State and the children and families served by the State's child  
23 welfare system.

24 The task force membership shall comply with the  
25 multidisciplinary requirements set forth in the "Child Abuse  
26 Prevention and Treatment Act," Pub.L.93-247 (42 U.S.C. s.5101 et  
27 seq.).

28 The task force shall be co-chaired, one co-chair shall be the  
29 Commissioner of Children and Families and the other shall be  
30 appointed by the Governor with the advice and consent of the  
31 Senate. The second co-chair shall be selected from among the  
32 public members and shall serve at the pleasure of the Governor.  
33 The public members shall serve for a term of three years.

34 (cf: P.L.2009, c.29, s.1)

35

36 38. Section 2 of P.L.1997, c.175 (C.9:6-8.84) is amended to read  
37 as follows:

38 2. As used in this act:

39 "Board" means the Child Fatality and Near Fatality Review  
40 Board established under P.L.1997, c.175 (C.9:6-8.83 et al.).

41 "Child" means any person under the age of 18.

42 "Commissioner" means the Commissioner of Children and  
43 Families.

44 "Division" means the Division of **Youth and Family Services**  
45 Child Protection and Permanency in the Department of Children  
46 and Families.

47 "Near fatality" means a case in which a child is in serious or  
48 critical condition, as certified by a physician.

1 "Panel" means a citizen review panel as established under  
2 P.L.1997, c.175 (C.9:6-8.83 et al.).

3 "Parent or guardian" means a person defined pursuant to section  
4 1 of P.L.1974, c.119 (C.9:6-8.21) who has the responsibility for the  
5 care, custody, or control of a child or upon whom there is a legal  
6 duty for such care.

7 "Reasonable efforts" means attempts by an agency authorized by  
8 the Division of **[Youth and Family Services]** Child Protection and  
9 Permanency to assist the parents in remedying the circumstances  
10 and conditions that led to the placement of the child and in  
11 reinforcing the family structure, as defined in section 7 of P.L.1991,  
12 c.275 (C.30:4C-15.1).

13 "Sexual abuse" means contacts or actions between a child and a  
14 parent or caretaker for the purpose of sexual stimulation of either  
15 that person or another person. Sexual abuse includes:

16 a. the employment, use, persuasion, inducement, enticement, or  
17 coercion of any child to engage in, or assist any other person to  
18 engage in, any sexually explicit conduct or simulation of such  
19 conduct;

20 b. sexual conduct including molestation, prostitution, other  
21 forms of sexual exploitation of children, or incest; or

22 c. sexual penetration and sexual contact as defined in  
23 N.J.S.2C:14-1 and a prohibited sexual act as defined in  
24 N.J.S.2C:24-4.

25 "Significant bodily injury" means a temporary loss of the  
26 functioning of any bodily member or organ or temporary loss of any  
27 one of the five senses.

28 "Withholding of medically indicated treatment" means the failure  
29 to respond to a child's life-threatening conditions by providing  
30 treatment, including appropriate nutrition, hydration, and  
31 medication which, in the treating physician's reasonable judgment,  
32 will most likely be effective in ameliorating or correcting all such  
33 conditions. The term does not include the failure to provide  
34 treatment, other than appropriate nutrition, hydration, or medication  
35 to a child when, in the treating physician's reasonable medical  
36 judgment:

37 a. the child is chronically and irreversibly comatose;

38 b. the provision of such treatment would merely prolong dying,  
39 not be effective in ameliorating or correcting all of the child's life-  
40 threatening conditions, or otherwise be futile in terms of the  
41 survival of the child; or

42 c. the provision of such treatment would be virtually futile in  
43 terms of the survival of the child and the treatment itself under such  
44 circumstances would be inhumane.

45 (cf: P.L.2006, c.47, s.58)

46

47 39. Section 7 of P.L.1997, c.175 (C.9:6-8.89) is amended to read  
48 as follows:

1       7. a. The board shall consist of ~~【14】~~ 13 members as follows:  
2 the Commissioner of Children and Families, the Commissioner of  
3 Health and Senior Services, the Director of the Division of ~~【Youth~~  
4 ~~and Family Services】~~ Child Protection and Permanency in the  
5 Department of Children and Families, the Attorney General, ~~【the~~  
6 ~~Child Advocate】~~ and the Superintendent of State Police, or their  
7 designees, the State Medical Examiner, and the Chairperson or  
8 Executive Director of the New Jersey Task Force on Child Abuse  
9 and Neglect, who shall serve ex officio; and six public members  
10 appointed by the Governor, one of whom shall be a representative  
11 of the New Jersey Prosecutors' Association, one of whom shall be a  
12 Law Guardian, one of whom shall be a pediatrician with expertise  
13 in child abuse and neglect, one of whom shall be a psychologist  
14 with expertise in child abuse and neglect, one of whom shall be a  
15 social work educator with experience and expertise in the area of  
16 child abuse or a related field and one of whom shall have expertise  
17 in substance abuse.

18       b. The public members of the board shall serve for three-year  
19 terms. Of the public members first appointed, three shall serve for a  
20 period of two years, and three shall serve for a term of three years.  
21 They shall serve without compensation but shall be eligible for  
22 reimbursement for necessary and reasonable expenses incurred in  
23 the performance of their official duties and within the limits of  
24 funds appropriated for this purpose. Vacancies in the membership  
25 of the board shall be filled in the same manner as the original  
26 appointments were made.

27       c. The Governor shall appoint a public member to serve as  
28 chairperson of the board who shall be responsible for the  
29 coordination of all activities of the board and who shall provide the  
30 technical assistance needed to execute the duties of the board.

31       d. The board is entitled to call to its assistance and avail itself  
32 of the services of employees of any State, county, or municipal  
33 department, board, bureau, commission, or agency as it may require  
34 and as may be available for the purposes of reviewing a case  
35 pursuant to the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.).  
36 The board may also seek the advice of experts, such as persons  
37 specializing in the fields of pediatric, radiological, neurological,  
38 psychiatric, orthopedic, and forensic medicine; nursing;  
39 psychology; social work; education; law enforcement; family law;  
40 substance abuse; child advocacy; or other related fields, if the facts  
41 of a case warrant additional expertise.

42 (cf: P.L.2006, c.47, s.60)

43

44       40. Section 3 of P.L.1999, c.224 (C.9:12A-4) is amended to read  
45 as follows:

46       3. As used in ~~【this act】~~ P.L.1999, c.224 (C.9:12A-2 et seq.):

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

1 "Division" means the Division of **【Youth and Family Services】**  
2 Child Protection and Permanency in the Department of Children  
3 and Families.

4 "Homeless youth" means a person 21 years of age or younger  
5 who is without shelter where appropriate care and supervision are  
6 available.

7 (cf: P.L.2006, c.47, s.74)

8

9 41. Section 2 of P.L1979. c.42 (C.18A:35-4.4) is amended to  
10 read as follows:

11 2. The Commissioner of Education, in consultation with the  
12 Department of **【Community Affairs】** Children and Families,  
13 **【Division】** Office on Women, shall appoint an advisory council to  
14 assist and advise the State Board of Education in the development  
15 and implementation of educational programs for the prevention of  
16 sexual assault.

17 The advisory council shall consist of 15 members chosen from  
18 among the legal, law enforcement, medical, and educational  
19 communities, and shall also include representatives of community-  
20 based groups providing services and assistance to victims of sexual  
21 assault. Each shall be appointed for a 2-year term and shall serve  
22 without compensation.

23 (cf: P.L.1979, c.42, s.2)

24

25 42. Section 1 of P.L.2007, c.248 (C.18A:36-25.2) is amended to  
26 read as follows:

27 1. a. If any child enrolled in a school district has an unexcused  
28 absence from school for five consecutive school days, the  
29 attendance officer of the district shall investigate the absence and  
30 notify the district superintendent of the absence. In the event the  
31 investigation leads the district superintendent to have reasonable  
32 cause to believe the child has been abused or neglected as defined  
33 in section 1 of P.L.1974, c.119 (C.9:6-8.21), the district  
34 superintendent shall then notify the Division of **【Youth and Family**  
35 **Services】** Child Protection and Permanency in the Department of  
36 Children and Families for its determination of whether the division  
37 is or has been involved with the child and whether action, as  
38 appropriate, is warranted.

39 b. When a child's parent, guardian, or other person having  
40 charge and control of the child notifies a school district that the  
41 child will be withdrawing from the district and transferring to  
42 another school district, the principal of the school from which the  
43 child is withdrawing shall request that the parent, guardian, or other  
44 person having charge and control of the child provide the principal  
45 with the name and location of the school district in which the child  
46 will subsequently be enrolled and the expected date of enrollment.  
47 The principal shall provide the information supplied by the parent,  
48 guardian, or other person having charge and control of the child to

1 the district superintendent. Five school days following the expected  
2 date of enrollment, the superintendent of the district of last  
3 attendance shall contact the school district in which the child is to  
4 be subsequently enrolled to determine if the child has enrolled in  
5 the district. If the child has not been so enrolled, the attendance  
6 officer of the transfer district shall investigate the failure to enroll  
7 and notify the superintendent of the transfer district of the failure to  
8 enroll. In the event the investigation leads the superintendent of the  
9 transfer district to have reasonable cause to believe the child has  
10 been abused or neglected as defined in section 1 of P.L.1974, c.119  
11 (C.9:6-8.21), the superintendent of the transfer district shall then  
12 notify the Division of **【Youth and Family Services】** Child  
13 Protection and Permanency in the Department of Children and  
14 Families for its determination of whether the division is or has been  
15 involved with the child and whether action, as appropriate, is  
16 warranted. If the child has been so enrolled, the district of last  
17 attendance and the transfer district shall arrange for the transfer of  
18 the child's records in accordance with the provisions of section 1 of  
19 P.L.1986, c.160 (C.18A:36-19a) and subsection b. of section 4 of  
20 P.L.1995, c.395 (C.18A:36-25.1).

21 c. School district policies for the early detection of missing and  
22 abused children required pursuant to section 2 of P.L.1984, c.228  
23 (C.18A:36-25) shall include provisions to implement the  
24 requirements of this section.

25 (cf: P.L.2007, c.248, s.1)

26

27 43. Section 1 of P.L.1997, c.362 (C.18A:40A-7.1) is amended as  
28 follows:

29 1. a. Except as provided by section 3 of P.L.1971, c.437  
30 (C.9:6-8.10), if a public or private elementary or secondary school  
31 pupil who is participating in a school-based drug and alcohol abuse  
32 counseling program provides information during the course of a  
33 counseling session in that program which indicates that the pupil's  
34 parent or guardian or other person residing in the pupil's household  
35 is dependent upon or illegally using a substance as that term is  
36 defined in section 2 of P.L.1987, c.387 (C.18A:40A-9), that  
37 information shall be kept confidential and may be disclosed only  
38 under the circumstances expressly authorized under subsection b. of  
39 this section.

40 b. The information provided by a pupil pursuant to subsection  
41 a. of this section may be disclosed:

42 (1) subject to the pupil's written consent, to another person or  
43 entity whom the pupil specifies in writing in the case of a secondary  
44 school pupil, or to a member of the pupil's immediate family or the  
45 appropriate school personnel in the case of an elementary school  
46 pupil;

47 (2) pursuant to a court order;

1 (3) to a person engaged in a bona fide research purpose, except  
2 that no names or other information identifying the pupil or the  
3 person with respect to whose substance abuse the information was  
4 provided, shall be made available to the researcher; or

5 (4) to the Division of **[Youth and Family Services]** Child  
6 Protection and Permanency or to a law enforcement agency, if the  
7 information would cause a person to reasonably suspect that the  
8 elementary or secondary school pupil or another child may be an  
9 abused or neglected child as the terms are used in R.S.9:6-1, or as  
10 the terms are defined in section 2 of P.L.1971, c.437 (C.9:6-8.9), or  
11 section 1 of P.L.1974, c.119 (C.9:6-8.21).

12 c. Any disclosure made pursuant to paragraph (1) or (2) of  
13 subsection b. of this section shall be limited to that information  
14 which is necessary to carry out the purpose of the disclosure, and  
15 the person or entity to whom the information is disclosed shall be  
16 prohibited from making any further disclosure of that information  
17 without the pupil's written consent. The disclosure shall be  
18 accompanied by a written statement advising the recipient that the  
19 information is being disclosed from records the confidentiality of  
20 which is protected by P.L.1997, c.362 (C.18A:40A-7.1 et seq.), and  
21 that this law prohibits any further disclosure of this information  
22 without the written consent of the person from whom the  
23 information originated. Nothing in **[this act]** P.L.1997, c.362  
24 (C.18A:40A-7.1 et seq.) shall be construed as prohibiting the  
25 Division of **[Youth and Family Services]** Child Protection and  
26 Permanency or a law enforcement agency from using or disclosing  
27 the information in the course of conducting an investigation or  
28 prosecution. Nothing in **[this act]** P.L.1997, c.362 shall be  
29 construed as authorizing the violation of any federal law.

30 d. The prohibition on the disclosure of information provided by  
31 a pupil pursuant to subsection a. of this section shall apply whether  
32 the person to whom the information was provided believes that the  
33 person seeking the information already has it, has other means of  
34 obtaining it, is a law enforcement or other public official, has  
35 obtained a subpoena, or asserts any other justification for the  
36 disclosure of this information.

37 (cf: P.L.1999, c.320, s.1)

38  
39 44. Section 3 of P.L.1985, c.427 (C.18A:54D-3) is amended to  
40 read as follows:

41 3. The Commissioners of Education and Labor and Workforce  
42 Development each shall:

43 a. Identify the regulations, policies, programs, and procedures  
44 of their respective departments which relate to apprenticeship  
45 programs and other forms of preparation for technical trades;

46 b. In consultation with the Division on Civil Rights in the  
47 Department of Law and Public Safety and the **[Division]** Office on



1 Women in the Department of **[Community Affairs]** Children and  
2 Families, identify the factors which have produced low rates of  
3 minority and female participation in apprenticeship and other  
4 technical training programs;

5 c. Take appropriate action to encourage a higher rate of  
6 minority and female participation in these programs;

7 d. Advise the Legislature of any additional legislative action  
8 which would advance the purposes of **[this act]** P.L.1985, c.427  
9 (C.18A:54D-1 et seq.).

10 (cf: P.L.1985, c.427, s.3)

11  
12 45. Section 1 of P.L.2005, c.50 (C.26:2H-12.6b) is amended to  
13 read as follows:

14 1. As used in **[this act]** P.L.2005, c.50 (C.26:2H-12.6b et seq.):

15 "Commissioner" means the Commissioner of Health and Senior  
16 Services.

17 **["Division on Women"]** "Office on Women" means the  
18 **[Division]** Office on Women in the Department of **[Community**  
19 **Affairs]** Children and Families.

20 "Emergency care to sexual assault victims" means a medical  
21 examination, procedure, or service provided by an emergency  
22 health care facility to a sexual assault victim following an alleged  
23 sexual offense.

24 "Emergency contraception" means one or more prescription  
25 drugs to prevent pregnancy, used separately or in combination,  
26 administered to or self-administered by a patient within a medically  
27 recommended time after sexual intercourse, dispensed for that  
28 purpose in accordance with professional standards of practice and  
29 determined to be safe by the United States Food and Drug  
30 Administration.

31 "Emergency health care facility" means a general hospital or  
32 satellite emergency department licensed pursuant to P.L.1971, c.136  
33 (C.26:2H-1 et seq.).

34 "Medically and factually accurate and objective" means verified  
35 or supported by the weight of research conducted in compliance  
36 with accepted scientific methods and standards, published in peer-  
37 reviewed journals and recognized as accurate and objective by  
38 leading professional organizations and agencies with relevant  
39 expertise in the field of obstetrics and gynecology.

40 "Sexual Assault Nurse Examiner program" means the Statewide  
41 Sexual Assault Nurse Examiner program in the Division of  
42 Criminal Justice in the Department of Law and Public Safety,  
43 established pursuant to P.L.2001, c.81 (C.52:4B-50 et seq.).

44 "Sexual assault victim" means a female who alleges or is alleged  
45 to have suffered a personal, physical, or psychological injury as a  
46 result of a sexual offense.

1 "Sexual offense" means sexual assault and aggravated sexual  
2 assault as set forth in N.J.S.2C:14-2, criminal sexual contact and  
3 aggravated criminal sexual contact as set forth in N.J.S.2C:14-3,  
4 fourth degree lewdness as set forth in subsection b. of N.J.S.2C:14-  
5 4 and endangering the welfare of a child by engaging in sexual  
6 conduct which would impair or debauch the morals of the child as  
7 set forth in N.J.S.2C:24-4.

8 (cf: P.L.2005, c.50, s.1)

9  
10 46. Section 4 of P.L.2005, c.50 (C.26:2H-12.6e) is amended to  
11 read as follows:

12 4. a. The commissioner, in collaboration with the Director of  
13 the **【Division】 Office** on Women, the New Jersey Coalition Against  
14 Sexual Assault, and the Sexual Assault Nurse Examiner program,  
15 shall develop, prepare, and produce, in quantities sufficient to  
16 comply with the purposes of **【this act】 P.L.2005, c.50 (C.26:2H-**  
17 **12.6b et seq.)**, written information relating to: emergency  
18 contraception for the prevention of pregnancy in sexual assault  
19 victims; and sexually transmitted diseases.

20 b. The information shall be clearly written and readily  
21 comprehensible in a culturally competent manner, as the  
22 commissioner, in collaboration with the **【Division】 Office** on  
23 Women, the New Jersey Coalition Against Sexual Assault, and the  
24 Sexual Assault Nurse Examiner program, deems necessary to  
25 inform a sexual assault victim. The information shall explain:

26 (1) the nature of emergency contraception, the effectiveness of  
27 emergency contraception in preventing pregnancy, where  
28 emergency contraception can be obtained, and treatment options;  
29 and

30 (2) the symptoms and effects of sexually transmitted diseases,  
31 and treatment options.

32 c. The information shall be distributed to all hospital and  
33 satellite emergency departments in the State for use in those  
34 facilities pursuant to **【this act】 P.L.2005, c.50**.

35 (cf: P.L.2005, c.50, s.4)

36  
37 47. Section 5 of P.L.2005, c.50 (C.26:2H-12.6f) is amended to  
38 read as follows:

39 5. a. The commissioner shall:

40 (1) investigate every complaint of noncompliance with the  
41 provisions of **【this act】 P.L.2005, c.50 (C.26:2H-12.6b et seq.)** by  
42 an emergency health care facility, including the failure of a facility  
43 to provide the services required by **【this act】 P.L.2005, c.50**;

44 (2) determine whether the complaint is substantiated, and if so,  
45 what action shall be taken by the emergency health care facility or  
46 commissioner to address the complaint;

1 (3) notify the Sexual Assault Nurse Examiner program of all  
2 substantiated complaints;

3 (4) compile the substantiated complaints;

4 (5) analyze the substantiated complaints, at least annually, to  
5 determine if there is any pattern of failure to provide services  
6 pursuant to **[this act]** P.L.2005, c.50; and

7 (6) determine, at least annually, whether an emergency health  
8 care facility is complying with the provisions of **[this act]**  
9 P.L.2005, c.50. The commissioner may utilize all means within his  
10 regulatory authority concerning health care facilities to verify a  
11 facility's compliance with **[this act]** P.L.2005, c.50.

12 b. If the commissioner determines that an emergency health  
13 care facility is not in compliance with the provisions of **[this act]**  
14 P.L.2005, c.50, the commissioner may assess such penalties and  
15 take other actions against the facility, as provided in P.L.1971,  
16 c.136 (C.26:2H-1 et seq.). Any such penalties assessed for  
17 noncompliance shall be paid to the Department of the Treasury and  
18 allocated, on a quarterly basis, to the **[Division]** Office on Women  
19 for supplemental funding for designated rape crisis centers.

20 c. The commissioner shall prepare an annual report, which  
21 shall be available to the public, summarizing the substantiated  
22 complaints, the actions taken by an emergency health care facility  
23 or the commissioner to address the complaints, and the  
24 commissioner's findings concerning any pattern of failure to  
25 provide services under, or noncompliance with, the provisions of  
26 **[this act]** P.L.2005, c.50.

27 (cf: P.L.2005, c.50, s.5)

28

29 48. Section 7 of P.L.2005, c.50 (C.26:2H-12.6g) is amended to  
30 read as follows:

31 7. Pursuant to the "Administrative Procedure Act," P.L.1968,  
32 c.410 (C.52:14B-1 et seq.), the commissioner, in consultation with  
33 the Director of the **[Division]** Office on Women and the Sexual  
34 Assault Nurse Examiner program, shall adopt rules and regulations  
35 to effectuate the purposes of **[this act]** P.L.2005, c.50 (C.26:2H-  
36 12.6b et seq.); except that, notwithstanding any provision of  
37 P.L.1968, c.410 to the contrary, the commissioner may adopt,  
38 immediately upon filing with the Office of Administrative Law,  
39 such regulations as the commissioner deems necessary to  
40 implement the provisions of this act, which shall be effective for a  
41 period not to exceed six months and may thereafter be amended,  
42 adopted or readopted by the commissioner in accordance with the  
43 requirements of P.L.1968, c.410.

44 (cf: P.L.2005, c.50, s.7)

45

46 49. Section 4 of P.L.1997, c.191 (C.26:2R-4) is amended to read  
47 as follows:

1       4. There is established an Interagency Council on Osteoporosis  
2 in the department to advise the commissioner on the development  
3 and implementation of the program. The members of the council  
4 shall be appointed by the commissioner, and shall include the  
5 following: The Director of the Division of Epidemiology,  
6 Environmental and Occupational Health Services and the Assistant  
7 Commissioner of Senior Affairs in the department and the Director  
8 of the **【Division】 Office** on Women in the Department of  
9 **【Community Affairs】 Children and Families**, as ex officio  
10 members, and public members who are representatives of: persons  
11 with osteoporosis; women's health organizations; public health  
12 educators; experts in bone and osteoporosis research, prevention  
13 and treatment; and health care providers, including at least one  
14 radiologist, orthopedist, registered professional nurse, physical  
15 therapist, and nutritionist. The members of the council shall serve  
16 without compensation and shall not be reimbursed for any expenses  
17 incurred by them in the performance of their duties.

18 (cf: P.L.1997, c.191, s.4)

19

20       50. Section 5 of P.L.1999, c.72 (C.26:2V-5) is amended to read  
21 as follows:

22       5. There is established an Advisory Council on Arthritis in the  
23 department to advise the commissioner on the development and  
24 implementation of the initiative. The council shall include: two  
25 members of the Senate, to be appointed by the President of the  
26 Senate, who shall not be of the same political party; two members  
27 of the General Assembly, to be appointed by the Speaker of the  
28 General Assembly, who shall not be of the same political party; the  
29 Senior Assistant Commissioner, Public Health Prevention and  
30 Protection and the Assistant Commissioner, Division of Senior  
31 Services in the department; the Director of the **【Division】 Office**  
32 **Women in the Department of 【Community Affairs】 Children and**  
33 **Families**, and a member of the Interagency Council on  
34 Osteoporosis, as ex officio members; and 15 public members to be  
35 appointed by the commissioner who may include representatives of  
36 persons with arthritis, arthritis health organizations, public health  
37 educators, experts in arthritis research, prevention and treatment  
38 and health care strategic planning, and health care providers  
39 including physicians and nurses. The public members of the council  
40 shall serve without compensation and may be reimbursed for any  
41 expenses incurred by them in the performance of their duties.

42       Legislative members shall serve during their terms of office.  
43 Public members shall serve for a term of three years from the date  
44 of their appointment and until their successors are appointed and  
45 qualified; except that of the first appointments made: five shall be  
46 for a term of one year, five for two years, and five for three years.

47       Vacancies shall be filled in the same manner as the original  
48 appointments were made.

1 The advisory council shall organize as soon as may be  
2 practicable after the appointment of its members and shall select a  
3 chairman from among its members and a secretary who need not be  
4 a member of the council.

5 (cf: P.L.1999, c.72, s.5)

6

7 51. Section 3 of P.L.2007, c.134 (C.26:4-95.4) is amended to  
8 read as follows:

9 3. a. The Commissioner of Health and Senior Services, in  
10 consultation with the Commissioner of Education and the Director  
11 of the **【Division】 Office** on Women in the Department of  
12 **【Community Affairs】 Children and Families**, shall establish a  
13 public awareness campaign to inform the general public about the  
14 clinical significance and public health implications of the human  
15 papillomavirus, including its causes and the most effective means of  
16 prevention and treatment. The public awareness campaign shall be  
17 established in accordance with accepted public health practice and  
18 recommendations of the federal Centers for Disease Control and  
19 Prevention, and within the limits of available funds and any other  
20 resources available for the purposes thereof.

21 b. The commissioner shall prepare a patient information  
22 brochure regarding the human papillomavirus, including its causes  
23 and the most effective means of prevention and treatment. The  
24 department shall distribute the pamphlet, at no charge, to all  
25 pediatricians in the State. The department shall update the  
26 pamphlet as necessary, and shall make additional copies of the  
27 pamphlet available to other health care providers upon request.

28 (cf: P.L.2007, c.134, s.3)

29

30 52. Section 7 of P.L.2009, c.328 (C.30:4-8.8) is amended to read  
31 as follows:

32 7. The commissioner shall semiannually submit all inmate  
33 complaints submitted to the department concerning female inmates  
34 to the Director of the **【Division】 Office** on Women in the  
35 Department of **【Community Affairs established pursuant to the**  
36 **"Division on Women Act of 1974," P.L.1974, c.87 (C.52:27D-43.8**  
37 **et seq.)】 Children and Families**.

38 (cf: P.L.2010, c.34, s.8)

39

40 53. Section 2 of P.L.1951, c.138 (C.30:4C-2) is amended to read  
41 as follows:

42 2. For the purposes of **【this act】 P.L.1951, c.138 (C.30:4C-1 et**  
43 **seq.)** the following words and terms shall, unless otherwise  
44 indicated, be deemed and taken to have the meanings herein given  
45 to them:

46 (a) The term **【"Division of Youth and Family Services,"**  
47 **"Division of Child Protection and Permanency"** or "division,"

1 **【successor to the "Bureau of Children's Services"】** means the State  
2 agency for the care, custody, guardianship, maintenance, and  
3 protection of children, as more specifically described by the  
4 provisions of **【this act】 P.L.1951, c.138**, and succeeding the agency  
5 heretofore variously designated by the laws of this State as the State  
6 Board of Child Welfare or the State Board of Children's Guardians.

7 (b) The word "child" includes stepchild and illegitimate child,  
8 and further means any person under the age of 18 years.

9 (c) The term "care" means cognizance of a child for the purpose  
10 of providing necessary welfare services, or maintenance, or both.

11 (d) The term "custody" means continuing responsibility for the  
12 person of a child, as established by a surrender and release of  
13 custody or consent to adoption, for the purpose of providing  
14 necessary welfare services, or maintenance, or both.

15 (e) The term "guardianship" means control over the person and  
16 property of a child as established by the order of a court of  
17 competent jurisdiction, and as more specifically defined by the  
18 provisions of **【this act】 P.L.1951, c.138**. Guardianship by the  
19 Division of **【Youth and Family Services】 Child Protection and**  
20 **Permanency** shall be treated as guardianship by the Commissioner  
21 of Children and Families exercised on his behalf wholly by and in  
22 the name of the Division of **【Youth and Family Services】 Child**  
23 **Protection and Permanency**, acting through the chief executive  
24 officer of the division or **【his】 the chief executive's** authorized  
25 representative. **【Such】 The** exercise of guardianship by the  
26 division shall be at all times and in all respects subject to the  
27 supervision of the commissioner.

28 (f) The term "maintenance" means moneys expended by the  
29 Division of **【Youth and Family Services】 Child Protection and**  
30 **Permanency** to procure board, lodging, clothing, medical, dental,  
31 and hospital care, or any other similar or specialized commodity or  
32 service furnished to, on behalf of, or for a child pursuant to the  
33 provisions of **【this act】 P.L.1951, c.138**; maintenance also includes  
34 but is not limited to moneys expended for shelter, utilities, food,  
35 repairs, essential household equipment, and other expenditures to  
36 remedy situations of an emergent nature to permit, as far as  
37 practicable, children to continue to live with their families.

38 (g) The term "welfare services" means consultation, counseling,  
39 and referral to or utilization of available resources, for the purpose  
40 of determining and correcting or adjusting matters and  
41 circumstances which are endangering the welfare of a child, and for  
42 the purpose of promoting **【his】 a child's** proper development and  
43 adjustment in the family and the community.

44 (h) The term "resource family parent" means any person other  
45 than a natural or adoptive parent with whom a child in the care,  
46 custody, or guardianship of the Department of Children and  
47 Families is placed by the department, or with its approval, for care,

- 1 and shall include any person with whom a child is placed by the  
2 division for the purpose of adoption until the adoption is finalized.
- 3 (i) The term "resource family home" means and includes private  
4 residences wherein any child in the care, custody, or guardianship  
5 of the Department of Children and Families may be placed by the  
6 department, or with its approval, for care, and shall include any  
7 private residence maintained by persons with whom any [such]  
8 child is placed by the division for the purpose of adoption until the  
9 adoption is finalized.
- 10 (j) The singular includes the plural form.
- 11 (k) The masculine noun and pronoun include the feminine.
- 12 (l) The word "may" shall be construed to be permissive.
- 13 (m) The term "group home" means and includes any single  
14 family dwelling used in the placement of 12 children or less  
15 pursuant to law, recognized as a group home by the Department of  
16 Children and Families in accordance with rules and regulations  
17 adopted by the Commissioner of Children and Families; provided,  
18 however, that no group home shall contain more than 12 children.
- 19 (n) The term "youth facility" means a facility within this State  
20 used to house or provide services to children under [this act]  
21 P.L.1951, c.138, including but not limited to group homes,  
22 residential facilities, day care centers, and day treatment centers.
- 23 (o) The term "youth facility aid" means aid provided by the  
24 Division of [Youth and Family Services] Child Protection and  
25 Permanency to public, private, or voluntary agencies to purchase,  
26 construct, renovate, repair, upgrade, or otherwise improve a youth  
27 facility in consideration for an agreement for the agency to provide  
28 residential care, day treatment, or other youth services for children  
29 in need of such services.
- 30 (p) The term "day treatment center" means a facility used to  
31 provide counseling, supplemental educational services, therapy, and  
32 other related services to children for whom it has been determined  
33 that such services are necessary, but is not used to house these  
34 children in a residential setting.
- 35 (q) The term "residential facility" means a facility used to house  
36 and provide treatment and other related services on a 24-hour basis  
37 to children determined to be in need of such housing and services.
- 38 (r) The term "legally responsible person" means the natural or  
39 adoptive parent, or the spouse of a child receiving maintenance  
40 from or through the Division of [Youth and Family Services] Child  
41 Protection and Permanency.
- 42 (s) "Commissioner" means the Commissioner of Children and  
43 Families.
- 44 (t) "Department" means the Department of Children and  
45 Families.
- 46 (cf: P.L.2006, c.47, s.113)

1 54. Section 39 of P.L.1962, c.197 (C.30:4C-2.1) is amended to  
2 read as follows:

3 39. Except as otherwise provided by **[this act]** P.L.1962, c.197,  
4 the **[Bureau of Childrens Services]** Division of Child Protection  
5 and Permanency shall in all respects and for all purposes be deemed  
6 a continuation of the agency heretofore known as the State Board of  
7 Children's Guardians or the State Board of Child Welfare.  
8 (cf: P.L.1962, c.197, s.39)

9  
10 55. Section 3 of P.L.1951, c.138 (C.30:4C-3) is amended to read  
11 as follows:

12 3. The Division of **[Youth and Family Services]** Child  
13 Protection and Permanency, in administering the provisions of **[this**  
14 **act]** P.L.1951, c.138 (C.30:4C-1 et seq.), whereby the safety of  
15 children shall be of paramount concern, shall:

16 (a) provide care and custody for children eligible therefor in  
17 such manner that the children may, so far as practicable, continue to  
18 live in their own homes and family life be thereby preserved and  
19 strengthened;

20 (b) provide necessary welfare services as may be required by  
21 such children, so far as practicable, without assumption of custody;

22 (c) encourage the development of private and voluntary  
23 agencies qualified to provide welfare services for children to the  
24 end that through cooperative effort the need for such services may  
25 be limited or reduced; and

26 (d) for each child placed outside his home by the division,  
27 provide permanency through return of the child to the child's own  
28 home, if the child can be returned home without endangering the  
29 child's health or safety; through adoption, if family reunification is  
30 not possible; or through an alternative permanent placement, if  
31 termination of parental rights is not appropriate.

32 (cf: P.L.1999, c.53, s.21)

33  
34 56. Section 1 of P.L.2003, c.40 (C.30:4C-3.7) is amended to  
35 read as follows:

36 1. a. The Division of **[Youth and Family Services]** Child  
37 Protection and Permanency in the Department of Children and  
38 Families shall provide for the photographing of each child under its  
39 custody no later than two months after the division assumes custody  
40 of the child. A child who is under the custody of the division on the  
41 effective date of **[this act]** P.L.2003, c.40 (C.30:4C-3.7 et seq.)  
42 shall be photographed for the purposes of **[this act]** P.L.2003, c.40  
43 no later than one year after its effective date.

44 The division shall, in addition, provide for the fingerprinting of  
45 any child under its custody with respect to whom the division  
46 determines, in accordance with criteria as the Commissioner of  
47 Children and Families shall establish by regulation, that the



1 availability of a fingerprint record would be appropriate; the  
2 fingerprints of any child with respect to whom such a determination  
3 is made shall be taken no later than two months after the division  
4 has made that determination.

5 b. The division shall update the photograph of each child taken  
6 pursuant to subsection a. of this section at least every two years. In  
7 addition, the division shall retain the fingerprint information and  
8 photograph of each child for whom such records are taken for at  
9 least one year after the date that the child is no longer under the  
10 custody of the division.

11 c. The division shall be entitled to receive the assistance of any  
12 other State department, division, or agency as it may deem  
13 necessary and may receive the assistance of any county or  
14 municipal government agency, as may be available, in carrying out  
15 the provisions of **[this act] P.L.2003, c.40.**

16 (cf: P.L.2006, c.47, s.117)

17

18 57. Section 1 of P.L.1962, c.140 (C.30:4C-4.1) is amended to  
19 read as follows:

20 1. Notwithstanding the provisions of any other law, no action  
21 or proceeding, including an application for a writ of habeas corpus,  
22 in any court which the Division of **[Youth and Family Services]**  
23 Child Protection and Permanency is authorized by law to commence  
24 or maintain shall be commenced or maintained by the division,  
25 without the consent and approval of the Commissioner of Children  
26 and Families, as hereinafter provided.

27 (cf: P.L.2006, c.47, s.120)

28

29 58. Section 2 of P.L.1962, c.140 (C.30:4C-4.2) is amended to  
30 read as follows:

31 2. In no case shall the Division of **[Youth and Family**  
32 **Services]** Child Protection and Permanency, defend against any  
33 action or proceeding or make or oppose any application for a writ of  
34 habeas corpus without the express consent and approval of the  
35 Commissioner of Children and Families.

36 (cf: P.L.2006, c.47, s.121)

37

38 59. Section 6 of P.L.1951, c.138 (C.30:4C-6) is amended to read  
39 as follows:

40 6. No person to whom or for whom payments for maintenance  
41 are made under **[this act] P.L.1951, c.138 (C.30:4C-1 et seq.)** shall  
42 be deemed to be or classified as a pauper by reason thereof.

43 The provisions of **[this act] P.L.1951, c.138** shall not be  
44 construed to deny treatment by spiritual means or prayer, of any  
45 child, in accordance with the religious faith of the parent or parents  
46 of such child. The provisions of **[this act] P.L.1951, c.138** shall  
47 not be construed to authorize or empower the **[Bureau of Childrens**

1 Services] Division of Child Protection and Permanency to compel  
2 a child to undergo medical or surgical treatment, if the child, or  
3 parent or guardian of [said] the child, objects thereto in a signed  
4 statement upon the ground that the proposed action interferes with  
5 the free exercise of his religious principles.

6 (cf: P.L.1962, c.197, s.12)

7

8 60. Section 7 of P.L.1951, c.138 (C.30:4C-7) is amended to read  
9 as follows:

10 7. All birth, death, and marriage certificates which may be  
11 required under the provisions of [this act] P.L.1951, c.138  
12 (C.30:4C-1 et seq.), or under any rule or regulation issued by the  
13 **[Bureau of Childrens Services]** Division of Child Protection and  
14 Permanency, shall be issued free of charge upon the order of [such  
15 bureau] the division.

16 (cf: P.L.1962, c.197, s.13)

17

18 61. Section 11 of P.L.1951, c.138 (C.30:4C-11) is amended to  
19 read as follows:

20 11. Whenever it shall appear that any child within this State is of  
21 such circumstances that the child's safety or welfare will be  
22 endangered unless proper care or custody is provided, an  
23 application setting forth the facts in the case may be filed with the  
24 Division of **[Youth and Family Services]** Child Protection and  
25 Permanency by a parent or other relative of [such] the child, by a  
26 person standing in loco parentis to [such] the child, by a person or  
27 association or agency or public official having a special interest in  
28 [such] the child or by the child himself, seeking that the division  
29 accept and provide [such] care or custody of [such] the child as  
30 the circumstances may require. [Such] The application shall be in  
31 writing, and shall contain a statement of the relationship to or  
32 special interest in [such] the child which justifies the filing of  
33 [such] the application. The provisions of this section shall be  
34 deemed to include an application on behalf of an unborn child when  
35 the prospective mother is within this State at the time of application  
36 for [such] services.

37 Upon receipt of an application as provided in this section, the  
38 division shall verify the statements set forth in [such] the  
39 application and shall investigate all the matters pertaining to the  
40 circumstances of the child. If upon such verification and  
41 investigation it shall appear (a) that the safety or welfare of [such]  
42 the child will be endangered unless proper care or custody is  
43 provided; (b) that the needs of [such] the child cannot properly be  
44 provided for by financial assistance as made available by the laws  
45 of this State; (c) that there is no person legally responsible for the  
46 support of [such] the child whose identity and whereabouts are

1 known and who is willing and able to provide for the care and  
2 support required by [such] the child; and (d) that [such] the child,  
3 if suffering from a mental or physical disability requiring  
4 institutional care, is not immediately admissible to any public  
5 institution providing [such] care; then the division may accept and  
6 provide [such] care or custody as the circumstances of [such] the  
7 child may require.

8 (cf: P.L.1999, c.53, s.22)

9

10 62. Section 24 of P.L.1999, c.53 (C.30:4C-11.2) is amended to  
11 read as follows:

12 24. In any case in which the Division of [Youth and Family  
13 Services] Child Protection and Permanency accepts a child in care  
14 or custody, including placement, the division shall not be required  
15 to provide reasonable efforts to prevent placement of the child if a  
16 court of competent jurisdiction has determined that both of the  
17 following criteria are met:

18 a. One of the following actions has occurred:

19 (1) the parent has subjected the child to aggravated  
20 circumstances of abuse, neglect, cruelty, or abandonment,

21 (2) the parent has been convicted of murder, aggravated  
22 manslaughter, or manslaughter of another child of the parent;  
23 aiding or abetting, attempting, conspiring, or soliciting to commit  
24 murder, aggravated manslaughter, or manslaughter of the child or  
25 another child of the parent; committing or attempting to commit an  
26 assault that resulted, or could have resulted, in the significant bodily  
27 injury to the child or another child of the parent; or committing a  
28 similarly serious criminal act which resulted, or could have  
29 resulted, in the death or significant bodily injury to the child or  
30 another child of the parent,

31 (3) the rights of the parent to another of the parent's children  
32 have been involuntarily terminated or

33 (4) removal of the child was required due to imminent danger to  
34 the child's life, safety or health; and

35 b. Efforts to prevent placement were not reasonable due to risk  
36 of harm to the child's health or safety.

37 When determining whether reasonable efforts are required to  
38 prevent placement, the health and safety of the child shall be of  
39 paramount concern to the court.

40 (cf; P.L.2004, c.130, s.50)

41

42 63. Section 25 of P.L.1999, c.53 (C.30:4C-11.3) is amended to  
43 read as follows:

44 25. In any case in which the Division of [Youth and Family  
45 Services] Child Protection and Permanency accepts a child in care  
46 or custody, including placement, the division shall not be required

1 to provide reasonable efforts to reunify the child with a parent if a  
2 court of competent jurisdiction has determined that:

3 a. The parent has subjected the child to aggravated  
4 circumstances of abuse, neglect, cruelty, or abandonment;

5 b. The parent has been convicted of murder, aggravated  
6 manslaughter, or manslaughter of another child of the parent; aiding  
7 or abetting, attempting, conspiring, or soliciting to commit murder,  
8 aggravated manslaughter or manslaughter of the child or another  
9 child of the parent; committing or attempting to commit an assault  
10 that resulted, or could have resulted, in significant bodily injury to  
11 the child or another child of the parent; or committing a similarly  
12 serious criminal act which resulted, or could have resulted, in the  
13 death of or significant bodily injury to the child or another child of  
14 the parent; or

15 c. The rights of the parent to another of the parent's children  
16 have been involuntarily terminated.

17 When determining whether reasonable efforts are required to  
18 reunify the child with the parent, the health and safety of the child  
19 and the child's need for permanency shall be of paramount concern  
20 to the court.

21 This section shall not be construed to prohibit the division from  
22 providing reasonable efforts to reunify the family, if the division  
23 determines that family reunification is in the child's best interests.

24 A permanency plan for the child may be established at the same  
25 hearing at which the court determines that reasonable efforts are not  
26 required to reunify the child with the parent, if the hearing meets all  
27 of the requirements of a permanency hearing pursuant to section 50  
28 of P.L.1999, c.53 (C.30:4C-61.2).

29 (cf: P.L.2004, c.130, s.51)

30

31 64. Section 28 of P.L.1999, c.53 (C.30:4C-12.2) is amended to  
32 read as follows:

33 28. In any case in which the Division of **【Youth and Family**  
34 **Services】** Child Protection and Permanency accepts a child in its  
35 care or custody, the child's resource family parent or relative  
36 providing care for the child, as applicable, shall receive written  
37 notice of, and shall have a right to be heard at, any review or  
38 hearing held with respect to the child, but the resource family parent  
39 or relative shall not be made a party to the review or hearing solely  
40 on the basis of the notice and right to be heard.

41 (cf: P.L.2007, c.228, s.2)

42

43 65. Section 13 of P.L.1951, c.138 (C.30:4C-13) is amended to  
44 read as follows:

45 13. If in the course of verifying and investigating any  
46 applications or complaints, as provided for in sections 11 and 12  
47 **【hereof】** of P.L.1951, c.138 (C.30:4C-11 and C.30:4C-12), it shall  
48 appear that there is a person legally responsible for the support of

1 the child who is willing and able to provide the care and support  
2 required by [such] the child; or it shall appear that the needs of the  
3 child can properly be provided for by financial assistance as made  
4 available by the laws of this State; then, the [Bureau of Childrens  
5 Services] Division of Child Protection and Permanency, before  
6 accepting and providing care or custody, shall first make proper  
7 referral of the matter to such legally responsible person, or to the  
8 agency charged with the administration of such financial assistance.  
9 If it shall appear that the welfare of the child is endangered, and that  
10 such condition can be eliminated or ameliorated by making  
11 available to or for [such] the child any one or more of whatever  
12 specific services the [Bureau of Childrens Services] Division of  
13 Child Protection and Permanency may be authorized, within the  
14 limits of legislative appropriations, to provide for all children in  
15 similar circumstances, the child shall be found eligible for care or  
16 custody, and the [bureau] division shall proceed to furnish [such]  
17 the services either by direct provision or, if the [bureau] division so  
18 determines in the specific case, by purchasing [such] services from  
19 any appropriate privately sponsored agency or institution which  
20 complies with whatever rules and regulations, established pursuant  
21 to [this act] P.L.1951, c.138 (C.30:4C-1 et seq.), may govern such  
22 arrangements for purchase of service.

23 (cf: P.L.1962, c.197, s.16)

24

25 66. Section 14 of P.L.1951, c.138 (C.30:4C-14) is amended to  
26 read as follows:

27 14. The [Bureau of Childrens Services] Division of Child  
28 Protection and Permanency shall give due notice in writing to the  
29 applicant or complainant of the action taken on any application as  
30 provided in sections 11 and 12 [hereof] of P.L.1951, c.138  
31 (C.30:4C-11 and C.30:4C-12).

32 (cf: P.L.1962, c.197, s.17)

33

34 67. Section 31 of P.L.1999, c.53 (C.30:4C-15.3) is amended to  
35 read as follows:

36 31. The Division of [Youth and Family Services] Child  
37 Protection and Permanency shall not be required to file a petition  
38 seeking the termination of parental rights if:

39 a. The child is being cared for by a relative and a permanent  
40 plan for the child can be achieved without termination of parental  
41 rights;

42 b. The division has documented in the case plan, which shall be  
43 available for court review, a compelling reason for determining that  
44 filing the petition would not be in the best interests of the child; or

45 c. The division is required to provide reasonable efforts to  
46 reunify the family but the division has not provided to the family of  
47 the child, consistent with the time period in the case plan, such

1 services as the division deems necessary for the safe return of the  
2 child to his home.

3 (cf: P.L.1999, c.53, s.31)

4

5 68. Section 4 of P.L.2000, c.58 (C.30:4C-15.7) is amended to  
6 read as follows:

7 4. a. If a person voluntarily delivers a child who is or appears  
8 to be no more than 30 days old to, and leaves the child at a State,  
9 county or municipal police station and does not express an intent to  
10 return for the child, a State, county, or municipal police officer shall  
11 take the child to the emergency department of a licensed general  
12 hospital in this State and the hospital shall proceed as specified in  
13 subsection b. of this section.

14 b. If a person voluntarily delivers a child who is or appears to  
15 be no more than 30 days old to, and leaves the child at an  
16 emergency department of a licensed general hospital in this State  
17 and does not express an intent to return for the child, or, if a State,  
18 county, or municipal police officer brings a child to a licensed  
19 general hospital under the circumstances set forth in subsection a.  
20 of this section, the hospital shall:

21 (1) take possession of the child without a court order;

22 (2) take any action or provide any treatment necessary to protect  
23 the child's physical health and safety; and

24 (3) no later than the first business day after taking possession of  
25 the child, notify the Division of **【Youth and Family Services】** Child  
26 Protection and Permanency in the Department of Children and  
27 Families that the hospital has taken possession of the child.

28 c. The Division of **【Youth and Family Services】** Child  
29 Protection and Permanency shall assume the care, custody, and  
30 control of the child immediately upon receipt of notice from a  
31 licensed general hospital pursuant to paragraph (3) of subsection b.  
32 of this section. The division shall commence a thorough search of  
33 all listings of missing children to ensure that the relinquished child  
34 has not been reported missing.

35 d. A child for whom the Division of **【Youth and Family**  
36 **Services】** Child Protection and Permanency assumes care, custody,  
37 and control pursuant to subsection c. of this section shall be treated  
38 as a child taken into possession without a court order.

39 e. It shall be an affirmative defense to prosecution for  
40 abandonment of a child that the parent voluntarily delivered the  
41 child to and left the child at, or voluntarily arranged for another  
42 person to deliver the child to and leave the child at, a State, county,  
43 or municipal police station as provided in subsection a. of this  
44 section or the emergency department of a licensed general hospital  
45 in this State as provided in subsection b. of this section. Nothing in  
46 this subsection shall be construed to create a defense to any  
47 prosecution arising from any conduct other than the act of  
48 delivering the child as described herein, and this subsection

1 specifically shall not constitute a defense to any prosecution arising  
2 from an act of abuse or neglect committed prior to the delivery of  
3 the child to a State, county or municipal police station as provided  
4 in subsection a. of this section or the emergency department of a  
5 licensed general hospital in this State as provided in subsection b.  
6 of this section.

7 f. A State, county, or municipal police officer and the  
8 governmental jurisdiction employing that officer or an employee of  
9 an emergency department of a licensed general hospital in this State  
10 and the hospital employing that person shall incur no civil or  
11 criminal liability for any good faith acts or omissions performed  
12 pursuant to this section.

13 g. Any person who voluntarily delivers a child who is or  
14 appears to be no more than 30 days old to a licensed general  
15 hospital or a police station in accordance with this section shall not  
16 be required to disclose that person's name or other identifying  
17 information or that of the child or the child's parent, if different  
18 from the person who delivers the child to the hospital or police  
19 station, or provide background or medical information about the  
20 child, but may voluntarily do so.

21 (cf: P.L.2006, c.47, s.124)

22

23 69. Section 17 of P.L.1951, c.138 (C.30:4C-17) is amended to  
24 read as follows:

25 17. a. When a petition is filed under section 15 of P.L.1951,  
26 c.138 (C.30:4C-15), by a person, association, or agency other than  
27 the Division of **【Youth and Family Services】** Child Protection and  
28 Permanency, the court, in addition to causing service to be made  
29 upon the parent, parents, guardian, or person having custody and  
30 control of such child in accordance with rules of court, shall also  
31 cause a copy of the petition and notice of the time and place of  
32 hearing to be served on or mailed to the division at least 20 days  
33 before the time of such hearing.

34 b. When a petition is filed under section 15 of P.L.1951, c.138  
35 (C.30:4C-15) by a person, association, or agency, the court shall  
36 cause a copy of the petition to be served upon the absent parent of  
37 the child. The notice shall inform the parent of the purpose of the  
38 action and of the right to file written objections to the guardianship  
39 proceedings within 20 days after notice is given in the case of a  
40 resident, and 35 days in the case of a nonresident, of this State.

41 If personal service of the notice cannot be effected because the  
42 whereabouts of an absent parent are unknown, the court shall  
43 determine that an adequate effort has been made to serve notice  
44 upon the parent if the plaintiff has:

45 (1) Sent the notice by regular mail and by certified mail return  
46 receipt requested, to the last known address of the parent;

47 (2) Made a discreet inquiry among any known relatives, friends,  
48 and current or former employers of the parent;

1 (3) Unless otherwise restricted by law, made direct inquiries,  
2 using the party's name and last known or suspected address, to the  
3 local post office, the **【Division of Motor Vehicles】** New Jersey  
4 Motor Vehicle Commission in , but not of, the Department of **【Law**  
5 **and Public Safety】** Transportation, the county welfare agency, the  
6 municipal police department, the Division of State Police in the  
7 Department of Law and Public Safety, the county probation office,  
8 the Department of Corrections, and any other social service or law  
9 enforcement agency known to have had contact with the parent, or  
10 the equivalent agencies in other states, territories, or countries.

11 Failure to receive a response to the inquiries made pursuant to  
12 paragraphs (2) and (3) of this subsection within 45 days shall  
13 constitute a negative response.

14 c. In any case in which the identity of an absent parent cannot  
15 be determined or the known parent of a child is unable or refuses to  
16 identify the other parent, and the court is unable from other  
17 information before the court to identify the other parent, service on  
18 that parent shall be waived by the court.

19 d. Whenever a petition is filed under section 15 of P.L.1951,  
20 c.138 (C.30:4C-15), and there shall be filed with such petition a  
21 statement or statements made under oath and attesting that the best  
22 interests of the child require that he be placed under the  
23 guardianship of the division immediately and pending final hearing,  
24 the court, at a special summary hearing held upon notice to the  
25 division, may make an interlocutory order committing such child to  
26 the division until a final hearing on the petition. Such interlocutory  
27 order shall have the same force and effect as an order of  
28 commitment provided for in section 20 of P.L.1951, c.138  
29 (C.30:4C-20).

30 (cf: P.L.1991, c.275, s.4)

31

32 70. Section 18 of P.L.1951, c.138 (C.30:4C-18) is amended to  
33 read as follows:

34 18. Immediately upon receipt of the copy of a petition served on  
35 or mailed to the **【Bureau of Childrens Services】** Division of Child  
36 Protection and Permanency as provided by section 17 **【hereof】** of  
37 P.L.1951, c.138 (C.30:4C-17), **【such bureau】** the division shall  
38 verify such petition and investigate all the facts pertaining to the  
39 eligibility of the child for commitment, and prior to the day set for  
40 hearing shall file with the court a report of its findings. **【Such】** The  
41 report shall show such facts as will assist the court in making a  
42 decision in the matter.

43 (cf: P.L.1962, c.197, s.20)

44

45 71. Section 20 of P.L.1951, c.138 (C.30:4C-20) is amended to  
46 read as follows:



1       20. If upon the completion of **[such]** the hearing the court is  
2 satisfied that the best interests of **[such]** the child require that **[he]**  
3 the child be placed under proper guardianship, **[such]** the court  
4 shall make an order terminating parental rights and committing  
5 **[such]** the child to the guardianship and control of the Division of  
6 **[Youth and Family Services]** Child Protection and Permanency,  
7 and **[such]** the child shall thereupon become the legal ward of the  
8 division, which shall be the legal guardian of **[such]** the child for  
9 all purposes, including the placement of **[such]** the child for  
10 adoption.

11       If the court shall have made an interlocutory order as provided in  
12 section 17 of P.L.1951, c.138 (C.30:4C-17), but at the final hearing  
13 a further order of commitment shall not be made as provided in this  
14 section, the Division of **[Youth and Family Services]** Child  
15 Protection and Permanency shall return the child forthwith to the  
16 parent or parents, guardian, or person having had custody of the  
17 child immediately prior to the filing of the petition; provided,  
18 however, that if the return does not ensure the safety of the child or  
19 if the parent or parents, guardian, or person having had custody  
20 cannot be found or, for other reason satisfactory to the court, is  
21 unable to accept the child, the division, upon order of the court,  
22 may place the child with such other person or persons who, at the  
23 time of final hearing, expressed willingness to accept the child, but  
24 **[such]** the order shall in no wise be construed as a grant of custody  
25 or guardianship. In all such cases the interlocutory order shall  
26 continue in full force and effect until the division shall have made  
27 disposition of the child as provided herein or as otherwise provided  
28 by law, but in no case for a period longer than 30 days after the  
29 final hearing.

30 (cf: P.L.1999, c.53, s.32)

31

32       72. Section 21 of P.L.1951, c.138 (C.30:4C-21) is amended to  
33 read as follows:

34       21. The order of the court committing a child to the  
35 guardianship of the **[Bureau of Childrens Services]** Division of  
36 Child Protection and Permanency, shall in no wise be restrictive of  
37 the duties, powers, and authority of **[such bureau]** the division in  
38 the care, custody, placement, welfare, and exclusive guardianship  
39 of the child as provided in **[this act]** P.L.1951, c.138 (C.30:4C-1 et  
40 seq.), and **[such bureau]** the division shall be removed as **[such]**  
41 the guardian only by a court of competent jurisdiction upon charges  
42 preferred and upon good cause shown after an opportunity to be  
43 heard.

44 (cf: P.L.1962, c.197, s.22)

45

46       73. Section 23 of P.L.1951, c.138 (C.30:4C-23) is amended to  
47 read as follows:

1       23. In addition to the methods otherwise provided in this article  
2 for establishing guardianship by the **【Bureau of Childrens Services】**  
3 Division of Child Protection and Permanency, and when necessary  
4 to carry out the provisions of **【this act】** P.L.1951, c.138 (C.30:4C-1  
5 et seq.), the **【Bureau of Childrens Services】** Division of Child  
6 Protection and Permanency, after due investigation and  
7 consideration, may, in cases where it would be to the permanent  
8 advantage of the child, take voluntary surrenders and releases of  
9 custody and consents to adoption from the parent, parents,  
10 guardians, or other persons or agencies having the right or authority  
11 to give such surrenders, releases, or consents. Such surrenders,  
12 releases, or consents, when properly acknowledged before a person  
13 authorized to take acknowledgments of proofs in the State of New  
14 Jersey, shall be valid and binding irrespective of the age of the  
15 person giving the same, and shall be irrevocable except at the  
16 discretion of the **【Bureau of Childrens Services】** Division of Child  
17 Protection and Permanency or upon order of a court of competent  
18 jurisdiction.  
19 (cf: PL.1962, c.197, s.24)

20  
21       74. Section 24 of P.L.1951, c.138 (C.30:4C-24) is amended to  
22 read as follows:

23       24. Whenever the director of welfare of any county or  
24 municipality in this State shall be called upon to serve any child  
25 whose needs cannot properly be provided for by financial assistance  
26 as made available by the laws of this State, **【such】** the director  
27 shall, within 24 hours thereafter, give written notice thereof to the  
28 **【Bureau of Childrens Services】** Division of Child Protection and  
29 Permanency, and shall file an application for care or custody, as  
30 provided in section 11 of **【this act】** P.L.1951, c.138 (C.30:4C-11),  
31 or shall file a complaint as provided in section 12 of **【this act】**  
32 P.L.1951, c.138 (C.30:4C-12), or shall file a petition as provided in  
33 section 15 of **【this act】** P.L.1951, c.138 (C.30:4C-15), as the  
34 situation of the child may require. **【Such】** The notice shall contain  
35 all available information concerning the child and **【his】** the child's  
36 circumstances, which will enable the **【Bureau of Childrens**  
37 **Services】** Division of Child Protection and Permanency to take  
38 proper action. If the immediate needs of the child so require, the  
39 director shall provide for **【his】** the child's care in a suitable place,  
40 approved with reasonable promptness for that purpose by the  
41 **【bureau】** division, paying therefor as a charge against county or  
42 municipal funds until such time as the child has been found eligible  
43 for care, custody, or guardianship in accordance with the provisions  
44 of **【this act】** P.L.1951, c.138 (C.30:4C-1 et seq.).  
45 (cf: P.L.1962, c.197, s.25)

1       75. Section 25 of P.L.1951, c.138 (C.30:4C-25) is amended to  
2 read as follows:

3       25. The **【Bureau of Childrens Services】** Division of Child  
4 Protection and Permanency, by its agent or agents, shall regularly  
5 visit all children under its care, custody, or guardianship under the  
6 provisions of **【this act】** P.L.1951, c.138 (C.30:4C-1 et seq.) in  
7 order to assure the maximum benefit from such services.  
8 (cf: P.L.1962, c.197, s.26)

9  
10       76. Section 3 of P.L.2010, c.69 (C.30:4C-26b) is amended to  
11 read as follows:

12       3. a. Whenever the Division of **【Youth and Family Services】**  
13 Child Protection and Permanency in the Department of Children  
14 and Families places any child in a resource family home, including  
15 a change in a placement following the initial placement, there shall  
16 be a presumption that the child shall remain in the school currently  
17 attended by the child and the child shall remain in that school,  
18 pending a best interest determination as set forth in subsection c. of  
19 this section, unless the division determines that the circumstances  
20 provided in subsection b. of this section are present.

21       b. If the division determines that remaining in the present  
22 school is not in the best interest of the child upon consideration of  
23 the best interest factors listed in subsection f. of this section, and  
24 would present significant safety concerns or otherwise be a  
25 significant and immediate detriment to the child, the child may be  
26 immediately enrolled in the school district in which the resource  
27 family home is located. If the division enrolls the child in the  
28 school district in which the resource family home is located,  
29 pursuant to this subsection, the division shall, within two business  
30 days of taking such action, provide notice to the child's law  
31 guardian and a parent or legal guardian, of the new school  
32 placement and the basis for such action. If the division determines  
33 there exists a credible safety issue for the child if the location of the  
34 school in the resource family's district is disclosed to the parent or  
35 legal guardian, the division shall not include the location of that  
36 school or other information about the identity of the school in the  
37 notice to the parent or legal guardian.

38       c. Except as provided in subsection b. of this section, within  
39 five business days of placement in a resource family home, the  
40 division shall make a determination, upon consideration of the best  
41 interest factors listed in subsection f. of this section, whether the  
42 presumption that the child continue to attend the school that the  
43 child currently attends is outweighed by the best interest factors  
44 supporting placement in the school district in which the resource  
45 family home is located.

46       In making that determination, the division shall make reasonable  
47 efforts to consult with a parent or guardian of the child, the child,  
48 the child's law guardian, a representative from the school the child

1 attended at the time of removal, and any school district under  
2 consideration for placement.

3 d. If the division's determination, pursuant to subsection c. of  
4 this section, is that it is in the best interest of the child to enroll the  
5 child in the school district in which the resource family home is  
6 located, the determination shall remain preliminary pending the  
7 completion of the requirements of this subsection. If the division's  
8 determination is consistent with the presumption established  
9 pursuant to subsection a. of this section, the determination shall be  
10 deemed conclusive at the time the determination is made.

11 (1) The division shall immediately transmit a written notice to  
12 the child's law guardian and a parent or legal guardian of the child:  
13 (a) advising of the preliminary determination; (b) providing the  
14 basis for the preliminary determination; and (c) that the preliminary  
15 determination shall be deemed conclusive if the division does not  
16 receive notice that an application pursuant to this subsection has  
17 been made with the court by the date indicated on the notice, which  
18 date shall be five business days from the date the notice is  
19 transmitted by the division.

20 The child shall remain enrolled in his current school at least until  
21 the time allotted to seek a court review of the preliminary  
22 determination is exhausted.

23 (2) Any party may make an application with the court seeking a  
24 review of whether the division's preliminary determination is in the  
25 best interest of the child upon consideration of the best interest  
26 factors listed in subsection f. of this section within the time allotted  
27 by the division as specified in the division's notice, which date shall  
28 be five business days from the date the notice is transmitted by the  
29 division, unless the child's law guardian, on behalf of the child, and  
30 a parent or legal guardian of the child agrees, in writing, to waive  
31 the opportunity for a court review of the preliminary determination  
32 pursuant to this subsection, in which case the determination  
33 becomes conclusive.

34 Any party who makes an application for court review of the  
35 preliminary determination pursuant to this subsection shall provide  
36 simultaneous notice to the division and all other parties involved in  
37 the division's complaint for custody and guardianship. The court  
38 shall hear and decide such application in an expedited manner. In  
39 any such proceedings, the division shall bear the burden of proof,  
40 based on a preponderance of the evidence, that its determination to  
41 enroll the child in the school district in which the resource family  
42 home is located is in the best interest of the child.

43 If a party makes an application for court review of the division's  
44 preliminary determination pursuant to this subsection, the child  
45 shall continue to attend his current school while the court hears and  
46 decides the application.

47 (3) If the division does not receive timely notice pursuant to  
48 paragraph (2) of this subsection that an application has been made

1 for court review within five business days of the transmittal date of  
2 the notice of the preliminary determination, the preliminary  
3 determination shall be deemed conclusive and the division shall  
4 implement its determination as provided in subsection g. of this  
5 section.

6 e. (1) At any time during placement of a child in a resource  
7 family home, the court may, upon application by any party to the  
8 division's complaint for custody or guardianship, review the child's  
9 school placement upon consideration of the best interest factors  
10 listed in subsection f. of this section, and make appropriate orders  
11 regarding school placement.

12 (2) At any time during placement in a resource family home, the  
13 division may reconsider the child's school placement and make a  
14 new determination in accordance with subsection b. or c. and d. of  
15 this section, upon consideration of the best interest factors listed in  
16 subsection f. of this section.

17 f. The factors the division and the court shall consider in  
18 making a best interest determination, as provided in this section,  
19 shall include, but not be limited to:

20 (1) safety considerations;

21 (2) the proximity of the resource family home to the child's  
22 present school;

23 (3) the age and grade level of the child as it relates to the other  
24 best interest factors listed in this subsection;

25 (4) the needs of the child, including social adjustment and  
26 wellbeing;

27 (5) the child's preference;

28 (6) the child's performance, continuity of education, and  
29 engagement in the school the child presently attends;

30 (7) the child's special education programming if the child is  
31 classified;

32 (8) the point of time in the school year;

33 (9) the child's permanency goal and the likelihood of  
34 reunification;

35 (10) the anticipated duration of the current placement; and

36 (11) such other factors as provided by regulation of the  
37 Commissioner of Children and Families.

38 g. At the time a determination becomes conclusive or upon any  
39 subsequent decision by the court, the child shall either continue to  
40 be enrolled in his current school or shall be immediately enrolled in  
41 the new school district, and the mandated student record shall be  
42 provided to the new school district in accordance with applicable  
43 regulations of the State Board of Education.

44 h. The division shall provide transportation for the child to  
45 attend school during the time that a determination is being made or  
46 while a court review is pending as to where the child will attend  
47 school and for the subsequent five school days. At such time as a  
48 determination is made by the division or a decision is rendered by

1 the court, the division shall immediately notify the school district  
2 where the child is currently attending school, the school district of  
3 residence, and the school district where the resource family home is  
4 located, as applicable.

5 The district of residence shall be responsible for transportation  
6 for the child to attend school, within five days of being notified by  
7 the division where the child will attend school.

8 i. Nothing in this section shall be construed to require any  
9 public entity to fund students placed in nonpublic schools by their  
10 parents or guardians.

11 j. Notwithstanding the provisions of this section, the division  
12 shall not be required to identify the school where the child is or will  
13 be enrolled to a parent or legal guardian, if the release of such  
14 information would pose a risk to the safety of the child.

15 (cf: P.L.2010, c.69, s.3)

16

17 77. Section 1 of P.L.1962, c.137 (C.30:4C-26.1) is amended to  
18 read as follows:

19 1. As used in **[this act]** P.L.1962, c.137 (C.30:4C-26.1 et seq.)  
20 "resource family home" means and includes private residences  
21 wherein any child in the care, custody, or guardianship of the  
22 Department of Children and Families may be placed by the  
23 department, or with its approval, for care, and shall include any  
24 private residence maintained by persons with whom any **[such]**  
25 child is placed by the Division of **[Youth and Family Services]**  
26 Child Protection and Permanency for the purpose of adoption until  
27 the adoption is finalized.

28 (cf: P.L.2006, c.47, s.131)

29

30 78. Section 2 of P.L.1962, c.137 (C.30:4C-26.2) is amended to  
31 read as follows:

32 2. The Division of **[Youth and Family Services]** Child  
33 Protection and Permanency, shall establish and maintain, within the  
34 limits of available appropriations, child care shelters in **[such]**  
35 numbers and at **[such]** locations throughout the State as the  
36 Commissioner of Children and Families shall deem to be necessary.

37 (cf: P.L. 2006, c.47, s.132)

38

39 79. Section 3 of P.L.1962, c.137 (C.30:4C-26.3) is amended to  
40 read as follows:

41 3. **[Such]** The shelters shall be equipped and used for the  
42 temporary care and supervision of children who are placed in the  
43 care, custody, or guardianship of the Division of **[Youth and**  
44 **Family Services]** Child Protection and Permanency, during the  
45 interim between such placement and placement in a suitable  
46 resource family home. **[Such]** The shelters shall be properly  
47 staffed to provide for child care and supervision and shall contain

1 the necessary facilities for both physical and psychological  
2 examinations of **such** children.

3 (cf: P.L.2004, c.130, s.60)

4

5 80. Section 1 of P.L.1962, c.136 (C.30:4C-26.4) is amended to  
6 read as follows:

7 1. As used in **this act** P.L.1962, c.136 (C.30:4C-26.4 et seq.)  
8 "resource family parent" shall mean any person with whom a child  
9 in the care, custody, or guardianship of the Department of Children  
10 and Families is placed by the department, or with its approval, for  
11 care and shall include any person with whom a child is placed by  
12 the Division of **Youth and Family Services** Child Protection and  
13 Permanency for the purpose of adoption until the adoption is  
14 finalized.

15 (cf: P.L.2006, c.47, s.133)

16

17 81. Section 2 of P.L.1962, c.136 (C. 30:4C-26.5) is amended to  
18 read as follows:

19 2. Notwithstanding the provisions of any other law or any rule  
20 or regulation of the Division of **Youth and Family Services** Child  
21 Protection and Permanency, no agreement entered into between the  
22 division and any resource family parent for the care of any child in  
23 the care, custody, or guardianship of the division shall contain any  
24 provision prohibiting the adoption of any child by the resource  
25 family parent.

26 (cf: P.L.2004, c.130, s.62)

27

28 82. Section 1 of P.L.1962, c.139 (C.30:4C-26.6) is amended to  
29 read as follows:

30 1. As used in **this act** P.L.1962, c.139 (C.30:4C-26.6 et seq.)  
31 "resource family parent" shall mean any person with whom a child  
32 in the care, custody, or guardianship of the Department of Children  
33 and Families is placed by the department, or with its approval, for  
34 care and shall include any person with whom a child is placed by  
35 the Division of **Youth and Family Services** Child Protection and  
36 Permanency for the purpose of adoption until the adoption is  
37 finalized.

38 (cf: P.L.2006, c.47, s.134)

39

40 83. Section 2 of P.L.1962, c.139 (C.30:4C-26.7) is amended to  
41 read as follows:

42 2. Any person, who, as a resource family parent, has cared for  
43 a child continuously for a period of 15 months or more, may apply  
44 to the Division of **Youth and Family Services** Child Protection  
45 and Permanency, for the placement of the child with them for the  
46 purpose of adoption and if the child is eligible for adoption, the

1 division shall give preference and first consideration to their  
2 application over all other applications for adoption placements.

3 (cf: P.L.2004, c.130, s.64)

4

5 84. Section 1 of P.L.1985, c.396 (C.30:4C-26.8) is amended to  
6 read as follows:

7 1. a. A person, in addition to meeting other requirements as  
8 may be established by the Department of Children and Families,  
9 shall become a resource family parent or eligible to adopt a child  
10 only upon the completion of an investigation to ascertain if there is  
11 a State or federal record of criminal history for the prospective  
12 adoptive or resource family parent or any other adult residing in the  
13 prospective parent's home. The investigation shall be conducted by  
14 the Division of State Police in the Department of Law and Public  
15 Safety and shall include an examination of its own files and the  
16 obtaining of a similar examination by federal authorities.

17 b. If the prospective resource family parent or any adult  
18 residing in the prospective parent's home has a record of criminal  
19 history, the Department of Children and Families shall review the  
20 record with respect to the type and date of the criminal offense and  
21 make a determination as to the suitability of the person to become a  
22 resource family parent or the suitability of placing a child in that  
23 person's home, as the case may be.

24 c. For the purposes of this section, a conviction for one of the  
25 offenses enumerated in subsection d. or e. of this section has  
26 occurred if the person has been convicted under the laws of this  
27 State or any other state or jurisdiction for an offense that is  
28 substantially equivalent to the offenses enumerated in these  
29 subsections.

30 d. A person shall be disqualified from being a resource family  
31 parent or shall not be eligible to adopt a child if that person or any  
32 adult residing in that person's household ever committed a crime  
33 which resulted in a conviction for:

34 (1) a crime against a child, including endangering the welfare of  
35 a child and child pornography pursuant to N.J.S.2C:24-4; or child  
36 abuse, neglect, or abandonment pursuant to R.S.9:6-3;

37 (2) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
38 to N.J.S.2C:11-4;

39 (3) aggravated assault which would constitute a crime of the  
40 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

41 (4) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

42 (5) kidnapping and related offenses including criminal restraint;  
43 false imprisonment; interference with custody; criminal coercion; or  
44 enticing a child into a motor vehicle, structure, or isolated area  
45 pursuant to N.J.S.2C:13-1 through 2C:13-6;

46 (6) sexual assault, criminal sexual contact, or lewdness pursuant  
47 to N.J.S.2C:14-2 through N.J.S.2C:14-4;



1 (7) robbery which would constitute a crime of the first degree  
2 pursuant to N.J.S.2C:15-1;

3 (8) burglary which would constitute a crime of the second  
4 degree pursuant to N.J.S.2C:18-2;

5 (9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
6 et seq.);

7 (10) endangering the welfare of an incompetent person pursuant  
8 to N.J.S.2C:24-7 or endangering the welfare of an elderly or  
9 disabled person pursuant to N.J.S.2C:24-8;

10 (11) terrorist threats pursuant to N.J.S.2C:12-3;

11 (12) arson pursuant to N.J.S.2C:17-1, or causing or risking  
12 widespread injury or damage which would constitute a crime of the  
13 second degree pursuant to N.J.S.2C:17-2; or

14 (13) an attempt or conspiracy to commit an offense listed in  
15 paragraphs (1) through (12) of this subsection.

16 e. A person shall be disqualified from being a resource family  
17 parent if that person or any adult residing in that person's household  
18 was convicted of one of the following crimes and the date of release  
19 from confinement occurred during the preceding five years:

20 (1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;

21 (2) aggravated assault which would constitute a crime of the  
22 fourth degree pursuant to subsection b. of N.J.S.2C:12-1;

23 (3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1  
24 et seq.);

25 (4) robbery which would constitute a crime of the second degree  
26 pursuant to N.J.S.2C:15-1;

27 (5) burglary which would constitute a crime of the third degree  
28 pursuant to N.J.S.2C:18-2; or

29 (6) an attempt or conspiracy to commit an offense listed in  
30 paragraphs (1) through (5) of this subsection.

31 For the purposes of this subsection, the "date of release from  
32 confinement" means the date of termination of court-ordered  
33 supervision through probation, parole, or residence in a correctional  
34 facility, whichever date occurs last.

35 For purposes of this section, "resource family parent" means any  
36 person with whom a child in the care, custody, or guardianship of  
37 the Department of Children and Families is placed by the  
38 department, or with its approval, for care and shall include any  
39 person with whom a child is placed by the Division of [Youth and  
40 Family Services] Child Protection and Permanency for the purpose  
41 of adoption until the adoption is finalized.

42 (cf: P.L.2006, c.47, s.135)

43

44 85. Section 1 of P.L.1989, c.21 (C.30:4C-26.9) is amended to  
45 read as follows:

46 1. The Department of Children and Families may grant  
47 approval to a prospective resource family parent for a period not to  
48 exceed six months, upon completion of the State portion of the

1 criminal history record investigation required pursuant to P.L.1985,  
2 c.396 (C.30:4C-26.8), pending completion and review of the federal  
3 portion of the criminal history record investigation required  
4 pursuant to that act, if: (1) the State portion of the criminal history  
5 record investigation indicates no information which would  
6 disqualify the person, (2) the prospective resource family parent and  
7 any adult residing in the prospective resource family parent's home  
8 submit a sworn statement to the Department of Children and  
9 Families attesting that the person does not have a record of criminal  
10 history which would disqualify the person, and (3) there is  
11 substantial compliance with department standards for resource  
12 family homes indicating there is no risk to a child's health or safety.

13 For purposes of this section, "resource family parent" means any  
14 person with whom a child in the care, custody, or guardianship of  
15 the Department of Children and Families is placed by the  
16 department, or with its approval, for care and shall include any  
17 person with whom a child is placed by the Division of **[Youth and  
18 Family Services]** Child Protection and Permanency for the purpose  
19 of adoption until the adoption is finalized.

20 (cf: P.L.2006, c.47, s.136)

21

22 86. Section 1 of P.L.2010, c.98 (C.30:4C-26.20) is amended to  
23 read as follows:

24 1. a. Notwithstanding any other provision of law to the  
25 contrary, if a minor is placed in a resource family home, group  
26 home, or institution, pursuant to section 26 of P.L.1951, c.138  
27 (C.30:4C-26), and is pregnant, becomes pregnant, or gives birth to a  
28 child while in the placement, the Division of **[Youth and Family  
29 Services]** Child Protection and Permanency in the Department of  
30 Children and Families shall provide or arrange for the provision of  
31 services to ensure that the minor and her child remain together as a  
32 family unit.

33 b. A Division of **[Youth and Family Services]** Child Protection  
34 and Permanency caseworker shall develop and implement a  
35 permanency plan for the minor and her child that will enable the  
36 minor to provide a safe and stable home for her child, and shall not  
37 limit the minor's legal right to make decisions regarding the care,  
38 custody, and supervision of her child. The plan shall address, but  
39 shall not be limited to, the following areas:

40 (1) counseling and advocacy services;

41 (2) information about and referral to physicians, certified nurse  
42 midwives, and other health care professionals providing prenatal  
43 care;

44 (3) medical care, including hospital, maternity, postnatal, and  
45 preventive pediatric services; and

46 (4) maintenance services, including, clothing, food, housing,  
47 and financial assistance.

1 c. If, as a result of the minor's pregnancy or birth of her child,  
2 the minor's current placement is no longer available, is  
3 inappropriate, or could result in harm to the minor or her child, the  
4 caseworker shall locate and place the minor and her child together  
5 in a substitute living arrangement.

6 d. The Division of **【Youth and Family Services】** Child  
7 Protection and Permanency shall not be required to arrange or  
8 provide for services to the minor and her child pursuant to  
9 subsection a. of this section, if the division has reasonable cause to  
10 believe that the minor's child has been subjected to child abuse or  
11 acts of child abuse or neglect by the minor.

12 e. For purposes of this section, "minor" means a person 21  
13 years of age or younger who is under the care and supervision or  
14 custody of the Division of **【Youth and Family Services】** Child  
15 Protection and Permanency pursuant to section 12 of P.L.1951,  
16 c.138 (C.30:4C-12).  
17 (cf: P.L.2010, c.98, s.1)

18

19 87. Section 1 of P.L.1962, c.135 (C.30:4C-27.1) is amended to  
20 read as follows:

21 1. As used in **【this act】** P.L.1962, c.135 (C.30:4C-27.1 et seq.)  
22 "resource family parent" shall mean any person with whom a child  
23 in the care, custody, or guardianship of the Department of Children  
24 and Families is placed by the department, or with its approval, for  
25 care and shall include any person with whom a child is placed by  
26 the Division of **【Youth and Family Services】** Child Protection and  
27 Permanency for the purpose of adoption until the adoption is  
28 finalized.

29 (cf: P.L.2006, c.47, s.137)

30

31 88. Section 2 of P.L.1962, c.135 (C.30:4C-27.2) is amended to  
32 read as follows:

33 2. Notwithstanding the provision of any other law, the  
34 maintenance of a clothing warehouse and distribution center for the  
35 distribution of clothing to children in the care, custody, or  
36 guardianship of the Division of **【Youth and Family Services】** Child  
37 Protection and Permanency, shall be discontinued and in lieu  
38 thereof the division shall increase the monthly allowance payable to  
39 any resource family parent caring for any of the children in a  
40 sufficient amount to enable the resource family parent to purchase  
41 the necessary clothing items required by the children from the local  
42 merchants of the locality wherein the resource family parent  
43 resides.

44 (cf: P.L.2004, c.130, s.69)

45

46 89. Section 3 of P.L.2001, c.419 (C.30:4C-27.5) is amended to  
47 read as follows:

1       3. As used in **[this act]** P.L.2001, c.419 (C.30:4C-27.3 et seq.):

2       "Child" means a person who: is either under the age of 18 or  
3 meets the criteria set forth in subsection f. of section 2 of P.L.1972,  
4 c.81 (C.9:17B-2); and is under the care or custody of the division or  
5 another public or private agency authorized to place children in  
6 New Jersey.

7       "Commissioner" means the Commissioner of Children and  
8 Families.

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

10       "Division" means the Division of **[Youth and Family Services]**  
11 Child Protection and Permanency in the Department of Children  
12 and Families.

13       "Resource family home" or "home" means a private residence,  
14 other than a children's group home or shelter home, in which board,  
15 lodging, care, and temporary out-of-home placement services are  
16 provided by a resource family parent on a 24-hour basis to a child  
17 under the auspices of the division or any public or private agency  
18 authorized to place children in New Jersey.

19       "Resource family parent" means a person who has been licensed  
20 pursuant to **[this act]** P.L.2001, c.419 to provide resource family  
21 care to five or fewer children, including a child who has been  
22 placed by the division with the person for the purpose of adoption,  
23 except that the department may license a resource family parent to  
24 provide care for more than five children, if necessary, to keep  
25 sibling groups intact or to serve the best interests of the children in  
26 the home.

27       "License" means a document issued by the department to a  
28 person who meets the requirements of **[this act]** P.L.2001, c.419 to  
29 provide resource family care to children in the person's home.  
30 (cf: P.L.2006, c.47, s.138)

31

32       90. Section 1 of P.L.2003, c.186 (C.30:4C-27.16) is amended to  
33 read as follows:

34       1. As used in sections 1 through 6 and 8 through 11 of **[this act]**  
35 P.L.2003, c.186 (C.30:4C-27.16 et al.):

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

37       "Division" means the Division of **[Youth and Family Services]**  
38 Child Protection and Permanency in the Department of Children  
39 and Families.

40       "Residential child care facility" or "facility" means any public or  
41 private establishment subject to the regulatory authority of the  
42 department that provides room, board, care, shelter, or treatment  
43 services for children on a 24-hour-a-day basis. The term shall  
44 include: residential facilities operated by or under contract or  
45 agreement with the division to serve 13 or more children with  
46 emotional or behavioral problems as defined pursuant to section 2  
47 of P.L.1951, c.138 (C.30:4C-2); State-operated children's

1 psychiatric facilities providing inpatient treatment; group homes,  
2 treatment homes, teaching family homes, alternative care homes,  
3 and supervised transitional living homes operated by or under  
4 contract or agreement with the division to serve 12 or fewer  
5 children with emotional or behavioral problems as defined pursuant  
6 to N.J.A.C.10:128-1.2; and shelter care facilities and homes,  
7 including shelters serving children in juvenile-family crisis and in  
8 need of temporary shelter care, as defined pursuant to section 3 of  
9 P.L.1982, c.77 (C.2A:4A-22).

10 "Staff member" means an individual 18 years of age or older  
11 who is an administrator of, employed by, or works in a facility on a  
12 regularly scheduled basis during the facility's operating hours,  
13 including full-time, part-time, voluntary, contract, consulting, and  
14 substitute staff, whether compensated or not.  
15 (cf: P.L.2006, c.47, s.139)

16

17 91. Section 28 of P.L.1951, c.138 (C.30:4C-28) is amended to  
18 read as follows:

19 28. The **【Bureau of Childrens Services】** Division of Child  
20 Protection and Permanency may at any time discharge from its care,  
21 custody, or guardianship any child, if in the opinion of **【such**  
22 **bureau】** the division the best interests of the child will be promoted  
23 thereby.

24 (cf: P.L.1962, c.197, s.29)

25

26 92. Section 29 of P.L.1951, c.138 (C.30:4C-29) is amended to  
27 read as follows:

28 29. Subject to the provisions of section 30 **【hereof】** of P.L.1951,  
29 c.138 (C.30:4C-30), payments for maintenance shall be made by the  
30 **【Bureau of Childrens Services】** Division of Child Protection and  
31 Permanency.

32 The **【Bureau of Childrens Services】** Division of Child Protection  
33 and Permanency is hereby empowered to receive from the State  
34 Treasurer and from the county treasurer of each county such sums  
35 as shall be appropriated for the purposes of **【this act】** P.L.1951,  
36 c.138 (C.30:4C-1 et seq.), and shall cause such sums to be set up  
37 in a special account or accounts subject to disbursement by the  
38 **【Bureau of Childrens Services】** Division of Child Protection and  
39 Permanency.

40 (cf: P.L.1962, c.197, s.30)

41

42 93. Section 1 of P.L.1962, c.142 (C.30:4C-29.1) is amended to  
43 read as follows:

44 1. a. In any case in which the Department of Children and  
45 Families, through the Division of **【Youth and Family Services】**  
46 Child Protection and Permanency, is providing care or custody for  
47 any child when the child is in a resource family home, any legally

1 responsible person of the child, if of sufficient financial ability, is  
2 liable for the full costs of maintenance of the child incurred by the  
3 division. If the legally responsible person is of insufficient  
4 financial ability, the person is liable in an amount which a court of  
5 competent jurisdiction directs according to a scheduled rate  
6 approved by the division. Nothing contained herein shall prevent  
7 the legally responsible person from voluntarily executing an  
8 agreement for payment to the division for the costs of maintenance  
9 of the child receiving care or custody when the child is in a resource  
10 family home.

11 b. The division shall have a lien against the property of the  
12 legally responsible person in an amount equal to the amount to be  
13 paid, which lien shall have priority over all unrecorded  
14 encumbrances.

15 c. If the legally responsible person fails to reimburse the  
16 department, through the division, for the costs of maintenance of a  
17 child incurred by the division when the child is in a resource family  
18 home, a court of competent jurisdiction, upon the complaint of the  
19 Commissioner of Children and Families, may summon the legally  
20 responsible person and other witnesses, and may order the legally  
21 responsible person to pay an amount to the department, according to  
22 a scheduled rate approved by the division.

23 d. In any case in which the department, through the division,  
24 has agreed to provide youth facilities aid to a public, private, or  
25 voluntary agency pursuant to **[this act] P.L.1962, c.142 (C.30:4C-**  
26 **29.1 et seq.)**, the division shall have a lien against the property of  
27 any person, persons, or agency so contracting, in an amount equal  
28 to the amount or amounts so contracted to be paid, which lien shall  
29 have priority over all unrecorded encumbrances. **[Such] The** lien  
30 shall be reduced for each year of service provided by the agency at  
31 a rate to be negotiated by the division and the agency, but in no case  
32 more than 20% a year; provided, however, that annual reductions  
33 shall not exceed \$10,000.

34 (cf: P.L.2006, c.47, s.140)

35

36 94. Section 32 of P.L.1951, c.138 (C.30:4C-32) is amended to  
37 read as follows:

38 32. Whenever a child receiving care, custody, or guardianship as  
39 provided by **[this act] P.L.1951, c.138 (C.30:4C-1 et seq.)** has died,  
40 and an investigation by the Division of **[Youth and Family**  
41 **Services] Child Protection and Permanency** discloses that there are  
42 insufficient funds from any other source to provide proper burial,  
43 **[such] the** division shall authorize the expenditure of an amount  
44 reasonably necessary to provide proper burial for **[such] the** child,  
45 and **[such] the** amount shall be a proper charge against State funds,  
46 within the limits of available appropriations, in the same manner  
47 and extent as expenditures for maintenance.

1       The amount reasonably necessary to provide proper burial shall  
2 be determined by the average cost for a proper burial and funeral  
3 charged by funeral directors in the locality in which the child is  
4 buried.

5 (cf: P.L.1990, c.66, s.5)

6

7       95. Section 33 of P.L.1951, c.138 (C.30:4C-33) is amended to  
8 read as follows:

9       33. The **【Bureau of Childrens Services】** Division of Child  
10 Protection and Permanency may compromise and settle any claim  
11 due or which may become due **【such bureau】** the division for  
12 reimbursement of moneys paid to any individual or organization for  
13 maintenance of a child. A memorandum of the compromise and  
14 settlement shall be entered in the official records of the **【bureau】**  
15 division.

16 (cf: P.L.1962, c.197, s.34)

17

18       96. Section 34 of P.L.1951, c.138 (C.30:4C-34) is amended to  
19 read as follows:

20       34. Whenever the **【Bureau of Childrens Services】** Division of  
21 Child Protection and Permanency shall recover or receive  
22 reimbursement of any moneys paid to any individual or  
23 organization for the maintenance of a child, the moneys so  
24 recovered or received shall be credited to the State treasury or to the  
25 Federal Government in the same proportion as they were charged in  
26 the original instance. The **【Bureau of Childrens Services】** division  
27 is hereby authorized to take all necessary and proper action under  
28 the laws of this State for the recovery of any **【such】** moneys  
29 wrongfully received or retained by any individual or organization,  
30 or for the recovery from the person or persons responsible under the  
31 laws of this State for the support of **【such】** the child the value of  
32 maintenance furnished to **【such】** the child.

33 (cf: P.L.1962, c.197, s.35)

34

35       97. Section 35 of P.L.1951, c.138 (C.30:4C-35) is amended to  
36 read as follows:

37       35. The **【Bureau of Childrens Services】** Division of Child  
38 Protection and Permanency is authorized to retain any voluntary  
39 contributions of money heretofore received by it, and to receive  
40 future contributions. All **【such】** contributions, whether already  
41 received or hereafter received, shall be kept in a separate fund, and  
42 shall be used only upon order of the **【bureau】** division for the  
43 purposes for which the contributions were made, and **【such】** the  
44 funds shall be in the custody and control of the **【Bureau of**  
45 **Childrens Services】** division; provided, however, that any **【such】**  
46 contribution made to the **【bureau】** division, the original purpose of  
47 which is no longer practicable or possible of achievement, may be

1 used by the [bureau] division, at its discretion, for the general  
2 benefit and welfare of children under its supervision.

3 (cf: P.L.1962, c.197, s.36)

4

5 98. Section 36 of P.L.1951, c.138 (C.30:4C-36) is amended to  
6 read as follows:

7 36. On application in writing by the [Bureau of Childrens  
8 Services] Division of Child Protection and Permanency, the State  
9 Treasurer on warrant of the Director of the Division of Budget and  
10 Accounting may pay to the [bureau] division from its annual  
11 appropriation such amount not exceeding [\$5,000.00] \$5,000 as  
12 may be necessary to establish a petty cash fund for the payment of  
13 traveling expenses and [such] other current expenses as require a  
14 prompt cash outlay.

15 The [Bureau of Childrens Services] division shall file an  
16 account with vouchers attached showing all expenditures from its  
17 petty cash fund and on receipt of the amount thereof from the State  
18 Treasurer shall reimburse the fund. Any questions with reference to  
19 the allowance, expenditure, accounting, and reimbursement of petty  
20 cash moneys shall be finally determined by ruling of the Director of  
21 the Division of Budget and Accounting.

22 (cf: P.L.1962, c.197, s.37)

23

24 99. Section 37 of P.L.1951, c.138 (C.30:4C-37) is amended to  
25 read as follows:

26 37. Whenever the [Bureau of Childrens Services] Division of  
27 Child Protection and Permanency shall have issued, or shall  
28 hereafter issue, any checks, drafts, or warrants to be paid from  
29 moneys received from the Federal Government, the State, or any  
30 county of this State for the cost of maintenance, and [such] the  
31 checks, drafts, or warrants shall not be cashed for a period of [1]  
32 one year from the date of issue, the following procedure shall be  
33 taken:

34 (a) The [Bureau of Childrens Services] division shall give due  
35 notice to the bank on which [such] the checks, drafts, or warrants  
36 were issued that no payment shall be made thereon.

37 (b) The [Bureau of Childrens Services] division shall then from  
38 time to time deposit in a special fund moneys in an amount equal to  
39 that represented by [such] the checks, drafts, or warrants, which  
40 moneys shall be held for the payments of [such] the checks, drafts,  
41 or warrants. [Such] The special fund shall be in the custody and  
42 control of the [Bureau of Childrens Services] division.

43 (c) The moneys so deposited shall be maintained in [such] the  
44 special fund for a period of [6] six years from the date of deposit,  
45 and, if still unclaimed after that time by anyone having a legal right  
46 thereto, shall be credited to the Federal Government, the State, or



1 any county of this State in the same proportion as **[such]** the  
2 moneys were received by the **[Bureau of Childrens Services]**  
3 division in the original instance.

4 Whenever the **[Bureau of Childrens Services]** division shall  
5 have credited any moneys to the Federal Government, the State, or  
6 any county of this State pursuant to the provisions of this section, it  
7 shall thereupon be free of all obligations as to those checks, drafts,  
8 or warrants for which such moneys have been held for payment.  
9 (cf: P.L.1962, c.197, s.38)

10

11 100. Section 2 of P.L.1962, c.206 (C.30:4C-42) is amended to  
12 read as follows:

13 2. The **[Bureau of Childrens Services]** Division of Child  
14 Protection and Permanency, is hereby authorized and empowered,  
15 subject to the availability of appropriations therefor, to establish an  
16 Adoption Resource Exchange, the services of which shall be  
17 available only to approved agencies as a further resource to  
18 facilitate placement of children for adoption by and through **[such]**  
19 the agencies.

20 (cf: P.L.1964, c.102, s.26)

21

22 101. Section 3 of P.L.1962, c.206 (C.30:4C-43) is amended to  
23 read as follows:

24 43. The Adoption Resource Exchange authorized by **[this act]**  
25 P.L.1962, c.206 (C.30:4C-41 et seq.) shall not itself engage in the  
26 placement of children for adoption nor shall it be construed as a  
27 substitute for other local community resources, whether public or  
28 voluntary. It shall be a facility whereby the **[Bureau of Childrens**  
29 **Services]** Division of Child Protection and Permanency and other  
30 approved agencies may mutually share and exchange information  
31 concerning children available for adoption and homes available for  
32 the placement of adoptive children.

33 (cf: P.L.1964, c.102, s.27)

34

35 102. Section 4 of P.L.1962, c.206 (C.30:4C-44) is amended to  
36 read as follows:

37 44. The **[Bureau of Childrens Services]** Division of Child  
38 Protection and Permanency is hereby authorized and empowered to  
39 establish rules, regulations, and procedures necessary to accomplish  
40 the purposes of **[this act]** P.L.1962, c.206 (C.30:4C-41 et seq.).

41 (cf: P.L.1964, c.102, s.28)

42

43 103. Section 2 of P.L.1973, c.81 (C.30:4C-46) is amended to  
44 read as follows:

45 2. The Division of **[Youth and Family Services]** Child  
46 Protection and Permanency shall make payments to adoptive

1 parents on behalf of a child placed for adoption by the division  
2 whenever:

3 a. The child because of physical or mental condition, race, age,  
4 or membership in a sibling group, or for any other reason falls into  
5 the category of a child hard to place for adoption;

6 b. The adoptive family is capable of providing the permanent  
7 family relationships needed by the child; and

8 c. Except in situations involving adoption by a child's resource  
9 family parent, there has been a reasonable effort to place the child  
10 in an adoptive setting without providing a subsidy.

11 Payments shall be made on behalf of a child placed for adoption  
12 by the division except that whenever a child who would otherwise  
13 be eligible for subsidy payment is in the care of an approved New  
14 Jersey adoption agency pursuant to P.L.1977, c.367 (C.9:3-37 et  
15 seq.) a child shall, upon application by the agency and satisfaction  
16 of the regular requirements of the adoption subsidy program, be  
17 approved for participation in the adoption subsidy program. In any  
18 case the division may approve payment in subsidization of adoption  
19 for a child without legal transfer of care or custody of the child to  
20 the division. The division shall adopt regulations for administration  
21 of this program with respect to these children, except that all  
22 children are evaluated for eligibility in the same manner as children  
23 already under the care, custody, or guardianship of the division.

24 (cf: P.L.2004, c.130, s.82)

25

26 104. Section 4 of P.L.1973, c.81 (C.30:4C-48) is amended to  
27 read as follows:

28 4. Qualification for payments in subsidization of adoption shall  
29 be determined and approved by the Division of **[Youth and Family  
30 Services]** Child Protection and Permanency prior to the completion  
31 of the adoption proceeding, and may be redetermined annually  
32 thereafter. No payments shall be made for any child who the  
33 division has determined was brought into this State for the sole  
34 purpose of qualifying for an adoption subsidy pursuant to P.L.1973,  
35 c. 81 (C. 30:4C-45 et seq.).

36 (cf: P.L.1983, c.484, s.3)

37

38 105. Section 5 of P.L.1973, c.81 (C.30:4C-49) is amended to  
39 read as follows:

40 5. The Division of **[Youth and Family Services]** Child  
41 Protection and Permanency shall make all necessary rules and  
42 regulations for administering the program for payments in  
43 subsidization of adoptions.

44 (cf: P.L.1983, c.484, s.4)

45

46 106. Section 2 of P.L.1977, c.424 (C.30:4C-51) is amended to  
47 read as follows:

1       2. The Legislature declares that it is in the public interest,  
2 whereby the safety of children shall be of paramount concern, to  
3 afford every child placed outside his home by the Division of  
4 **【Youth and Family Services】** Child Protection and Permanency  
5 with the opportunity for eventual return to **【his】** the child's home or  
6 placement in an alternative permanent home; that it is the obligation  
7 of the State to promote this end through effective planning and  
8 regular review of each child's placement; and that it is the purpose  
9 of **【this act】** P.L.1977, c.424 (C.30:4C-50 et seq.) to establish  
10 procedures for both administrative and judicial review of each  
11 child's placement in order to ensure that such placement ensures the  
12 safety and health and serves the best interest of the child.

13 (cf: P.L.1999, c.53, s.37)

14

15       107. Section 3 of P.L.1977, c.424 (C.30:4C-52) is amended to  
16 read as follows:

17       3. As used in **【this act】** P.L.1977, c.424 (C.30:4C-50 et seq.),  
18 unless the context indicates otherwise:

19       a. "Child" means any person less than 18 years of age;

20       b. "Child placed outside his home" means a child under the  
21 care, custody, or guardianship of the division who resides in a  
22 resource family home, group home, residential treatment facility,  
23 shelter for the care of abused or neglected children or juveniles  
24 considered as juvenile-family crisis cases, or independent living  
25 arrangement operated by or approved for payment by the division,  
26 or a child who has been placed by the division in the home of a  
27 person who is not related to the child and does not receive any  
28 payment for the care of the child from the division, or a child placed  
29 by the court in juvenile-family crisis cases pursuant to P.L.1982,  
30 c.77 (C.2A:4A-20 et seq.), but does not include a child placed by  
31 the court in the home of a person related to the child who does not  
32 receive any payment from the division for the care of the child;

33       c. "County of supervision" means the county in which the  
34 division has established responsibility for supervision of the child;

35       d. "Division" means the Division of **【Youth and Family**  
36 **Services】** Child Protection and Permanency in the Department of  
37 Children and Families;

38       e. "Temporary caretaker" means a resource family parent as  
39 defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4) or a director  
40 of a group home or residential treatment facility;

41       f. "Designated agency" means an agency designated by the  
42 court pursuant to P.L.1982, c.80 (C.2A:4A-76 et seq.) to develop a  
43 family services plan.

44 (cf: P.L.2006, c.47, s.141)

45

46       108. Section 1 of P.L.1991, c.448 (C.30:4C-53.1) is amended to  
47 read as follows:

1       1. The Legislature finds and declares that it is in the public  
2 interest, whereby the safety of children shall be of paramount  
3 concern, to afford every child placed outside **【his】** the child's home  
4 by the Division of **【Youth and Family Services】** Child Protection  
5 and Permanency in the Department of Children and Families with  
6 permanency through return to **【his】** the child's own home, if the  
7 child can be returned home without endangering the child's health  
8 or safety; through adoption, if family reunification is not possible;  
9 or through an alternative permanent placement, if termination of  
10 parental rights is not appropriate:

11       a. Due to the severity of health and social problems such as  
12 AIDS, drug abuse, and homelessness, the division often works with  
13 families over a period of many years, and the children of these  
14 families often spend a majority of their young lives in resource  
15 family care; and

16       b. Research has shown that the longer children remain in the  
17 resource family care system, the greater number of placements they  
18 experience. As a result of these multiple placements, from birth  
19 family to resource family home, and from one resource family home  
20 to another resource family home, children develop emotional and  
21 psychological problems, making it more difficult for them to  
22 develop a positive self-image; and

23       c. (Deleted by amendment, P.L.2004, c.130).

24       d. The obligation of the State to recognize and protect the  
25 rights of children in the child welfare system should be fulfilled in  
26 the context of a clear and consistent policy which limits the  
27 repeated placement of children in resource family care and  
28 promotes the eventual placement of these children in stable and safe  
29 permanent homes.

30 (cf: P.L.2006, c.47, s.142)

31

32       109. Section 2 of P.L.1991, c.448 (C.30:4C-53.2) is amended to  
33 read as follows:

34       2. For purposes of **【this act】** P.L.1991, c.448 (C.30:4C-53.1 et  
35 seq.), the terms "repeated placement into resource family care" and  
36 "placed again into resource family care" shall apply to a child who  
37 has been placed in the custody of the Division of **【Youth and**  
38 **Family Services】** Child Protection and Permanency for placement  
39 in resource family care by the Family Part of the Chancery Division  
40 of the Superior Court or as a result of a voluntary placement  
41 agreement pursuant to P.L.1974, c.119 (C.9:6-8.21 et seq.), released  
42 into the custody of **【his】** the child's parents or legally responsible  
43 guardian at the conclusion of the placement and is once again  
44 temporarily removed from **【his】** the child's place of residence and  
45 placed under the division's care and supervision.

46 (cf: P.L.2004, c.130, s.85)

1 110. Section 7 of P.L.2001, c.250 (C.30:4C-84) is amended to  
2 read as follows:

3 7. As used in sections 7 through 10 of P.L.2001, c.250  
4 (C.30:4C-84 et seq.):

5 "Caregiver" means a person over 18 years of age, other than a  
6 child's parent, who has a kinship relationship with the child and has  
7 been providing care and support for the child, while the child has  
8 been residing in the caregiver's home, for either the last 12  
9 consecutive months or 15 of the last 22 months. "Caregiver"  
10 includes a resource family parent as defined in section 1 of  
11 P.L.1962, c.136 (C.30:4C-26.4).

12 "Child" means a person under 18 years of age, except as  
13 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

14 "Commissioner" means the Commissioner of Children and  
15 Families.

16 "Court" means the Superior Court, Chancery Division, Family  
17 Part.

18 "Division" means the Division of **[Youth and Family Services]**  
19 Child Protection and Permanency in the Department of Children  
20 and Families.

21 "Family friend" means a person who is connected to a child or  
22 the child's parent by an established, positive psychological or  
23 emotional relationship that is not a biological or legal relationship.

24 "Kinship caregiver assessment" means a written report prepared  
25 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1  
26 et al.) and pursuant to regulations adopted by the commissioner.

27 "Kinship legal guardian" means a caregiver who is willing to  
28 assume care of a child due to parental incapacity, with the intent to  
29 raise the child to adulthood, and who is appointed the kinship legal  
30 guardian of the child by the court pursuant to P.L.2001, c.250  
31 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible  
32 for the care and protection of the child and for providing for the  
33 child's health, education, and maintenance.

34 "Kinship relationship" means a family friend or a person with a  
35 biological or legal relationship with the child.

36 (cf: P.L.2006, c.47, s.154)

37

38 111. Section 2 of P.L.2005, c.95 (C.30:4C-90) is amended to  
39 read as follows:

40 2. The Legislature finds and declares that:

41 a. An increasing number of relatives in the State, including  
42 grandparents, find themselves providing care on a long-term basis  
43 to children who cannot reside with their parents due to the parent's  
44 incapacity or inability to perform the regular and expected functions  
45 of care and support of the child;

46 b. The State law allows for the appointment of an individual as  
47 a kinship legal guardian; a kinship legal guardian has the same  
48 rights, responsibilities, and authority relating to a child as a birth

1 parent, with the exception of consenting to the adoption of the child  
2 or a name change for the child, while the birth parent retains the  
3 obligation to pay child support and the right to court-approved  
4 visitation or parenting time with the child;

5 c. The Department of Human Services and the Department of  
6 Children and Families offers a variety of support services and  
7 financial aid to kinship legal guardians, which include monthly  
8 payments through the federal TANF program, Medicaid eligibility  
9 for the child, funding for short-term or one-time expenses, support  
10 groups, child support collection, housing assistance, legal services,  
11 child care, respite services, and education;

12 d. The **【department】** Department of Children and Families has  
13 established the Kinship Navigator program, which is a referral  
14 service designed to help kinship caregivers coordinate the various  
15 government and community resources that may be available to  
16 them; and

17 e. It is appropriate for the State to ensure that individuals who  
18 may be eligible to become kinship legal guardians are aware of the  
19 eligibility requirements for, and the responsibilities of, kinship legal  
20 guardianship, and that both individuals who may be eligible to  
21 become kinship legal guardians and current kinship legal guardians  
22 are aware of the services available to kinship legal guardians in the  
23 State.

24 (cf: P.L.2005, c.95, s.2)

25

26 112. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to  
27 read as follows:

28 3. Definitions. As used in **【this act】** P.L.1968, c.413  
29 (C.30:4D-1 et seq.), and unless the context otherwise requires:

30 a. "Applicant" means any person who has made application for  
31 purposes of becoming a "qualified applicant."

32 b. "Commissioner" means the Commissioner of Human  
33 Services.

34 c. "Department" means the Department of Human Services,  
35 which is herein designated as the single State agency to administer  
36 the provisions of this act.

37 d. "Director" means the Director of the Division of Medical  
38 Assistance and Health Services.

39 e. "Division" means the Division of Medical Assistance and  
40 Health Services.

41 f. "Medicaid" means the New Jersey Medical Assistance and  
42 Health Services Program.

43 g. "Medical assistance" means payments on behalf of recipients  
44 to providers for medical care and services authorized under **【this**  
45 **act】** P.L.1968, c.413.

46 h. "Provider" means any person, public or private institution,  
47 agency, or business concern approved by the division lawfully  
48 providing medical care, services, goods, and supplies authorized

1 under **[this act]** P.L.1968, c.413, holding, where applicable, a  
2 current valid license to provide such services or to dispense such  
3 goods or supplies.

4 i. "Qualified applicant" means a person who is a resident of  
5 this State, and either a citizen of the United States or an eligible  
6 alien, and is determined to need medical care and services as  
7 provided under **[this act]** P.L.1968, c.413, with respect to whom  
8 the period for which eligibility to be a recipient is determined shall  
9 be the maximum period permitted under federal law, and who:

10 (1) Is a dependent child or parent or caretaker relative of a  
11 dependent child who would be, except for resources, eligible for the  
12 aid to families with dependent children program under the State  
13 Plan for Title IV-A of the federal Social Security Act as of July 16,  
14 1996;

15 (2) Is a recipient of Supplemental Security Income for the Aged,  
16 Blind and Disabled under Title XVI of the Social Security Act;

17 (3) Is an "ineligible spouse" of a recipient of Supplemental  
18 Security Income for the Aged, Blind and Disabled under Title XVI  
19 of the Social Security Act, as defined by the federal Social Security  
20 Administration;

21 (4) Would be eligible to receive Supplemental Security Income  
22 under Title XVI of the federal Social Security Act or, without  
23 regard to resources, would be eligible for the aid to families with  
24 dependent children program under the State Plan for Title IV-A of  
25 the federal Social Security Act as of July 16, 1996, except for  
26 failure to meet an eligibility condition or requirement imposed  
27 under such State program which is prohibited under Title XIX of  
28 the federal Social Security Act such as a durational residency  
29 requirement, relative responsibility, consent to imposition of a lien;

30 (5) (Deleted by amendment, P.L.2000, c.71).

31 (6) Is an individual under 21 years of age who, without regard to  
32 resources, would be, except for dependent child requirements,  
33 eligible for the aid to families with dependent children program  
34 under the State Plan for Title IV-A of the federal Social Security  
35 Act as of July 16, 1996, or groups of such individuals, including but  
36 not limited to, children in resource family placement under  
37 supervision of the Division of **[Youth and Family Services]** Child  
38 Protection and Permanency in the Department of Children and  
39 Families whose maintenance is being paid in whole or in part from  
40 public funds, children placed in a resource family home or  
41 institution by a private adoption agency in New Jersey or children  
42 in intermediate care facilities, including developmental centers for  
43 the developmentally disabled, or in psychiatric hospitals;

44 (7) Would be eligible for the Supplemental Security Income  
45 program, but is not receiving such assistance and applies for  
46 medical assistance only;

47 (8) Is determined to be medically needy and meets all the  
48 eligibility requirements described below:

- 1 (a) The following individuals are eligible for services, if they  
2 are determined to be medically needy:
- 3 (i) Pregnant women;
- 4 (ii) Dependent children under the age of 21;
- 5 (iii) Individuals who are 65 years of age and older; and
- 6 (iv) Individuals who are blind or disabled pursuant to either 42  
7 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.
- 8 (b) The following income standard shall be used to determine  
9 medically needy eligibility:
- 10 (i) For one person and two person households, the income  
11 standard shall be the maximum allowable under federal law, but  
12 shall not exceed 133 1/3% of the State's payment level to two  
13 person households under the aid to families with dependent children  
14 program under the State Plan for Title IV-A of the federal Social  
15 Security Act in effect as of July 16, 1996; and
- 16 (ii) For households of three or more persons, the income standard  
17 shall be set at 133 1/3% of the State's payment level to similar size  
18 households under the aid to families with dependent children  
19 program under the State Plan for Title IV-A of the federal Social  
20 Security Act in effect as of July 16, 1996.
- 21 (c) The following resource standard shall be used to determine  
22 medically needy eligibility:
- 23 (i) For one person households, the resource standard shall be  
24 200% of the resource standard for recipients of Supplemental  
25 Security Income pursuant to 42 U.S.C. s.1382(1)(B);
- 26 (ii) For two person households, the resource standard shall be  
27 200% of the resource standard for recipients of Supplemental  
28 Security Income pursuant to 42 U.S.C. s.1382(2)(B);
- 29 (iii) For households of three or more persons, the resource  
30 standard in subparagraph (c)(ii) above shall be increased by  
31 \$100.00 for each additional person; and
- 32 (iv) The resource standards established in (i), (ii), and (iii) are  
33 subject to federal approval and the resource standard may be lower  
34 if required by the federal Department of Health and Human  
35 Services.
- 36 (d) Individuals whose income exceeds those established in  
37 subparagraph (b) of paragraph (8) of this subsection may become  
38 medically needy by incurring medical expenses as defined in 42  
39 C.F.R.435.831(c) which will reduce their income to the applicable  
40 medically needy income established in subparagraph (b) of  
41 paragraph (8) of this subsection.
- 42 (e) A six-month period shall be used to determine whether an  
43 individual is medically needy.
- 44 (f) Eligibility determinations for the medically needy program  
45 shall be administered as follows:
- 46 (i) County welfare agencies and other entities designated by the  
47 commissioner are responsible for determining and certifying the  
48 eligibility of pregnant women and dependent children. The division



1 shall reimburse county welfare agencies for 100% of the reasonable  
2 costs of administration which are not reimbursed by the federal  
3 government for the first 12 months of this program's operation.  
4 Thereafter, 75% of the administrative costs incurred by county  
5 welfare agencies which are not reimbursed by the federal  
6 government shall be reimbursed by the division;

7 (ii) The division is responsible for certifying the eligibility of  
8 individuals who are 65 years of age and older and individuals who  
9 are blind or disabled. The division may enter into contracts with  
10 county welfare agencies to determine certain aspects of eligibility.  
11 In such instances the division shall provide county welfare agencies  
12 with all information the division may have available on the  
13 individual.

14 The division shall notify all eligible recipients of the  
15 Pharmaceutical Assistance to the Aged and Disabled program,  
16 P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the  
17 medically needy program and the program's general requirements.  
18 The division shall take all reasonable administrative actions to  
19 ensure that Pharmaceutical Assistance to the Aged and Disabled  
20 recipients, who notify the division that they may be eligible for the  
21 program, have their applications processed expeditiously, at times  
22 and locations convenient to the recipients; and

23 (iii) The division is responsible for certifying incurred medical  
24 expenses for all eligible persons who attempt to qualify for the  
25 program pursuant to subparagraph (d) of paragraph (8) of this  
26 subsection;

27 (9) (a) Is a child who is at least one year of age and under 19  
28 years of age and, if older than six years of age but under 19 years of  
29 age, is uninsured; and

30 (b) Is a member of a family whose income does not exceed  
31 133% of the poverty level and who meets the federal Medicaid  
32 eligibility requirements set forth in section 9401 of Pub.L.99-509  
33 (42 U.S.C. s.1396a);

34 (10) Is a pregnant woman who is determined by a provider to be  
35 presumptively eligible for medical assistance based on criteria  
36 established by the commissioner, pursuant to section 9407 of  
37 Pub.L.99-509 (42 U.S.C. s.1396a(a));

38 (11) Is an individual 65 years of age and older, or an individual  
39 who is blind or disabled pursuant to section 301 of Pub.L.92-603  
40 (42 U.S.C. s.1382c), whose income does not exceed 100% of the  
41 poverty level, adjusted for family size, and whose resources do not  
42 exceed 100% of the resource standard used to determine medically  
43 needy eligibility pursuant to paragraph (8) of this subsection;

44 (12) Is a qualified disabled and working individual pursuant to  
45 section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d) whose income  
46 does not exceed 200% of the poverty level and whose resources do  
47 not exceed 200% of the resource standard used to determine

1 eligibility under the Supplemental Security Income Program,  
2 P.L.1973, c.256 (C.44:7-85 et seq.);

3 (13) Is a pregnant woman or is a child who is under one year of  
4 age and is a member of a family whose income does not exceed  
5 185% of the poverty level and who meets the federal Medicaid  
6 eligibility requirements set forth in section 9401 of Pub.L.99-509  
7 (42 U.S.C. s.1396a), except that a pregnant woman who is  
8 determined to be a qualified applicant shall, notwithstanding any  
9 change in the income of the family of which she is a member,  
10 continue to be deemed a qualified applicant until the end of the 60-  
11 day period beginning on the last day of her pregnancy;

12 (14) (Deleted by amendment, P.L.1997, c.272).

13 (15) (a) Is a specified low-income Medicare beneficiary pursuant  
14 to 42 U.S.C. s.1396a(a)10(E)iii whose resources beginning January  
15 1, 1993 do not exceed 200% of the resource standard used to  
16 determine eligibility under the Supplemental Security Income  
17 program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income  
18 beginning January 1, 1993 does not exceed 110% of the poverty  
19 level, and beginning January 1, 1995 does not exceed 120% of the  
20 poverty level.

21 (b) An individual who has, within 36 months, or within 60  
22 months in the case of funds transferred into a trust, of applying to  
23 be a qualified applicant for Medicaid services in a nursing facility  
24 or a medical institution, or for home or community-based services  
25 under section 1915(c) of the federal Social Security Act (42 U.S.C.  
26 s.1396n(c)), disposed of resources or income for less than fair  
27 market value shall be ineligible for assistance for nursing facility  
28 services, an equivalent level of services in a medical institution, or  
29 home or community-based services under section 1915(c) of the  
30 federal Social Security Act (42 U.S.C. s.1396n(c)). The period of  
31 the ineligibility shall be the number of months resulting from  
32 dividing the uncompensated value of the transferred resources or  
33 income by the average monthly private payment rate for nursing  
34 facility services in the State as determined annually by the  
35 commissioner. In the case of multiple resource or income transfers,  
36 the resulting penalty periods shall be imposed sequentially.  
37 Application of this requirement shall be governed by 42 U.S.C.  
38 s.1396p(c). In accordance with federal law, this provision is  
39 effective for all transfers of resources or income made on or after  
40 August 11, 1993. Notwithstanding the provisions of this subsection  
41 to the contrary, the State eligibility requirements concerning  
42 resource or income transfers shall not be more restrictive than those  
43 enacted pursuant to 42 U.S.C. s.1396p(c).

44 (c) An individual seeking nursing facility services or home or  
45 community-based services and who has a community spouse shall  
46 be required to expend those resources which are not protected for  
47 the needs of the community spouse in accordance with section  
48 1924(c) of the federal Social Security Act (42 U.S.C. s.1396r-5(c))

1 on the costs of long-term care, burial arrangements, and any other  
2 expense deemed appropriate and authorized by the commissioner.  
3 An individual shall be ineligible for Medicaid services in a nursing  
4 facility or for home or community-based services under section  
5 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)) if  
6 the individual expends funds in violation of this subparagraph. The  
7 period of ineligibility shall be the number of months resulting from  
8 dividing the uncompensated value of transferred resources and  
9 income by the average monthly private payment rate for nursing  
10 facility services in the State as determined by the commissioner.  
11 The period of ineligibility shall begin with the month that the  
12 individual would otherwise be eligible for Medicaid coverage for  
13 nursing facility services or home or community-based services.

14 This subparagraph shall be operative only if all necessary  
15 approvals are received from the federal government including, but  
16 not limited to, approval of necessary State plan amendments and  
17 approval of any waivers;

18 (16) Subject to federal approval under Title XIX of the federal  
19 Social Security Act, is a dependent child, parent or specified  
20 caretaker relative of a child who is a qualified applicant, who would  
21 be eligible, without regard to resources, for the aid to families with  
22 dependent children program under the State Plan for Title IV-A of  
23 the federal Social Security Act as of July 16, 1996, except for the  
24 income eligibility requirements of that program, and whose family  
25 earned income,

26 (a) if a dependent child, does not exceed 133% of the poverty  
27 level; and

28 (b) if a parent or specified caretaker relative, beginning  
29 September 1, 2005 does not exceed 100% of the poverty level,  
30 beginning September 1, 2006 does not exceed 115% of the poverty  
31 level and beginning September 1, 2007 does not exceed 133% of  
32 the poverty level,

33 plus such earned income disregards as shall be determined  
34 according to a methodology to be established by regulation of the  
35 commissioner;

36 The commissioner may increase the income eligibility limits for  
37 children and parents and specified caretaker relatives, as funding  
38 permits;

39 (17) Is an individual from 18 through 20 years of age who is not  
40 a dependent child and would be eligible for medical assistance  
41 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to  
42 income or resources, who, on the individual's 18th birthday was in  
43 resource family care under the care and custody of the Division of  
44 **[Youth and Family Services]** Child Protection and Permanency in  
45 the Department of Children and Families and whose maintenance  
46 was being paid in whole or in part from public funds;

47 (18) Is a person between the ages of 16 and 65 who is  
48 permanently disabled and working, and:

- 1 (a) whose income is at or below 250% of the poverty level, plus  
2 other established disregards;
- 3 (b) who pays the premium contribution and other cost sharing as  
4 established by the commissioner, subject to the limits and  
5 conditions of federal law; and
- 6 (c) whose assets, resources and unearned income do not exceed  
7 limitations as established by the commissioner;
- 8 (19) Is an uninsured individual under 65 years of age who:
- 9 (a) has been screened for breast or cervical cancer under the  
10 federal Centers for Disease Control and Prevention breast and  
11 cervical cancer early detection program;
- 12 (b) requires treatment for breast or cervical cancer based upon  
13 criteria established by the commissioner;
- 14 (c) has an income that does not exceed the income standard  
15 established by the commissioner pursuant to federal guidelines;
- 16 (d) meets all other Medicaid eligibility requirements; and
- 17 (e) in accordance with Pub.L.106-354, is determined by a  
18 qualified entity to be presumptively eligible for medical assistance  
19 pursuant to 42 U.S.C. s.1396a(aa), based upon criteria established  
20 by the commissioner pursuant to section 1920B of the federal Social  
21 Security Act (42 U.S.C. s.1396r-1b); or
- 22 (20) Subject to federal approval under Title XIX of the federal  
23 Social Security Act, is a single adult or couple, without dependent  
24 children, whose income in 2006 does not exceed 50% of the poverty  
25 level, in 2007 does not exceed 75% of the poverty level and in 2008  
26 and each year thereafter does not exceed 100% of the poverty level;  
27 except that a person who is a recipient of Work First New Jersey  
28 general public assistance, pursuant to P.L.1947, c.156 (C.44:8-107  
29 et seq.), shall not be a qualified applicant.
- 30 j. "Recipient" means any qualified applicant receiving benefits  
31 under this act.
- 32 k. "Resident" means a person who is living in the State  
33 voluntarily with the intention of making his home here and not for a  
34 temporary purpose. Temporary absences from the State, with  
35 subsequent returns to the State or intent to return when the purposes  
36 of the absences have been accomplished, do not interrupt continuity  
37 of residence.
- 38 l. "State Medicaid Commission" means the Governor, the  
39 Commissioner of Human Services, the President of the Senate and  
40 the Speaker of the General Assembly, hereby constituted a  
41 commission to approve and direct the means and method for the  
42 payment of claims pursuant to **[this act]** P.L.1968, c.413.
- 43 m. "Third party" means any person, institution, corporation,  
44 insurance company, group health plan as defined in section 607(1)  
45 of the federal "Employee Retirement and Income Security Act of  
46 1974," 29 U.S.C. s.1167(1), service benefit plan, health  
47 maintenance organization, or other prepaid health plan, or public,  
48 private or governmental entity who is or may be liable in contract,

1 tort, or otherwise by law or equity to pay all or part of the medical  
2 cost of injury, disease or disability of an applicant for or recipient  
3 of medical assistance payable under **[this act]** P.L.1968, c.413.

4 n. "Governmental peer grouping system" means a separate  
5 class of skilled nursing and intermediate care facilities administered  
6 by the State or county governments, established for the purpose of  
7 screening their reported costs and setting reimbursement rates under  
8 the Medicaid program that are reasonable and adequate to meet the  
9 costs that must be incurred by efficiently and economically operated  
10 State or county skilled nursing and intermediate care facilities.

11 o. "Comprehensive maternity or pediatric care provider" means  
12 any person or public or private health care facility that is a provider  
13 and that is approved by the commissioner to provide comprehensive  
14 maternity care or comprehensive pediatric care as defined in  
15 subsection b. (18) and (19) of section 6 of P.L.1968, c.413  
16 (C.30:4D-6).

17 p. "Poverty level" means the official poverty level based on  
18 family size established and adjusted under Section 673(2) of  
19 Subtitle B, the "Community Services Block Grant Act," of  
20 Pub.L.97-35 (42 U.S.C. s.9902(2)).

21 q. "Eligible alien" means one of the following:

22 (1) an alien present in the United States prior to August 22,  
23 1996, who is:

24 (a) a lawful permanent resident;

25 (b) a refugee pursuant to section 207 of the federal "Immigration  
26 and Nationality Act" (8 U.S.C. s.1157);

27 (c) an asylee pursuant to section 208 of the federal  
28 "Immigration and Nationality Act" (8 U.S.C. s.1158);

29 (d) an alien who has had deportation withheld pursuant to  
30 section 243(h) of the federal "Immigration and Nationality Act" (8  
31 U.S.C. s.1253 (h));

32 (e) an alien who has been granted parole for less than one year  
33 by the U.S. Citizenship and Immigration Services pursuant to  
34 section 212(d)(5) of the federal "Immigration and Nationality Act"  
35 (8 U.S.C. s.1182(d)(5));

36 (f) an alien granted conditional entry pursuant to section  
37 203(a)(7) of the federal "Immigration and Nationality Act" (8  
38 U.S.C. s.1153(a)(7)) in effect prior to April 1, 1980; or

39 (g) an alien who is honorably discharged from or on active duty  
40 in the United States armed forces and the alien's spouse and  
41 unmarried dependent child.

42 (2) An alien who entered the United States on or after August  
43 22, 1996, who is:

44 (a) an alien as described in paragraph (1)(b), (c), (d) or (g) of  
45 this subsection; or

46 (b) an alien as described in paragraph (1)(a), (e) or (f) of this  
47 subsection who entered the United States at least five years ago.

1 (3) A legal alien who is a victim of domestic violence in  
2 accordance with criteria specified for eligibility for public benefits  
3 as provided in Title V of the federal "Illegal Immigration Reform  
4 and Immigrant Responsibility Act of 1996" (8 U.S.C. s.1641).  
5 (cf: P.L.2006, c.47, s.159)  
6

7 113. Section 7 of P.L.2007, c.58 (C.30:4D-59) is amended to  
8 read as follows:

9 7. a. The Medicaid audit, program integrity, fraud and abuse  
10 prevention and recovery functions, all officers and employees that  
11 the Medicaid Inspector General deems qualified and substantially  
12 engaged therein, and any documents and records that the Medicaid  
13 Inspector General deems necessary and related to the transfer of  
14 such functions and personnel, shall be transferred to the Office of  
15 the Medicaid Inspector General from the Medicaid Office of  
16 Program Integrity Unit and the Third Party Liability Unit in the  
17 Division of Medical Assistance and Health Services, the Division of  
18 Disability Services, the Division of Developmental Disabilities, the  
19 Division of Mental Health and Addiction Services, the Division of  
20 **【Youth and Family Services】** Child Protection and Permanency, the  
21 Division of **【Child Behavioral Health Services】** Children's System  
22 of Care, the Department of Health and Senior Services, and the  
23 Department of the Treasury. The Medicaid Inspector General shall  
24 consult with the head of each department or agency from which  
25 such function is to be transferred to determine the officers and  
26 employees to be transferred.

27 b. The Medicaid Inspector General shall have general  
28 managerial control over the office and shall establish the  
29 organizational structure of the office as the Medicaid Inspector  
30 General deems appropriate to carry out the responsibilities and  
31 functions of the office. Within the limits of funds appropriated  
32 therefor, the Medicaid Inspector General may hire such employees  
33 in the unclassified service as are necessary to administer the office.  
34 These employees shall serve at the pleasure of the Medicaid  
35 Inspector General. Subject to the availability of appropriations, the  
36 Medicaid Inspector General may obtain the services of certified  
37 public accountants, qualified management consultants, professional  
38 auditors, or other professionals necessary to independently perform  
39 the functions of the office.

40 (cf: P.L.2007, c.58, s.7)  
41

42 114. Section 10 of P.L.1985, c.307 (C.30:4G-10) is amended to  
43 read as follows:

44 10. a. There is established in the department an Advisory  
45 Council on Personal Attendant Services which consists of 19  
46 members as follows: the Commissioner of Health and Senior  
47 Services, the Director of the Division of **【Youth and Family**  
48 **Services】** Child Protection and Permanency in the Department of

1 Children and Families, the Director of the Division of  
2 Developmental Disabilities, and the Director of the Division of  
3 Medical Assistance and Health Services in the Department of  
4 Human Services, the Director of the Division of Veterans' Services  
5 in the Department of Military and Veterans' Affairs, and the  
6 Director of the Division of Vocational Rehabilitation Services in  
7 the Department of Labor and Workforce Development, or their  
8 designees, who shall serve ex officio, and 13 members appointed by  
9 the commissioner who are residents of this State, one of whom is a  
10 member of the New Jersey Association of County Representatives  
11 of Disabled Persons, four of whom represent providers of personal  
12 attendant services, five of whom represent consumers of personal  
13 attendant services and three of whom represent advocacy groups or  
14 agencies for the physically disabled.

15 A vacancy in the membership of the council shall be filled in the  
16 same manner as the original appointment.

17 The members of the council shall serve without compensation,  
18 but the department shall reimburse the members for the reasonable  
19 expenses incurred in the performance of their duties.

20 b. The council shall hold an organizational meeting within 30  
21 days after the appointment of its members. The members of the  
22 council shall elect from among them a chairman, who shall be the  
23 chief executive officer of the council and the members shall elect a  
24 secretary, who need not be a member of the council.

25 c. The council shall:

26 (1) Advise the commissioner on matters pertaining to personal  
27 attendant services and the development of the personal attendant  
28 program, upon the request of the commissioner;

29 (2) Review the rules and regulations promulgated for the  
30 implementation of the personal attendant program and make  
31 recommendations to the commissioner, as appropriate;

32 (3) Evaluate the effectiveness of the personal attendant program  
33 in achieving the purposes of this act; and

34 (4) Assess the Statewide need for personal attendant services  
35 and the projected cost for providing these services Statewide.

36 (cf: P.L.2006, c.47, s.160)

37

38 115. Section 1 of P.L.1997, c.254 (C.30:5B-6.1) is amended to  
39 read as follows:

40 1. As used in **[this act]** P.L.1997, c.254 (C.30:5B-6.1 et seq.):

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

42 "Division" means the Division of **[Youth and Family Services]**  
43 Child Protection and Permanency in the Department of Children  
44 and Families.

45 "Staff member" means any owner, sponsor, director, or person  
46 employed by or working at a child care center on a regularly  
47 scheduled basis during the center's operating hours, including full-

1 time, part-time, voluntary, contract, consulting, and substitute staff,  
2 whether compensated or not.

3 "Child care center" or **["Center"]** "center" means any facility  
4 which is maintained for the care, development or supervision of six  
5 or more children under 13 years of age who attend the facility for  
6 less than 24 hours a day, and which is subject to State licensure or  
7 life-safety approval, pursuant to the provisions of the "Child Care  
8 Licensing Act," P.L. 1983, c.492 (C.30:5B-1 to 30:5B-15) .  
9 (cf: P.L.2006, c.47, s.163)

10

11 116. Section 1 of P.L.2000, c.77 (C.30:5B-6.10) is amended to  
12 read as follows:

13 1. As used in sections 1 through 7 and 9 through 12 of  
14 P.L.2000, c.77 (C.30:5B-6.10 et seq.):

15 "Child care center" or "center" means any facility which is  
16 maintained for the care, development, or supervision of six or more  
17 children under 13 years of age who attend the facility for less than  
18 24 hours a day, and which is subject to State licensure or life-safety  
19 approval pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

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

21 "Division" means the Division of **["Youth and Family Services"]**  
22 Child Protection and Permanency in the Department of Children  
23 and Families.

24 "Staff member" means a person 18 years of age or older who  
25 owns, sponsors, or directs a child care center, or who is employed  
26 by or works in a child care center on a regularly scheduled basis  
27 during the center's operating hours, including full-time, part-time,  
28 voluntary, contract, consulting, and substitute staff, whether  
29 compensated or not.

30 (cf: P.L.2006, c.47, s.164)

31

32 117. Section 14 of P.L.1983, c.492 (C.30:5B-14) is amended to  
33 read as follows:

34 14. a. The Director of the Division of Family Development in  
35 the Department of Human Services, a designee of the  
36 Commissioner of Children and Families, and the Director of the  
37 **["Division"]** Office on Women in the Department of **["Community**  
38 **Affairs"]** Children and Families shall establish a Child Care  
39 Advisory Council which shall consist of at least 15 individuals who  
40 have experience, training, or other interests in child care issues. To  
41 the extent possible, the directors shall designate members of  
42 existing councils or task forces heretofore established on child care  
43 in New Jersey as the advisory council.

44 b. The advisory council shall:

45 (1) Review rules and regulations or proposed revisions to  
46 existing rules and regulations governing the licensing of child care  
47 centers;



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1 (2) Review proposed statutory amendments governing the  
2 licensing of child care centers and make recommendations to the  
3 commissioner;

4 (3) Advise the commissioner on the administration of the  
5 licensing responsibilities under this act;

6 (4) Advise the Commissioners of Human Services **[,] and**  
7 **Children and Families[, and Community Affairs]** and other  
8 appropriate units of State government on the needs, priorities,  
9 programs, and policies relating to child care throughout the State;

10 (5) Study and recommend alternative resources for child care;  
11 and

12 (6) Facilitate employer supported child care through information  
13 and technical assistance.

14 c. The advisory council may accept from any governmental  
15 department or agency, public or private body, or any other source  
16 grants or contributions to be used in carrying out its responsibilities  
17 under **[this act] P.L.1983, c.492 (C.30:5B-1 et seq.)**.

18 (cf: P.L.2006, c.47, s.165)

19

20 118. Section 2 of P.L.1993, c.350 (C.30:5B-25.2) is amended to  
21 read as follows:

22 2. As used in sections 1 through 4 of P.L.1993, c.350  
23 (C.30:5B-25.1 through C.30:5B-25.4):

24 "Child abuse registry" means the child abuse registry of the  
25 Division of **[Youth and Family Services] Child Protection and**  
26 **Permanency** in the Department of Children and Families established  
27 pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11).

28 "Provider" means a family day care provider as defined by  
29 section 3 of P.L.1987, c.27 (C.30:5B-18) and includes, but is not  
30 limited to, a family day care provider's assistant and a substitute  
31 family day care provider.

32 "Family day care sponsoring organization" means an agency or  
33 organization which contracts with the Department of Human  
34 Services to assist in the registration of family day care providers in  
35 a specific geographic area pursuant to P.L.1987, c.27 (C.30:5B-16  
36 et seq.).

37 "Household member" means an individual over 14 years of age  
38 who resides in a family day care provider's home.

39 (cf: P.L.2006, c.47, s.168)

40

41 119. Section 3 of P.L.1993, c.350, (C.30:5B-25.3) is amended to  
42 read as follows:

43 3. a. The Division of **[Youth and Family Services] Child**  
44 **Protection and Permanency** in the Department of Children and  
45 Families shall conduct a search of its child abuse registry to  
46 determine if a report of child abuse or neglect has been filed,  
47 pursuant to section 3 of P.L.1971, c.437 (C.9:6-8.10), involving a  
48 person registering as a prospective provider or a household member

1 of the prospective provider or as a current provider or household  
2 member of the current provider.

3 b. The division shall conduct the search only upon receipt of  
4 the prospective or current provider or household member's written  
5 consent to the search. If the person refuses to provide his consent,  
6 the family day care sponsoring organization shall deny the  
7 prospective or current provider's application for a certificate or  
8 renewal of registration.

9 c. The division shall advise the sponsoring organization of the  
10 results of the child abuse registry search within a time period to be  
11 determined by the Department of Children and Families.

12 d. The department shall not issue a certificate or renewal of  
13 registration to a prospective or current provider unless the  
14 department has first determined that no substantiated charge of  
15 child abuse or neglect against the prospective or current provider or  
16 household member is found during the child abuse registry search.

17 (cf: P.L.2006, c.47, s.169)

18

19 120. Section 3 of P.L.1987, c.215 (C.30:5B-28) is amended to  
20 read as follows:

21 3. The Commissioner of Human Services, in consultation with  
22 the Commissioner of Education and the Advisory Council on Child  
23 Care established pursuant to section 14 of P.L.1983, c.492 (C.  
24 30:5B-14) and the **【Division】 Office** on Women in the Department  
25 of **【Community Affairs established pursuant to P.L. 1974, c. 87 (C.**  
26 **52:27D-43.8 et seq.)】 Children and Families**, shall establish criteria  
27 for assessing the suitability of grant applicants. Each applicant for  
28 a grant under this act shall:

29 a. Describe the need for and type of child care services to be  
30 furnished;

31 b. Provide assurances that the applicant has knowledge of and  
32 experience in the special nature of child care services for school-age  
33 children;

34 c. Provide assurances that each person to be employed by the  
35 applicant for child care has appropriate experience and character  
36 including a criminal history records check of the files of the State  
37 Bureau of Identification and the Federal Bureau of Investigation,  
38 Identification Division;

39 d. Provide evidence that the applicant will be afforded use of  
40 an appropriate school facility or another appropriate location as  
41 approved by the commissioner, which may be a child care center  
42 licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.);

43 e. Provide assurances that the program will be in conformity  
44 with all appropriate statutes, regulations, ordinances, and such  
45 programs as shall be developed for the program created by **【this**  
46 **act】 P.L.1987, c.215 (C.30:5B-26 et seq.)**;

1 f. Provide a tentative budget for the program, including a  
2 proposed sliding-fee schedule which should reflect a family's  
3 capacity to pay;

4 g. Provide assurances that the parents of school-age children  
5 will be involved in the development and implementation of the  
6 child care program; and

7 h. Provide such other assurances and information as the  
8 commissioner shall reasonably require to carry out the provisions of  
9 **【this act】** P.L.1987, c.215.

10 (cf: P.L.1987, c.215, s.3)

11

12 121. Section 2 of P.L.2003, c.185 (C.30:5B-32) is amended to  
13 read as follows:

14 2. a. A unified child care agency contracted with the  
15 Department of Human Services pursuant to N.J.A.C.10:15-2.1, shall  
16 request that the Division of **【Youth and Family Services】** Child  
17 Protection and Permanency in the Department of Children and  
18 Families conduct a child abuse record information check of the  
19 division's child abuse records, as promptly as possible, to determine  
20 if an incident of child abuse or neglect has been substantiated,  
21 pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11), against:

22 (1) a prospective approved home provider as defined in  
23 N.J.A.C.10:15-1.2 providing child care services under the "New  
24 Jersey Cares for Kids Program" established pursuant to  
25 N.J.A.C.10:15-5.1, or to a child whose parent is receiving  
26 assistance under the Work First New Jersey program established  
27 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) or is employed but  
28 continues to receive supportive services pursuant to the provisions  
29 of section 5 of P.L.1997, c.13 (C.44:10-38); or

30 (2) any adult member of the prospective provider's household.

31 b. The division shall conduct the child abuse record  
32 information check only upon receipt of the prospective approved  
33 home provider's or any adult household member's written consent to  
34 the check. If the person refuses to provide his consent, the unified  
35 child care agency shall deny the prospective approved home  
36 provider's application to provide child care services.

37 c. If the division determines that an incident of child abuse or  
38 neglect by the prospective approved home provider or any adult  
39 member of the household has been substantiated, the division shall  
40 release the results of the child abuse record information check to the  
41 unified child care agency pursuant to subsection g. of section 1 of  
42 P.L.1977, c.102 (C.9:6-8.10a) and the agency shall deny the  
43 prospective approved home provider's application to provide child  
44 care services.

45 d. Before denying the prospective approved home provider's  
46 application to provide child care services, the unified child care  
47 agency shall give notice personally or by certified or registered mail  
48 to the last known address of the prospective approved home

1 provider with return receipt requested, of the reasons why the  
2 application will be denied. The notice shall afford the prospective  
3 approved home provider the opportunity to be heard and to contest  
4 the agency's action. The hearing shall be conducted in accordance  
5 with the "Administrative Procedure Act," P.L.1968, c.410  
6 (C.52:14B-1 et seq.).

7 e. If a prospective approved home provider's application to  
8 provide child care services is denied, the unified child care agency  
9 shall notify the parent of the child who would be eligible to receive  
10 such services, personally and in writing, of the reasons why the  
11 application was denied and the parent's right to select another  
12 provider. The parent shall keep such information confidential and  
13 shall not disclose the information except as authorized by law.

14 (cf: P.L.2006, c.47, s.171)

15

16 122. Section 2 of P.L.1995, c.321 (C.30:9A-19) is amended to  
17 read as follows:

18 2. a. A person shall not conduct, maintain or operate a mental  
19 health program unless: (1) the commissioner or the Commissioner  
20 of Children and Families, as applicable, has issued a license to that  
21 person, in accordance with rules and regulations adopted by the  
22 commissioner or the Commissioner of Children and Families, as  
23 applicable, which prescribe standards for the provision of services  
24 by a mental health program; and (2) that person has a purchase of  
25 service contract or an affiliation agreement with the Division of  
26 Mental Health and Addiction Services in the Department of Human  
27 Services or the Department of Children and Families, including, but  
28 not limited to, the Division of **【Child Behavioral Health Services】**  
29 Children's System of Care, as applicable.

30 b. Application for a license to conduct, maintain, or operate a  
31 mental health program shall be made upon forms prescribed by the  
32 commissioner or the Commissioner of Children and Families, as  
33 applicable. The commissioner or the Commissioner of Children  
34 and Families, as applicable, shall charge such nonrefundable fees  
35 for the filing of an application for a license, and for any renewal  
36 thereof, as the commissioner or the Commissioner of Children and  
37 Families, as applicable, shall from time to time fix by regulation.

38 (cf: 2006, c.47, s.172)

39

40 123. Section 2 of P.L.1977, c.448 (C.30:11B-2) is amended to  
41 read as follows:

42 2. "Community residence for the developmentally disabled"  
43 means any community residential facility housing up to 16 persons  
44 with developmental disabilities, which provides food, shelter, and  
45 personal guidance for persons with developmental disabilities who  
46 require assistance, temporarily or permanently, in order to live  
47 independently in the community. Such residences shall not be  
48 considered health care facilities within the meaning of the "Health

1 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)  
2 and shall include, but not be limited to, group homes, halfway  
3 houses, supervised apartment living arrangements and hostels.

4 "Community residence for the mentally ill" means any  
5 community residential facility which provides food, shelter, and  
6 personal guidance, under such supervision as required, to not more  
7 than 15 persons with mental illness who require assistance  
8 temporarily or permanently, in order to live independently in the  
9 community. These residences shall be approved for a purchase of  
10 service contract or an affiliation agreement pursuant to procedures  
11 established by the Division of Mental Health and Addiction  
12 Services in the Department of Human Services or the Division of  
13 **【Child Behavioral Health Services】** Children's System of Care in  
14 the Department of Children and Families, as applicable. These  
15 residences shall not house persons who have been assigned to a  
16 State psychiatric hospital after having been found not guilty of a  
17 criminal offense by reason of insanity or unfit to be tried on a  
18 criminal charge. These residences shall not be considered health  
19 care facilities within the meaning of the "Health Care Facilities  
20 Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) and shall  
21 include, but not be limited to, group homes, halfway houses,  
22 supervised apartment living arrangements, family care homes, and  
23 hostels.

24 "Community residence for persons with head injuries" means a  
25 community residential facility providing food, shelter, and personal  
26 guidance, under such supervision as required, to not more than 15  
27 persons with head injuries, who require assistance, temporarily or  
28 permanently, in order to live in the community, and shall include,  
29 but not be limited to: group homes, halfway houses, supervised  
30 apartment living arrangements, and hostels. Such a residence shall  
31 not be considered a health care facility within the meaning of the  
32 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1  
33 et seq.).

34 "Developmental disability" or "developmentally disabled" means  
35 a severe, chronic disability of a person which: a. is attributable to a  
36 mental or physical impairment or combination of mental or physical  
37 impairments; b. is manifest before age 22; c. is likely to continue  
38 indefinitely; d. results in substantial functional limitations in three  
39 or more of the following areas of major life activity, that is, self-  
40 care, receptive and expressive language, learning, mobility, self-  
41 direction and capacity for independent living, or economic self-  
42 sufficiency; and e. reflects the need for a combination and sequence  
43 of special interdisciplinary or generic care, treatment or other  
44 services which are of lifelong or extended duration and are  
45 individually planned and coordinated. Developmental disability  
46 includes, but is not limited to, severe disabilities attributable to an  
47 intellectual disability, autism, cerebral palsy, epilepsy, spina bifida,

1 and other neurological impairments where the above criteria are  
2 met.

3 "Mentally ill" or "mental illness" means any psychiatric disorder  
4 which has required an individual to receive either inpatient  
5 psychiatric care or outpatient psychiatric care on an extended basis.

6 "Person with head injury" means a person who has sustained an  
7 injury, illness, or traumatic changes to the skull, the brain contents  
8 or its coverings which results in a temporary or permanent  
9 physiobiological decrease of cognitive, behavioral, social, or  
10 physical functioning which causes partial or total disability.

11 (cf: P.L.2010, c.50, s.60)

12

13 124. Section 10 of P.L.1987, c.112 (C.30:11B-4.2) is amended  
14 to read as follows:

15 10. a. Within six months of the effective date of **[this act]**  
16 P.L.1987, c.112, the Director of the Division of Mental Health and  
17 Addiction Services in the Department of Human Services or the  
18 Division of **[Child Behavioral Health Services]** Children's System  
19 of Care in the Department of Children and Families, as applicable,  
20 shall develop program standards which include criteria for  
21 educational and professional experience of employees of a  
22 community residence for the mentally ill and staffing ratios  
23 appropriate to the needs of the residents of the community  
24 residences for the mentally ill.

25 b. Within six months after the effective date of P.L.1993,  
26 c.329, the Commissioner of Human Services or the Commissioner  
27 of Children and Families, as applicable, shall develop program  
28 standards which include criteria for educational and professional  
29 experience of employees of a community residence for persons with  
30 head injuries and staffing ratios appropriate to the needs of the  
31 residents of these community residences.

32 (cf: P.L.2006, c.47, s.179)

33

34 125. Section 4 of P.L.1979, c.337 (C.30:14-4) is amended to  
35 read as follows:

36 4. a. There is created an Advisory Council on Domestic  
37 Violence which shall consist of 20 members: the Director of the  
38 **[Division]** Office on Women in the Department **[of Community**  
39 **Affairs]** Children and Families, the Director of the Division of  
40 **[Youth and Family Services]** Child Protection and Permanency in  
41 the Department of Children and Families and the Director of the  
42 Division of Family Development in the Department of Human  
43 Services, the Director of the Administrative Office of the Courts,  
44 the Commissioner of the Department of Education, the  
45 Commissioner of Labor and Workforce Development, the Attorney  
46 General, or their designees, and one representative of Legal  
47 Services of New Jersey, one former domestic violence shelter  
48 resident, one representative of the Police Chiefs Association, one

1 representative of the County Prosecutors Association, one  
2 representative of the New Jersey State Nurses Association, one  
3 representative of the Mental Health Association in New Jersey, one  
4 representative of the New Jersey Crime Prevention Officers  
5 Association, one representative of the New Jersey Hospital  
6 Association, one representative of the Violent Crimes  
7 Compensation Board, and four representatives of the New Jersey  
8 Coalition for Battered Women to be appointed by the Governor.

9 b. The advisory council shall:

10 (1) Monitor the effectiveness of the laws concerning domestic  
11 violence and make recommendations for their improvement;

12 (2) Review proposed legislation governing domestic violence  
13 and make recommendations to the Governor and the Legislature;

14 (3) Study the needs, priorities, programs, and policies relating to  
15 domestic violence throughout the State; and

16 (4) Ensure that all service providers and citizens are aware of  
17 the needs of and services available to victims of domestic violence  
18 and make recommendations for community education and training  
19 programs.

20 c. The advisory council shall periodically advise the Director  
21 of the Division of **[Youth and Family Services]** Child Protection  
22 and Permanency in the Department of Children and Families and  
23 the Director of the **[Division]** Office on Women in the Department  
24 of [Community Affairs] Children and Families on its activities,  
25 findings, and recommendations.

26 (cf: P.L.2006, c.47, s.181)

27

28 126. Section 3 of P.L.2001, c.195 (C.30:14-15) is amended to  
29 read as follows:

30 3. a. There is hereby established the "Domestic Violence  
31 Victims' Fund," a dedicated fund within the General Fund and  
32 administered by the Division of **[Youth and Family Services]** Child  
33 Protection and Permanency in the Department of Children and  
34 Families. The fund shall be the depository of moneys realized from  
35 the civil penalty imposed pursuant to section 1 of P.L.2001, c.195  
36 (C.2C:25-29.1) and any other moneys made available for the  
37 purposes of the fund.

38 b. All moneys deposited in the "Domestic Violence Victims'  
39 Fund" shall be used for direct services to victims of domestic  
40 violence, including, but not limited to, shelter services, legal  
41 advocacy services, and legal assistance services, and for related  
42 administrative costs of the Division of **[Youth and Family**  
43 **Services]** Child Protection and Permanency.

44 (cf: P.L.2006, c.47, s.182)

45

46 127. Section 1 of P.L.1999, c.223 (C.34:15C-21) is amended to  
47 read as follows:

1       1. a. There is created, in the New Jersey State Employment  
2 and Training Commission, a council which shall be known as the  
3 Council on Gender Parity in Labor and Education.

4       b. The council shall consist of ~~17~~ 16 members who are  
5 individuals with experience in the fields of labor, education,  
6 training, or gender equity. The ~~17~~ 16 members shall include: six  
7 members appointed by the Director of the ~~Division~~ Office on  
8 Women; six members appointed by the Executive Director of the  
9 State Employment and Training Commission; and ~~five~~ four  
10 members who shall serve ex officio, one of whom shall be  
11 appointed by the Commissioner of ~~Community Affairs~~ Children  
12 and Families, one by the Commissioner of Education, one by the  
13 Commissioner of Human Services, ~~one by the Commissioner of~~  
14 ~~Labor and Workforce Development~~ and one by the Executive  
15 Director of the Commission on Higher Education. Not more than  
16 half of the members appointed by the Director of the ~~Division~~  
17 Office on Women and not more than half of the members appointed  
18 by the Executive Director of the State Employment and Training  
19 Commission shall be of the same political party. The members  
20 appointed by the director and executive director shall serve for  
21 terms of three years, except that of the eight members first  
22 appointed by the director and the executive director, four shall be  
23 appointed for three years, two shall be appointed for two years, and  
24 two shall be appointed for one year. Each member shall hold office  
25 for the term of appointment and until his successor is appointed and  
26 qualified. A member appointed to fill a vacancy occurring in the  
27 membership of the council for any reason other than the expiration  
28 of the term shall have a term of appointment for the unexpired term  
29 only. Vacancies shall be filled in the same manner as the original  
30 appointment. A member may be appointed for any number of  
31 successive terms. Any member appointed by the director or the  
32 executive director may be removed from the council by the director  
33 or the executive director, as the case may be, for cause, after a  
34 hearing and may be suspended by the director or the executive  
35 director pending the completion of the hearing.

36       c. Members of the council shall serve without compensation,  
37 but may be reimbursed for necessary expenses incurred in the  
38 performance of their duties as members. Action may be taken and  
39 motions and resolutions may be adopted by the council at a council  
40 meeting by an affirmative vote of a majority of the members. The  
41 council shall elect from its members a chairperson who shall be a  
42 nongovernmental member of the council. Advanced notification  
43 for, and copies of the minutes of, each meeting of the council shall  
44 be filed with the Governor, the President of the Senate, and the  
45 Speaker of the General Assembly.

46 (cf: P.L.2005, c.354, s.19)



- 1       128. Section 2 of P.L.1999, c.223 (C.34:15C-22) is amended to  
2 read as follows:
- 3       2. The Council shall:
- 4       a. Assess the effectiveness of State programs designed to  
5 provide gender equity in labor, education, and training;
- 6       b. Make recommendations to the Commissioners of the  
7 **【Departments of Community Affairs】** Children and Families,  
8 Education, Human Services, and Labor and Workforce  
9 Development, and the Secretary of Higher Education regarding the  
10 needs, priorities, programs, and policies related to access and equity  
11 for labor, education, and workforce training throughout the State;
- 12       c. Review current and proposed legislation and regulations  
13 pertaining to gender equity in labor, education, and workforce  
14 training and make recommendations regarding possible legislation  
15 and regulations to the State Employment and Training Commission  
16 and the **【Division】** Office on Women;
- 17       d. Develop policies to insure that State agencies set  
18 benchmarks and integrate their data collection systems to assess  
19 progress toward achieving gender equity and take action to insure  
20 that appropriate data collection systems exist where needed;
- 21       e. Develop policies to promote linkages among individuals,  
22 schools, organizations, and public agencies providing gender equity  
23 services and programs;
- 24       f. Educate and provide information to the public on the issues  
25 and current developments in gender equity by issuing reports and  
26 holding events such as conferences and symposia;
- 27       g. Submit an annual report to the Governor, the Legislature, the  
28 State Employment and Training Commission, and the **【Division】**  
29 Office on Women of its assessments and recommendations made  
30 pursuant to this section;
- 31       h. Conduct studies and promote research, as practicable, to  
32 develop the means to correct gender inequitable practices, including  
33 practices leading to pay disparities between men and women and  
34 publish and otherwise make available to employers, labor  
35 organizations, professional associations, educational institutions,  
36 the media, and the general public the findings resulting from these  
37 studies and other materials;
- 38       i. Develop and make available information, as practicable,  
39 regarding best practices for workplace gender equity to enable  
40 employers to evaluate job categories based on objective criteria,  
41 such as educational requirements, skill requirements, independence,  
42 working conditions, and responsibility; and
- 43       j. Establish a Statewide recognition of exceptional practices, as  
44 practicable, to promote gender equity in the workplace to be  
45 presented to a workplace, as shall be defined by the Council, that, at  
46 a minimum, has demonstrated it has made a substantial effort to  
47 eliminate pay disparities between men and women, and thus  
48 deserves special recognition, in addition to any other requirements

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1 and specifications the Council deems appropriate in the  
2 determination of the workplace to be recognized.

3 (cf: P.L.2011, c.186, s.1)

4

5 129. Section 2 of P.L.2007, c.319, s.2 (C.38A:3-39) is amended  
6 to read as follows:

7 2. The commission shall consist of 15 members who are New  
8 Jersey residents. The Governor shall appoint 12 members and of  
9 the 12 appointed, nine shall be women. There shall be appointed  
10 one representative from each of the following branches of military  
11 service who may also be affiliated with an organization named  
12 below: the Army; the Air Force; the Coast Guard[,]; the Marines;  
13 and the Navy. There shall also be appointed by the Governor, one  
14 representative from the Veterans of Foreign Wars, one  
15 representative from the American Legion, one representative from  
16 the Disabled American Veterans, one representative from the  
17 American Veterans, one representative from the New Jersey Army  
18 National Guard, one representative from the New Jersey Air  
19 National Guard[;] , and one representative from the Military Order  
20 of the Purple Heart. The Commissioner of [the Department of]  
21 Military and Veterans' Affairs, the Commissioner of [the  
22 Department of] Labor and Workforce Development, and the  
23 Director of the [Division] Office on Women in the Department of  
24 [Community Affairs] Children and Families, or their respective  
25 designees, shall serve as ex-officio members.

26 The public members shall serve for terms of three years and until  
27 the appointment and qualification of their successors, except that of  
28 the initial appointment of public members, four shall be appointed  
29 for a term of three years, four shall be appointed for a term of two  
30 years, and four shall be appointed for a term of one year.

31 If any public member discontinues affiliation with the respective  
32 veterans' organization, the member shall immediately resign  
33 membership with the commission.

34 Any vacancy in the membership of the commission shall be  
35 filled in the same manner as the original appointments are made.

36 (cf: P.L.2007, c.319, s.2)

37

38 130. Section 35 of P.L.1979, c.496 (C.44:7-93) is amended to  
39 read as follows:

40 35. a. As used in this section, "eligible resident" means a  
41 resident of a residential health care facility, rooming house, or  
42 boarding house who is: eligible to receive services under the latest  
43 New Jersey Comprehensive Annual Services Program Plan for the  
44 use of funds appropriated under Title XX of the Federal Social  
45 Security Act; an "eligible person" under the act to which this act is  
46 a supplement; an otherwise aged, blind, or disabled person; or a

1 resident designated to be eligible by the Commissioner of Human  
2 Services.

3 b. County welfare boards shall provide services to eligible  
4 residents of residential health care facilities, rooming houses, and  
5 boarding houses which shall include, but not be limited to, the  
6 following:

7 (1) Investigation and evaluation of reports of abuse or  
8 exploitation, as defined in section 36 hereunder, or of threats of  
9 such abuse or exploitation of eligible residents, at the direction of  
10 the Commissioner of Human Services;

11 (2) Visits to all such facilities having eligible residents, at  
12 regularly scheduled intervals to assess the needs of such residents,  
13 determine whether they are receiving needed services and  
14 appropriate levels of care, and to provide such services where  
15 appropriate;

16 (3) Provision of information to eligible residents concerning  
17 social service, welfare, mental health, home health, and medical  
18 assistance programs available to them; referral of eligible residents  
19 to State, county, and local agencies and organizations for any  
20 [such] services which county welfare boards cannot provide; and  
21 follow up to such referrals to determine whether such services are  
22 being provided;

23 (4) Reporting of any suspected violations of the provisions of  
24 this act and of any complaints received concerning services and  
25 conditions in such facilities to the commissioner and to appropriate  
26 State and local agencies for remedial action; and

27 (5) Provision of information to eligible residents whose  
28 continued residence in such facilities may be injurious or dangerous  
29 to their health concerning alternative housing and living  
30 arrangements available to them.

31 County welfare boards shall coordinate all services provided  
32 under this subsection with services provided to eligible residents by  
33 the State Divisions of Mental Health and Addiction Services and  
34 Developmental Disabilities in the Department of Human Services  
35 and Division of [Youth and Family Services] Child Protection and  
36 Permanency in the Department of Children and Families, charitable  
37 institutions, and other State and local agencies and service  
38 providers.

39 c. In order to fulfill their responsibilities under subsection b.  
40 above, county welfare boards shall be entitled to receive full and  
41 free access to residential health care facilities, rooming houses, and  
42 boarding houses by the owners and operators of [such] the  
43 facilities, and to receive cooperation and assistance from State and  
44 local law enforcement officials as needed.

45 d. The Commissioner of Human Services shall:

46 (1) Promulgate all necessary regulations to implement the  
47 provisions of this section;

1 (2) Maintain a central file of all complaints received concerning  
2 suspected violations of the provisions of this act and concerning  
3 services and conditions at residential health care facilities, rooming  
4 houses, and boarding houses and shall maintain a record of the State  
5 and local agencies to which complaints have been referred by  
6 county welfare boards; refer any [such] complaints received by the  
7 commissioner to State and local agencies for remedial action as  
8 necessary; and follow up all complaints to determine whether  
9 [such] remedial action has been taken;

10 (3) Provide such training and educational programs to the  
11 operators of such facilities as will enable them to appropriately  
12 respond to the needs of their residents;

13 (4) Designate agencies to:

14 (a) Identify those residential health care facilities, rooming  
15 houses, and boarding houses in which substantial numbers of  
16 persons reside who are in need of mental health or developmental  
17 disabilities services;

18 (b) Receive referrals and be responsible for the provision of  
19 mental health or developmental disability services, or both;

20 (c) Report any apparent violation of this act to the appropriate  
21 State and local officials and authorities;

22 (d) Coordinate their efforts with county welfare boards,  
23 charitable institutions, the State Divisions of Mental Health and  
24 Addiction Services and Developmental Disabilities in the  
25 Department of Human Services, and Division of [Youth and Family  
26 Services] Child Protection and Permanency in the Department of  
27 Children and Families, and other State and local entities and service  
28 providers;

29 (5) Periodically monitor and evaluate services provided to  
30 eligible residents by county welfare boards and community agencies  
31 serving persons with mental illness or developmental disabilities;

32 (6) Issue a report to the Legislature's Standing Reference  
33 Committees on Health, Human Services and Senior Citizens  
34 concerning the implementation of this section, [1] one year  
35 following the effective date of this act.

36 e. Any person who submits or reports a complaint concerning a  
37 suspected violation of the provisions of this act or concerning  
38 services and conditions in residential health care facilities, rooming  
39 houses, and boarding houses, or who testifies in any administrative  
40 or judicial proceeding arising from [such] a complaint, shall have  
41 immunity from any civil or criminal liability on account of such  
42 complaint, unless such person has acted in bad faith or with  
43 malicious purpose.

44 (cf: P.L.2010, c.50, s.75)

45

46 131. Section 10 of P.L.1991, c.134 (C.45:15BB-10) is amended  
47 to read as follows:

1        10. There is created within the Division of Consumer Affairs in  
2 the Department of Law and Public Safety, the State Board of Social  
3 Work Examiners. The board shall consist of ~~【nine】~~ 10 members  
4 who are residents of the State, two of whom shall be public  
5 members appointed pursuant to the provisions of subsection b. of  
6 section 2 of P.L.1971, c.60 (C.45:1-2.2) and one of whom shall be  
7 the Commissioner of Human Services, or ~~【his】~~ the commissioner's  
8 designee, and one of whom shall be the Commissioner of Children  
9 and Families, or the commissioner's designee, the latter two  
10 appointed in fulfillment of the requirement of subsection c. of that  
11 section. Of the six remaining members, three shall have been  
12 actively engaged in the practice of social work for at least five years  
13 immediately preceding their appointment, and, except for the  
14 members first appointed, one shall be a licensed clinical social  
15 worker, one shall be a licensed social worker, and one shall be a  
16 certified social worker pursuant to this act. Of the three remaining  
17 members, two shall be social work educators, one of whom shall  
18 represent a baccalaureate level program and one of whom shall  
19 represent a master's level program; and one shall be a social worker  
20 with a doctorate level degree, and, all of whom, except for the  
21 members first appointed, shall be licensed or certified pursuant to  
22 this act.

23        The Governor shall appoint each member, other than the State  
24 executive department member, for terms of three years, except that  
25 of the social worker members first appointed, two shall serve for a  
26 term of three years, two shall serve for terms of two years and two  
27 shall serve for terms of one year. Any vacancy in the membership  
28 shall be filled for the unexpired term in the manner provided by the  
29 original appointment. No member of the board may serve more  
30 than two successive terms in addition to any unexpired term to  
31 which he has been appointed. The Governor may remove any  
32 member of the board, other than the State executive department  
33 member, for cause.

34 (cf: P.L.1991, c.134, s.10)

35

36        132. Section 3 of P.L.2001, c.81 (C.52:4B-51) is amended to  
37 read as follows:

38        3. The Attorney General shall establish a Statewide Sexual  
39 Assault Nurse Examiner program in the Department of Law and  
40 Public Safety.

41        Upon implementation of the certification process for a forensic  
42 sexual assault nurse examiner pursuant to section 5 of ~~【this act】~~  
43 P.L.2001, c.81 (C.52:4B-53), the county prosecutor in each county  
44 shall appoint or designate a certified forensic sexual assault nurse  
45 examiner to serve as program coordinator for the program in the  
46 county in accordance with the provisions of this section.

47        a. The county prosecutor may appoint an employee of the  
48 prosecutor's office who is a certified forensic sexual assault nurse

1 examiner to serve as program coordinator to administer the program  
2 in that county.

3 b. In a county where the county prosecutor does not appoint an  
4 employee of his office to serve as program coordinator, the county  
5 prosecutor shall designate a certified forensic sexual assault nurse  
6 examiner who is an employee of a licensed health care facility or a  
7 county rape care program that is designated by the **【Division】**  
8 Office on Women in the Department of **【Community Affairs】**  
9 Children and Families to serve as the program coordinator. A  
10 person designated as a program coordinator pursuant to this  
11 subsection shall not be deemed an employee of the county  
12 prosecutor's office.

13 (cf: P.L.2001, c.81, s.3)

14

15 133. Section 6 of P.L.2001, c.81 (C.52:4B-54) is amended to  
16 read as follows:

17 6. a. The county prosecutor's office in each county shall  
18 establish a Sexual Assault Response Team or shall enter into a  
19 collaborative agreement with another county to share the services of  
20 that county's response team. The response team shall be comprised  
21 of: a certified forensic sexual assault nurse examiner, a rape care  
22 advocate from the county program established, or designated by the  
23 **【Division】** Office on Women in the Department of **【Community**  
24 **Affairs】** Children and Families, as provided under section 3 of  
25 P.L.2001, c.81 (C.52:4B-51), and a law enforcement official. The  
26 response team shall:

27 (1) respond to a report of sexual assault at the request of a  
28 victim of sexual assault pursuant to guidelines established by the  
29 Attorney General pursuant to section 17 of **【this act】** P.L.2001,  
30 c.81 (C.52:4B-60); and

31 (2) provide treatment, counseling, legal, and forensic medical  
32 services to a victim of sexual assault in accordance with the  
33 standard protocols developed by the Attorney General pursuant to  
34 subsection d. of section 6 of P.L.1985, c.404 (C.52:4B-44).

35 b. Each member of the response team shall complete the  
36 standardized education and training program developed by the  
37 program coordinator pursuant to subsection e. of section 4 of **【this**  
38 **act】** P.L.2001, c.81 (C.52:4B-52).

39 (cf: P.L.2001, c.81, s.6)

40

41 134. Section 7 of P.L.2001, c.81 (C.52:4B-55) is amended to  
42 read as follows:

43 7. a. The Attorney General shall establish a Sexual Assault  
44 Nurse Examiner Program Coordinating Council comprised of: the  
45 Attorney General, the Director of the **【Division】** Office on Women,  
46 the Chief of the Office of Victim-Witness Advocacy, the Executive  
47 Director of the New Jersey Coalition Against Sexual Assault, and

1 the Executive Director of the New Jersey Board of Nursing, or their  
2 respective designees; a representative from the New Jersey County  
3 Prosecutor's Association; and the program coordinators appointed  
4 or designated pursuant to section 3 of **[this act]** P.L.2001, c.81  
5 (C.52:4B-51).

6 The Attorney General, through the sexual assault unit established  
7 pursuant to section 8 of P.L.2001, c.81 (C.52:4B-56), and in  
8 consultation with the coordinating council, shall oversee the  
9 Statewide Sexual Assault Nurse Examiner program and identify and  
10 obtain any State and federal funding available to supplement the  
11 funds appropriated to operate the program.

12 b. The coordinating council shall review the effectiveness of  
13 the services provided by the State to victims of sexual assault and  
14 make recommendations to the Attorney General for any needed  
15 changes in the standards, regulations or State policy concerning the  
16 provision of victim services.

17 (cf: P.L.2001, c.81, s.7)

18

19 135. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to  
20 read as follows:

21 2. As used in **[this act]** P.L.1961, c.49 (C.52:14-17.26 et seq.):

22 (a) The term "State" means the State of New Jersey.

23 (b) The term "commission" means the State Health Benefits  
24 Commission, created by section 3 of **[this act]** P.L.1961, c.49  
25 (C.52:14-17.27).

26 (c) (1) The term "employee" means an appointive or elective  
27 officer, a full-time employee of the State of New Jersey, or a full-  
28 time employee of an employer other than the State who appears on  
29 a regular payroll and receives a salary or wages for an average of  
30 the number of hours per week as prescribed by the governing body  
31 of the participating employer which number of hours worked shall  
32 be considered full-time, determined by resolution, and not less than  
33 20.

34 (2) After the effective date of P.L.2010, c.2, the term  
35 "employee" means (i) a full-time appointive or elective officer  
36 whose hours of work are fixed at 35 or more per week, a full-time  
37 employee of the State, or a full-time employee of an employer other  
38 than the State who appears on a regular payroll and receives a  
39 salary or wages for an average of the number of hours per week as  
40 prescribed by the governing body of the participating employer  
41 which number of hours worked shall be considered full-time,  
42 determined by resolution, and not less than 25, or (ii) an appointive  
43 or elective officer, an employee of the State, or an employee of an  
44 employer other than the State who has or is eligible for health  
45 benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et  
46 seq.) or sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1  
47 et seq.) on that effective date and continuously thereafter provided  
48 the officer or employee is covered by the definition in paragraph (1)

1 of this subsection. For the purposes of this act an employee of  
2 Rutgers, The State University of New Jersey, shall be deemed to be  
3 an employee of the State, and an employee of the New Jersey  
4 Institute of Technology shall be considered to be an employee of  
5 the State during such time as the Trustees of the Institute are party  
6 to a contractual agreement with the State Treasurer for the provision  
7 of educational services. The term "employee" shall further mean,  
8 for purposes of this act, a former employee of the South Jersey Port  
9 Corporation, who is employed by a subsidiary corporation or other  
10 corporation, which has been established by the Delaware River Port  
11 Authority pursuant to subdivision (m) of Article I of the compact  
12 creating the Delaware River Port Authority (R.S.32:3-2), as defined  
13 in section 3 of P.L.1997, c.150 (C.34:1B-146), and who is eligible  
14 for continued membership in the Public Employees' Retirement  
15 System pursuant to subsection j. of section 7 of P.L.1954, c.84  
16 (C.43:15A-7).

17 For the purposes of this act the term "employee" shall not  
18 include persons employed on a short-term, seasonal, intermittent or  
19 emergency basis, persons compensated on a fee basis, persons  
20 having less than two months of continuous service or persons whose  
21 compensation from the State is limited to reimbursement of  
22 necessary expenses actually incurred in the discharge of their  
23 official duties, provided, however, that the term "employee" shall  
24 include persons employed on an intermittent basis to whom the  
25 State has agreed to provide coverage under P.L.1961, c.49  
26 (C.52:14-17.25 et seq.) in accordance with a binding collective  
27 negotiations agreement. An employee paid on a 10-month basis,  
28 pursuant to an annual contract, will be deemed to have satisfied the  
29 two-month waiting period if the employee begins employment at  
30 the beginning of the contract year. The term "employee" shall also  
31 not include retired persons who are otherwise eligible for benefits  
32 under this act but who, although they meet the age or disability  
33 eligibility requirement of Medicare, are not covered by Medicare  
34 Hospital Insurance, also known as Medicare Part A, and Medicare  
35 Medical Insurance, also known as Medicare Part B. A determination  
36 by the commission that a person is an eligible employee within the  
37 meaning of this act shall be final and shall be binding on all parties.

38 (d) (1) The term "dependents" means an employee's spouse,  
39 partner in a civil union couple or an employee's domestic partner as  
40 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), and the  
41 employee's unmarried children under the age of 23 years who live  
42 with the employee in a regular parent-child relationship. "Children"  
43 shall include stepchildren, legally adopted children and children  
44 placed by the Division of **【Youth and Family Services】** Child  
45 Protection and Permanency in the Department of Children and  
46 Families, provided they are reported for coverage and are wholly  
47 dependent upon the employee for support and maintenance. A  
48 spouse, partner in a civil union couple, domestic partner or child



1 enlisting or inducted into military service shall not be considered a  
2 dependent during the military service. The term "dependents" shall  
3 not include spouses, partners in a civil union couple or domestic  
4 partners of retired persons who are otherwise eligible for the  
5 benefits under this act but who, although they meet the age or  
6 disability eligibility requirement of Medicare, are not covered by  
7 Medicare Hospital Insurance, also known as Medicare Part A, and  
8 Medicare Medical Insurance, also known as Medicare Part B.

9 (2) Notwithstanding the provisions of paragraph (1) of this  
10 subsection to the contrary and subject to the provisions of paragraph  
11 (3) of this subsection, for the purposes of an employer other than  
12 the State that is participating in the State Health Benefits Program  
13 pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term  
14 "dependents" means an employee's spouse or partner in a civil  
15 union couple and the employee's unmarried children under the age  
16 of 23 years who live with the employee in a regular parent-child  
17 relationship. "Children" shall include stepchildren, legally adopted  
18 children and children placed by the Division of [Youth and Family  
19 Services] Child Protection and Permanency in the Department of  
20 Children and Families provided they are reported for coverage and  
21 are wholly dependent upon the employee for support and  
22 maintenance. A spouse, partner in a civil union couple or child  
23 enlisting or inducted into military service shall not be considered a  
24 dependent during the military service. The term "dependents" shall  
25 not include spouses or partners in a civil union couple of retired  
26 persons who are otherwise eligible for benefits under P.L.1961, c.49  
27 (C.52:14-17.25 et seq.) but who, although they meet the age or  
28 disability eligibility requirement of Medicare, are not covered by  
29 Medicare Hospital Insurance, also known as Medicare Part A, and  
30 Medicare Medical Insurance, also known as Medicare Part B.

31 (3) An employer other than the State that is participating in the  
32 State Health Benefits Program pursuant to section 3 of P.L.1964,  
33 c.125 (C.52:14-17.34) may adopt a resolution providing that the  
34 term "dependents" as defined in paragraph (2) of this subsection  
35 shall include domestic partners as provided in paragraph (1) of this  
36 subsection.

37 (e) The term "carrier" means a voluntary association,  
38 corporation or other organization, including a health maintenance  
39 organization as defined in section 2 of the "Health Maintenance  
40 Organizations Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully  
41 engaged in providing or paying for or reimbursing the cost of,  
42 personal health services, including hospitalization, medical and  
43 surgical services, under insurance policies or contracts, membership  
44 or subscription contracts, or the like, in consideration of premiums  
45 or other periodic charges payable to the carrier.

46 (f) The term "hospital" means (1) an institution operated  
47 pursuant to law which is primarily engaged in providing on its own  
48 premises, for compensation from its patients, medical diagnostic

1 and major surgical facilities for the care and treatment of sick and  
2 injured persons on an inpatient basis, and which provides such  
3 facilities under the supervision of a staff of physicians and with 24  
4 hour a day nursing service by registered graduate nurses, or (2) an  
5 institution not meeting all of the requirements of (1) but which is  
6 accredited as a hospital by the Joint Commission on Accreditation  
7 of Hospitals. In no event shall the term "hospital" include a  
8 convalescent nursing home or any institution or part thereof which  
9 is used principally as a convalescent facility, residential center for  
10 the treatment and education of children with mental disorders, rest  
11 facility, nursing facility or facility for the aged or for the care of  
12 drug addicts or alcoholics.

13 (g) The term "State managed care plan" means a health care  
14 plan under which comprehensive health care services and supplies  
15 are provided to eligible employees, retirees, and dependents: (1)  
16 through a group of doctors and other providers employed by the  
17 plan; or (2) through an individual practice association, preferred  
18 provider organization, or point of service plan under which services  
19 and supplies are furnished to plan participants through a network of  
20 doctors and other providers under contracts or agreements with the  
21 plan on a prepayment or reimbursement basis and which may  
22 provide for payment or reimbursement for services and supplies  
23 obtained outside the network. The plan may be provided on an  
24 insured basis through contracts with carriers or on a self-insured  
25 basis, and may be operated and administered by the State or by  
26 carriers under contracts with the State.

27 (h) The term "Medicare" means the program established by the  
28 "Health Insurance for the Aged Act," Title XVIII of the "Social  
29 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,  
30 or its successor plan or plans.

31 (i) The term "traditional plan" means a health care plan which  
32 provides basic benefits, extended basic benefits and major medical  
33 expense benefits as set forth in section 5 of P.L.1961, c.49  
34 (C.52:14-17.29) by indemnifying eligible employees, retirees, and  
35 dependents for expenses for covered health care services and  
36 supplies through payments to providers or reimbursements to  
37 participants.

38 (j) The term "successor plan" means a State managed care plan  
39 that shall replace the traditional plan and that shall provide benefits  
40 as set forth in subsection (B) of section 5 of P.L.1961, c.49  
41 (C.52:14-17.29) with provisions regarding reimbursements and  
42 payments as set forth in paragraph (1) of subsection (C) of section 5  
43 of P.L.1961, c.49 (C.52:14-17.29).  
44 (cf: P.L.2010, c.2, s.9)

45  
46 136. Section 1 of P.L.2005, c.347 (C.52:17B-210) is amended to  
47 read as follows:

1        1. The Attorney General, in consultation with the New Jersey  
2 School Boards Association, the New Jersey Coalition Against  
3 Sexual Assault, the New Jersey Education Association, and the  
4 **【Division】 Office** on Women, shall prepare a pamphlet to educate  
5 children about pedophile crimes and how to reduce their chances of  
6 becoming victims of **【such】 pedophile** crimes. The pamphlet shall  
7 be distributed to all public and private elementary and secondary  
8 schools throughout the State. The schools shall reproduce the  
9 pamphlet for distribution to students. The pamphlets shall be  
10 designed by the Attorney General.

11 (cf: P.L.2005, c.347, s.1)

12

13        137. Section 2 of P.L.1985, c.66 (C.52:27D-29.15) is amended  
14 to read as follows:

15        2. The Commissioner of **【the Department of Community**  
16 **Affairs】 Children and Families**, in consultation with the **【Division】**  
17 **Office** on Women **【established pursuant to P.L.1974, c.87**  
18 **(C.52:27D-43.8 et seq.)】** and the Advisory Council on Child Care  
19 established pursuant to section 14 of P.L.1983, c.492 (C.30:5B-14),  
20 shall establish an Intergenerational Child Care Demonstration  
21 Matching Program in the Division on Aging established pursuant to  
22 section 28 of P.L. 1966, c.293 (C.52:27D-28) to enable senior  
23 residents of the State, 60 years of age or older, to be recruited and  
24 matched by a county office on aging so they may render nurturing  
25 child care services to pre-school and latchkey children of working  
26 parents after school hours.

27 (cf: P.L.1985, c.66, s.2)

28

29        138. Section 3 of P.L.1985, c.66 (C.52:27D-29.16) is amended  
30 to read as follows:

31        3. a. The Division on Aging, the **【Division】 Office** on  
32 Women, and the Advisory Council on Child Care shall recommend  
33 standards to ensure that the Intergenerational Child Care  
34 Demonstration Matching Program is of high quality and benefits  
35 both children and older people. Subject to the "Administrative  
36 Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.), the  
37 Commissioner of **【the Department of Community Affairs】 Children**  
38 **and Families** shall adopt all regulations necessary to effectuate the  
39 purposes of **【this act】 P.L.1985, c.66 (C.52:27D-29.14 et seq.)**.

40        b. Any county office on aging that is interested in participating  
41 in the program may submit a proposal to the commissioner. The  
42 commissioner shall review the proposals and approve the proposals  
43 that best meet the purposes of the demonstration program.

44 (cf: P.L.1985, c.66, s.3)

45

46        139. Section 1 of P.L.1974, c.87 (C.52:27D-43.8) is amended to  
47 read as follows:

1       1. This act shall be known as, and may be cited as, the  
2 **["Division"]** "Office on Women Act [of 1974]."

3 (cf: P.L.1974, c.87, s.1)  
4

5       140. Section 2 of P.L.1974, c.87 (C.52:27D-43.9) is amended to  
6 read as follows:

7       2. There is hereby established in the Department of  
8 **["Community Affairs a Division"]** Children and Families, Division of  
9 Family and Community Partnerships, an Office on Women. The  
10 **["division"]** office shall consist of a director and the New Jersey  
11 Advisory Commission on the Status of Women.

12 (cf: P.L.1974, c.87, s.2)  
13

14       141. (New section) a. The Division on Women in the  
15 Department of Community Affairs, together with its functions,  
16 powers, and duties, is transferred to the Department of Children and  
17 Families and shall be reconstituted as the Office on Women in the  
18 department. The transfer pursuant to this section shall be made in  
19 accordance with the provisions of the "State Agency Transfer Act,"  
20 P.L.1971, c.375 (C.52:14D-1 et seq.).

21       b. All appropriations and other monies available, and to  
22 become available, to the Division on Women in the Department of  
23 Community Affairs, transferred to the Department of Children and  
24 Families and reconstituted as the Office on Women in the  
25 department pursuant to P.L. , c. (C. ) (pending before the  
26 Legislature as this bill), are continued in the Office on Women in  
27 the Department of Children and Families established hereunder and  
28 shall be available for the objects and purposes for which these  
29 monies are appropriated, subject to the provisions of P.L. ,  
30 c. (C. ) (pending before the Legislature as this bill) and any  
31 other terms, restrictions, limitations, or other requirements imposed  
32 by law.

33       c. Whenever, in any law, rule, regulation, order, contract,  
34 document, judicial, or administrative proceeding or otherwise,  
35 reference is made to the Division on Women in the Department of  
36 Community Affairs, the same shall mean and refer to the Office on  
37 Women in the Department of Children and Families.  
38

39       142. Section 3 of P.L.1974, c.87 (C.52:27D-43.10) is amended to  
40 read as follows:

41       3. The Director of the **["Division"]** Office on Women shall be a  
42 person qualified by training and experience to perform the duties of  
43 **["his or her"]** the office. The director shall be appointed by the  
44 Governor, by and with the advice and consent of the Senate, and  
45 shall serve at the pleasure of the Governor during the Governor's  
46 term of office and until the appointment and qualification of a  
47 successor. The director shall administer the work of **["such**

1 division] the office under the direction and supervision of the  
2 commissioner, and shall perform such other functions of the  
3 department as the commissioner may prescribe. The director shall  
4 receive such salary as shall be provided by law.

5 (cf: P.L.1974, c.87, s.3)

6  
7 143. Section 5 of P.L.1974, c.87 (C.52:27D-43.12) is amended  
8 to read as follows:

9 5. The **[Division]** Office on Women shall be under the  
10 supervision of the director. The director shall:

11 a. Appoint and remove such professionals, technical, and  
12 clerical assistants, and employees, subject to the provisions of Title  
13 11, Civil Service of the Revised Statutes, and other applicable  
14 statutes, as may be necessary to enable the **[division]** office to  
15 perform the duties imposed upon it by **[this act]** P.L.1974, c.87  
16 (C.52:27D-43.8 et seq.) and shall fix their compensation within the  
17 limits of available appropriations and as shall be provided by law;

18 b. Select and retain the services of consultants whose advice is  
19 considered necessary to assist the **[division]** office in obtaining  
20 information or developing plans and programs required for the  
21 performance of the duties and responsibilities of the **[division]**  
22 office as provided by **[this act]** P.L.1974, c.87;

23 c. Attend all meetings of the New Jersey Advisory  
24 Commission on the Status of Women and its committees but shall  
25 have no vote. The director may delegate to subordinate officers or  
26 employees the responsibility to attend the meetings of the  
27 commission.

28 (cf: P.L.1974, c.87, s.5)

29  
30 144. Section 6 of P.L.1974, c.87 (C.52:27D-43.13) is amended  
31 to read as follows:

32 6. The **[division]** office, under the supervision and leadership  
33 of the director, shall:

34 a. Serve as the central permanent agency for the coordination  
35 of programs and services for the women of New Jersey and for the  
36 evaluation of the effectiveness of their implementation and as a  
37 planning agency for the development of new programs and services;

38 b. Establish a liaison with all other governmental departments  
39 and agencies involved with the enforcement of laws, ordinances,  
40 and regulations and with the development of programs affecting the  
41 status of women;

42 c. Request State departments and other public and private  
43 agencies on a State, county, and local level to initiate joint efforts to  
44 promote the expansion of rights and opportunities available to the  
45 women of this State;

46 d. Cooperate with all Federal and interstate programs and  
47 services provided for women;

- 1 e. Engage in a continuous study of the changing needs and  
2 concerns of women in New Jersey and develop and recommend new  
3 programs to the Governor and the Legislature;
- 4 f. Consult with, advise, and otherwise provide professional  
5 assistance to organized efforts by communities, organizations,  
6 associations, and groups which are working toward the goal of  
7 improving the status of women;
- 8 g. Serve as a clearing house to publish and disseminate  
9 information and to provide assistance and direction to women with  
10 specific problems and needs;
- 11 h. Act as a search committee for the Governor and other  
12 executive officers in the State Government for the purpose of  
13 discovering and recommending women who are talented and  
14 qualified to serve in the Executive Branch of the State  
15 Government;
- 16 i. Report annually to the Commissioner of [the Department of  
17 Community Affairs] Children and Families and the Governor on its  
18 activities and recommendations;
- 19 j. Do all other things necessary to carry out the powers and  
20 duties granted under [this act] P.L.1974, c.87 (C.52:27D-43.8 et  
21 seq.).  
22 (cf: P.L1974, c.87, s.6)

23  
24 145. Section 8 of P.L.1974, c.87 (C.52:27D-43.15) is amended  
25 read as follows:

- 26 8. The commission, acting jointly and as a body, shall advise  
27 the Director of the [Division] Office on Women on matters referred  
28 to it by the director and may originate and make recommendations  
29 to the director concerning policies and their implementation. The  
30 commission, or any member thereof, may not act in the name of or  
31 as an agent of the [Division] Office on Women or give instructions  
32 to the director or a member of the staff of the [division ] office.  
33 (cf: P.L.1974, c.87, s.8)

34  
35 146. Section 1 of P.L.2003, c.225 (C.52:27D-43.17a) is  
36 amended to read as follows:

- 37 1. As used in this act:  
38 "Board" means the Domestic Violence Fatality and Near Fatality  
39 Review Board established pursuant to [this act] P.L.2003, c.225  
40 (C.52:27D-43.17a et seq.).  
41 "Domestic violence-related fatality" or "fatality" means a death  
42 which arises as a result of one or more acts of domestic violence as  
43 defined in section 3 of P.L.1991, c.261 (C.2C:25-19).  
44 "Near fatality" means a case in which a victim of domestic  
45 violence is in serious or critical condition, as certified by a  
46 physician.

1 "Panel" means the Panel to Study Domestic Violence in the Law  
2 Enforcement Community established pursuant to section 9 of [this  
3 act] P.L.2003, c.225 (C.52:27D-43.17i).

4 (cf: P.L.2003, c.225, s.1)

5  
6 147. Section 2 of P.L.2003, c.225 (C.52:27D-43.17b) is  
7 amended to read as follows:

8 2. There is established the Domestic Violence Fatality and  
9 Near Fatality Review Board. For the purposes of complying with  
10 the provisions of Article V, Section IV, paragraph 1 of the New  
11 Jersey Constitution, the board is established within the Department  
12 of [Community Affairs] Children and Families, but  
13 notwithstanding the establishment, the board shall be independent  
14 of any supervision or control by the department or any board or  
15 officer thereof.

16 The purpose of the board is to review the facts and circumstances  
17 surrounding domestic violence-related fatalities and near fatalities  
18 in New Jersey in order to identify their causes and their relationship  
19 to government and nongovernment service delivery systems, and to  
20 develop methods of prevention. The board shall: review trends and  
21 patterns of fatalities and near fatalities; evaluate the responses of  
22 government and nongovernment service delivery systems to  
23 fatalities and near fatalities and offer recommendations for  
24 improvement of these responses; identify and characterize high-risk  
25 groups in order to develop public policy; collect statistical data, in a  
26 consistent and uniform manner, on the occurrence of fatalities and  
27 near fatalities; and improve collaboration between State and local  
28 agencies and organizations for the purpose of developing initiatives  
29 to prevent domestic violence.

30 (cf: P.L.2003, c.225, s.2)

31  
32 148. Section 3 of P.L.2003, c.225 (C.52:27D-43.17c) is  
33 amended to read as follows:

34 3. a. The board shall consist of [23] 20 members as follows:

35 (1) the Commissioners of Community Affairs, Human Services,  
36 Children and Families, and Health and Senior Services, [the  
37 Director of the Division on Women in the Department of  
38 Community Affairs], the Attorney General, the Public Defender,  
39 the Superintendent of the State Police, the Director of the Division  
40 of [Youth and Family Services] Child Protection and Permanency  
41 in the Department of Children and Families, [the Supervisor of the  
42 Office on the Prevention of Violence Against Women in the  
43 Department of Community Affairs established pursuant to  
44 Executive Order No. 61 (1992)], the State Medical Examiner, [the  
45 Program Director of the Domestic Violence Fatality Review Board  
46 established pursuant to Executive Order No. 110 (2000)] and the

1 chairperson of the Child Fatality and Near Fatality Review Board,  
2 or their designees, who shall serve ex officio;

3 (2) eight public members appointed by the Governor who shall  
4 include a representative of the County Prosecutors Association of  
5 New Jersey with expertise in prosecuting domestic violence cases, a  
6 representative of the New Jersey Coalition for Battered Women, a  
7 representative of a program for battered women that provides  
8 intervention services to perpetrators of acts of domestic violence, a  
9 representative of the law enforcement community with expertise in  
10 the area of domestic violence, a psychologist with expertise in the  
11 area of domestic violence or other related fields, a licensed social  
12 worker with expertise in the area of domestic violence, a licensed  
13 health care professional knowledgeable in the screening and  
14 identification of domestic violence cases and a county probation  
15 officer; and

16 (3) two retired judges appointed by the Administrative Director  
17 of the Administrative Office of the Courts, one with expertise in  
18 family law and one with expertise in municipal law as it relates to  
19 domestic violence.

20 b. The public members of the board shall serve for three-year  
21 terms, except that of the public members first appointed, four shall  
22 serve for a period of one year, three shall serve for a period of two  
23 years and two shall serve for a period of three years. The members  
24 shall serve without compensation, but shall be eligible for  
25 reimbursement for necessary and reasonable expenses incurred in  
26 the performance of their official duties and within the limits of  
27 funds appropriated for this purpose. Vacancies in the membership  
28 of the board shall be filled in the same manner as the original  
29 appointments were made.

30 c. The board shall select a chairperson from among its  
31 members who shall be responsible for the coordination of all  
32 activities of the board.

33 d. The board is entitled to call to its assistance and avail itself  
34 of the services of employees of any State, county, or municipal  
35 department, board, bureau, commission, or agency as it may require  
36 and as may be available for the purposes of reviewing a case  
37 pursuant to the provisions of **[this act] P.L. 2003, c.225 (C.52:27D-**  
38 **43.17a. et seq.)**.

39 e. The board may seek the advice of experts, such as persons  
40 specializing in the fields of psychiatric and forensic medicine,  
41 nursing, psychology, social work, education, law enforcement,  
42 family law, academia, military affairs, or other related fields, if the  
43 facts of a case warrant additional expertise.

44 (cf: P.L.2011, c.129, s.1)

45

46 149. Section 2 of P.L.1979, c.125 (C.52:27D-43.19) is amended  
47 to read as follows:



1       2. As used in **[this act]** P.L.1979, c.125 (C.52:27D-43.18 et  
2 seq), a "displaced homemaker" is an individual who has not worked  
3 in the labor force for a substantial number of years but has, during  
4 those years, worked in the home providing unpaid services for  
5 family members and has been dependent upon the income of  
6 another family member but is no longer supported by that income  
7 and:

8       a. Is receiving public assistance because of dependent children  
9 in the home but is within **[1]** one year of no longer being eligible  
10 for **[such]** assistance; or

11       b. Is unemployed or underemployed and is experiencing  
12 difficulty in obtaining or upgrading employment; or

13       c. Is at least 40 years of age, an age at which discrimination  
14 based on age is likely, and at which entry or reentry to or  
15 advancement in the labor market is difficult.

16       "Commissioner" means the Commissioner of **[the Department of**  
17 **Community Affairs]** Children and Families.

18       **["Division"]** Office shall mean the **[Division]** Office on  
19 Women within the Department of **[Community Affairs]** Children  
20 and Families.

21 (cf: P.L.1979, c.125, s.2)

22

23       150. Section 3 of P.L.1979, c.125 (C.52:27D-43.20) is amended  
24 to read as follows:

25       3. The **[Division]** Office on Women in the Department of  
26 **[Community Affairs]** Children and Families shall identify existing  
27 displaced homemaker programs and provide technical assistance  
28 and encouragement for the expansion of other multi-purpose  
29 programs which provide:

30       a. Job counseling services which are specifically designed for  
31 displaced homemakers, and which aid them in acquiring knowledge  
32 of their talents and skills in relation to existing jobs, and which  
33 counsel displaced homemakers with respect to appropriate job  
34 opportunities.

35       b. Job training and job placement services which develop, by  
36 working with State and local government agencies and private  
37 employers, training and placement programs for jobs in the public  
38 and private sectors, which assist participants in gaining admission  
39 to existing public and private job training programs and  
40 opportunities, and which identify community needs and encourage  
41 the creation of new jobs in the public and private sectors.

42       c. Health education and counseling services which cooperate  
43 with existing health programs to provide counseling on preventive  
44 health care, health care consumer education, family health care and  
45 nutrition, alcohol and drug addiction, and overcoming health  
46 barriers to employment.

1 d. Financial management services which provide information  
2 and assistance with respect to credit, insurance, taxes, estate and  
3 probate problems, mortgages, loans, and other related financial  
4 matters.

5 e. Educational services, including outreach and information  
6 about courses offering credit through secondary or post-secondary  
7 education programs, and including bilingual programs where  
8 appropriate, as well as information about other programs which are  
9 determined to be of interest and benefit to displaced homemakers in  
10 developing employable skills.

11 f. Legal counseling and referral services.

12 g. Outreach and information services with respect to Federal  
13 and State employment, education, health, public assistance, and  
14 unemployment assistance programs.

15 (cf: P.L.1979, c.125, s.3)

16

17 151. Section 5 of P.L.1979, c.125 (C.52:27D-43.22) is amended  
18 to read as follows:

19 5. The **【Division】** Office on Women within the Department of  
20 **【Community Affairs】** Children and Families shall make a  
21 continuous study of the needs of displaced homemakers, and  
22 effective programs and services and funding available to meet those  
23 needs. The **【division】** office shall also coordinate community  
24 organizations, women's groups, and public agencies to maximize  
25 the utilization of existing programs and resources. **【Such】** The  
26 coordination shall include, but not be limited to, the Division on  
27 Aging in the Department of Community Affairs, the Office on  
28 Women of the Division of Vocational Education in the Department  
29 of Education, the Division of Vocational Rehabilitation Services in  
30 the Department of Labor and Industry, and the Division of Welfare  
31 in the Department of Human Services. The goal of this coordination  
32 shall be to put eligible people in touch with existing programs and  
33 to foster cooperation and the exchange of information among all  
34 departments and agencies of State Government which sponsor  
35 programs for which displaced homemakers would be eligible.

36 (cf: P.L.1979, c.125, s.5)

37

38 152. Section 6 of P.L.1979, c.125 (C.52:27D-43.23) is amended  
39 to read as follows:

40 6. The **【division】** office shall compile and maintain a  
41 description and assessment of each program operating pursuant to  
42 **【this act】** P.L.1979, c.125 (C.52:27D-43.18 et seq.), including the  
43 number of displaced homemakers served, the number who obtained  
44 employment, the number who enrolled in educational courses, the  
45 number of those enrolled who completed such educational courses,  
46 the cost per displaced homemaker for each program, and the total  
47 number of staff and staff ratio to persons served under the program.

1 **【Such】** The report shall be available within **【1】** one year of the  
2 effective date of **【the act】** P.L.1979, c.125.

3 (cf: P.L.1979, c.125, s.6)

4

5 153. Section 3 of P.L.1993, c.188 (C.52:27D-43.24b) is  
6 amended to read as follows:

7 3. The Department of **【Community Affairs】** Children and  
8 Families shall establish a trust fund for the deposit of the fees  
9 collected pursuant to section 2 of **【this amendatory and**  
10 **supplementary act】** P.L.1993, c.188 (C.52:27D-43.24a). The  
11 moneys from the trust fund shall be used for the specific purpose of  
12 providing grants-in-aid to programs for displaced homemakers as  
13 identified by the **【Division】** Office on Women in the Department of  
14 **【Community Affairs】** Children and Families pursuant to section 3  
15 of P.L.1979, c.125 (C.52:27D-43.20).

16 (cf: P.L.1993, c.188, s.3)

17

18 154. Section 2 of P.L.2005, c.204 (C.52:27D-43.36) is amended  
19 to read as follows:

20 2. a. The Director of the **【Division】** Office on Women in the  
21 Department of **【Community Affairs】** Children and Families, in  
22 consultation with the Advisory Council on Domestic Violence and  
23 the Commissioners of Human Services and Health and Senior  
24 Services, shall establish a domestic violence public awareness  
25 campaign in order to promote public awareness of domestic  
26 violence among the general public and health care and social  
27 services professionals and provide information to assist victims of  
28 domestic violence and their children.

29 b. The public awareness campaign shall include the  
30 development and implementation of public awareness and outreach  
31 efforts to promote domestic violence prevention and education,  
32 including, but not limited to, the following subjects:

33 (1) the causes and nature of domestic violence;

34 (2) risk factors;

35 (3) preventive measures; and

36 (4) the availability of, and how to access, services in the  
37 community for victims of domestic violence, including, but not  
38 limited to, shelter services, legal advocacy services, and legal  
39 assistance services.

40 c. The director shall coordinate the efforts of the **【division】**  
41 office with any activities being undertaken by other State agencies  
42 to promote public awareness of, and provide information to the  
43 public about, domestic violence.

44 d. The director, within the limits of funds available for this  
45 purpose, shall seek to utilize electronic and print media, and may  
46 prepare and disseminate such written information as the director

1 deems necessary, to accomplish the purposes of **[this act]**  
2 P.L.2005, c.204 (C.52:27D-43.35 et seq.).

3 e. The **[division] office** shall make available electronically on  
4 its Internet website in English and Spanish information about  
5 domestic violence as described in subsection b. of this section.

6 f. The director may accept, for the purposes of the public  
7 awareness campaign, any special grant of funds, services, or  
8 property from the federal government or any of its agencies, or  
9 from any foundation, organization, or other entity.

10 g. The director shall report to the Governor and the Legislature,  
11 no later than 18 months after the effective date of **[this act]**  
12 P.L.2005, c.204 (C.52:27D-43.35 et seq.), on the activities and  
13 accomplishments of the public awareness campaign.

14 (cf: P.L.2005, c.204, s.2)

15

16 155. Section 2 of P.L.1999, c.239 (C.52:27D-444) is amended to  
17 read as follows:

18 2. The Legislature finds and declares that:

19 a. Micro-business loans are usually granted to those businesses  
20 that are mostly sole proprietorships with five or fewer employees,  
21 that require an initial capital outlay of less than \$35,000 to start a  
22 new business or expand an existing business, utilize loans in  
23 amounts of less than \$15,000 with most loans being paid back on  
24 time, and experience a default rate that is often no higher than on  
25 commercial loans;

26 b. Experience in numerous other states and in certain urban  
27 areas in New Jersey has shown that "micro lending," or carefully  
28 underwriting small loans to individual entrepreneurs with well-  
29 developed, realistic business plans, has been successful in helping  
30 individuals, without regard to geographical location, to start micro-  
31 businesses;

32 c. Nonprofit community-based development corporations have  
33 the experience of providing the training and technical assistance  
34 that is necessary for prospective entrepreneurs to establish a viable  
35 business;

36 d. While the New Jersey Economic Development Authority  
37 currently manages several programs to promote the development of  
38 micro and small businesses in the State and the New Jersey  
39 Development Authority for Small Businesses, Minorities' and  
40 Women's Enterprises has a peer group micro-lending program in  
41 place which targets urban areas of the State, there is a need to  
42 establish a separate micro-business credit program to provide new  
43 and innovative ways to assist more unemployed women and  
44 underemployed women in all areas of the State to enter or reenter  
45 the marketplace and to recognize that nonprofit community-based  
46 development corporations and certain Statewide women's business  
47 organizations have the experience of providing the training and

1 technical assistance that is necessary for prospective entrepreneurs  
2 to establish a viable business; and

3 e. It is appropriate to establish a micro-business credit program  
4 that would target only those potential female entrepreneurs who  
5 have little or no prior business experience, are self-motivated and  
6 are willing to undertake an extensive training program and receive  
7 other kinds of technical assistance in order to gain the necessary  
8 experience to start a successful business through grants given to  
9 certified nonprofit community development corporations and  
10 certain Statewide women's business organizations, and the  
11 Department of Community Affairs which has experience in  
12 evaluating and monitoring community development corporations  
13 [and which already manages a number of programs through its  
14 Division on Women to assist women to improve their lives] is the  
15 appropriate State agency to accomplish these goals.

16 (cf: P.L.2004, c.176, s.2)

17

18 156. (New section) a. Notwithstanding any law, rule, or  
19 regulation to the contrary, commencing on or after the effective date  
20 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
21 and subject to the provisions of subsection b. of this section, the  
22 Division of Children's System of Care in the Department of  
23 Children and Families shall determine eligibility and provide  
24 support and services, to the extent possible, for persons with  
25 developmental disabilities, as defined in section 3 of P.L.1977, c.82  
26 (C.30:6D-3), under 21 years of age. The Division of Children's  
27 System of Care shall be responsible for licensing, inspection, and  
28 standard-setting with regard to facilities providing services for  
29 persons with developmental disabilities under 21 years of age.

30 The Division of Developmental Disabilities in the Department of  
31 Human Services shall cease providing services for those persons  
32 with developmental disabilities under 21 years of age as of the date  
33 that the Division of Children's System of Care in Department of  
34 Children and Families commences determining eligibility and  
35 providing services for these persons, except that the Division of  
36 Developmental Disabilities may establish procedures including, but  
37 not limited to, a redetermination of eligibility for services, if  
38 appropriate, by the Commissioner of Human Services, for the  
39 transition of persons with developmental disabilities to adult  
40 services provided by the Division of Developmental Disabilities in  
41 the Department of Human Services.

42 b. The Director of the Division of Developmental Disabilities  
43 in the Department of Human Services and the Director of the  
44 Division of Children's System of Care in the Department of  
45 Children and Families shall establish and enter into an inter-agency  
46 agreement as necessary for the purposes of subsection a. of this  
47 section.

1 c. The Commissioners of Human Services and Children and  
2 Families, in consultation with each other and pursuant to the  
3 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
4 seq.), shall adopt, notwithstanding any provision of P.L. 1968, c.  
5 410 (C.52:14B-1 et seq.) to the contrary, immediately upon filing  
6 with the Office of Administrative Law, such rules and regulations  
7 as the Commissioners deem necessary to effectuate the purposes of  
8 section 156 of P.L. , c. (C. ) (pending before the Legislature  
9 as this bill), which shall be effective for a period not to exceed 12  
10 months following the effective date of P.L. , c. (C. )  
11 (pending before the Legislature as this bill). The regulations shall  
12 thereafter be amended, adopted, or readopted by the commissioners  
13 in accordance with the provision of P.L.1968, c. 410 (C.52:14B-1 et  
14 seq.).

15 d. Whenever any law, rule, regulation, order, contract, or  
16 document pertaining to persons with developmental disabilities, as  
17 defined in section 3 of P.L.1977, c.82 (C.30:6D-3), under 21 years  
18 of age refers to the Division of Developmental Disabilities in the  
19 Department of Human Services, the same shall mean and refer to  
20 the Division of Children's System of Care in the Department of  
21 Children and Families.

22  
23 157. (New section) a. Notwithstanding any law, rule, or  
24 regulation to the contrary, commencing on or after the effective date  
25 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
26 and subject to the provisions of subsection b. of this section, the  
27 Division of Children's System of Care in the Department of  
28 Children and Families, in lieu of the Division of Mental Health and  
29 Addiction Services in the Department of Human Services, shall  
30 provide, manage, and coordinate services for the treatment of  
31 substance abuse and related afflictions for persons under 21 years of  
32 age.

33 b. The Director of the Division of Mental Health and Addiction  
34 Services in the Department of Human Services and the Director of  
35 the Division of Children's System of Care in the Department of  
36 Children and Families shall establish and enter into an inter-agency  
37 agreement as necessary for the purposes of subsection a. of this  
38 section.

39 c. The Commissioners of Human Services and Children and  
40 Families, in consultation with each other and pursuant to the  
41 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
42 seq.), shall adopt, notwithstanding any provision of P.L.1968, c.  
43 410 (C.52:14B-1 et seq.) to the contrary, immediately upon filing  
44 with the Office of Administrative Law, such rules and regulations  
45 as the Commissioners deem necessary to effectuate the purposes of  
46 section 157 of P.L. , c. (C. ) (pending before the Legislature  
47 as this bill), which shall be effective for a period not to exceed 12  
48 months following the effective date of P.L. , c. (C. )

1 (pending before the Legislature as this bill). The regulations shall  
2 thereafter be amended, adopted, or readopted by the commissioners  
3 in accordance with the provision of P.L.1968, c. 410 (C.52:14B-1 et  
4 seq.).

5

6 158. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 The bill makes various changes to and reorganizes the  
12 Department of Children and Families (DCF). Specifically, the bill  
13 renames: 1) the Division of Youth and Family Services as the  
14 Division of Child Protection and Permanency; 2) the Division of  
15 Prevention and Community Partnerships as the Division of Family  
16 and Community Partnerships; and 3) the Division of Child  
17 Behavioral Health Services as the Division of Children's System of  
18 Care. The bill transfers the Division on Women from the  
19 Department of Community Affairs to DCF and reconstitutes the  
20 division as the Office on Women in DCF.

21 The bill also establishes that the Division of Children's System  
22 of Care in the DCF, in lieu of the Division of Developmental  
23 Disabilities (DDD) in the Department of Human Services (DHS), is  
24 to determine eligibility and provide support and services, to the  
25 extent possible, for persons with developmental disabilities, as  
26 defined in section 3 of P.L.1977, c.82 (C.30:6D-3), under 21 years  
27 of age. The Division of Children's System of Care is also to be  
28 responsible for licensing, inspection, and standard-setting with  
29 regard to facilities providing services for persons with  
30 developmental disabilities under 21 years of age.

31 The bill provides that DDD is to cease providing services for  
32 those persons with developmental disabilities under 21 years of age  
33 as of the date that the Division of Children's System of Care in  
34 commences determining eligibility and providing services for these  
35 persons, except that DDD may establish procedures including, but  
36 not limited to, a redetermination of eligibility for services, if  
37 appropriate, by the Commissioner of Human Services, for the  
38 transition of persons with developmental disabilities to adult  
39 services provided by DDD.

40 The bill also establishes that the Division of Children's System  
41 of Care, in lieu of the Division of Mental Health and Addiction  
42 Services in DHS, is to provide, manage, and coordinate services for  
43 the treatment of substance abuse and related afflictions for persons  
44 under 21 years of age. The bill provides that the Directors of the  
45 Division of Developmental Disabilities and the Director of the  
46 Division of Mental Health and Addiction Services in DHS and  
47 the Director of the Division of Children's System of Care in DCF

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1 establish and enter into inter-agency agreements as necessary for  
2 the purposes of this bill.

3 Finally, the bill makes changes to various boards and  
4 commissions to reflect the organizational changes to DCF.



# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3101**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 21, 2012

The Assembly Budget Committee reports favorably Assembly Bill No. 3101, with committee amendments.

As amended, the bill makes various changes to and reorganizes the Department of Children and Families (DCF). Specifically, the bill renames: 1) the Division of Youth and Family Services as the Division of Child Protection and Permanency; 2) the Division of Prevention and Community Partnerships as the Division of Family and Community Partnerships; and 3) the Division of Child Behavioral Health Services as the Division of Children's System of Care. The bill transfers the Division on Women from the Department of Community Affairs to DCF and provides that the programs, services, and funding maintained and associated with the division during Fiscal Year 2012 are not to be altered or diminished by the transfer of the division.

The bill establishes that the Division of Children's System of Care in DCF, in lieu of the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS), is to determine eligibility and provide support and services, deemed clinically and functionally appropriate by DCF, as limited by service availability and appropriations and other monies available, and to become available, for persons with developmental disabilities, as defined in section 3 of P.L.1977, c.82 (C.30:6D-3), under 21 years of age. The Division of Children's System of Care is also to be responsible for licensing, inspection, and standard-setting with regard to facilities providing services for persons with developmental disabilities under 21 years of age.

The bill provides that DDD is to cease providing services for those persons with developmental disabilities under 21 years of age as of the date that the Division of Children's System of Care commences determining eligibility and providing services for these persons, with the exception of the services provided to adults over the age of 18 by the Moderate Security Unit and that DDD may continue to provide services to individuals under 21 years of age determined eligible for such services prior to the effective date of this bill. DDD may also establish rules and procedures for the transition of persons receiving

services from DCF to adult services provided by DDD including, but not limited to, a redetermination of eligibility for services.

The bill establishes that the Division of Children's System of Care, in lieu of the Division of Mental Health and Addiction Services in the DHS, is to provide, manage, and coordinate services for the treatment of alcoholism and substance abuse for persons under 21 years of age, deemed clinically and functionally appropriate by DCF, as limited by service availability and appropriations and other monies available, and to become available. The Division of Mental Health and Addiction Services may continue to exclusively provide, manage, and coordinate programs and services designed primarily for adults 18 years of age or older, including, but not limited to, services provided pursuant to R.S.39:4-50 and the Drug Courts of this State.

The bill directs the Commissioner of DHS and the Commissioner of DCF, or the commissioners' designees, to establish and enter into inter-agency agreements as necessary for the purposes of this bill.

The bill makes changes to various boards and commissions to reflect the organizational changes to DCF.

#### FISCAL IMPACT:

The departments have indicated that the reorganization plan is budget-neutral, but this cannot be independently verified. The Office of Legislative Services notes that some indeterminate costs may be generated in the physical relocation of staff from the offices of the Department of Human Services and the Department of Community Affairs to the offices of the Department of Children and Families. Additional indeterminate costs may be incurred in notifying people currently served by programs being transferred between departments who may be affected by the reorganization.

#### COMMITTEE AMENDMENTS

The committee amendments provide that the Division on Women shall remain a division when transferred to DCF and delete provisions reconstituting the division as an office. The amendments provide that the programs, services, and funding maintained and associated with the division during Fiscal Year 2012 are not be altered or diminished by the transfer of the division.

The committee amended the bill to clarify the responsibilities of, and services to be provided by, DDD and the Division of Mental Health and Addiction Services in DHS and the Division of Children's System of Care in DCF, as those responsibilities and services relate to persons with developmental disabilities and persons being treated for alcoholism and substance abuse under 21 years of age.

The amendments provide that the Moderate Security Unit may continue to provide services to adults over the age of 18 by and that DDD may continue to provide services to individuals under 21 years of age determined eligible for such services prior to the effective date

of this bill. DDD may also establish rules and procedures for the transition of persons receiving services from DCF to adult services provided by DDD including, but not limited to, a redetermination of eligibility for services. The Division of Mental Health and Addiction Services may continue to exclusively provide, manage, and coordinate programs and services designed primarily for adults 18 years of age or older, including, but not limited to, services provided pursuant to R.S.39:4-50 and the Drug Courts of this State.

The committee amendments provide that the Commissioner of DHS and the Commissioner of DCF, or the commissioners' designees, rather than the directors of the divisions establish and enter into inter-agency agreements as necessary for the purposes of this bill.

The committee also amended to the bill to make various technical changes to properly reference DCF and to remove pejorative language.

**SENATE, No. 2070**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED JUNE 14, 2012

**Sponsored by:**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Morris, Somerset and Union)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**SYNOPSIS**

Reorganizes Department of Children and Families.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/15/2012)**

1 AN ACT reorganizing the Department of Children and Families,  
2 transferring the Division on Women from the Department of  
3 Community Affairs to the Department of Children and Families  
4 and reconstituting the division as the Office on Women,  
5 transferring certain services for youth from the Department of  
6 Human Services to the Department of Children and Families,  
7 amending various parts of the statutory law, and supplementing  
8 P.L.1974, c.87 (C.52:27D-43.8) and Title 30 of the Revised  
9 Statutes.

10

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

13

14 1. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to  
15 read as follows:

16 24. Disposition of delinquency cases. a. In determining the  
17 appropriate disposition for a juvenile adjudicated delinquent the  
18 court shall weigh the following factors:

19 (1) The nature and circumstances of the offense;

20 (2) The degree of injury to persons or damage to property  
21 caused by the juvenile's offense;

22 (3) The juvenile's age, previous record, prior social service  
23 received, and out-of-home placement history;

24 (4) Whether the disposition supports family strength,  
25 responsibility and unity and the well-being and physical safety of  
26 the juvenile;

27 (5) Whether the disposition provides for reasonable  
28 participation by the child's parent, guardian, or custodian, provided,  
29 however, that the failure of a parent or parents to cooperate in the  
30 disposition shall not be weighed against the juvenile in arriving at  
31 an appropriate disposition;

32 (6) Whether the disposition recognizes and treats the unique  
33 physical, psychological, and social characteristics and needs of the  
34 child;

35 (7) Whether the disposition contributes to the developmental  
36 needs of the child, including the academic and social needs of the  
37 child where the child has mental retardation or learning disabilities;

38 (8) Any other circumstances related to the offense and the  
39 juvenile's social history as deemed appropriate by the court;

40 (9) The impact of the offense on the victim or victims;

41 (10) The impact of the offense on the community; and

42 (11) The threat to the safety of the public or any individual posed  
43 by the child.

44 b. If a juvenile is adjudged delinquent, and except to the extent  
45 that an additional specific disposition is required pursuant to

**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 subsection e. or f. of this section, the court may order incarceration  
2 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one  
3 or more of the following dispositions:

4 (1) Adjourn formal entry of disposition of the case for a period  
5 not to exceed 12 months for the purpose of determining whether the  
6 juvenile makes a satisfactory adjustment, and if during the period of  
7 continuance the juvenile makes such an adjustment, dismiss the  
8 complaint; provided that if the court adjourns formal entry of  
9 disposition of delinquency for a violation of an offense defined in  
10 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court  
11 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but  
12 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for  
13 juveniles adjudicated delinquent;

14 (2) Release the juvenile to the supervision of the juvenile's  
15 parent or guardian;

16 (3) Place the juvenile on probation to the chief probation officer  
17 of the county or to any other suitable person who agrees to accept  
18 the duty of probation supervision for a period not to exceed three  
19 years upon such written conditions as the court deems will aid  
20 rehabilitation of the juvenile;

21 (4) Transfer custody of the juvenile to any relative or other  
22 person determined by the court to be qualified to care for the  
23 juvenile;

24 (5) Place the juvenile under the care and responsibility of the  
25 Department of Children and Families so that the commissioner may  
26 designate a division or organizational unit in the department  
27 pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the purpose of  
28 providing services in or out of the home. Within 14 days, unless for  
29 good cause shown, but not later than 30 days, the Department of  
30 Children and Families shall submit to the court a service plan,  
31 which shall be presumed valid, detailing the specifics of any  
32 disposition order. The plan shall be developed within the limits of  
33 fiscal and other resources available to the department. If the court  
34 determines that the service plan is inappropriate, given existing  
35 resources, the department may request a hearing on that  
36 determination;

37 (6) Place the juvenile under the care and custody of the  
38 Commissioner of Human Services for the purpose of receiving the  
39 services of the Division of Developmental Disabilities of that  
40 department, provided that the juvenile has been determined to be  
41 eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

42 (7) Commit the juvenile, pursuant to applicable laws and the  
43 Rules of Court governing civil commitment, to the Department of  
44 Children and Families under the responsibility of the Division of  
45 **【Child Behavioral Health Services】** Children's System of Care for  
46 the purpose of placement in a suitable public or private hospital or  
47 other residential facility for the treatment of persons who are

1 mentally ill, on the ground that the juvenile is in need of  
2 involuntary commitment;

3 (8) Fine the juvenile an amount not to exceed the maximum  
4 provided by law for such a crime or offense if committed by an  
5 adult and which is consistent with the juvenile's income or ability to  
6 pay and financial responsibility to the juvenile's family, provided  
7 that the fine is specially adapted to the rehabilitation of the juvenile  
8 or to the deterrence of the type of crime or offense. If the fine is  
9 not paid due to financial limitations, the fine may be satisfied by  
10 requiring the juvenile to submit to any other appropriate disposition  
11 provided for in this section;

12 (9) Order the juvenile to make restitution to a person or entity  
13 who has suffered loss resulting from personal injuries or damage to  
14 property as a result of the offense for which the juvenile has been  
15 adjudicated delinquent. The court may determine the reasonable  
16 amount, terms, and conditions of restitution. If the juvenile  
17 participated in the offense with other persons, the participants shall  
18 be jointly and severally responsible for the payment of restitution.  
19 The court shall not require a juvenile to make full or partial  
20 restitution if the juvenile reasonably satisfies the court that the  
21 juvenile does not have the means to make restitution and could not  
22 reasonably acquire the means to pay restitution;

23 (10) Order that the juvenile perform community services under  
24 the supervision of a probation division or other agency or individual  
25 deemed appropriate by the court. Such services shall be  
26 compulsory and reasonable in terms of nature and duration. Such  
27 services may be performed without compensation, provided that any  
28 money earned by the juvenile from the performance of community  
29 services may be applied towards any payment of restitution or fine  
30 which the court has ordered the juvenile to pay;

31 (11) Order that the juvenile participate in work programs which  
32 are designed to provide job skills and specific employment training  
33 to enhance the employability of job participants. Such programs  
34 may be without compensation, provided that any money earned by  
35 the juvenile from participation in a work program may be applied  
36 towards any payment of restitution or fine which the court has  
37 ordered the juvenile to pay;

38 (12) Order that the juvenile participate in programs emphasizing  
39 self-reliance, such as intensive outdoor programs teaching survival  
40 skills, including but not limited to camping, hiking, and other  
41 appropriate activities;

42 (13) Order that the juvenile participate in a program of academic  
43 or vocational education or counseling, such as a youth service  
44 bureau, requiring attendance at sessions designed to afford access to  
45 opportunities for normal growth and development. This may  
46 require attendance after school, evenings, and weekends;

1 (14) Place the juvenile in a suitable residential or nonresidential  
2 program for the treatment of alcohol or narcotic abuse, provided  
3 that the juvenile has been determined to be in need of such services;

4 (15) Order the parent or guardian of the juvenile to participate in  
5 appropriate programs or services when the court has found either  
6 that such person's omission or conduct was a significant  
7 contributing factor towards the commission of the delinquent act,  
8 or, under its authority to enforce litigant's rights, that such person's  
9 omission or conduct has been a significant contributing factor  
10 towards the ineffective implementation of a court order previously  
11 entered in relation to the juvenile;

12 (16) (a) Place the juvenile in a nonresidential program operated  
13 by a public or private agency, providing intensive services to  
14 juveniles for specified hours, which may include education,  
15 counseling to the juvenile and the juvenile's family if appropriate,  
16 vocational training, employment counseling, work, or other  
17 services;

18 (b) Place the juvenile under the custody of the Juvenile Justice  
19 Commission established pursuant to section 2 of P.L.1995, c.284  
20 (C.52:17B-170) for placement with any private group home or  
21 private residential facility with which the commission has entered  
22 into a purchase of service contract;

23 (17) Instead of or in addition to any disposition made according  
24 to this section, the court may postpone, suspend, or revoke for a  
25 period not to exceed two years the driver's license, registration  
26 certificate, or both of any juvenile who used a motor vehicle in the  
27 course of committing an act for which the juvenile was adjudicated  
28 delinquent. In imposing this disposition and in deciding the duration  
29 of the postponement, suspension, or revocation, the court shall  
30 consider the severity of the delinquent act and the potential effect of  
31 the loss of driving privileges on the juvenile's ability to be  
32 rehabilitated. Any postponement, suspension, or revocation shall be  
33 imposed consecutively with any custodial commitment;

34 (18) Order that the juvenile satisfy any other conditions  
35 reasonably related to the rehabilitation of the juvenile;

36 (19) Order a parent or guardian who has failed or neglected to  
37 exercise reasonable supervision or control of a juvenile who has  
38 been adjudicated delinquent to make restitution to any person or  
39 entity who has suffered a loss as a result of that offense. The court  
40 may determine the reasonable amount, terms and conditions of  
41 restitution; or

42 (20) Place the juvenile, if eligible, in an appropriate juvenile  
43 offender program established pursuant to P.L.1997, c.81 (C.30:8-61  
44 et al.).

45 c. (1) Except as otherwise provided in subsections e. and f. of  
46 this section, if the county in which the juvenile has been adjudicated  
47 delinquent has a juvenile detention facility meeting the physical and  
48 program standards established pursuant to this subsection by the



1 Juvenile Justice Commission, the court may, in addition to any of  
2 the dispositions not involving placement out of the home  
3 enumerated in this section, incarcerate the juvenile in the youth  
4 detention facility in that county for a term not to exceed 60  
5 consecutive days. Counties which do not operate their own juvenile  
6 detention facilities may contract for the use of approved  
7 commitment programs with counties with which they have  
8 established agreements for the use of pre-disposition juvenile  
9 detention facilities. The Juvenile Justice Commission shall  
10 promulgate such rules and regulations from time to time as deemed  
11 necessary to establish minimum physical facility and program  
12 standards for the use of juvenile detention facilities pursuant to this  
13 subsection.

14 (2) No juvenile may be incarcerated in any county detention  
15 facility unless the county has entered into an agreement with the  
16 Juvenile Justice Commission concerning the use of the facility for  
17 sentenced juveniles. Upon agreement with the county, the Juvenile  
18 Justice Commission shall certify detention facilities which may  
19 receive juveniles sentenced pursuant to this subsection and shall  
20 specify the capacity of the facility that may be made available to  
21 receive such juveniles; provided, however, that in no event shall the  
22 number of juveniles incarcerated pursuant to this subsection exceed  
23 50% of the maximum capacity of the facility.

24 (3) The court may fix a term of incarceration under this  
25 subsection where:

26 (a) The act for which the juvenile was adjudicated delinquent, if  
27 committed by an adult, would have constituted a crime or repetitive  
28 disorderly persons offense;

29 (b) Incarceration of the juvenile is consistent with the goals of  
30 public safety, accountability, and rehabilitation and the court is  
31 clearly convinced that the aggravating factors substantially  
32 outweigh the mitigating factors as set forth in section 25 of  
33 P.L.1982, c.77 (C.2A:4A-44); and

34 (c) The detention facility has been certified for admission of  
35 adjudicated juveniles pursuant to paragraph (2).

36 (4) If as a result of incarceration of adjudicated juveniles  
37 pursuant to this subsection, a county is required to transport a  
38 predisposition juvenile to a juvenile detention facility in another  
39 county, the costs of such transportation shall be borne by the  
40 Juvenile Justice Commission.

41 d. Whenever the court imposes a disposition upon an  
42 adjudicated delinquent which requires the juvenile to perform a  
43 community service, restitution, or to participate in any other  
44 program provided for in this section other than subsection c., the  
45 duration of the juvenile's mandatory participation in such  
46 alternative programs shall extend for a period consistent with the  
47 program goal for the juvenile and shall in no event exceed one year

1 beyond the maximum duration permissible for the delinquent if the  
2 juvenile had been committed to a term of incarceration.

3 e. In addition to any disposition the court may impose pursuant  
4 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the  
5 following orders shall be included in dispositions of the  
6 adjudications set forth below:

7 (1) An order of incarceration for a term of the duration  
8 authorized pursuant to this section or section 25 of P.L.1982, c.77  
9 (C.2A:4A-44) or an order to perform community service pursuant to  
10 paragraph (10) of subsection b. of this section for a period of at  
11 least 60 days, if the juvenile has been adjudicated delinquent for an  
12 act which, if committed by an adult, would constitute the crime of  
13 theft of a motor vehicle, or the crime of unlawful taking of a motor  
14 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third  
15 degree crime of eluding in violation of subsection b. of  
16 N.J.S.2C:29-2;

17 (2) An order of incarceration for a term of the duration  
18 authorized pursuant to this section or section 25 of P.L.1982, c.77  
19 (C.2A:4A-44) which shall include a minimum term of 60 days  
20 during which the juvenile shall be ineligible for parole, if the  
21 juvenile has been adjudicated delinquent for an act which, if  
22 committed by an adult, would constitute the crime of aggravated  
23 assault in violation of paragraph (6) of subsection b. of  
24 N.J.S.2C:12-1, the second degree crime of eluding in violation of  
25 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case  
26 in which the juvenile has previously been adjudicated delinquent for  
27 an act, which if committed by an adult, would constitute unlawful  
28 taking of a motor vehicle or theft of a motor vehicle;

29 (3) An order to perform community service pursuant to  
30 paragraph (10) of subsection b. of this section for a period of at  
31 least 30 days, if the juvenile has been adjudicated delinquent for an  
32 act which, if committed by an adult, would constitute the fourth  
33 degree crime of unlawful taking of a motor vehicle in violation of  
34 subsection b. of N.J.S.2C:20-10;

35 (4) An order of incarceration for a term of the duration  
36 authorized pursuant to this section or section 25 of P.L.1982, c.77  
37 (C.2A:4A-44) which shall include a minimum term of 30 days  
38 during which the juvenile shall be ineligible for parole, if the  
39 juvenile has been adjudicated delinquent for an act which, if  
40 committed by an adult, would constitute the crime of unlawful  
41 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third  
42 degree crime of eluding in violation of subsection b. of  
43 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated  
44 delinquent for an act which, if committed by an adult, would  
45 constitute either theft of a motor vehicle, the unlawful taking of a  
46 motor vehicle or eluding.

47 f. (1) The minimum terms of incarceration required pursuant to  
48 subsection e. of this section shall be imposed regardless of the

1 weight or balance of factors set forth in this section or in section 25  
2 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of  
3 those factors shall determine the length of the term of incarceration  
4 appropriate, if any, beyond any mandatory minimum term required  
5 pursuant to subsection e. of this section.

6 (2) When a court in a county that does not have a juvenile  
7 detention facility or a contractual relationship permitting  
8 incarceration pursuant to subsection c. of this section is required to  
9 impose a term of incarceration pursuant to subsection e. of this  
10 section, the court may, subject to limitations on commitment to  
11 State correctional facilities of juveniles who are under the age of 11  
12 or developmentally disabled, set a term of incarceration consistent  
13 with subsection c. which shall be served in a State correctional  
14 facility. When a juvenile who because of age or developmental  
15 disability cannot be committed to a State correctional facility or  
16 cannot be incarcerated in a county facility, the court shall order a  
17 disposition appropriate as an alternative to any incarceration  
18 required pursuant to subsection e..

19 (3) For purposes of subsection e. of this section, in the event  
20 that a "boot camp" program for juvenile offenders should be  
21 developed and is available, a term of commitment to such a  
22 program shall be considered a term of incarceration.

23 g. Whenever the court imposes a disposition upon an  
24 adjudicated delinquent which requires the juvenile to perform a  
25 community service, restitution, or to participate in any other  
26 program provided for in this section, the order shall include  
27 provisions which provide balanced attention to the protection of the  
28 community, accountability for offenses committed, fostering  
29 interaction and dialogue between the offender, victim and  
30 community and the development of competencies to enable the  
31 child to become a responsible and productive member of the  
32 community.

33 (cf: P.L.2006, c.47, s.18)

34

35 2. Section 10 of P.L.1982, c.80 (C.2A:4A-85) is amended to  
36 read as follows:

37 10. Alcoholic, drug-dependent parent. a. When a petition is  
38 filed and as a result of any information supplied on the family  
39 situation by the crisis intervention unit, court intake services has  
40 reason to believe that the parent or guardian is an alcoholic, as  
41 defined by P.L.1975, c.305 (C.26:2B-8), or a drug-dependent  
42 person, as defined by section 2 of the "New Jersey Controlled  
43 Dangerous Substances Act," P.L.1970, c.226 (C.24:21-2), intake  
44 services shall state the basis for this determination and provide  
45 recommendations to the court.

46 b. When, as a result of any information supplied by the crisis  
47 intervention unit, court intake services has reason to believe that a  
48 juvenile is an "abused or neglected child," as defined in P.L.1974,

1 c.119 (C.9:6-8.21), they shall handle the case pursuant to the  
2 procedure set forth in that law. The Division of [Youth and Family  
3 Services] Child Protection and Permanency shall, upon disposition  
4 of any case originated pursuant to this subsection, notify court  
5 intake services as to the nature of the disposition.

6 c. (1) When, as a result of any information supplied with  
7 regard to any juvenile by the crisis intervention unit or from any  
8 other source, court intake services has reason to believe that the  
9 juvenile may have an auditory or vision problem, intake services  
10 shall state the basis for this determination and provide  
11 recommendations to the court. Before arriving at its determination,  
12 intake services may request the court to order any appropriate  
13 school medical records of the juvenile. On the basis of this  
14 recommendation or on its own motion, the court may order any  
15 juvenile concerning whom a complaint is filed to be examined by a  
16 physician, optometrist, audiologist, or speech language pathologist.

17 (2) Any examination shall be made and the findings submitted  
18 to the court within 30 days of the date the order is entered, but this  
19 period may be extended by the court for good cause.

20 (3) Copies of any reports of findings submitted to the court shall  
21 be available to counsel for all parties prior to an adjudication of  
22 whether or not the juvenile is delinquent.

23 (cf: P.L.1985, c.437, s.1)

24

25 3. Section 1 of P.L.2009, c.217 (C.2A:4A-92) is amended to  
26 read as follows:

27 1. a. As provided in [this act] P.L.2009, c.217, a "Court  
28 Appointed Special Advocate" (CASA) shall mean a community  
29 volunteer who has been recruited, screened, trained, and supervised  
30 by a CASA program affiliated with Court Appointed Special  
31 Advocates of New Jersey or a similar organization as determined by  
32 the Administrative Office of the Courts. An affiliate CASA program  
33 shall meet all State Court Appointed Special Advocate and National  
34 Court Appointed Special Advocate standards, and shall be affiliated  
35 with Court Appointed Special Advocates of New Jersey and the  
36 National Court Appointed Special Advocates Association.

37 b. There shall be established in the State of New Jersey a Court  
38 Appointed Special Advocate program which shall serve as a  
39 resource to the courts in determining the best interests of any child  
40 less than 18 years of age who has been removed from his home due  
41 to abuse or neglect. A Court Appointed Special Advocate may  
42 continue to undertake activities in furtherance of the child's best  
43 interests, in appropriate cases, until the child who is the subject of  
44 the court appointment reaches 21 years of age.

45 c. Pursuant to the Rules of Court, the court may appoint a  
46 special advocate from the CASA program to act on behalf of the  
47 court. The special advocate shall undertake certain activities in  
48 furtherance of the child's interests, but shall not supplant or

1 interfere with the role of counsel or guardian ad litem for that child.  
2 Any such special advocate shall be a volunteer associated with a  
3 court-authorized CASA program. The duties and activities of a  
4 CASA program and all of its volunteers shall be subject to  
5 guidelines and standards established by the Administrative Director  
6 of the Courts.

7 d. A person seeking to volunteer as a Court Appointed Special  
8 Advocate shall be subject to the following:

9 (1) a criminal history record background check submitted by the  
10 Administrative Office of the Courts or its designee to the  
11 appropriate authorities. A copy of the results shall be provided to  
12 the affiliate CASA program. A person shall not be approved as a  
13 Court Appointed Special Advocate if criminal history record  
14 information exists on file with the Federal Bureau of Investigation  
15 or the Division of State Police which would disqualify that person  
16 from serving in that capacity, as determined by the affiliate CASA  
17 program; and

18 (2) a child abuse record information check conducted by the  
19 Department of Children and Families to determine if an incident of  
20 child abuse or neglect has been substantiated, pursuant to section 4  
21 of P.L.1971, c.437 (C.9:6-8.11), against the prospective CASA  
22 volunteer. The department shall cooperate by conducting the child  
23 abuse record information check and providing the results to the  
24 affiliate CASA program.

25 If a prospective volunteer refuses to consent to, or cooperate in,  
26 the securing of a criminal history record background check or a  
27 child abuse record information check, the person shall not be  
28 appointed as a Court Appointed Special Advocate.

29 e. Upon presentation of an order of appointment, the special  
30 advocate shall be provided access to all information and records  
31 relevant to the child, including but not limited to: school records,  
32 child care records, medical records, mental health records, family  
33 court and juvenile court records, and records of the Division of  
34 **[Youth and Family Services]** Child Protection and Permanency in  
35 the Department of Children and Families.

36 f. Any special advocate or affiliate CASA program staff  
37 member acting in good faith within the scope of his appointment or  
38 employment shall have immunity from any civil or criminal liability  
39 that otherwise might result by reason of his actions or failure to act,  
40 except in cases of willful or wanton misconduct.

41 (cf: P.L.2009, c.217, s.1)

42

43 4. Section 6 of P.L.2004, c.157 (C.2A:23C-6) is amended to  
44 read as follows:

45 6. Exceptions to Privilege.

46 a. There is no privilege under section 4 of P.L.2004, c.157  
47 (C.2A:23C-4) for a mediation communication that is:

- 1 (1) in an agreement evidenced by a record signed by all parties  
2 to the agreement;
- 3 (2) made during a session of a mediation that is open, or is  
4 required by law to be open, to the public;
- 5 (3) a threat or statement of a plan to inflict bodily injury or  
6 commit a crime;
- 7 (4) intentionally used to plan a crime, attempt to commit a  
8 crime, or to conceal an ongoing crime or ongoing criminal activity;
- 9 (5) sought or offered to prove or disprove a claim or complaint  
10 filed against a mediator arising out of a mediation;
- 11 (6) except as otherwise provided in subsection c., sought or  
12 offered to prove or disprove a claim or complaint of professional  
13 misconduct or malpractice filed against a mediation party, nonparty  
14 participant, or representative of a party based on conduct occurring  
15 during a mediation; or
- 16 (7) sought or offered to prove or disprove child abuse or neglect  
17 in a proceeding in which the Division of **【Youth and Family**  
18 **Services】** Child Protection and Permanency in the Department of  
19 Children and Families is a party, unless the Division of **【Youth and**  
20 **Family Services】** Child Protection and Permanency participates in  
21 the mediation.
- 22 b. There is no privilege under section 4 of P.L.2004, c.157  
23 (C.2A:23C-4) if a court, administrative agency, or arbitrator finds,  
24 after a hearing in camera, that the party seeking discovery or the  
25 proponent of the evidence has shown that the evidence is not  
26 otherwise available, that there is a need for the evidence that  
27 substantially outweighs the interest in protecting confidentiality,  
28 and that the mediation communication is sought or offered in:
- 29 (1) a court proceeding involving a crime as defined in the "New  
30 Jersey Code of Criminal Justice," N.J.S.2C:1-1 et seq.; or
- 31 (2) except as otherwise provided in subsection c., a proceeding  
32 to prove a claim to rescind or reform or a defense to avoid liability  
33 on a contract arising out of the mediation.
- 34 c. A mediator may not be compelled to provide evidence of a  
35 mediation communication referred to in paragraph (6) of subsection  
36 a. or paragraph (2) of subsection b.
- 37 d. If a mediation communication is not privileged under  
38 subsection a. or b., only the portion of the communication necessary  
39 for the application of the exception from nondisclosure may be  
40 admitted. Admission of evidence under subsection a. or b. does not  
41 render the evidence, or any other mediation communication,  
42 discoverable or admissible for any other purpose.
- 43 (cf: P.L.2006, c.47, s.22)
- 44
- 45 5. Section 5 of P.L.1994, c.133 (C.2C:7-5) is amended to read as  
46 follows:

1       5. a. Records maintained pursuant to **[this act]** P.L.1994, c.133  
2 (C.2C:7-1 et seq.) shall be open to any law enforcement agency in  
3 this State, the United States, or any other state and may be released  
4 to the Division of **[Youth and Family Services]** Child Protection  
5 and Permanency in the Department of Children and Families for  
6 use in carrying out its responsibilities under law. Law enforcement  
7 agencies in this State shall be authorized to release relevant and  
8 necessary information regarding sex offenders to the public when  
9 the release of the information is necessary for public protection in  
10 accordance with the provisions of P.L.1994, c.128 (C.2C:7-6 et  
11 seq.).

12       b. An elected public official, public employee, or public  
13 agency is immune from civil liability for damages for any  
14 discretionary decision to release relevant and necessary  
15 information, unless it is shown that the official, employee, or  
16 agency acted with gross negligence or in bad faith. The immunity  
17 provided under this section applies to the release of relevant  
18 information to other employees or officials or to the general public.

19       c. Nothing in **[this act]** P.L.1994, c.133 shall be deemed to  
20 impose any liability upon or to give rise to a cause of action against  
21 any public official, public employee, or public agency for failing to  
22 release information as authorized in subsection d. of this section.

23       d. Nothing in this section shall be construed to prevent law  
24 enforcement officers from notifying members of the public exposed  
25 to danger of any persons that pose a danger under circumstances  
26 that are not enumerated in **[this act]** P.L.1994, c.133.

27 (cf: P.L.2006, c.47, s.23)

28

29       6. N.J.S.2C:12-1 is amended to read as follows:

30       2C:12-1. Assault. a. Simple assault. A person is guilty of  
31 assault if he:

32       (1) Attempts to cause or purposely, knowingly, or recklessly  
33 causes bodily injury to another; or

34       (2) Negligently causes bodily injury to another with a deadly  
35 weapon; or

36       (3) Attempts by physical menace to put another in fear of  
37 imminent serious bodily injury.

38       Simple assault is a disorderly persons offense unless committed  
39 in a fight or scuffle entered into by mutual consent, in which case it  
40 is a petty disorderly persons offense.

41       b. Aggravated assault. A person is guilty of aggravated assault  
42 if he:

43       (1) Attempts to cause serious bodily injury to another, or causes  
44 such injury purposely or knowingly or under circumstances  
45 manifesting extreme indifference to the value of human life  
46 recklessly causes such injury; or

47       (2) Attempts to cause or purposely or knowingly causes bodily  
48 injury to another with a deadly weapon; or

- 1 (3) Recklessly causes bodily injury to another with a deadly  
2 weapon; or
- 3 (4) Knowingly under circumstances manifesting extreme  
4 indifference to the value of human life points a firearm, as defined  
5 in section 2C:39-1f., at or in the direction of another, whether or not  
6 the actor believes it to be loaded; or
- 7 (5) Commits a simple assault as defined in subsection a. (1), (2)  
8 or (3) of this section upon:
- 9 (a) Any law enforcement officer acting in the performance of  
10 his duties while in uniform or exhibiting evidence of his authority  
11 or because of his status as a law enforcement officer; or
- 12 (b) Any paid or volunteer fireman acting in the performance of  
13 his duties while in uniform or otherwise clearly identifiable as being  
14 engaged in the performance of the duties of a fireman; or
- 15 (c) Any person engaged in emergency first-aid or medical  
16 services acting in the performance of his duties while in uniform or  
17 otherwise clearly identifiable as being engaged in the performance  
18 of emergency first-aid or medical services; or
- 19 (d) Any school board member, school administrator, teacher,  
20 school bus driver, or other employee of a public or nonpublic  
21 school or school board while clearly identifiable as being engaged  
22 in the performance of his duties or because of his status as a  
23 member or employee of a public or nonpublic school or school  
24 board or any school bus driver employed by an operator under  
25 contract to a public or nonpublic school or school board while  
26 clearly identifiable as being engaged in the performance of his  
27 duties or because of his status as a school bus driver; or
- 28 (e) Any employee of the Division of **[Youth and Family**  
29 **Services]** Child Protection and Permanency while clearly  
30 identifiable as being engaged in the performance of his duties or  
31 because of his status as an employee of the division; or
- 32 (f) Any justice of the Supreme Court, judge of the Superior  
33 Court, judge of the Tax Court or municipal judge while clearly  
34 identifiable as being engaged in the performance of judicial duties  
35 or because of his status as a member of the judiciary; or
- 36 (g) Any operator of a motorbus or the operator's supervisor or  
37 any employee of a rail passenger service while clearly identifiable  
38 as being engaged in the performance of his duties or because of his  
39 status as an operator of a motorbus or as the operator's supervisor or  
40 as an employee of a rail passenger service; or
- 41 (h) Any Department of Corrections employee, county  
42 corrections officer, juvenile corrections officer, State juvenile  
43 facility employee, juvenile detention staff member, juvenile  
44 detention officer, probation officer or any sheriff, undersheriff, or  
45 sheriff's officer acting in the performance of his duties while in  
46 uniform or exhibiting evidence of his authority; or
- 47 (i) Any employee, including any person employed under  
48 contract, of a utility company as defined in section 2 of P.L.1971,



1 c.224 (C.2A:42-86) or a cable television company subject to the  
2 provisions of the "Cable Television Act," P.L.1972, c.186  
3 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
4 the performance of his duties in regard to connecting, disconnecting  
5 or repairing or attempting to connect, disconnect or repair any gas,  
6 electric or water utility, or cable television or telecommunication  
7 service; or

8 (j) Any health care worker employed by a licensed health care  
9 facility to provide direct patient care, any health care professional  
10 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
11 the Revised Statutes to practice a health care profession, except a  
12 direct care worker at a State or county psychiatric hospital or State  
13 developmental center or veterans' memorial home, while clearly  
14 identifiable as being engaged in the duties of providing direct  
15 patient care or practicing the health care profession; or

16 (k) Any direct care worker at a State or county psychiatric  
17 hospital or State developmental center or veterans' memorial home,  
18 while clearly identifiable as being engaged in the duties of  
19 providing direct patient care or practicing the health care  
20 profession, provided that the actor is not a patient or resident at the  
21 facility who is classified by the facility as having a mental illness or  
22 developmental disability; or

23 (6) Causes bodily injury to another person while fleeing or  
24 attempting to elude a law enforcement officer in violation of  
25 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
26 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
27 other provision of law to the contrary, a person shall be strictly  
28 liable for a violation of this subsection upon proof of a violation of  
29 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
30 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
31 bodily injury to another person; or

32 (7) Attempts to cause significant bodily injury to another or  
33 causes significant bodily injury purposely or knowingly or, under  
34 circumstances manifesting extreme indifference to the value of  
35 human life recklessly causes such significant bodily injury; or

36 (8) Causes bodily injury by knowingly or purposely starting a  
37 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
38 results in bodily injury to any emergency services personnel  
39 involved in fire suppression activities, rendering emergency  
40 medical services resulting from the fire or explosion or rescue  
41 operations, or rendering any necessary assistance at the scene of the  
42 fire or explosion, including any bodily injury sustained while  
43 responding to the scene of a reported fire or explosion. For  
44 purposes of this subsection, "emergency services personnel" shall  
45 include, but not be limited to, any paid or volunteer fireman, any  
46 person engaged in emergency first-aid or medical services and any  
47 law enforcement officer. Notwithstanding any other provision of  
48 law to the contrary, a person shall be strictly liable for a violation of

1 this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
2 resulted in bodily injury to any emergency services personnel; or

3 (9) Knowingly, under circumstances manifesting extreme  
4 indifference to the value of human life, points or displays a firearm,  
5 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of  
6 a law enforcement officer; or

7 (10) Knowingly points, displays, or uses an imitation firearm, as  
8 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a  
9 law enforcement officer with the purpose to intimidate, threaten, or  
10 attempt to put the officer in fear of bodily injury or for any unlawful  
11 purpose; or

12 (11) Uses or activates a laser sighting system or device, or a  
13 system or device which, in the manner used, would cause a  
14 reasonable person to believe that it is a laser sighting system or  
15 device, against a law enforcement officer acting in the performance  
16 of his duties while in uniform or exhibiting evidence of his  
17 authority. As used in this paragraph, "laser sighting system or  
18 device" means any system or device that is integrated with or  
19 affixed to a firearm and emits a laser light beam that is used to  
20 assist in the sight alignment or aiming of the firearm.

21 Aggravated assault under subsections b. (1) and b. (6) is a crime  
22 of the second degree; under subsections b. (2), b. (7), b. (9), and b.  
23 (10) is a crime of the third degree; under subsections b. (3) and b.  
24 (4) is a crime of the fourth degree; and under subsection b. (5) is a  
25 crime of the third degree if the victim suffers bodily injury,  
26 otherwise it is a crime of the fourth degree. Aggravated assault  
27 under subsection b.(8) is a crime of the third degree if the victim  
28 suffers bodily injury; if the victim suffers significant bodily injury  
29 or serious bodily injury it is a crime of the second degree.  
30 Aggravated assault under subsection b. (11) is a crime of the third  
31 degree.

32 c. (1) A person is guilty of assault by auto or vessel when the  
33 person drives a vehicle or vessel recklessly and causes either  
34 serious bodily injury or bodily injury to another. Assault by auto or  
35 vessel is a crime of the fourth degree if serious bodily injury results  
36 and is a disorderly persons offense if bodily injury results.

37 (2) Assault by auto or vessel is a crime of the third degree if the  
38 person drives the vehicle while in violation of R.S.39:4-50 or  
39 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily  
40 injury results and is a crime of the fourth degree if the person drives  
41 the vehicle while in violation of R.S.39:4-50 or section 2 of  
42 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

43 (3) Assault by auto or vessel is a crime of the second degree if  
44 serious bodily injury results from the defendant operating the auto  
45 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,  
46 c.512 (C.39:4-50.4a) while:

1 (a) on any school property used for school purposes which is  
2 owned by or leased to any elementary or secondary school or school  
3 board, or within 1,000 feet of such school property;

4 (b) driving through a school crossing as defined in R.S.39:1-1 if  
5 the municipality, by ordinance or resolution, has designated the  
6 school crossing as such; or

7 (c) driving through a school crossing as defined in R.S.39:1-1  
8 knowing that juveniles are present if the municipality has not  
9 designated the school crossing as such by ordinance or resolution.

10 Assault by auto or vessel is a crime of the third degree if bodily  
11 injury results from the defendant operating the auto or vessel in  
12 violation of this paragraph.

13 A map or true copy of a map depicting the location and  
14 boundaries of the area on or within 1,000 feet of any property used  
15 for school purposes which is owned by or leased to any elementary  
16 or secondary school or school board produced pursuant to section 1  
17 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under  
18 subparagraph (a) of paragraph (3) of this subsection.

19 It shall be no defense to a prosecution for a violation of  
20 subparagraph (a) or (b) of paragraph (3) of this subsection that the  
21 defendant was unaware that the prohibited conduct took place while  
22 on or within 1,000 feet of any school property or while driving  
23 through a school crossing. Nor shall it be a defense to a prosecution  
24 under subparagraph (a) or (b) of paragraph (3) of this subsection  
25 that no juveniles were present on the school property or crossing  
26 zone at the time of the offense or that the school was not in session.

27 (4) Assault by auto or vessel is a crime of the third degree if the  
28 person purposely drives a vehicle in an aggressive manner directed  
29 at another vehicle and serious bodily injury results and is a crime of  
30 the fourth degree if the person purposely drives a vehicle in an  
31 aggressive manner directed at another vehicle and bodily injury  
32 results. For purposes of this paragraph, "driving a vehicle in an  
33 aggressive manner" shall include, but is not limited to,  
34 unexpectedly altering the speed of the vehicle, making improper or  
35 erratic traffic lane changes, disregarding traffic control devices,  
36 failing to yield the right of way, or following another vehicle too  
37 closely.

38 As used in this section, "vessel" means a means of conveyance  
39 for travel on water and propelled otherwise than by muscular  
40 power.

41 d. A person who is employed by a facility as defined in section  
42 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as  
43 defined in paragraph (1) or (2) of subsection a. of this section upon  
44 an institutionalized elderly person as defined in section 2 of  
45 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
46 degree.

47 e. (Deleted by amendment, P.L.2001, c.443).

1 f. A person who commits a simple assault as defined in  
2 paragraph (1), (2) or (3) of subsection a. of this section in the  
3 presence of a child under 16 years of age at a school or community  
4 sponsored youth sports event is guilty of a crime of the fourth  
5 degree. The defendant shall be strictly liable upon proof that the  
6 offense occurred, in fact, in the presence of a child under 16 years  
7 of age. It shall not be a defense that the defendant did not know  
8 that the child was present or reasonably believed that the child was  
9 16 years of age or older. The provisions of this subsection shall not  
10 be construed to create any liability on the part of a participant in a  
11 youth sports event or to abrogate any immunity or defense available  
12 to a participant in a youth sports event. As used in this act, "school  
13 or community sponsored youth sports event" means a competition,  
14 practice or instructional event involving one or more interscholastic  
15 sports teams or youth sports teams organized pursuant to a  
16 nonprofit or similar charter or which are member teams in a youth  
17 league organized by or affiliated with a county or municipal  
18 recreation department and shall not include collegiate, semi-  
19 professional or professional sporting events.  
20 (cf: P.L.2012, c.3, s.1)

21

22 7. N.J.S.2C:13-1 is amended to read as follows:

23 2C:13-1. Kidnapping. a. Holding for ransom, reward, or as a  
24 hostage. A person is guilty of kidnapping if he unlawfully removes  
25 another from the place where he is found or if he unlawfully  
26 confines another with the purpose of holding that person for ransom  
27 or reward or as a shield or hostage.

28 b. Holding for other purposes. A person is guilty of kidnapping  
29 if he unlawfully removes another from his place of residence or  
30 business, or a substantial distance from the vicinity where he is  
31 found, or if he unlawfully confines another for a substantial period,  
32 with any of the following purposes:

33 (1) To facilitate commission of any crime or flight thereafter;

34 (2) To inflict bodily injury on or to terrorize the victim or  
35 another;

36 (3) To interfere with the performance of any governmental or  
37 political function; or

38 (4) To permanently deprive a parent, guardian, or other lawful  
39 custodian of custody of the victim.

40 c. Grading of kidnapping. (1) Except as provided in paragraph  
41 (2) of this subsection, kidnapping is a crime of the first degree and  
42 upon conviction thereof, a person may, notwithstanding the  
43 provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, be  
44 sentenced to an ordinary term of imprisonment between 15 and 30  
45 years. If the actor releases the victim unharmed and in a safe place  
46 prior to apprehension, it is a crime of the second degree.

47 (2) Kidnapping is a crime of the first degree and upon  
48 conviction thereof, an actor shall be sentenced to a term of

1 imprisonment by the court, if the victim of the kidnapping is less  
2 than 16 years of age and if during the kidnapping:

3 (a) A crime under N.J.S.2C:14-2 or subsection a. of  
4 N.J.S.2C:14-3 is committed against the victim;

5 (b) A crime under subsection b. of N.J.S.2C:24-4 is committed  
6 against the victim; or

7 (c) The actor sells or delivers the victim to another person for  
8 pecuniary gain other than in circumstances which lead to the return  
9 of the victim to a parent, guardian or other person responsible for  
10 the general supervision of the victim.

11 Notwithstanding the provisions of paragraph (1) of subsection a.  
12 of N.J.S.2C:43-6, the term of imprisonment imposed under this  
13 paragraph shall be either a term of 25 years during which the actor  
14 shall not be eligible for parole, or a specific term between 25 years  
15 and life imprisonment, of which the actor shall serve 25 years  
16 before being eligible for parole; provided, however, that the crime  
17 of kidnapping under this paragraph and underlying aggravating  
18 crimes listed in subparagraph (a), (b), or (c) of this paragraph shall  
19 merge for purposes of sentencing. If the actor is convicted of the  
20 criminal homicide of a victim of a kidnapping under the provisions  
21 of chapter 11, any sentence imposed under provisions of this  
22 paragraph shall be served consecutively to any sentence imposed  
23 pursuant to the provisions of chapter 11.

24 d. "Unlawful" removal or confinement. A removal or  
25 confinement is unlawful within the meaning of this section and of  
26 sections 2C:13-2 and 2C:13-3, if it is accomplished by force, threat,  
27 or deception, or, in the case of a person who is under the age of 14  
28 or is incompetent, if it is accomplished without the consent of a  
29 parent, guardian, or other person responsible for general supervision  
30 of his welfare.

31 e. It is an affirmative defense to a prosecution under paragraph  
32 (4) of subsection b. of this section, which must be proved by clear  
33 and convincing evidence, that:

34 (1) The actor reasonably believed that the action was necessary  
35 to preserve the victim from imminent danger to his welfare.  
36 However, no defense shall be available pursuant to this subsection  
37 if the actor does not, as soon as reasonably practicable but in no  
38 event more than 24 hours after taking a victim under his protection,  
39 give notice of the victim's location to the police department of the  
40 municipality where the victim resided, the office of the county  
41 prosecutor in the county where the victim resided, or the Division  
42 of **[Youth and Family Services]** Child Protection and Permanency  
43 in the Department of Children and Families;

44 (2) The actor reasonably believed that the taking or detaining of  
45 the victim was consented to by a parent, or by an authorized State  
46 agency; or

47 (3) The victim, being at the time of the taking or concealment  
48 not less than 14 years old, was taken away at his own volition by

1 his parent and without purpose to commit a criminal offense with or  
2 against the victim.

3 f. It is an affirmative defense to a prosecution under paragraph  
4 (4) of subsection b. of this section that a parent having the right of  
5 custody reasonably believed he was fleeing from imminent physical  
6 danger from the other parent, provided that the parent having  
7 custody, as soon as reasonably practicable:

8 (1) Gives notice of the victim's location to the police department  
9 of the municipality where the victim resided, the office of the  
10 county prosecutor in the county where the victim resided, or the  
11 Division of [Youth and Family Services] Child Protection and  
12 Permanency in the Department of Children and Families; or

13 (2) Commences an action affecting custody in an appropriate  
14 court.

15 g. As used in subsections e. and f. of this section, "parent"  
16 means a parent, guardian or other lawful custodian of a victim.

17 (cf: P.L.2006, c.47, s.24)

18

19 8. N.J.S.2C:13-4 is amended to read as follows:

20 2C:13-4. Interference with custody.

21 a. Custody of children. A person, including a parent, guardian,  
22 or other lawful custodian, is guilty of interference with custody if  
23 he:

24 (1) Takes or detains a minor child with the purpose of  
25 concealing the minor child and thereby depriving the child's other  
26 parent of custody or parenting time with the minor child; or

27 (2) After being served with process or having actual knowledge  
28 of an action affecting marriage or custody but prior to the issuance  
29 of a temporary or final order determining custody and parenting  
30 time rights to a minor child, takes, detains, entices, or conceals the  
31 child within or outside the State for the purpose of depriving the  
32 child's other parent of custody or parenting time, or to evade the  
33 jurisdiction of the courts of this State; or

34 (3) After being served with process or having actual knowledge  
35 of an action affecting the protective services needs of a child  
36 pursuant to Title 9 of the Revised Statutes in an action affecting  
37 custody, but prior to the issuance of a temporary or final order  
38 determining custody rights of a minor child, takes, detains, entices,  
39 or conceals the child within or outside the State for the purpose of  
40 evading the jurisdiction of the courts of this State; or

41 (4) After the issuance of a temporary or final order specifying  
42 custody, joint custody rights or parenting time, takes, detains,  
43 entices, or conceals a minor child from the other parent in violation  
44 of the custody or parenting time order.

45 Interference with custody is a crime of the second degree if the  
46 child is taken, detained, enticed, or concealed: (i) outside the  
47 United States or (ii) for more than 24 hours. Otherwise,  
48 interference with custody is a crime of the third degree but the

1 presumption of non-imprisonment set forth in subsection e. of  
2 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall  
3 not apply.

4 b. Custody of committed persons. A person is guilty of a crime  
5 of the fourth degree if he knowingly takes or entices any committed  
6 person away from lawful custody when he is not privileged to do  
7 so. "Committed person" means, in addition to anyone committed  
8 under judicial warrant, any orphan, neglected, or delinquent child,  
9 person with a mental disease, defect, or illness, or other dependent  
10 or incompetent person, entrusted to another's custody by or through  
11 a recognized social agency or otherwise by authority of law.

12 c. It is an affirmative defense to a prosecution under subsection  
13 a. of this section, which must be proved by clear and convincing  
14 evidence, that:

15 (1) The actor reasonably believed that the action was necessary  
16 to preserve the child from imminent danger to his welfare.  
17 However, no defense shall be available pursuant to this subsection  
18 if the actor does not, as soon as reasonably practicable but in no  
19 event more than 24 hours after taking a child under his protection,  
20 give notice of the child's location to the police department of the  
21 municipality where the child resided, the office of the county  
22 prosecutor in the county where the child resided, or the Division of  
23 **[Youth and Family Services] Child Protection and Permanency** in  
24 the Department of Children and Families;

25 (2) The actor reasonably believed that the taking or detaining of  
26 the minor child was consented to by the other parent, or by an  
27 authorized State agency; or

28 (3) The child, being at the time of the taking or concealment not  
29 less than 14 years old, was taken away at his own volition and  
30 without purpose to commit a criminal offense with or against the  
31 child.

32 d. It is an affirmative defense to a prosecution under subsection  
33 a. of this section that a parent having the right of custody  
34 reasonably believed he was fleeing from imminent physical danger  
35 from the other parent, provided that the parent having custody, as  
36 soon as reasonably practicable:

37 (1) Gives notice of the child's location to the police department  
38 of the municipality where the child resided, the office of the county  
39 prosecutor in the county where the child resided, or the Division of  
40 **[Youth and Family Services] Child Protection and Permanency** in  
41 the Department of Children and Families; or

42 (2) Commences an action affecting custody in an appropriate  
43 court.

44 e. The offenses enumerated in this section are continuous in  
45 nature and continue for so long as the child is concealed or  
46 detained.

47 f. (1) In addition to any other disposition provided by law, a  
48 person convicted under subsection a. of this section shall make

1 restitution of all reasonable expenses and costs, including  
2 reasonable counsel fees, incurred by the other parent in securing the  
3 child's return.

4 (2) In imposing sentence under subsection a. of this section the  
5 court shall consider, in addition to the factors enumerated in chapter  
6 44 of Title 2C of the New Jersey Statutes:

7 (a) Whether the person returned the child voluntarily; and

8 (b) The length of time the child was concealed or detained.

9 g. As used in this section, "parent" means a parent, guardian or  
10 other lawful custodian of a minor child.

11 (cf: P.L.2011, c.232, s.2)

12

13 9. Section 1 of P.L.1999, c.421 (C.2C:25-34) is amended to  
14 read as follows:

15 1. The Administrative Office of the Courts shall establish and  
16 maintain a central registry of all persons who have had domestic  
17 violence restraining orders entered against them, all persons who  
18 have been charged with a crime or offense involving domestic  
19 violence, and all persons who have been charged with a violation of  
20 a court order involving domestic violence. All records made  
21 pursuant to this section shall be kept confidential and shall be  
22 released only to:

23 a. A public agency authorized to investigate a report of  
24 domestic violence;

25 b. A police or other law enforcement agency investigating a  
26 report of domestic violence, or conducting a background  
27 investigation involving a person's application for a firearm permit  
28 or employment as a police or law enforcement officer or for any  
29 other purpose authorized by law or the Supreme Court of the State  
30 of New Jersey;

31 c. A court, upon its finding that access to such records may be  
32 necessary for determination of an issue before the court;

33 d. A surrogate, in that person's official capacity as deputy clerk  
34 of the Superior Court, in order to prepare documents that may be  
35 necessary for a court to determine an issue in an adoption  
36 proceeding; or

37 e. The Division of **【Youth and Family Services】** Child  
38 Protection and Permanency in the Department of Children and  
39 Families when the division is conducting a background  
40 investigation involving:

41 (1) an allegation of child abuse or neglect, to include any adult  
42 member of the same household as the individual who is the subject  
43 of the abuse or neglect allegation; or

44 (2) an out-of-home placement for a child being placed by the  
45 Division of **【Youth and Family Services】** Child Protection and  
46 Permanency, to include any adult member of the prospective  
47 placement household.



1 Any individual, agency, surrogate, or court which receives from  
2 the Administrative Office of the Courts the records referred to in  
3 this section shall keep **[such]** the records and reports, or parts  
4 thereof, confidential and shall not disseminate or disclose such  
5 records and reports, or parts thereof; provided that nothing in this  
6 section shall prohibit a receiving individual, agency, surrogate or  
7 court from disclosing records and reports, or parts thereof, in a  
8 manner consistent with and in furtherance of the purpose for which  
9 the records and reports or parts thereof were received.

10 Any individual who disseminates or discloses a record or report,  
11 or parts thereof, of the central registry, for a purpose other than  
12 investigating a report of domestic violence, conducting a  
13 background investigation involving a person's application for a  
14 firearm permit or employment as a police or law enforcement  
15 officer, making a determination of an issue before the court,  
16 conducting a background investigation as specified in subsection e.  
17 of this section, or for any other purpose other than that which is  
18 authorized by law or the Supreme Court of the State of New Jersey,  
19 shall be guilty of a crime of the fourth degree.

20 (cf: P.L.2006, c.47, s.26)

21

22 10. Section 1 of P.L.2003, c.301 (C.2C:44-6.2) is amended to  
23 read as follows:

24 1. a. In any case in which a person has been convicted of a  
25 crime for which the person will be incarcerated, the court shall  
26 order, as part of the presentence investigation required pursuant to  
27 N.J.S.2C:44-6, that a determination be made as to whether the  
28 person is the sole caretaker of a minor child and, if so, who will  
29 assume responsibility for the child's care and custody during the  
30 period the person is incarcerated.

31 b. If the determination is made that the person is the sole  
32 caretaker of the child, the presentence investigation shall also  
33 include:

34 (1) verification that the person who will be responsible for the  
35 child's care and custody during the period of incarceration has  
36 agreed to assume responsibility for the child's care and custody;

37 (2) an inquiry as to the willingness of the person to assume  
38 responsibility for the child's care and custody during the period of  
39 incarceration; and

40 (3) a PROMIS/GAVEL network check, juvenile central registry  
41 check, and domestic violence central registry check on the person  
42 who will be responsible for the child's care and custody during the  
43 period of incarceration and on any adult and juvenile over 12 years  
44 of age in the person's household.

45 c. The court shall provide the information compiled pursuant to  
46 subsection b. of this section, from the presentence investigation, to  
47 the Division of **[Youth and Family Services]** Child Protection and

1 Permanency in the Department of Children and Families.

2 (cf: P.L.2006, c.27, s.28)

3

4 11. Section 3 of P.L.2003, c.301 (C.2C:44-6.3) is amended to  
5 read as follows:

6 3. a. In any case in which a person has been convicted of a  
7 crime enumerated in subsection b. of this section and:

8 (1) the victim of the crime was either a person under the age of  
9 18 at the time of the commission of the crime, or a person defined  
10 in paragraph (9) of subsection b. of this section; and

11 (2) the person convicted of the crime resides in a household  
12 with other minor children or is a parent of a minor child,  
13 the court, based on an interview with the defendant, shall make a  
14 referral to the Division of **[Youth and Family Services]** Child  
15 Protection and Permanency in the Department of Children and  
16 Families and provide the division with the name and address of the  
17 person convicted of the crime, information on the person's criminal  
18 history, and the name and address of each child referred to in  
19 paragraph (2) of this subsection.

20 b. For purposes of this section, "crime" includes any of the  
21 following:

22 (1) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
23 to N.J.S.2C:11-4;

24 (2) simple assault or aggravated assault pursuant to  
25 N.J.S.2C:12-1;

26 (3) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

27 (4) terrorist threats pursuant to N.J.S.2C:12-3;

28 (5) kidnapping and related offenses including criminal restraint;  
29 false imprisonment; interference with custody; criminal coercion; or  
30 enticing a child into a motor vehicle, structure, or isolated area  
31 pursuant to N.J.S.2C:13-1 through 2C:13-6;

32 (6) sexual assault, criminal sexual contact, or lewdness pursuant  
33 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

34 (7) arson pursuant to N.J.S.2C:17-1, or causing or risking  
35 widespread injury or damage which would constitute a crime of the  
36 second degree pursuant to N.J.S.2C:17-2;

37 (8) a crime against a child, including endangering the welfare of  
38 a child and child pornography pursuant to N.J.S.2C:24-4; or child  
39 abuse, neglect, or abandonment pursuant to R.S.9:6-3;

40 (9) endangering the welfare of an incompetent person pursuant  
41 to N.J.S.2C:24-7 or endangering the welfare of an elderly or  
42 disabled person pursuant to N.J.S.2C:24-8;

43 (10) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
44 et seq.); or

45 (11) an attempt or conspiracy to commit an offense listed in  
46 paragraphs (1) through (10) of this subsection.

47 (cf: P.L.2006, c.47, s.29)

1       12. Section 3 of P.L.1995, c.76 (C.3B:12-69) is amended to read  
2 as follows:

3       3. As used in **[this act]** P.L.1995, c.76 (C.3:12-67 et seq.):

4       "Appointed standby guardian" means a person appointed  
5 pursuant to section 6 of **[this act]** P.L.1995, c.76 (C.3B:12-72) to  
6 assume the duties of guardian over the person and, when applicable,  
7 the property of a minor child upon the death or a determination of  
8 incapacity or debilitation, and with the consent, of the parent or  
9 legal custodian.

10       "Attending physician" means the physician who has primary  
11 responsibility for the treatment and care for the petitioning parent or  
12 legal custodian. When more than one physician shares this  
13 responsibility, or when a physician is acting on the primary  
14 physician's behalf, any such physician may act as the attending  
15 physician pursuant to this act. When no physician has this  
16 responsibility, a physician who is familiar with the petitioner's  
17 medical condition may act as the attending physician pursuant to  
18 **[this act]** P.L.1995, c.76 (C.3B:12-67 et seq.).

19       "Consent" means written consent signed by the parent or legal  
20 custodian in the presence of two witnesses who shall also sign the  
21 document. The written consent shall constitute the terms for the  
22 commencement of the duties of the standby guardian.

23       "Debilitation" means a chronic and substantial inability, as a  
24 result of a physically debilitating illness, disease, or injury, to care  
25 for one's minor child.

26       "Designated standby guardian" means a person designated  
27 pursuant to section 8 of **[this act]** P.L.1995, c.76 (C.3B:12-74) to  
28 assume temporarily the duties of guardianship over the person and,  
29 when applicable, the property of a minor child upon the death or a  
30 determination of incapacity or debilitation, and with the consent, of  
31 the parent or legal custodian.

32       "Designation" means a written document voluntarily executed by  
33 the designator pursuant to **[this act]** P.L.1995, c.76.

34       "Designator" means a competent parent or legal custodian of a  
35 minor child who makes a designation pursuant to **[this act]**  
36 P.L.1995, c.76.

37       "Determination of debilitation" means a written determination  
38 made by the attending physician which contains the physician's  
39 opinion to a reasonable degree of medical certainty regarding the  
40 nature, cause, extent, and probable duration of the parent's or legal  
41 custodian's debilitation.

42       "Determination of incapacity" means a written determination  
43 made by the attending physician which contains the physician's  
44 opinion to a reasonable degree of medical certainty regarding the  
45 nature, cause, extent, and probable duration of the parent's or legal  
46 custodian's incapacity.

1 "Incapacity" means a chronic and substantial inability, as a result  
2 of mental or organic impairment, to understand the nature and  
3 consequences of decisions concerning the care of one's minor child,  
4 and a consequent inability to make these decisions.

5 "Minor child" means a child under the age of eighteen years but  
6 excludes a child residing in a placement funded or approved by the  
7 Division of **[Youth and Family Services]** Child Protection and  
8 Permanency in the Department of Children and Families pursuant to  
9 either a voluntary placement agreement or court order.

10 "Triggering event" means an event stated in the designation,  
11 petition or decree which empowers the standby guardian to assume  
12 the duties of the office, which event may be the death, incapacity or  
13 debilitation, with the consent, of the custodial parent or legal  
14 custodian, whichever occurs first.

15 (cf: P.L.2006, c.47, s.30)

16  
17 13. Section 2 of P.L.2001, c.250 (C.3B:12A-2) is amended to  
18 read as follows:

19 2. As used in sections 1 through 6 of P.L.2001, c.250  
20 (C.3B:12A-1 et seq.):

21 "Caregiver" means a person over 18 years of age, other than a  
22 child's parent, who has a kinship relationship with the child and has  
23 been providing care and support for the child, while the child has  
24 been residing in the caregiver's home, for either the last 12  
25 consecutive months or 15 of the last 22 months. "Caregiver"  
26 includes a resource family parent as defined in section 1 of  
27 P.L.1962, c.136 (C.30:4C-26.4).

28 "Child" means a person under 18 years of age, except as  
29 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

30 "Commissioner" means the Commissioner of Children and  
31 Families.

32 "Court" means the Superior Court, Chancery Division, Family  
33 Part.

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

35 "Division" means the Division of **[Youth and Family Services]**  
36 Child Protection and Permanency in the Department of Children  
37 and Families.

38 "Family friend" means a person who is connected to a child or  
39 the child's parent by an established positive psychological or  
40 emotional relationship that is not a biological or legal relationship.

41 "Home review" means the basic review of the information  
42 provided by the petitioner and a visit to the petitioner's home where  
43 the child will continue to reside, in accordance with the provisions  
44 of P.L.2001, c.250 (C.3B:12A-1 et al.) and pursuant to regulations  
45 adopted by the commissioner.

46 "Kinship caregiver assessment" means a written report prepared  
47 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1  
48 et al.) and pursuant to regulations adopted by the commissioner.

1 "Kinship legal guardian" means a caregiver who is willing to  
2 assume care of a child due to parental incapacity, with the intent to  
3 raise the child to adulthood, and who is appointed the kinship legal  
4 guardian of the child by the court pursuant to P.L.2001, c.250  
5 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible  
6 for the care and protection of the child and for providing for the  
7 child's health, education and maintenance.

8 "Kinship relationship" means a family friend or a person with a  
9 biological or legal relationship with the child.

10 "Parental incapacity" means incapacity of such a serious nature  
11 as to demonstrate that the parent is unable, unavailable, or unwilling  
12 to perform the regular and expected functions of care and support of  
13 the child.

14 (cf: P.L.2006, c.47, s.31)

15

16 14. Section 2 of P.L.1977, c.367 (C.9:3-38) is amended to read  
17 as follows:

18 2. For the purposes of **[this act]** P.L.1977, c.357 (C.9:3-37 et  
19 seq.):

20 a. "Approved agency" means a nonprofit corporation,  
21 association, or agency, including any public agency, approved by  
22 the Department of Children and Families for the purpose of placing  
23 children for adoption in New Jersey;

24 b. "Child" means a person under 18 years of age;

25 c. "Custody" means the general right to exercise continuing  
26 control over the person of a child derived from court order or  
27 otherwise;

28 d. "Guardianship" means the right to exercise continuing  
29 control over the person or property or both of a child which  
30 includes any specific right of control over an aspect of the child's  
31 upbringing derived from court order;

32 e. "Guardian ad litem" means a qualified person, not  
33 necessarily an attorney, appointed by the court under the provisions  
34 of this act or at the discretion of the court to represent the interests  
35 of the child whether or not the child is a named party in the action;

36 f. "Parent" means a birth parent or parents, including the birth  
37 father of a child born out of wedlock who has acknowledged the  
38 child or to whom the court has ordered notice to be given, or a  
39 parent or parents by adoption;

40 g. "Placement for adoption" means the transfer of custody of a  
41 child to a person for the purpose of adoption by that person;

42 h. "Plaintiff" means a prospective parent or parents who have  
43 filed a complaint for adoption;

44 i. "Legal services" means the provision of counseling or advice  
45 related to the law and procedure for adoption of a child, preparation  
46 of legal documents, or representation of any person before a court  
47 or administrative agency;

1 j. "Surrender" means a voluntary relinquishment of all parental  
2 rights by a birth parent, previous adoptive parent, or other person or  
3 agency authorized to exercise these rights by law, court order or  
4 otherwise, for purposes of allowing a child to be adopted;

5 k. "Home study" means an approved agency's formal  
6 assessment of the capacity and readiness of prospective adoptive  
7 parents to adopt a child, including the agency's written report and  
8 recommendations conducted in accordance with rules and  
9 regulations promulgated by the Director of the Division of [Youth  
10 and Family Services] Child Protection and Permanency; and

11 l. "Intermediary" means any person, firm, partnership,  
12 corporation, association, or agency, which is not an approved  
13 agency as defined in this section, who acts for or between any  
14 parent and any prospective parent or acts on behalf of either in  
15 connection with the placement of the parent's child for adoption in  
16 the State or in any other state or country. An intermediary in any  
17 other state or country shall not receive money or other valuable  
18 consideration in connection with the placement of a child for  
19 adoption in this State. An intermediary in this State shall not  
20 receive money or other valuable consideration in connection with  
21 the placement of a child for adoption in this State or in any other  
22 state or country. The provisions of this subsection shall not be  
23 construed to prohibit the receipt of money or other valuable  
24 consideration specifically authorized in section 18 of P.L.1993,  
25 c.345 (C.9:3-39.1).

26 (cf: P.L.2006, c.47, s.33)

27

28 15. Section 18 of P.L.1993, c.345 (C.9:3-39.1) is amended to  
29 read as follows:

30 18. a. A person, firm, partnership, corporation, association, or  
31 agency shall not place, offer to place, or materially assist in the  
32 placement of any child for adoption in New Jersey unless:

33 (1) the person is the parent or guardian of the child, or

34 (2) the firm, partnership, corporation, association, or agency is  
35 an approved agency to act as agent, finder, or to otherwise  
36 materially assist in the placement of any child for adoption in this  
37 State, or

38 (3) the placement for adoption is with a brother, sister, aunt,  
39 uncle, grandparent, birth father, or stepparent of the child, or

40 (4) the placement is through an intermediary and (a) the person  
41 with whom the child is to be placed has been approved for  
42 placement for adoption by an approved agency home study which  
43 consists of the agency's formal written assessment of the capacity  
44 and readiness of the prospective adoptive parents to adopt a child,  
45 conducted in accordance with rules and regulations promulgated by  
46 the Director of the Division of [Youth and Family Services] Child  
47 Protection and Permanency;

1 (b) The birth parent, except one who cannot be identified or  
2 located prior to the placement of the child for adoption, shall be  
3 offered counseling as to ~~his or her~~ the birth parent's options other  
4 than placement of the child for adoption. Such counseling shall be  
5 made available by or through an approved licensed agency in New  
6 Jersey or in the birth parent's state or country of residence. The fact  
7 that counseling has been made available, and the name, address, and  
8 telephone number of the agency through which the counseling is  
9 available, shall be confirmed in a written document signed by the  
10 birth parent and acknowledged in this State pursuant to section 1 of  
11 P.L.1991, c.308 (R.S.46:14-2.1) or acknowledged in another state  
12 or country pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-6.1)  
13 a copy of which shall be provided to the birth parent and the agency  
14 conducting the adoption complaint investigation pursuant to section  
15 12 of P.L.1977, c.367 (C.9:3-48) and shall be filed with the court  
16 prior to termination of parental rights; and

17 (c) Written notice shall be given to the birth parent, except one  
18 who cannot be identified or located prior to the placement of the  
19 child for adoption, and the adoptive parent that the decision not to  
20 place the child for adoption or the return of the child to the birth  
21 parent cannot be conditioned upon reimbursement of expenses by  
22 the birth parent to the adoptive parent, and that payments by the  
23 adoptive parent are non-refundable. Provision of such notice shall  
24 be confirmed in a written document signed by the birth parent and  
25 adoptive parent in separate documents which shall be acknowledged  
26 in this State pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-  
27 2.1) or acknowledged in another state or country pursuant to section  
28 1 of P.L.1991, c.308 (R.S.46:14-6.1), a copy of which shall be  
29 provided to the birth parent, and the agency conducting the adoption  
30 complaint investigation pursuant to section 12 of P.L.1977, c.367  
31 (C.9:3-48), and shall be filed with the court prior to termination of  
32 parental rights.

33 b. The Superior Court in an action by the Commissioner of  
34 Children and Families may enjoin any party found by the court to  
35 have violated this section from any further violation of this section.

36 c. A person, firm, partnership, corporation, association, or  
37 agency violating subsection a. of this section shall be guilty of a  
38 crime of the third degree.

39 d. A person, firm, partnership, corporation, association,  
40 intermediary, or agency other than an approved agency which pays,  
41 seeks to pay, receives, or seeks to receive money or other valuable  
42 consideration in connection with the placement of a child for  
43 adoption shall be guilty of a crime of the second degree.

44 e. It shall not be a violation of subsection d. of this section: (1)  
45 to pay, provide, or reimburse to a parent of the child, or for a parent  
46 of the child to receive payment, provision, or reimbursement for  
47 medical, hospital, counseling, or other similar expenses incurred in  
48 connection with the birth or any illness of the child, or the

1 reasonable living expenses of the mother of the child during her  
2 pregnancy including payments for reasonable food, clothing,  
3 medical expenses, shelter, and religious, psychological, vocational,  
4 or similar counseling services during the period of the pregnancy  
5 and for a period not to exceed four weeks after the termination of  
6 the pregnancy by birth or otherwise. These payments may be made  
7 directly to the birth mother or on the mother's behalf to the supplier  
8 of the goods or services, or

9 (2) where the child is from a foreign country, reasonable and  
10 customary fees and expenses of a foreign agency or attorney for the  
11 care or representation of the child during any period of foster or  
12 institutional care in the child's country of origin, or

13 (3) reasonable attorney fees and costs for legal services.

14 (cf: P.L.2006, c.47, s.34)

15

16 16. Section 8 of P.L.1977, c.367 (C.9:3-44) is amended to read  
17 as follows:

18 8. Whenever a person receives a child into **【his】** the person's  
19 home for the purpose of adoption other than from an approved  
20 agency, a complaint for adoption shall be filed within 45 days after  
21 receipt of the child. If the person receiving the child has been  
22 approved previously for placement for adoption in accordance with  
23 the provisions of section 18 of P.L.1993, c.345 (C.9:3-39.1), the  
24 person shall, immediately upon receiving the child, notify the  
25 approved agency which granted **【such】** approval of the receipt of  
26 the child, and that agency shall undertake immediate supervision of  
27 the child in accordance with rules and regulations promulgated by  
28 the Director of the Division of **【Youth and Family Services】** Child  
29 Protection and Permanency. The cost of **【such】** the supervision  
30 shall be paid by the person receiving the child. If the agency, in the  
31 course of supervision shall determine that the child is at risk of  
32 harm or that the best interests of the child are not served by the  
33 child remaining in the home, the agency may apply to a court for  
34 removal of the child from the home. Whenever a person receives a  
35 child into **【his】** the person's home for purposes other than adoption  
36 and it is later determined that an adoption shall be sought, a  
37 complaint for adoption shall be instituted with reasonable  
38 promptness following the determination. Failure to file the  
39 complaint in a timely manner shall not be a sole basis for refusal of  
40 the adoption but the failure shall require the filing, with the  
41 complaint, of an affidavit setting forth the reasons for the delay.

42 (cf: P.L.1993, c.345, s.7)

43

44 17. Section 3 of P.L.1999, c.53 (C.9:3-45.2) is amended to read  
45 as follows:

46 3. In any case in which the Division of **【Youth and Family**  
47 **Services】** Child Protection and Permanency accepts a child in its



1 care or custody, the child's resource family parent or relative  
2 providing care for the child, as applicable, shall receive written  
3 notice of, and shall have a right to be heard at, any review or  
4 hearing held with respect to the child, but the resource family parent  
5 or relative shall not be made a party to the review or hearing solely  
6 on the basis of the notice and right to be heard.  
7 (cf: P.L.2007, c.228, s.1)

8  
9 18. Section 21 of P.L.1993, c.345 (C.9:3-54.2) is amended to  
10 read as follows:

11 21. a. (1) In addition to meeting the other requirements  
12 established by the Department of Children and Families, a home  
13 study completed by an approved agency shall include a  
14 recommendation regarding the suitability of the home for the  
15 placement of a child based upon the results of State and federal  
16 criminal history record checks for each prospective adoptive parent  
17 and each adult residing in the home.

18 For the purposes of this section, the federal criminal history  
19 record check conducted by the U.S. Citizenship and Immigration  
20 Services in the Department of Homeland Security on a prospective  
21 adoptive parent shall be valid for the prospective adoptive parent in  
22 fulfilling the home study requirement for the State.

23 (2) Each prospective adoptive parent and each member of the  
24 prospective adoptive parent's household, age 18 or older, shall  
25 submit to the approved agency standard fingerprint cards containing  
26 his name, address and fingerprints taken by a State or municipal law  
27 enforcement agency.

28 (3) The cost of all criminal history record checks conducted  
29 pursuant to this section shall be paid by the prospective adoptive  
30 parent or household member at the time the fingerprint cards are  
31 submitted.

32 (4) The approved agency shall forward the fingerprint cards and  
33 payment to the commissioner.

34 (5) The commissioner is authorized to exchange fingerprint data  
35 and receive criminal history record information from the Federal  
36 Bureau of Investigation and the Division of State Police for use in  
37 making the recommendations provided for in this section.

38 (6) The department shall advise the approved agency of  
39 information received from State and federal criminal history record  
40 checks based upon the fingerprints submitted by the agency.  
41 Information provided to the approved agency shall be confidential  
42 and not disclosed by the approved agency to any individual or entity  
43 without the written permission of the person who is the subject of  
44 the record check.

45 (7) The commissioner shall adopt regulations for the use of  
46 criminal history record information by approved agencies when  
47 determining the suitability of a home for the placement of a child  
48 for the purposes of adoption.

1       b. (1) Beginning one year after the effective date of **[this act]**  
2 P.L.1993, c.345, a home study completed by an approved agency  
3 shall include a recommendation regarding the suitability of the  
4 home for the placement of the child based upon a check for any  
5 records which might reveal a history of child abuse or neglect by  
6 the proposed adoptive parent or member of the parent's household  
7 who is 18 years of age or older.

8       (2) Beginning one year after the effective date, at the request of  
9 an approved agency, the commissioner or his designee shall conduct  
10 a search of the records of the Division of **[Youth and Family**  
11 **Services]** Child Protection and Permanency regarding referrals of  
12 dispositions of child abuse or neglect matters as to the proposed  
13 adoptive parent and any member of the parent's household 18 years  
14 of age or older, and, if there is information that would raise a  
15 question of the suitability of the proposed adoptive parent or  
16 member of the parent's household to have guardianship of a child,  
17 shall provide that information to the approved agency for its  
18 consideration. Information provided to the approved agency  
19 pursuant to this paragraph shall be confidential. The commissioner  
20 shall establish penalties for disclosure of this confidential  
21 information.

22 (cf: P.L.2006, c.47, s.40)

23  
24       19. Section 9 of P.L.2006, c.47 (C.9:3A-9) is amended to read as  
25 follows:

26       9. All of the functions, powers, and duties of the Office of  
27 Children's Services in the Department of Human Services, and the  
28 power to receive, allocate, expend, and authorize the expenditure of  
29 federal moneys available for children and families are hereby  
30 transferred and assigned to, assumed by, and devolved upon the  
31 Department of Children and Families. To effectuate such transfer  
32 there shall also be transferred such officers and employees as are  
33 necessary, all appropriations or reappropriations, to the extent of  
34 remaining unexpended or unencumbered balances thereof, whether  
35 allocated or unallocated and whether obligated or unobligated, and  
36 all necessary books, papers, records and property. All rules,  
37 regulations, acts, determinations, and decisions in force at the time  
38 of such transfer and proceedings or other such matters undertaken,  
39 commenced, or pending by or before the Office of Children's  
40 Services at the time of such transfer shall continue in force and  
41 effect until duly modified, abrogated or completed by the  
42 Department of Children and Families.

43       As used in this section, the Office of Children's Services  
44 includes, but is not limited to, the Division of **[Youth and Family**  
45 **Services]** Child Protection and Permanency, the Division of **[Child**  
46 **Behavioral Health Services]** Children's System of Care, the  
47 Division of **[Prevention and Community Partnerships]** Family and

1 Community Partnerships, and the New Jersey Child Welfare  
2 Training Academy in the Department of Human Services.  
3 (cf: P.L.2006, c.47, s.9)

4  
5 20. Section 10 of P.L.2006, c.47 (C.9:3A-10) is amended to read  
6 as follows:

7 10. a. Whenever the term "Office of Children's Services" occurs  
8 or any reference is made thereto in any law, regulation, contract, or  
9 document, the same shall be deemed to mean or refer to the  
10 Department of Children and Families.

11 b. Whenever the terms "Division of Youth and Family  
12 Services," "Division of Child Behavioral Health Services,"  
13 "Division of Prevention and Community Partnerships" and "New  
14 Jersey Child Welfare Training Academy" occur or any reference is  
15 made thereto in any law, regulation, contract, or document, the  
16 same shall be deemed to mean or refer to, respectively, the  
17 **["Division of Youth and Family Services,"]** "Division of Child  
18 Protection and Permanency," **["Division of Child Behavioral Health**  
19 **Services,"]** "Division of Children's System of Care," **["Division of**  
20 **Prevention and Community Partnerships,"]** "Division of Family and  
21 Community Partnerships," and "New Jersey Child Welfare Training  
22 Academy" in the Department of Children and Families established  
23 herein.

24 (cf: P.L.2006, c.47, s.10)

25  
26 21. Section 3 of P.L.1971, c.437 (C.9:6-8.10) is amended to read  
27 as follows:

28 3. Any person having reasonable cause to believe that a child  
29 has been subjected to child abuse or acts of child abuse shall report  
30 the same immediately to the Division of **[Youth and Family**  
31 **Services]** Child Protection and Permanency by telephone or  
32 otherwise. Such reports, where possible, shall contain the names  
33 and addresses of the child and his parent, guardian, or other person  
34 having custody and control of the child and, if known, the child's  
35 age, the nature and possible extent of the child's injuries, abuse or  
36 maltreatment, including any evidence of previous injuries, abuse or  
37 maltreatment, and any other information that the person believes  
38 may be helpful with respect to the child abuse and the identity of  
39 the perpetrator.

40 (cf: P.L.1987, c.341, s.4)

41  
42 22. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to  
43 read as follows:

44 1. a. All records of child abuse reports made pursuant to  
45 section 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained  
46 by the Department of Children and Families in investigating such  
47 reports including reports received pursuant to section 20 of

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

18 Nothing in **[this act]** P.L.1977, c.102 (C.9:6-8.10a et seq.) shall  
19 be construed to permit the disclosure of any information deemed  
20 confidential by federal or State law.

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

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

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

29 (3) A physician who has before him a child whom he reasonably  
30 suspects may be abused or neglected or an authorized member of  
31 the staff of a duly designated regional child abuse diagnostic and  
32 treatment center which is involved with a particular child who is the  
33 subject of the request;

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

40 (5) An agency, whether public or private, including any division  
41 or unit in the Department of Human Services or the Department of  
42 Children and Families, authorized to care for, treat, assess, evaluate,  
43 or supervise a child who is the subject of a child abuse report, or a  
44 parent, guardian, resource family parent, or other person who is  
45 responsible for the child's welfare, or both, when the information is  
46 needed in connection with the provision of care, treatment,  
47 assessment, evaluation, or supervision to such child or such parent,  
48 guardian, resource family parent, or other person and the provision

1 of information is in the best interests of the child as determined by  
2 the Division of [Youth and Family Services] Child Protection and  
3 Permanency;

4 (6) A court or the Office of Administrative Law, upon its  
5 finding that access to such records may be necessary for  
6 determination of an issue before it, and such records may be  
7 disclosed by the court or the Office of Administrative Law in whole  
8 or in part to the law guardian, attorney, or other appropriate person  
9 upon a finding that such further disclosure is necessary for  
10 determination of an issue before the court or the Office of  
11 Administrative Law;

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

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

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

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

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

30 (12) Any person appealing a department service or status action  
31 or a substantiated finding of child abuse or neglect and his attorney  
32 or authorized lay representative upon a determination by the  
33 department or the presiding Administrative Law Judge that such  
34 disclosure is necessary for a determination of the issue on appeal;

35 (13) Any person or entity mandated by statute to consider child  
36 abuse or neglect information when conducting a background check  
37 or employment-related screening of an individual employed by or  
38 seeking employment with an agency or organization providing  
39 services to children;

40 (14) Any person or entity conducting a disciplinary,  
41 administrative, or judicial proceeding to determine terms of  
42 employment or continued employment of an officer, employee, or  
43 volunteer with an agency or organization providing services for  
44 children. The information may be disclosed in whole or in part to  
45 the appellant or other appropriate person only upon a determination  
46 by the person or entity conducting the proceeding that the  
47 disclosure is necessary to make a determination;

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

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

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

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

15 (19) A parent, resource family parent, or legal guardian when the  
16 information is needed in a department matter in which that parent,  
17 resource family parent, or legal guardian is directly involved. The  
18 information may be released only to the extent necessary for the  
19 requesting parent, resource family parent, or legal guardian to  
20 discuss services or the basis for the department's involvement or to  
21 develop, discuss, or implement a case plan for the child;

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

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

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

30 (23) Members of a family team or other case planning group  
31 formed by the Division of **【Youth and Family Services】** Child  
32 Protection and Permanency and established in accordance with  
33 regulations adopted by the Commissioner of Children and Families  
34 for the purpose of addressing the child's safety, permanency, or  
35 well-being, when the provision of such information is in the best  
36 interests of the child as determined by the Division of **【Youth and**  
37 **Family Services】** Child Protection and Permanency.

38 Any individual, agency, board, court, grand jury, legislative  
39 committee, or other entity which receives from the department the  
40 records and reports referred to in subsection a., shall keep **【such】**  
41 the records and reports, or parts thereof, confidential and shall not  
42 disclose **【such】** the records and reports or parts thereof except as  
43 authorized by law.

44 c. The department may share information with a child who is  
45 the subject of a child abuse or neglect report, as appropriate to the  
46 child's age or condition, to enable the child to understand the basis  
47 for the department's involvement and to participate in the

1 development, discussion, or implementation of a case plan for the  
2 child.

3 d. The department may release the records and reports referred  
4 to in subsection a. of this section to any person engaged in a bona  
5 fide research purpose, provided, however, that no names or other  
6 information identifying persons named in the report shall be made  
7 available to the researcher unless it is absolutely essential to the  
8 research purpose and provided further that the approval of the  
9 Commissioner of Children and Families or his designee shall first  
10 have been obtained.

11 e. For incidents determined by the department to be  
12 substantiated, the department shall forward to the police or law  
13 enforcement agency in whose jurisdiction the child named in the  
14 report resides, the identity of persons alleged to have committed  
15 child abuse or neglect and of victims of child abuse or neglect, their  
16 addresses, the nature of the allegations, and other relevant  
17 information, including, but not limited to, prior reports of abuse or  
18 neglect and names of siblings obtained by the department during its  
19 investigation of a report of child abuse or neglect. The police or  
20 law enforcement agency shall keep such information confidential.

21 f. The department may disclose to the public the findings or  
22 information about a case of child abuse or neglect which has  
23 resulted in a child fatality or near fatality. Nothing may be  
24 disclosed which would likely endanger the life, safety, or physical  
25 or emotional well-being of a child or the life or safety of any other  
26 person or which may compromise the integrity of a department  
27 investigation or a civil or criminal investigation or judicial  
28 proceeding. If the department denies access to specific information  
29 on this basis, the requesting entity may seek disclosure of the  
30 information through the Chancery Division of the Superior Court.  
31 No information may be disclosed which is deemed confidential by  
32 federal or State law. The name or any other information identifying  
33 the person or entity who referred the child to the department shall  
34 not be released to the public.

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

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

47 (cf: P.L.2006, c.47, s.42)

1       23. Section 2 of P.L.2003, c.301 (C.9:6-8.10c) is amended to  
2 read as follows:

3       2. a. Upon receiving the presentencing investigation information  
4 from the court pursuant to section 1 of P.L.2003, c.301 (C.2C:44-  
5 6.2) concerning a sole caretaker of a child who will be incarcerated  
6 and the person who will assume care and custody of the child  
7 during the period of incarceration, the Division of **【Youth and**  
8 **Family Services】** Child Protection and Permanency in the  
9 Department of Children and Families shall conduct a child abuse  
10 record information check of its child abuse records to determine if  
11 an incident of child abuse or neglect has been substantiated against  
12 the person who will be responsible for the child's care and custody  
13 or any adult and juvenile over 12 years of age in the person's  
14 household.

15       b. If, based on the information provided by the court and the  
16 check of its child abuse records, the division determines that the  
17 incarcerated person's minor child may be at risk for abuse or neglect  
18 or the child's emotional, physical, health care, and educational  
19 needs will not be met during the period of incarceration, the  
20 division shall take appropriate action to ensure the safety of the  
21 child.

22 (cf: P.L.2006, c.47, s.43)

23

24       24. Section 4 of P.L.1971, c.437 (C.9:6-8.11) is amended to read  
25 as follows:

26       4. Upon receipt of any such report, the Division of **【Youth and**  
27 **Family Services】** Child Protection and Permanency, or such  
28 another entity in the Department of Children and Families as may  
29 be designated by the Commissioner of Children and Families to  
30 investigate child abuse or neglect, shall immediately take such  
31 action as shall be necessary to insure the safety of the child and to  
32 that end may request and shall receive appropriate assistance from  
33 local and State law enforcement officials. A representative of the  
34 division or other designated entity shall initiate an investigation  
35 within 24 hours of receipt of the report, unless the division or other  
36 entity authorizes a delay based upon the request of a law  
37 enforcement official. The division or other entity shall also, within  
38 72 hours, forward a report of such matter to the child abuse registry  
39 operated by the division in Trenton.

40       The child abuse registry shall be the repository of all information  
41 regarding child abuse or neglect that is accessible to the public  
42 pursuant to State and federal law. No information received in the  
43 child abuse registry shall be considered as a public record within  
44 the meaning of P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001,  
45 c.404 (C.47:1A-5 et al.).

46 (cf: P.L.2006, c.47, s.46)



1       25. Section 5 of P.L.1971, c.437 (C.9:6-8.12) is amended to read  
2 as follows:

3       5. The Division of **【Youth and Family Services】** Child  
4 Protection and Permanency shall maintain, at all times, an  
5 emergency telephone service for the receipt of calls involving a  
6 report, complaint, or allegation of child abuse or neglect.  
7 (cf: P.L.2004, c.130, s.24)

8  
9       26. Section 8 of P.L.1971, c.437 (C.9:6-8.15) is amended to read  
10 as follows:

11       8. The **【Bureau of Children's Services】** Division of Child  
12 Protection and Permanency shall from time to time promulgate such  
13 rules and regulations as may be necessary to effectuate the  
14 provisions of **【this act】** P.L.1971, c.437 (C.9:6-8.8 et seq.).  
15 (cf: P.L.1971, c.437, s.8)

16  
17       27. Section 2 of P.L.1973, c.147 (C.9:6-8.17) is amended to read  
18 as follows:

19       2. The physician or the director or his designate of a hospital or  
20 similar institution taking a child into such protective custody shall  
21 immediately report his action to the Division of **【Youth and Family**  
22 **Services】** Child Protection and Permanency by calling its  
23 emergency telephone service maintained pursuant to section 5 of  
24 P.L.1971, c.437 (C.9:6-8.12).  
25 (cf: P.L.2004, c.130, s.25)

26  
27       28. Section 3 of P.L.1973, c.147 (C.9:6-8.18) is amended to read  
28 as follows:

29       3. The **【Bureau of Children's Services or its successor, the】**  
30 **Division of 【Youth and Family Services】** Child Protection and  
31 Permanency, shall upon receipt of such report, take action to insure  
32 the safety of the child under section 4 of P.L.1971, c.437 (C.9:6-  
33 8.11). The **【said】** report shall be deemed an oral complaint under  
34 section 12 of P.L.1951, c.138 (C.30:4C-12), and the **【Bureau of**  
35 **Children's Services or its successor, the】** **Division of 【Youth and**  
36 **Family Services】** Child Protection and Permanency, shall  
37 investigate the circumstances under which the child was injured and  
38 may, after such investigation has been completed, apply for a court  
39 order placing the child under its care and supervision, pursuant to  
40 section 12 of P.L.1951, c.138 (C.30:4C-12).  
41 (cf: P.L.1973, c.147, s.3)

42  
43       29. Section 4 of P.L.1973, c.147 (C.9:6-8.19) is amended to read  
44 as follows:

45       4. a. The **【Bureau of Children's Services or its successor, the】**  
46 **Division of 【Youth and Family Services】** Child Protection and  
47 Permanency, shall immediately after the receipt of such report, and

1 after making a determination to take the child into protective  
2 custody, shall serve or attempt to serve, written notice upon the  
3 parents or guardian that the said child has been taken into protective  
4 custody. The notice shall contain a statement of the maximum  
5 duration of the protective custody and the location of the child  
6 during protective custody.

7 b. The parents or guardian of a child in protective custody may,  
8 upon request and in the reasonable discretion of the physician,  
9 director, or his designate, or appropriate official of the [Bureau of  
10 Children's Services, or its successor, the] Division of [Youth and  
11 Family Services] Child Protection and Permanency, visit the [said]  
12 child, provided that the life or health of the child will not be  
13 endangered by such visit.

14 c. The entire period of protective custody shall not exceed [3]  
15 three court days. The protective custody may be terminated earlier  
16 at the discretion of the reporting physician, director or appropriate  
17 official of the [Bureau of Children's Services or its successor, the]  
18 Division of [Youth and Family Services] Child Protection and  
19 Permanency, or upon order of the court.

20 (cf: P.L.1973, c.147, s.4)

21

22 30. Section 5 of P.L.1999. c.53 (C.9:6-8.19a) is amended to read  
23 as follows:

24 5. In any case in which the Division of [Youth and Family  
25 Services] Child Protection and Permanency accepts a child in its  
26 care or custody, the child's resource family parent or relative  
27 providing care for the child, as applicable, shall receive written  
28 notice of and an opportunity to be heard at any review or hearing  
29 held with respect to the child, but the resource family parent or  
30 relative shall not be made a party to the review or hearing solely on  
31 the basis of the notice and opportunity to be heard.

32 (cf: P.L.2004, c.130, s.26)

33

34 31. Section 1 of P.L.1974, c.119 (C.9:6-8.21) is amended to read  
35 as follows:

36 1. As used in [this act] P.L.1974, c.119 (C.9-8.21 et seq.),  
37 unless the specific context indicates otherwise:

38 a. "Parent or guardian" means any natural parent, adoptive  
39 parent, resource family parent, stepparent, paramour of a parent<sub>1</sub> or  
40 any person, who has assumed responsibility for the care, custody<sub>1</sub> or  
41 control of a child or upon whom there is a legal duty for such care.  
42 Parent or guardian includes a teacher, employee<sub>1</sub> or volunteer,  
43 whether compensated or uncompensated, of an institution who is  
44 responsible for the child's welfare and any other staff person of an  
45 institution regardless of whether or not the person is responsible for  
46 the care or supervision of the child. Parent or guardian also  
47 includes a teaching staff member or other employee, whether

1 compensated or uncompensated, of a day school as defined in  
2 section 1 of P.L.1974, c.119 (C.9:6-8.21).

3 b. "Child" means any child alleged to have been abused or  
4 neglected.

5 c. "Abused or neglected child" means a child less than 18 years  
6 of age whose parent or guardian, as herein defined, (1) inflicts or  
7 allows to be inflicted upon such child physical injury by other than  
8 accidental means which causes or creates a substantial risk of death,  
9 or serious or protracted disfigurement, or protracted impairment of  
10 physical or emotional health or protracted loss or impairment of the  
11 function of any bodily organ; (2) creates or allows to be created a  
12 substantial or ongoing risk of physical injury to such child by other  
13 than accidental means which would be likely to cause death or  
14 serious or protracted disfigurement, or protracted loss or  
15 impairment of the function of any bodily organ; (3) commits or  
16 allows to be committed an act of sexual abuse against the child; (4)  
17 or a child whose physical, mental, or emotional condition has been  
18 impaired or is in imminent danger of becoming impaired as the  
19 result of the failure of his parent or guardian, as herein defined, to  
20 exercise a minimum degree of care (a) in supplying the child with  
21 adequate food, clothing, shelter, education, medical or surgical care  
22 though financially able to do so or though offered financial or other  
23 reasonable means to do so, or (b) in providing the child with proper  
24 supervision or guardianship, by unreasonably inflicting or allowing  
25 to be inflicted harm, or substantial risk thereof, including the  
26 infliction of excessive corporal punishment; or by any other acts of  
27 a similarly serious nature requiring the aid of the court; (5) or a  
28 child who has been willfully abandoned by his parent or guardian,  
29 as herein defined; (6) or a child upon whom excessive physical  
30 restraint has been used under circumstances which do not indicate  
31 that the child's behavior is harmful to himself, others, or property;  
32 (7) or a child who is in an institution and (a) has been placed there  
33 inappropriately for a continued period of time with the knowledge  
34 that the placement has resulted or may continue to result in harm to  
35 the child's mental or physical well-being or (b) who has been  
36 willfully isolated from ordinary social contact under circumstances  
37 which indicate emotional or social deprivation.

38 A child shall not be considered abused or neglected pursuant to  
39 paragraph (7) of subsection c. of this section if the acts or omissions  
40 described therein occur in a day school as defined in this section.

41 No child who in good faith is under treatment by spiritual means  
42 alone through prayer in accordance with the tenets and practices of  
43 a recognized church or religious denomination by a duly accredited  
44 practitioner thereof shall for this reason alone be considered to be  
45 abused or neglected.

46 d. "Law guardian" means an attorney admitted to the practice  
47 of law in this State, regularly employed by the Office of the Public  
48 Defender or appointed by the court, and designated under [this act]

1 P.L.1974, c.119 to represent minors in alleged cases of child abuse  
2 or neglect and in termination of parental rights proceedings.

3 e. "Attorney" means an attorney admitted to the practice of law  
4 in this State who shall be privately retained; or, in the instance of an  
5 indigent parent or guardian, an attorney from the Office of the  
6 Public Defender or an attorney appointed by the court who shall be  
7 appointed in order to avoid conflict between the interests of the  
8 child and the parent or guardian in regard to representation.

9 f. "Division" means the Division of **[Youth and Family**  
10 **Services]** Child Protection and Permanency in the Department of  
11 Children and Families unless otherwise specified.

12 g. "Institution" means a public or private facility in the State  
13 which provides children with out of home care, supervision, or  
14 maintenance. Institution includes, but is not limited to, a  
15 correctional facility, detention facility, treatment facility, day care  
16 center, residential school, shelter, and hospital.

17 h. "Day school" means a public or private school which  
18 provides general or special educational services to day students in  
19 grades kindergarten through 12. Day school does not include a  
20 residential facility, whether public or private, which provides care  
21 on a 24-hour basis.

22 (cf: P.L.2006, c.47, s.47)

23

24 32. Section 9 of P.L.1974, c.119 (C.9:6-8.29) is amended to  
25 read as follows:

26 9. a. A police officer or a designated employee of the Probation  
27 Division or a designated employee of the division may remove a  
28 child from the place where **[he]** the child is residing, or any **[such]**  
29 person or any physician treating **[such]** a child may keep a child in  
30 **[his]** the person's or physician's custody without an order pursuant  
31 to section 8 of P.L.1974, c.119 (C.9:6-8.28) and without the consent  
32 of the parent or guardian regardless of whether the parent or  
33 guardian is absent, if the child is in such condition that **[his]** the  
34 child's continuance in **[said]** the place or residence or in the care  
35 and custody of the parent or guardian presents an imminent danger  
36 to the child's life, safety, or health, and there is insufficient time to  
37 apply for a court order pursuant to section 8 of P.L.1974, c.119  
38 (C.9:6-8.28), or any physician or hospital treating **[such]** a child  
39 may keep a child in custody pursuant to P.L.1973, c.147 (C.9:6-  
40 8.16 et seq.). The Division of **[Youth and Family Services]** Child  
41 Protection and Permanency shall not be required to provide  
42 reasonable efforts to prevent placement if removal of the child is  
43 necessary due to imminent danger to the child's life, safety, or  
44 health in accordance with section 24 of P.L. 1999, c.53 (C.30:4C-  
45 11.2).

46 b. If a person authorized by this section removes or keeps  
47 custody of a child, he shall (1) inform the division immediately; (2)

1 bring the child immediately to a place designated by the division for  
2 this purpose, and (3) make every reasonable effort to inform the  
3 parent or guardian of the facility to which **[he]** the person has  
4 brought the child.

5 c. Any person or institution acting in good faith in the removal  
6 or keeping of a child pursuant to this section shall have immunity  
7 from any liability, civil or criminal, that might otherwise be  
8 incurred or imposed as a result of such removal or keeping.

9 d. Any person acting under the authority of **[this act]**  
10 P.L.1974, c.119 (C.9:6-8.21 et seq.) may request and shall receive  
11 appropriate assistance from local and State law enforcement  
12 officials.

13 (cf: P.L.1999, c.53, s.9)

14

15 33. Section 11 of P.L.1974, c.119 (C.9:6-8.31) is amended to  
16 read as follows:

17 11. Preliminary orders after filing of complaint. a. In any case  
18 where the child has been removed without court order, except  
19 where action has been taken pursuant to P.L.1973, c.147 (C.9:6-  
20 8.16 et seq.) the Superior Court, Chancery Division, Family Part  
21 shall hold a hearing on the next court day, whereby the safety of the  
22 child shall be of paramount concern, to determine whether the  
23 child's interests require protection pending a final order of  
24 disposition. In any other case under **[this act]** P.L.1974, c.119  
25 (C.9:6-8.21 et seq.), any person who may originate a proceeding  
26 may apply for, or the court, on its own motion, may order a hearing  
27 at any time after the complaint is filed to determine, with the safety  
28 of the child of paramount concern, whether the child's interests  
29 require protection pending a final order of disposition.

30 b. Upon such hearing, if the court finds that continued removal  
31 is necessary to avoid an ongoing risk to the child's life, safety, or  
32 health, it shall affirm the removal of the child to an appropriate  
33 place or place him in the custody of a suitable person.

34 If the court determines that removal of the child by a physician,  
35 police officer, designated employee of the Probation Division, or  
36 designated employee of the Division of **[Youth and Family**  
37 **Services]** Child Protection and Permanency was necessary due to  
38 imminent danger to the child's life, safety, or health, the court shall  
39 find that the Division of **[Youth and Family Services]** Child  
40 Protection and Permanency was not required to provide reasonable  
41 efforts to prevent placement of the child in accordance with section  
42 24 of P.L.1999, c.53 (C.30:4C-11.2).

43 c. Upon such hearing the court may, for good cause shown,  
44 issue a preliminary order of protection which may contain any of  
45 the provisions authorized on the making of an order of protection  
46 under section 35 of P.L.1974, c.119 (C.9:6-8.55).

1 d. Upon such hearing, the court may, for good cause shown,  
2 release the child to the custody of his parent or guardian from  
3 whose custody or care the child was removed, pending a final order  
4 of disposition, in accord with section 33 of P.L.1974, c.119 (C.9:6-  
5 8.53).

6 e. Upon such hearing, the court may authorize a physician or  
7 hospital to provide medical or surgical procedures if such  
8 procedures are necessary to safeguard the child's life or health.

9 f. If the court grants or denies a preliminary order requested  
10 pursuant to this section, it shall state the grounds for such decision.

11 g. In all cases involving abuse or neglect the court shall order  
12 an examination of the child by a physician appointed or designated  
13 for the purpose by the division. As part of such examination, the  
14 physician shall arrange to have color photographs taken as soon as  
15 practical of any areas of trauma visible on such child and may if  
16 indicated, arrange to have a radiological examination performed on  
17 the child. The physician, on the completion of such examination,  
18 shall forward the results thereof together with the color photographs  
19 to the court ordering such examination.

20 (cf: P.L.1999, c.53, s.10)

21

22 34. Section 1 of P.L.1997, c.62 (C.9:6-8.40a) is amended to read  
23 as follows:

24 1. a. The Division of **【Youth and Family Services】** Child  
25 Protection and Permanency in the Department of Children and  
26 Families shall expunge from its records all information relating to a  
27 report, complaint, or allegation of an incident of child abuse or  
28 neglect with respect to which the division or other entity designated  
29 by the Commissioner of Children and Families to investigate  
30 allegations of child abuse or neglect has determined, based upon its  
31 investigation thereof, that the report, complaint, or allegation of the  
32 incident was unfounded.

33 b. (Deleted by amendment, P.L.2004, c.130).

34 The definition of, and process for, making a determination of an  
35 unfounded report, complaint, or allegation of an incident of child  
36 abuse or neglect shall be defined in regulations promulgated by the  
37 department pursuant to the "Administrative Procedure Act,"  
38 P.L.1968, c.410 (C.52:14B-1 et seq.).

39 (cf: P.L.2006, c.47, s.52)

40

41 35. Section 1 of P.L.1998, c.127 (C.9:6-8.58a) is amended to  
42 read as follows:

43 1. When a child is placed in the custody of a relative or other  
44 suitable person or the Division of **【Youth and Family Services】**  
45 Child Protection and Permanency pursuant to section 34 of  
46 P.L.1974, c.119 (C.9:6-8.54), because of a finding of abuse or  
47 neglect, the Superior Court, Chancery Division, Family Part shall  
48 order the parent and, when appropriate, any other adult domiciled in

1 the home to undergo substance abuse assessment, when necessary.  
2 If the assessment reveals positive evidence of substance abuse, the  
3 court shall require the parent and other adult, when appropriate, to  
4 demonstrate that he is receiving treatment and complying with the  
5 treatment program for the substance abuse problem before the child  
6 is returned to the parental home.  
7 (cf: P.L.1998, c.127, s.1)

8  
9 36. Section 2 of P.L.1994, c.119 (C.9:6-8.75) is amended to read  
10 as follows:

11 2. There is established the "New Jersey Task Force on Child  
12 Abuse and Neglect."

13 a. The purpose of the task force is to study and develop  
14 recommendations regarding the most effective means of improving  
15 the quality and scope of child protective and preventative services  
16 provided or supported by State government, including a review of  
17 the practices and policies utilized by the Division of **【Youth and  
18 Family Services】** Child Protection and Permanency and the  
19 Division of **【Prevention and Community Partnerships】** Family and  
20 Community Partnerships in the Department of Children and  
21 Families in order to:

22 (1) optimize coordination of child abuse-related services and  
23 investigations;

24 (2) promote the safety of children at risk of abuse or neglect;

25 (3) ensure a timely determination with regard to reports of  
26 alleged child abuse;

27 (4) educate the public about the problems of, and coordinate  
28 activities relating to, child abuse and neglect;

29 (5) develop a Statewide plan to prevent child abuse and neglect  
30 and mechanisms to facilitate child abuse and neglect prevention  
31 strategies in coordination with the Division of **【Prevention and  
32 Community Partnerships】** Family and Community Partnerships;

33 (6) mobilize citizens and community agencies in a proactive  
34 effort to prevent and treat child abuse and neglect; and

35 (7) foster cooperative working relationships between State and  
36 local agencies responsible for providing services to victims of child  
37 abuse and neglect and their families.

38 b. The task force shall receive, evaluate, and approve  
39 applications of public and private agencies and organizations for  
40 grants from moneys annually appropriated from the "Children's  
41 Trust Fund" established pursuant to section 2 of P.L.1985, c.197  
42 (C.54A:9-25.4). Any portion of the moneys actually appropriated  
43 which are remaining at the end of a fiscal year shall lapse to the  
44 "Children's Trust Fund."

45 Grants shall be awarded to public and private agencies for the  
46 purposes of planning and establishing or improving programs and

1 services for the prevention of child abuse and neglect, including  
2 activities which:

3 (1) Provide Statewide educational and public informational  
4 seminars for the purpose of developing appropriate public  
5 awareness regarding the problems of child abuse and neglect;

6 (2) Encourage professional persons and groups to recognize and  
7 deal with problems of child abuse and neglect;

8 (3) Make information about the problems of child abuse and  
9 neglect available to the public and organizations and agencies  
10 which deal with problems of child abuse and neglect; and

11 (4) Encourage the development of community prevention  
12 programs, including:

13 (a) community-based educational programs on parenting,  
14 prenatal care, prenatal bonding, child development, basic child care,  
15 care of children with special needs, coping with family stress,  
16 personal safety and sexual abuse prevention training for children,  
17 and self-care training for latchkey children; and

18 (b) community-based programs relating to crisis care, aid to  
19 parents, child abuse counseling, peer support groups for abusive or  
20 potentially abusive parents and their children, lay health visitors,  
21 respite of crisis child care, and early identification of families where  
22 the potential for child abuse and neglect exists.

23 The task force shall, in awarding grants, establish such priorities  
24 respecting the programs or services to be funded and the amounts of  
25 funding to be provided as it deems appropriate, except that the task  
26 force shall place particular emphasis on community-based programs  
27 and services which are designed to develop and demonstrate  
28 strategies for the early identification, intervention, and assistance of  
29 families and children at risk in order to prevent child abuse and  
30 neglect.

31 The task force shall adopt such rules and regulations pursuant to  
32 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
33 seq.) to govern the awarding of grants pursuant to this subsection as  
34 may be necessary to establish adequate reporting requirements on  
35 the use of grant funds by recipient agencies and organizations and  
36 to permit the task force to evaluate the programs and services for  
37 which grants are awarded.

38 c. The task force shall establish a Staffing and Oversight  
39 Review Subcommittee to review staffing levels of the Division of  
40 **[Youth and Family Services]** Child Protection and Permanency in  
41 order to develop recommendations regarding staffing levels and the  
42 most effective methods of recruiting, hiring, and retaining staff  
43 within the division. In addition, the subcommittee shall review the  
44 division's performance in the achievement of management and  
45 client outcomes, and shall issue a preliminary report with its  
46 findings and recommendations no later than January 1, 2007, and  
47 subsequent reports annually thereafter with the first full report due  
48 no later than July 1, 2007. The subcommittee shall directly issue its



1 reports to the Governor and, pursuant to section 2 of P.L.1991,  
2 c.164 (C.52:14-19.1), to the Legislature.  
3 (cf: P.L.2007, c.130, s.1)

4  
5 37. Section 3 of P.L.1994, c.119 (C.9:6-8.76) is amended to read  
6 as follows:

7 3. The task force shall consist of **[30]** 29 members as follows:  
8 the Commissioners of Human Services, Children and Families,  
9 Education, Community Affairs, Corrections, and Health and Senior  
10 Services, the Attorney General, two judges of the Superior Court  
11 involved in both civil and criminal court proceedings related to  
12 child abuse and neglect as appointed by the Chief Justice of the  
13 Supreme Court, the Public Defender, **[the Child Advocate]** and the  
14 Superintendent of State Police, or their designees, as ex officio  
15 members; two members of the Senate and the General Assembly,  
16 respectively, no more than one of whom in each case shall be of the  
17 same political party; and a county prosecutor appointed by the  
18 Attorney General. The 13 public members shall be appointed by  
19 the Governor as follows: one member who is a director of a  
20 regional diagnostic and treatment center for child abuse and neglect;  
21 one member who represents the **[Association]** Advocates for  
22 Children of New Jersey; one member who represents Foster and  
23 Adoptive Family Services; one member who represents a faith-  
24 based organization; one member who is a director of a county  
25 department of human services; one member who is a youth 21 years  
26 of age or younger who is or has been placed under the care and  
27 custody of the Division of **[Youth and Family Services]** Child  
28 Protection and Permanency because of an allegation of child abuse  
29 or neglect; two members who represent service providers under  
30 contract with the Division of **[Youth and Family Services]** Child  
31 Protection and Permanency; and five members of the public who  
32 have an interest or expertise in issues concerning child welfare.  
33 The public members shall reflect the diversity of the residents of the  
34 State and the children and families served by the State's child  
35 welfare system.

36 The task force membership shall comply with the  
37 multidisciplinary requirements set forth in the "Child Abuse  
38 Prevention and Treatment Act," Pub.L.93-247 (42 U.S.C. s.5101 et  
39 seq.).

40 The task force shall be co-chaired, one co-chair shall be the  
41 Commissioner of Children and Families and the other shall be  
42 appointed by the Governor with the advice and consent of the  
43 Senate. The second co-chair shall be selected from among the  
44 public members and shall serve at the pleasure of the Governor.  
45 The public members shall serve for a term of three years.

46 (cf: P.L.2009, c.29, s.1)

1 38. Section 2 of P.L.1997, c.175 (C.9:6-8.84) is amended to read  
2 as follows:

3 2. As used in this act:

4 "Board" means the Child Fatality and Near Fatality Review  
5 Board established under P.L.1997, c.175 (C.9:6-8.83 et al.).

6 "Child" means any person under the age of 18.

7 "Commissioner" means the Commissioner of Children and  
8 Families.

9 "Division" means the Division of **[Youth and Family Services]**  
10 Child Protection and Permanency in the Department of Children  
11 and Families.

12 "Near fatality" means a case in which a child is in serious or  
13 critical condition, as certified by a physician.

14 "Panel" means a citizen review panel as established under  
15 P.L.1997, c.175 (C.9:6-8.83 et al.).

16 "Parent or guardian" means a person defined pursuant to section  
17 1 of P.L.1974, c.119 (C.9:6-8.21) who has the responsibility for the  
18 care, custody, or control of a child or upon whom there is a legal  
19 duty for such care.

20 "Reasonable efforts" means attempts by an agency authorized by  
21 the Division of **[Youth and Family Services]** Child Protection and  
22 Permanency to assist the parents in remedying the circumstances  
23 and conditions that led to the placement of the child and in  
24 reinforcing the family structure, as defined in section 7 of P.L.1991,  
25 c.275 (C.30:4C-15.1).

26 "Sexual abuse" means contacts or actions between a child and a  
27 parent or caretaker for the purpose of sexual stimulation of either  
28 that person or another person. Sexual abuse includes:

29 a. the employment, use, persuasion, inducement, enticement, or  
30 coercion of any child to engage in, or assist any other person to  
31 engage in, any sexually explicit conduct or simulation of such  
32 conduct;

33 b. sexual conduct including molestation, prostitution, other  
34 forms of sexual exploitation of children, or incest; or

35 c. sexual penetration and sexual contact as defined in  
36 N.J.S.2C:14-1 and a prohibited sexual act as defined in  
37 N.J.S.2C:24-4.

38 "Significant bodily injury" means a temporary loss of the  
39 functioning of any bodily member or organ or temporary loss of any  
40 one of the five senses.

41 "Withholding of medically indicated treatment" means the failure  
42 to respond to a child's life-threatening conditions by providing  
43 treatment, including appropriate nutrition, hydration, and  
44 medication which, in the treating physician's reasonable judgment,  
45 will most likely be effective in ameliorating or correcting all such  
46 conditions. The term does not include the failure to provide  
47 treatment, other than appropriate nutrition, hydration, or medication

1 to a child when, in the treating physician's reasonable medical  
2 judgment:

- 3 a. the child is chronically and irreversibly comatose;
- 4 b. the provision of such treatment would merely prolong dying,  
5 not be effective in ameliorating or correcting all of the child's life-  
6 threatening conditions, or otherwise be futile in terms of the  
7 survival of the child; or
- 8 c. the provision of such treatment would be virtually futile in  
9 terms of the survival of the child and the treatment itself under such  
10 circumstances would be inhumane.

11 (cf: P.L.2006, c.47, s.58)

12

13 39. Section 7 of P.L.1997, c.175 (C.9:6-8.89) is amended to read  
14 as follows:

15 7. a. The board shall consist of ~~14~~ 13 members as follows:  
16 the Commissioner of Children and Families, the Commissioner of  
17 Health and Senior Services, the Director of the Division of ~~Youth~~  
18 ~~and Family Services~~ Child Protection and Permanency in the  
19 Department of Children and Families, the Attorney General, ~~the~~  
20 ~~Child Advocate~~ and the Superintendent of State Police, or their  
21 designees, the State Medical Examiner, and the Chairperson or  
22 Executive Director of the New Jersey Task Force on Child Abuse  
23 and Neglect, who shall serve ex officio; and six public members  
24 appointed by the Governor, one of whom shall be a representative  
25 of the New Jersey Prosecutors' Association, one of whom shall be a  
26 Law Guardian, one of whom shall be a pediatrician with expertise  
27 in child abuse and neglect, one of whom shall be a psychologist  
28 with expertise in child abuse and neglect, one of whom shall be a  
29 social work educator with experience and expertise in the area of  
30 child abuse or a related field and one of whom shall have expertise  
31 in substance abuse.

32 b. The public members of the board shall serve for three-year  
33 terms. Of the public members first appointed, three shall serve for a  
34 period of two years, and three shall serve for a term of three years.  
35 They shall serve without compensation but shall be eligible for  
36 reimbursement for necessary and reasonable expenses incurred in  
37 the performance of their official duties and within the limits of  
38 funds appropriated for this purpose. Vacancies in the membership  
39 of the board shall be filled in the same manner as the original  
40 appointments were made.

41 c. The Governor shall appoint a public member to serve as  
42 chairperson of the board who shall be responsible for the  
43 coordination of all activities of the board and who shall provide the  
44 technical assistance needed to execute the duties of the board.

45 d. The board is entitled to call to its assistance and avail itself  
46 of the services of employees of any State, county, or municipal  
47 department, board, bureau, commission, or agency as it may require

1 and as may be available for the purposes of reviewing a case  
2 pursuant to the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.).  
3 The board may also seek the advice of experts, such as persons  
4 specializing in the fields of pediatric, radiological, neurological,  
5 psychiatric, orthopedic, and forensic medicine; nursing;  
6 psychology; social work; education; law enforcement; family law;  
7 substance abuse; child advocacy; or other related fields, if the facts  
8 of a case warrant additional expertise.

9 (cf: P.L.2006, c.47, s.60)

10

11 40. Section 3 of P.L.1999, c.224 (C.9:12A-4) is amended to read  
12 as follows:

13 3. As used in **[this act]** P.L.1999, c.224 (C.9:12A-2 et seq.):

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

15 "Division" means the Division of **[Youth and Family Services]**  
16 Child Protection and Permanency in the Department of Children  
17 and Families.

18 "Homeless youth" means a person 21 years of age or younger  
19 who is without shelter where appropriate care and supervision are  
20 available.

21 (cf: P.L.2006, c.47, s.74)

22

23 41. Section 2 of P.L.1979, c.42 (C.18A:35-4.4) is amended to  
24 read as follows:

25 2. The Commissioner of Education, in consultation with the  
26 Department of **[Community Affairs]** Children and Families,  
27 **[Division]** Office on Women, shall appoint an advisory council to  
28 assist and advise the State Board of Education in the development  
29 and implementation of educational programs for the prevention of  
30 sexual assault.

31 The advisory council shall consist of 15 members chosen from  
32 among the legal, law enforcement, medical, and educational  
33 communities, and shall also include representatives of community-  
34 based groups providing services and assistance to victims of sexual  
35 assault. Each shall be appointed for a 2-year term and shall serve  
36 without compensation.

37 (cf: P.L.1979, c.42, s.2)

38

39 42. Section 1 of P.L.2007, c.248 (C.18A:36-25.2) is amended to  
40 read as follows:

41 1. a. If any child enrolled in a school district has an unexcused  
42 absence from school for five consecutive school days, the  
43 attendance officer of the district shall investigate the absence and  
44 notify the district superintendent of the absence. In the event the  
45 investigation leads the district superintendent to have reasonable  
46 cause to believe the child has been abused or neglected as defined  
47 in section 1 of P.L.1974, c.119 (C.9:6-8.21), the district

1 superintendent shall then notify the Division of [Youth and Family  
2 Services] Child Protection and Permanency in the Department of  
3 Children and Families for its determination of whether the division  
4 is or has been involved with the child and whether action, as  
5 appropriate, is warranted.

6 b. When a child's parent, guardian, or other person having  
7 charge and control of the child notifies a school district that the  
8 child will be withdrawing from the district and transferring to  
9 another school district, the principal of the school from which the  
10 child is withdrawing shall request that the parent, guardian, or other  
11 person having charge and control of the child provide the principal  
12 with the name and location of the school district in which the child  
13 will subsequently be enrolled and the expected date of enrollment.  
14 The principal shall provide the information supplied by the parent,  
15 guardian, or other person having charge and control of the child to  
16 the district superintendent. Five school days following the expected  
17 date of enrollment, the superintendent of the district of last  
18 attendance shall contact the school district in which the child is to  
19 be subsequently enrolled to determine if the child has enrolled in  
20 the district. If the child has not been so enrolled, the attendance  
21 officer of the transfer district shall investigate the failure to enroll  
22 and notify the superintendent of the transfer district of the failure to  
23 enroll. In the event the investigation leads the superintendent of the  
24 transfer district to have reasonable cause to believe the child has  
25 been abused or neglected as defined in section 1 of P.L.1974, c.119  
26 (C.9:6-8.21), the superintendent of the transfer district shall then  
27 notify the Division of [Youth and Family Services] Child  
28 Protection and Permanency in the Department of Children and  
29 Families for its determination of whether the division is or has been  
30 involved with the child and whether action, as appropriate, is  
31 warranted. If the child has been so enrolled, the district of last  
32 attendance and the transfer district shall arrange for the transfer of  
33 the child's records in accordance with the provisions of section 1 of  
34 P.L.1986, c.160 (C.18A:36-19a) and subsection b. of section 4 of  
35 P.L.1995, c.395 (C.18A:36-25.1).

36 c. School district policies for the early detection of missing and  
37 abused children required pursuant to section 2 of P.L.1984, c.228  
38 (C.18A:36-25) shall include provisions to implement the  
39 requirements of this section.

40 (cf: P.L.2007, c.248, s.1)

41

42 43. Section 1 of P.L.1997, c.362 (C.18A:40A-7.1) is amended  
43 as follows:

44 1. a. Except as provided by section 3 of P.L.1971, c.437  
45 (C.9:6-8.10), if a public or private elementary or secondary school  
46 pupil who is participating in a school-based drug and alcohol abuse  
47 counseling program provides information during the course of a  
48 counseling session in that program which indicates that the pupil's

1 parent or guardian or other person residing in the pupil's household  
2 is dependent upon or illegally using a substance as that term is  
3 defined in section 2 of P.L.1987, c.387 (C.18A:40A-9), that  
4 information shall be kept confidential and may be disclosed only  
5 under the circumstances expressly authorized under subsection b. of  
6 this section.

7 b. The information provided by a pupil pursuant to subsection  
8 a. of this section may be disclosed:

9 (1) subject to the pupil's written consent, to another person or  
10 entity whom the pupil specifies in writing in the case of a secondary  
11 school pupil, or to a member of the pupil's immediate family or the  
12 appropriate school personnel in the case of an elementary school  
13 pupil;

14 (2) pursuant to a court order;

15 (3) to a person engaged in a bona fide research purpose, except  
16 that no names or other information identifying the pupil or the  
17 person with respect to whose substance abuse the information was  
18 provided, shall be made available to the researcher; or

19 (4) to the Division of **[Youth and Family Services]** Child  
20 Protection and Permanency or to a law enforcement agency, if the  
21 information would cause a person to reasonably suspect that the  
22 elementary or secondary school pupil or another child may be an  
23 abused or neglected child as the terms are used in R.S.9:6-1, or as  
24 the terms are defined in section 2 of P.L.1971, c.437 (C.9:6-8.9), or  
25 section 1 of P.L.1974, c.119 (C.9:6-8.21).

26 c. Any disclosure made pursuant to paragraph (1) or (2) of  
27 subsection b. of this section shall be limited to that information  
28 which is necessary to carry out the purpose of the disclosure, and  
29 the person or entity to whom the information is disclosed shall be  
30 prohibited from making any further disclosure of that information  
31 without the pupil's written consent. The disclosure shall be  
32 accompanied by a written statement advising the recipient that the  
33 information is being disclosed from records the confidentiality of  
34 which is protected by P.L.1997, c.362 (C.18A:40A-7.1 et seq.), and  
35 that this law prohibits any further disclosure of this information  
36 without the written consent of the person from whom the  
37 information originated. Nothing in **[this act]** P.L.1997, c.362  
38 (C.18A:40A-7.1 et seq.) shall be construed as prohibiting the  
39 Division of **[Youth and Family Services]** Child Protection and  
40 Permanency or a law enforcement agency from using or disclosing  
41 the information in the course of conducting an investigation or  
42 prosecution. Nothing in **[this act]** P.L.1997, c.362 shall be  
43 construed as authorizing the violation of any federal law.

44 d. The prohibition on the disclosure of information provided by  
45 a pupil pursuant to subsection a. of this section shall apply whether  
46 the person to whom the information was provided believes that the  
47 person seeking the information already has it, has other means of  
48 obtaining it, is a law enforcement or other public official, has

1 obtained a subpoena, or asserts any other justification for the  
2 disclosure of this information.

3 (cf: P.L.1999, c.320, s.1)

4

5 44. Section 3 of P.L.1985, c.427 (C.18A:54D-3) is amended to  
6 read as follows:

7 3. The Commissioners of Education and Labor and Workforce  
8 Development each shall:

9 a. Identify the regulations, policies, programs, and procedures  
10 of their respective departments which relate to apprenticeship  
11 programs and other forms of preparation for technical trades;

12 b. In consultation with the Division on Civil Rights in the  
13 Department of Law and Public Safety and the **【Division】** Office on  
14 Women in the Department of **【Community Affairs】** Children and  
15 Families, identify the factors which have produced low rates of  
16 minority and female participation in apprenticeship and other  
17 technical training programs;

18 c. Take appropriate action to encourage a higher rate of  
19 minority and female participation in these programs;

20 d. Advise the Legislature of any additional legislative action  
21 which would advance the purposes of **【this act】** P.L.1985, c.427  
22 (C.18A:54D-1 et seq.).

23 (cf: P.L.1985, c.427, s.3)

24

25 45. Section 1 of P.L.2005, c.50 (C.26:2H-12.6b) is amended to  
26 read as follows:

27 1. As used in **【this act】** P.L.2005, c.50 (C.26:2H-12.6b et seq.):

28 "Commissioner" means the Commissioner of Health and Senior  
29 Services.

30 **【"Division on Women"】** "Office on Women" means the  
31 **【Division】** Office on Women in the Department of **【Community**  
32 **Affairs】** Children and Families.

33 "Emergency care to sexual assault victims" means a medical  
34 examination, procedure, or service provided by an emergency  
35 health care facility to a sexual assault victim following an alleged  
36 sexual offense.

37 "Emergency contraception" means one or more prescription  
38 drugs to prevent pregnancy, used separately or in combination,  
39 administered to or self-administered by a patient within a medically  
40 recommended time after sexual intercourse, dispensed for that  
41 purpose in accordance with professional standards of practice and  
42 determined to be safe by the United States Food and Drug  
43 Administration.

44 "Emergency health care facility" means a general hospital or  
45 satellite emergency department licensed pursuant to P.L.1971, c.136  
46 (C.26:2H-1 et seq.).

1 "Medically and factually accurate and objective" means verified  
2 or supported by the weight of research conducted in compliance  
3 with accepted scientific methods and standards, published in peer-  
4 reviewed journals and recognized as accurate and objective by  
5 leading professional organizations and agencies with relevant  
6 expertise in the field of obstetrics and gynecology.

7 "Sexual Assault Nurse Examiner program" means the Statewide  
8 Sexual Assault Nurse Examiner program in the Division of  
9 Criminal Justice in the Department of Law and Public Safety,  
10 established pursuant to P.L.2001, c.81 (C.52:4B-50 et seq.).

11 "Sexual assault victim" means a female who alleges or is alleged  
12 to have suffered a personal, physical, or psychological injury as a  
13 result of a sexual offense.

14 "Sexual offense" means sexual assault and aggravated sexual  
15 assault as set forth in N.J.S.2C:14-2, criminal sexual contact and  
16 aggravated criminal sexual contact as set forth in N.J.S.2C:14-3,  
17 fourth degree lewdness as set forth in subsection b. of N.J.S.2C:14-  
18 4 and endangering the welfare of a child by engaging in sexual  
19 conduct which would impair or debauch the morals of the child as  
20 set forth in N.J.S.2C:24-4.

21 (cf: P.L.2005, c.50, s.1)

22

23 46. Section 4 of P.L.2005, c.50 (C.26:2H-12.6e) is amended to  
24 read as follows:

25 4. a. The commissioner, in collaboration with the Director of  
26 the **[Division] Office** on Women, the New Jersey Coalition Against  
27 Sexual Assault, and the Sexual Assault Nurse Examiner program,  
28 shall develop, prepare, and produce, in quantities sufficient to  
29 comply with the purposes of **[this act] P.L.2005, c.50 (C.26:2H-**  
30 **12.6b et seq.)**, written information relating to: emergency  
31 contraception for the prevention of pregnancy in sexual assault  
32 victims; and sexually transmitted diseases.

33 b. The information shall be clearly written and readily  
34 comprehensible in a culturally competent manner, as the  
35 commissioner, in collaboration with the **[Division] Office** on  
36 Women, the New Jersey Coalition Against Sexual Assault, and the  
37 Sexual Assault Nurse Examiner program, deems necessary to  
38 inform a sexual assault victim. The information shall explain:

39 (1) the nature of emergency contraception, the effectiveness of  
40 emergency contraception in preventing pregnancy, where  
41 emergency contraception can be obtained, and treatment options;  
42 and

43 (2) the symptoms and effects of sexually transmitted diseases,  
44 and treatment options.

45 c. The information shall be distributed to all hospital and  
46 satellite emergency departments in the State for use in those  
47 facilities pursuant to **[this act] P.L.2005, c.50**.

48 (cf: P.L.2005, c.50, s.4)



1       47. Section 5 of P.L.2005, c.50 (C.26:2H-12.6f) is amended to  
2 read as follows:

3       5. a. The commissioner shall:

4       (1) investigate every complaint of noncompliance with the  
5 provisions of **【this act】** P.L.2005, c.50 (C.26:2H-12.6b et seq.) by  
6 an emergency health care facility, including the failure of a facility  
7 to provide the services required by **【this act】** P.L.2005, c.50;

8       (2) determine whether the complaint is substantiated, and if so,  
9 what action shall be taken by the emergency health care facility or  
10 commissioner to address the complaint;

11       (3) notify the Sexual Assault Nurse Examiner program of all  
12 substantiated complaints;

13       (4) compile the substantiated complaints;

14       (5) analyze the substantiated complaints, at least annually, to  
15 determine if there is any pattern of failure to provide services  
16 pursuant to **【this act】** P.L.2005, c.50; and

17       (6) determine, at least annually, whether an emergency health  
18 care facility is complying with the provisions of **【this act】**  
19 P.L.2005, c.50. The commissioner may utilize all means within his  
20 regulatory authority concerning health care facilities to verify a  
21 facility's compliance with **【this act】** P.L.2005, c.50.

22       b. If the commissioner determines that an emergency health  
23 care facility is not in compliance with the provisions of **【this act】**  
24 P.L.2005, c.50, the commissioner may assess such penalties and  
25 take other actions against the facility, as provided in P.L.1971,  
26 c.136 (C.26:2H-1 et seq.). Any such penalties assessed for  
27 noncompliance shall be paid to the Department of the Treasury and  
28 allocated, on a quarterly basis, to the **【Division】** Office on Women  
29 for supplemental funding for designated rape crisis centers.

30       c. The commissioner shall prepare an annual report, which  
31 shall be available to the public, summarizing the substantiated  
32 complaints, the actions taken by an emergency health care facility  
33 or the commissioner to address the complaints, and the  
34 commissioner's findings concerning any pattern of failure to  
35 provide services under, or noncompliance with, the provisions of  
36 **【this act】** P.L.2005, c.50.

37 (cf: P.L.2005, c.50, s.5)

38

39       48. Section 7 of P.L.2005, c.50 (C.26:2H-12.6g) is amended to  
40 read as follows:

41       7. Pursuant to the "Administrative Procedure Act," P.L.1968,  
42 c.410 (C.52:14B-1 et seq.), the commissioner, in consultation with  
43 the Director of the **【Division】** Office on Women and the Sexual  
44 Assault Nurse Examiner program, shall adopt rules and regulations  
45 to effectuate the purposes of **【this act】** P.L.2005, c.50 (C.26:2H-  
46 12.6b et seq.); except that, notwithstanding any provision of  
47 P.L.1968, c.410 to the contrary, the commissioner may adopt,

1 immediately upon filing with the Office of Administrative Law,  
2 such regulations as the commissioner deems necessary to  
3 implement the provisions of this act, which shall be effective for a  
4 period not to exceed six months and may thereafter be amended,  
5 adopted or readopted by the commissioner in accordance with the  
6 requirements of P.L.1968, c.410.  
7 (cf: P.L.2005, c.50, s.7)

8  
9 49. Section 4 of P.L.1997, c.191 (C.26:2R-4) is amended to read  
10 as follows:

11 4. There is established an Interagency Council on Osteoporosis  
12 in the department to advise the commissioner on the development  
13 and implementation of the program. The members of the council  
14 shall be appointed by the commissioner, and shall include the  
15 following: The Director of the Division of Epidemiology,  
16 Environmental and Occupational Health Services and the Assistant  
17 Commissioner of Senior Affairs in the department and the Director  
18 of the **【Division】 Office** on Women in the Department of  
19 **【Community Affairs】 Children and Families**, as ex officio  
20 members, and public members who are representatives of: persons  
21 with osteoporosis; women's health organizations; public health  
22 educators; experts in bone and osteoporosis research, prevention  
23 and treatment; and health care providers, including at least one  
24 radiologist, orthopedist, registered professional nurse, physical  
25 therapist, and nutritionist. The members of the council shall serve  
26 without compensation and shall not be reimbursed for any expenses  
27 incurred by them in the performance of their duties.  
28 (cf: P.L.1997, c.191, s.4)

29  
30 50. Section 5 of P.L.1999, c.72 (C.26:2V-5) is amended to read  
31 as follows:

32 5. There is established an Advisory Council on Arthritis in the  
33 department to advise the commissioner on the development and  
34 implementation of the initiative. The council shall include: two  
35 members of the Senate, to be appointed by the President of the  
36 Senate, who shall not be of the same political party; two members  
37 of the General Assembly, to be appointed by the Speaker of the  
38 General Assembly, who shall not be of the same political party; the  
39 Senior Assistant Commissioner, Public Health Prevention and  
40 Protection and the Assistant Commissioner, Division of Senior  
41 Services in the department; the Director of the **【Division】 Office** on  
42 Women in the Department of **【Community Affairs】 Children and**  
43 **Families**, and a member of the Interagency Council on  
44 Osteoporosis, as ex officio members; and 15 public members to be  
45 appointed by the commissioner who may include representatives of  
46 persons with arthritis, arthritis health organizations, public health  
47 educators, experts in arthritis research, prevention and treatment  
48 and health care strategic planning, and health care providers

1 including physicians and nurses. The public members of the council  
2 shall serve without compensation and may be reimbursed for any  
3 expenses incurred by them in the performance of their duties.

4 Legislative members shall serve during their terms of office.  
5 Public members shall serve for a term of three years from the date  
6 of their appointment and until their successors are appointed and  
7 qualified; except that of the first appointments made: five shall be  
8 for a term of one year, five for two years, and five for three years.

9 Vacancies shall be filled in the same manner as the original  
10 appointments were made.

11 The advisory council shall organize as soon as may be  
12 practicable after the appointment of its members and shall select a  
13 chairman from among its members and a secretary who need not be  
14 a member of the council.

15 (cf: P.L.1999, c.72, s.5)

16

17 51. Section 3 of P.L.2007, c.134 (C.26:4-95.4) is amended to  
18 read as follows:

19 3. a. The Commissioner of Health and Senior Services, in  
20 consultation with the Commissioner of Education and the Director  
21 of the **【Division】** Office on Women in the Department of  
22 **【Community Affairs】** Children and Families, shall establish a  
23 public awareness campaign to inform the general public about the  
24 clinical significance and public health implications of the human  
25 papillomavirus, including its causes and the most effective means of  
26 prevention and treatment. The public awareness campaign shall be  
27 established in accordance with accepted public health practice and  
28 recommendations of the federal Centers for Disease Control and  
29 Prevention, and within the limits of available funds and any other  
30 resources available for the purposes thereof.

31 b. The commissioner shall prepare a patient information  
32 brochure regarding the human papillomavirus, including its causes  
33 and the most effective means of prevention and treatment. The  
34 department shall distribute the pamphlet, at no charge, to all  
35 pediatricians in the State. The department shall update the  
36 pamphlet as necessary, and shall make additional copies of the  
37 pamphlet available to other health care providers upon request.

38 (cf: P.L.2007, c.134, s.3)

39

40 52. Section 7 of P.L.2009, c.328 (C.30:4-8.8) is amended to read  
41 as follows:

42 7. The commissioner shall semiannually submit all inmate  
43 complaints submitted to the department concerning female inmates  
44 to the Director of the **【Division】** Office on Women in the  
45 Department of **【Community Affairs** established pursuant to the  
46 "Division on Women Act of 1974," P.L.1974, c.87 (C.52:27D-43.8

1 et seq.)] Children and Families.

2 (cf: P.L.2010, c.34, s.8)

3

4 53. Section 2 of P.L.1951, c.138 (C.30:4C-2) is amended to read  
5 as follows:

6 2. For the purposes of [this act] P.L.1951, c.138 (C.30:4C-1 et  
7 seq.) the following words and terms shall, unless otherwise  
8 indicated, be deemed and taken to have the meanings herein given  
9 to them:

10 (a) The term ["Division of Youth and Family Services,"  
11 "Division of Child Protection and Permanency" or "division,"  
12 **["successor to the "Bureau of Children's Services"]** means the State  
13 agency for the care, custody, guardianship, maintenance, and  
14 protection of children, as more specifically described by the  
15 provisions of [this act] P.L.1951, c.138, and succeeding the agency  
16 heretofore variously designated by the laws of this State as the State  
17 Board of Child Welfare or the State Board of Children's Guardians.

18 (b) The word "child" includes stepchild and illegitimate child,  
19 and further means any person under the age of 18 years.

20 (c) The term "care" means cognizance of a child for the purpose  
21 of providing necessary welfare services, or maintenance, or both.

22 (d) The term "custody" means continuing responsibility for the  
23 person of a child, as established by a surrender and release of  
24 custody or consent to adoption, for the purpose of providing  
25 necessary welfare services, or maintenance, or both.

26 (e) The term "guardianship" means control over the person and  
27 property of a child as established by the order of a court of  
28 competent jurisdiction, and as more specifically defined by the  
29 provisions of [this act] ] P.L.1951, c.138. Guardianship by the  
30 Division of [Youth and Family Services] Child Protection and  
31 Permanency shall be treated as guardianship by the Commissioner  
32 of Children and Families exercised on his behalf wholly by and in  
33 the name of the Division of [Youth and Family Services] Child  
34 Protection and Permanency, acting through the chief executive  
35 officer of the division or [his] the chief executive's authorized  
36 representative. [Such] The exercise of guardianship by the  
37 division shall be at all times and in all respects subject to the  
38 supervision of the commissioner.

39 (f) The term "maintenance" means moneys expended by the  
40 Division of [Youth and Family Services] Child Protection and  
41 Permanency to procure board, lodging, clothing, medical, dental,  
42 and hospital care, or any other similar or specialized commodity or  
43 service furnished to, on behalf of, or for a child pursuant to the  
44 provisions of [this act] P.L.1951, c.138; maintenance also includes  
45 but is not limited to moneys expended for shelter, utilities, food,  
46 repairs, essential household equipment, and other expenditures to

1 remedy situations of an emergent nature to permit, as far as  
2 practicable, children to continue to live with their families.

3 (g) The term "welfare services" means consultation, counseling,  
4 and referral to or utilization of available resources, for the purpose  
5 of determining and correcting or adjusting matters and  
6 circumstances which are endangering the welfare of a child, and for  
7 the purpose of promoting **【his】** a child's proper development and  
8 adjustment in the family and the community.

9 (h) The term "resource family parent" means any person other  
10 than a natural or adoptive parent with whom a child in the care,  
11 custody, or guardianship of the Department of Children and  
12 Families is placed by the department, or with its approval, for care,  
13 and shall include any person with whom a child is placed by the  
14 division for the purpose of adoption until the adoption is finalized.

15 (i) The term "resource family home" means and includes private  
16 residences wherein any child in the care, custody, or guardianship  
17 of the Department of Children and Families may be placed by the  
18 department, or with its approval, for care, and shall include any  
19 private residence maintained by persons with whom any **【such】**  
20 child is placed by the division for the purpose of adoption until the  
21 adoption is finalized.

22 (j) The singular includes the plural form.

23 (k) The masculine noun and pronoun include the feminine.

24 (l) The word "may" shall be construed to be permissive.

25 (m) The term "group home" means and includes any single  
26 family dwelling used in the placement of 12 children or less  
27 pursuant to law, recognized as a group home by the Department of  
28 Children and Families in accordance with rules and regulations  
29 adopted by the Commissioner of Children and Families; provided,  
30 however, that no group home shall contain more than 12 children.

31 (n) The term "youth facility" means a facility within this State  
32 used to house or provide services to children under **【this act】**  
33 P.L.1951, c.138, including but not limited to group homes,  
34 residential facilities, day care centers, and day treatment centers.

35 (o) The term "youth facility aid" means aid provided by the  
36 Division of **【Youth and Family Services】** Child Protection and  
37 Permanency to public, private, or voluntary agencies to purchase,  
38 construct, renovate, repair, upgrade, or otherwise improve a youth  
39 facility in consideration for an agreement for the agency to provide  
40 residential care, day treatment, or other youth services for children  
41 in need of such services.

42 (p) The term "day treatment center" means a facility used to  
43 provide counseling, supplemental educational services, therapy, and  
44 other related services to children for whom it has been determined  
45 that such services are necessary, but is not used to house these  
46 children in a residential setting.

1 (q) The term "residential facility" means a facility used to house  
2 and provide treatment and other related services on a 24-hour basis  
3 to children determined to be in need of such housing and services.

4 (r) The term "legally responsible person" means the natural or  
5 adoptive parent, or the spouse of a child receiving maintenance  
6 from or through the Division of **[Youth and Family Services]** Child  
7 Protection and Permanency.

8 (s) "Commissioner" means the Commissioner of Children and  
9 Families.

10 (t) "Department" means the Department of Children and  
11 Families.

12 (cf: P.L.2006, c.47, s.113)

13

14 54. Section 39 of P.L.1962, c.197 (C.30:4C-2.1) is amended to  
15 read as follows:

16 39. Except as otherwise provided by **[this act]** P.L.1962, c.197,  
17 the [Bureau of Childrens Services] Division of Child Protection  
18 and Permanency shall in all respects and for all purposes be deemed  
19 a continuation of the agency heretofore known as the State Board of  
20 Children's Guardians or the State Board of Child Welfare.

21 (cf: P.L.1962, c.197, s.39)

22

23 55. Section 3 of P.L.1951, c.138 (C.30:4C-3) is amended to read  
24 as follows:

25 3. The Division of **[Youth and Family Services]** Child  
26 Protection and Permanency, in administering the provisions of **[this**  
27 **act]** P.L.1951, c.138 (C.30:4C-1 et seq.), whereby the safety of  
28 children shall be of paramount concern, shall:

29 (a) provide care and custody for children eligible therefor in  
30 such manner that the children may, so far as practicable, continue to  
31 live in their own homes and family life be thereby preserved and  
32 strengthened;

33 (b) provide necessary welfare services as may be required by  
34 such children, so far as practicable, without assumption of custody;

35 (c) encourage the development of private and voluntary  
36 agencies qualified to provide welfare services for children to the  
37 end that through cooperative effort the need for such services may  
38 be limited or reduced; and

39 (d) for each child placed outside his home by the division,  
40 provide permanency through return of the child to the child's own  
41 home, if the child can be returned home without endangering the  
42 child's health or safety; through adoption, if family reunification is  
43 not possible; or through an alternative permanent placement, if  
44 termination of parental rights is not appropriate.

45 (cf: P.L.1999, c.53, s.21)

1       56. Section 1 of P.L.2003, c.40 (C.30:4C-3.7) is amended to  
2 read as follows:

3       1. a. The Division of **【Youth and Family Services】** Child  
4 Protection and Permanency in the Department of Children and  
5 Families shall provide for the photographing of each child under its  
6 custody no later than two months after the division assumes custody  
7 of the child. A child who is under the custody of the division on the  
8 effective date of **【this act】** P.L.2003, c.40 (C.30:4C-3.7 et seq.)  
9 shall be photographed for the purposes of **【this act】** P.L.2003, c.40  
10 no later than one year after its effective date.

11       The division shall, in addition, provide for the fingerprinting of  
12 any child under its custody with respect to whom the division  
13 determines, in accordance with criteria as the Commissioner of  
14 Children and Families shall establish by regulation, that the  
15 availability of a fingerprint record would be appropriate; the  
16 fingerprints of any child with respect to whom such a determination  
17 is made shall be taken no later than two months after the division  
18 has made that determination.

19       b. The division shall update the photograph of each child taken  
20 pursuant to subsection a. of this section at least every two years. In  
21 addition, the division shall retain the fingerprint information and  
22 photograph of each child for whom such records are taken for at  
23 least one year after the date that the child is no longer under the  
24 custody of the division.

25       c. The division shall be entitled to receive the assistance of any  
26 other State department, division, or agency as it may deem  
27 necessary and may receive the assistance of any county or  
28 municipal government agency, as may be available, in carrying out  
29 the provisions of **【this act】** P.L.2003, c.40.

30 (cf: P.L.2006, c.47, s.117)

31

32       57. Section 1 of P.L.1962, c.140 (C.30:4C-4.1) is amended to  
33 read as follows:

34       1. Notwithstanding the provisions of any other law, no action  
35 or proceeding, including an application for a writ of habeas corpus,  
36 in any court which the Division of **【Youth and Family Services】**  
37 Child Protection and Permanency is authorized by law to commence  
38 or maintain shall be commenced or maintained by the division,  
39 without the consent and approval of the Commissioner of Children  
40 and Families, as hereinafter provided.

41 (cf: P.L.2006, c.47, s.120)

42

43       58. Section 2 of P.L.1962, c.140 (C.30:4C-4.2) is amended to  
44 read as follows:

45       2. In no case shall the Division of **【Youth and Family**  
46 **Services】** Child Protection and Permanency, defend against any  
47 action or proceeding or make or oppose any application for a writ of

1 habeas corpus without the express consent and approval of the  
2 Commissioner of Children and Families.

3 (cf: P.L.2006, c.47, s.121)

4

5 59. Section 6 of P.L.1951, c.138 (C.30:4C-6) is amended to read  
6 as follows:

7 6. No person to whom or for whom payments for maintenance  
8 are made under **[this act]** P.L.1951, c.138 (C.30:4C-1 et seq.) shall  
9 be deemed to be or classified as a pauper by reason thereof.

10 The provisions of **[this act]** P.L.1951, c.138 shall not be  
11 construed to deny treatment by spiritual means or prayer, of any  
12 child, in accordance with the religious faith of the parent or parents  
13 of such child. The provisions of **[this act]** P.L.1951, c.138 shall  
14 not be construed to authorize or empower the **[Bureau of Childrens**  
15 **Services]** Division of Child Protection and Permanency to compel  
16 a child to undergo medical or surgical treatment, if the child, or  
17 parent or guardian of **[said]** the child, objects thereto in a signed  
18 statement upon the ground that the proposed action interferes with  
19 the free exercise of his religious principles.

20 (cf: P.L.1962, c.197, s.12)

21

22 60. Section 7 of P.L.1951, c.138 (C.30:4C-7) is amended to  
23 read as follows:

24 7. All birth, death, and marriage certificates which may be  
25 required under the provisions of **[this act]** P.L.1951, c.138  
26 (C.30:4C-1 et seq.), or under any rule or regulation issued by the  
27 **[Bureau of Childrens Services]** Division of Child Protection and  
28 Permanency, shall be issued free of charge upon the order of **[such**  
29 **bureau]** the division.

30 (cf: P.L.1962, c.197, s.13)

31

32 61. Section 11 of P.L.1951, c.138 (C.30:4C-11) is amended to  
33 read as follows:

34 11. Whenever it shall appear that any child within this State is of  
35 such circumstances that the child's safety or welfare will be  
36 endangered unless proper care or custody is provided, an  
37 application setting forth the facts in the case may be filed with the  
38 Division of **[Youth and Family Services]** Child Protection and  
39 Permanency by a parent or other relative of **[such]** the child, by a  
40 person standing in loco parentis to **[such]** the child, by a person or  
41 association or agency or public official having a special interest in  
42 **[such]** the child or by the child himself, seeking that the division  
43 accept and provide **[such]** care or custody of **[such]** the child as  
44 the circumstances may require. **[Such]** The application shall be in  
45 writing, and shall contain a statement of the relationship to or  
46 special interest in **[such]** the child which justifies the filing of



1   **[such]** the application. The provisions of this section shall be  
2   deemed to include an application on behalf of an unborn child when  
3   the prospective mother is within this State at the time of application  
4   for **[such]** services.

5       Upon receipt of an application as provided in this section, the  
6   division shall verify the statements set forth in **[such]** the  
7   application and shall investigate all the matters pertaining to the  
8   circumstances of the child. If upon such verification and  
9   investigation it shall appear (a) that the safety or welfare of **[such]**  
10 the child will be endangered unless proper care or custody is  
11 provided; (b) that the needs of **[such]** the child cannot properly be  
12 provided for by financial assistance as made available by the laws  
13 of this State; (c) that there is no person legally responsible for the  
14 support of **[such]** the child whose identity and whereabouts are  
15 known and who is willing and able to provide for the care and  
16 support required by **[such]** the child; and (d) that **[such]** the child,  
17 if suffering from a mental or physical disability requiring  
18 institutional care, is not immediately admissible to any public  
19 institution providing **[such]** care; then the division may accept and  
20 provide **[such]** care or custody as the circumstances of **[such]** the  
21 child may require.

22 (cf: P.L.1999, c.53, s.22)

23

24       62. Section 24 of P.L.1999, c.53 (C.30:4C-11.2) is amended to  
25 read as follows:

26       24. In any case in which the Division of **[Youth and Family**  
27 **Services]** Child Protection and Permanency accepts a child in care  
28 or custody, including placement, the division shall not be required  
29 to provide reasonable efforts to prevent placement of the child if a  
30 court of competent jurisdiction has determined that both of the  
31 following criteria are met:

32       a. One of the following actions has occurred:

33       (1) the parent has subjected the child to aggravated  
34 circumstances of abuse, neglect, cruelty, or abandonment,

35       (2) the parent has been convicted of murder, aggravated  
36 manslaughter, or manslaughter of another child of the parent;  
37 aiding or abetting, attempting, conspiring, or soliciting to commit  
38 murder, aggravated manslaughter, or manslaughter of the child or  
39 another child of the parent; committing or attempting to commit an  
40 assault that resulted, or could have resulted, in the significant bodily  
41 injury to the child or another child of the parent; or committing a  
42 similarly serious criminal act which resulted, or could have  
43 resulted, in the death or significant bodily injury to the child or  
44 another child of the parent,

45       (3) the rights of the parent to another of the parent's children  
46 have been involuntarily terminated or

1 (4) removal of the child was required due to imminent danger to  
2 the child's life, safety or health; and

3 b. Efforts to prevent placement were not reasonable due to risk  
4 of harm to the child's health or safety.

5 When determining whether reasonable efforts are required to  
6 prevent placement, the health and safety of the child shall be of  
7 paramount concern to the court.

8 (cf: P.L.2004, c.130, s.50)

9

10 63. Section 25 of P.L.1999, c.53 (C.30:4C-11.3) is amended to  
11 read as follows:

12 25. In any case in which the Division of **【Youth and Family**  
13 **Services】** Child Protection and Permanency accepts a child in care  
14 or custody, including placement, the division shall not be required  
15 to provide reasonable efforts to reunify the child with a parent if a  
16 court of competent jurisdiction has determined that:

17 a. The parent has subjected the child to aggravated  
18 circumstances of abuse, neglect, cruelty, or abandonment;

19 b. The parent has been convicted of murder, aggravated  
20 manslaughter, or manslaughter of another child of the parent; aiding  
21 or abetting, attempting, conspiring, or soliciting to commit murder,  
22 aggravated manslaughter or manslaughter of the child or another  
23 child of the parent; committing or attempting to commit an assault  
24 that resulted, or could have resulted, in significant bodily injury to  
25 the child or another child of the parent; or committing a similarly  
26 serious criminal act which resulted, or could have resulted, in the  
27 death of or significant bodily injury to the child or another child of  
28 the parent; or

29 c. The rights of the parent to another of the parent's children  
30 have been involuntarily terminated.

31 When determining whether reasonable efforts are required to  
32 reunify the child with the parent, the health and safety of the child  
33 and the child's need for permanency shall be of paramount concern  
34 to the court.

35 This section shall not be construed to prohibit the division from  
36 providing reasonable efforts to reunify the family, if the division  
37 determines that family reunification is in the child's best interests.

38 A permanency plan for the child may be established at the same  
39 hearing at which the court determines that reasonable efforts are not  
40 required to reunify the child with the parent, if the hearing meets all  
41 of the requirements of a permanency hearing pursuant to section 50  
42 of P.L.1999, c.53 (C.30:4C-61.2).

43 (cf: P.L.2004, c.130, s.51)

44

45 64. Section 28 of P.L.1999, c.53 (C.30:4C-12.2) is amended to  
46 read as follows:

47 28. In any case in which the Division of **【Youth and Family**  
48 **Services】** Child Protection and Permanency accepts a child in its

1 care or custody, the child's resource family parent or relative  
2 providing care for the child, as applicable, shall receive written  
3 notice of, and shall have a right to be heard at, any review or  
4 hearing held with respect to the child, but the resource family parent  
5 or relative shall not be made a party to the review or hearing solely  
6 on the basis of the notice and right to be heard.

7 (cf: P.L.2007, c.228, s.2)

8

9 65. Section 13 of P.L.1951, c.138 (C.30:4C-13) is amended to  
10 read as follows:

11 13. If in the course of verifying and investigating any  
12 applications or complaints, as provided for in sections 11 and 12  
13 **[hereof]** of P.L.1951, c.138 (C.30:4C-11 and C.30:4C-12), it shall  
14 appear that there is a person legally responsible for the support of  
15 the child who is willing and able to provide the care and support  
16 required by **[such]** the child; or it shall appear that the needs of the  
17 child can properly be provided for by financial assistance as made  
18 available by the laws of this State; then, the **[Bureau of Childrens**  
19 **Services]** Division of Child Protection and Permanency, before  
20 accepting and providing care or custody, shall first make proper  
21 referral of the matter to such legally responsible person, or to the  
22 agency charged with the administration of such financial assistance.  
23 If it shall appear that the welfare of the child is endangered, and that  
24 such condition can be eliminated or ameliorated by making  
25 available to or for **[such]** the child any one or more of whatever  
26 specific services the **[Bureau of Childrens Services]** Division of  
27 Child Protection and Permanency may be authorized, within the  
28 limits of legislative appropriations, to provide for all children in  
29 similar circumstances, the child shall be found eligible for care or  
30 custody, and the **[bureau]** division shall proceed to furnish **[such]**  
31 the services either by direct provision or, if the **[bureau]** division so  
32 determines in the specific case, by purchasing **[such]** services from  
33 any appropriate privately sponsored agency or institution which  
34 complies with whatever rules and regulations, established pursuant  
35 to **[this act]** P.L.1951, c.138 (C.30:4C-1 et seq.), may govern such  
36 arrangements for purchase of service.

37 (cf: P.L.1962, c.197, s.16)

38

39 66. Section 14 of P.L.1951, c.138 (C.30:4C-14) is amended to  
40 read as follows:

41 14. The **[Bureau of Childrens Services]** Division of Child  
42 Protection and Permanency shall give due notice in writing to the  
43 applicant or complainant of the action taken on any application as  
44 provided in sections 11 and 12 **[hereof]** of P.L.1951, c.138  
45 (C.30:4C-11 and C.30:4C-12).

46 (cf: P.L.1962, c.197, s.17)

1       67. Section 31 of P.L.1999, c.53 (C.30:4C-15.3) is amended to  
2 read as follows:

3       31. The Division of **【Youth and Family Services】** Child  
4 Protection and Permanency shall not be required to file a petition  
5 seeking the termination of parental rights if:

6       a. The child is being cared for by a relative and a permanent  
7 plan for the child can be achieved without termination of parental  
8 rights;

9       b. The division has documented in the case plan, which shall be  
10 available for court review, a compelling reason for determining that  
11 filing the petition would not be in the best interests of the child; or

12       c. The division is required to provide reasonable efforts to  
13 reunify the family but the division has not provided to the family of  
14 the child, consistent with the time period in the case plan, such  
15 services as the division deems necessary for the safe return of the  
16 child to his home.

17 (cf: P.L.1999, c.53, s.31)

18

19       68. Section 4 of P.L.2000, c.58 (C.30:4C-15.7) is amended to  
20 read as follows:

21       4. a. If a person voluntarily delivers a child who is or appears  
22 to be no more than 30 days old to, and leaves the child at a State,  
23 county or municipal police station and does not express an intent to  
24 return for the child, a State, county, or municipal police officer shall  
25 take the child to the emergency department of a licensed general  
26 hospital in this State and the hospital shall proceed as specified in  
27 subsection b. of this section.

28       b. If a person voluntarily delivers a child who is or appears to  
29 be no more than 30 days old to, and leaves the child at an  
30 emergency department of a licensed general hospital in this State  
31 and does not express an intent to return for the child, or, if a State,  
32 county, or municipal police officer brings a child to a licensed  
33 general hospital under the circumstances set forth in subsection a.  
34 of this section, the hospital shall:

35       (1) take possession of the child without a court order;

36       (2) take any action or provide any treatment necessary to protect  
37 the child's physical health and safety; and

38       (3) no later than the first business day after taking possession of  
39 the child, notify the Division of **【Youth and Family Services】** Child  
40 Protection and Permanency in the Department of Children and  
41 Families that the hospital has taken possession of the child.

42       c. The Division of **【Youth and Family Services】** Child  
43 Protection and Permanency shall assume the care, custody, and  
44 control of the child immediately upon receipt of notice from a  
45 licensed general hospital pursuant to paragraph (3) of subsection b.  
46 of this section. The division shall commence a thorough search of  
47 all listings of missing children to ensure that the relinquished child  
48 has not been reported missing.

1 d. A child for whom the Division of **【Youth and Family**  
2 **Services】** Child Protection and Permanency assumes care, custody,  
3 and control pursuant to subsection c. of this section shall be treated  
4 as a child taken into possession without a court order.

5 e. It shall be an affirmative defense to prosecution for  
6 abandonment of a child that the parent voluntarily delivered the  
7 child to and left the child at, or voluntarily arranged for another  
8 person to deliver the child to and leave the child at, a State, county,  
9 or municipal police station as provided in subsection a. of this  
10 section or the emergency department of a licensed general hospital  
11 in this State as provided in subsection b. of this section. Nothing in  
12 this subsection shall be construed to create a defense to any  
13 prosecution arising from any conduct other than the act of  
14 delivering the child as described herein, and this subsection  
15 specifically shall not constitute a defense to any prosecution arising  
16 from an act of abuse or neglect committed prior to the delivery of  
17 the child to a State, county or municipal police station as provided  
18 in subsection a. of this section or the emergency department of a  
19 licensed general hospital in this State as provided in subsection b.  
20 of this section.

21 f. A State, county, or municipal police officer and the  
22 governmental jurisdiction employing that officer or an employee of  
23 an emergency department of a licensed general hospital in this State  
24 and the hospital employing that person shall incur no civil or  
25 criminal liability for any good faith acts or omissions performed  
26 pursuant to this section.

27 g. Any person who voluntarily delivers a child who is or  
28 appears to be no more than 30 days old to a licensed general  
29 hospital or a police station in accordance with this section shall not  
30 be required to disclose that person's name or other identifying  
31 information or that of the child or the child's parent, if different  
32 from the person who delivers the child to the hospital or police  
33 station, or provide background or medical information about the  
34 child, but may voluntarily do so.

35 (cf: P.L.2006, c.47, s.124)

36  
37 69. Section 17 of P.L.1951, c.138 (C.30:4C-17) is amended to  
38 read as follows:

39 17. a. When a petition is filed under section 15 of P.L.1951,  
40 c.138 (C.30:4C-15), by a person, association, or agency other than  
41 the Division of **【Youth and Family Services】** Child Protection and  
42 Permanency, the court, in addition to causing service to be made  
43 upon the parent, parents, guardian, or person having custody and  
44 control of such child in accordance with rules of court, shall also  
45 cause a copy of the petition and notice of the time and place of  
46 hearing to be served on or mailed to the division at least 20 days  
47 before the time of such hearing.

1       b. When a petition is filed under section 15 of P.L.1951, c.138  
2 (C.30:4C-15) by a person, association, or agency, the court shall  
3 cause a copy of the petition to be served upon the absent parent of  
4 the child. The notice shall inform the parent of the purpose of the  
5 action and of the right to file written objections to the guardianship  
6 proceedings within 20 days after notice is given in the case of a  
7 resident, and 35 days in the case of a nonresident, of this State.

8       If personal service of the notice cannot be effected because the  
9 whereabouts of an absent parent are unknown, the court shall  
10 determine that an adequate effort has been made to serve notice  
11 upon the parent if the plaintiff has:

12       (1) Sent the notice by regular mail and by certified mail return  
13 receipt requested, to the last known address of the parent;

14       (2) Made a discreet inquiry among any known relatives, friends,  
15 and current or former employers of the parent;

16       (3) Unless otherwise restricted by law, made direct inquiries,  
17 using the party's name and last known or suspected address, to the  
18 local post office, the **【Division of Motor Vehicles】** New Jersey  
19 Motor Vehicle Commission in , but not of, the Department of **【Law**  
20 **and Public Safety】** Transportation, the county welfare agency, the  
21 municipal police department, the Division of State Police in the  
22 Department of Law and Public Safety, the county probation office,  
23 the Department of Corrections, and any other social service or law  
24 enforcement agency known to have had contact with the parent, or  
25 the equivalent agencies in other states, territories, or countries.

26       Failure to receive a response to the inquiries made pursuant to  
27 paragraphs (2) and (3) of this subsection within 45 days shall  
28 constitute a negative response.

29       c. In any case in which the identity of an absent parent cannot  
30 be determined or the known parent of a child is unable or refuses to  
31 identify the other parent, and the court is unable from other  
32 information before the court to identify the other parent, service on  
33 that parent shall be waived by the court.

34       d. Whenever a petition is filed under section 15 of P.L.1951,  
35 c.138 (C.30:4C-15), and there shall be filed with such petition a  
36 statement or statements made under oath and attesting that the best  
37 interests of the child require that he be placed under the  
38 guardianship of the division immediately and pending final hearing,  
39 the court, at a special summary hearing held upon notice to the  
40 division, may make an interlocutory order committing such child to  
41 the division until a final hearing on the petition. Such interlocutory  
42 order shall have the same force and effect as an order of  
43 commitment provided for in section 20 of P.L.1951, c.138  
44 (C.30:4C-20).

45 (cf: P.L.1991, c.275, s.4)

46  
47       70. Section 18 of P.L.1951, c.138 (C.30:4C-18) is amended to  
48 read as follows:

1 18. Immediately upon receipt of the copy of a petition served on  
2 or mailed to the **[Bureau of Childrens Services]** Division of Child  
3 Protection and Permanency as provided by section 17 **[hereof]** of  
4 P.L.1951, c.138 (C.30:4C-17), **[such bureau]** the division shall  
5 verify such petition and investigate all the facts pertaining to the  
6 eligibility of the child for commitment, and prior to the day set for  
7 hearing shall file with the court a report of its findings. **[Such]** The  
8 report shall show such facts as will assist the court in making a  
9 decision in the matter.

10 (cf: P.L.1962, c.197, s.20)

11  
12 71. Section 20 of P.L.1951, c.138 (C.30:4C-20) is amended to  
13 read as follows:

14 20. If upon the completion of **[such]** the hearing the court is  
15 satisfied that the best interests of **[such]** the child require that **[he]**  
16 the child be placed under proper guardianship, **[such]** the court  
17 shall make an order terminating parental rights and committing  
18 **[such]** the child to the guardianship and control of the Division of  
19 **[Youth and Family Services]** Child Protection and Permanency,  
20 and **[such]** the child shall thereupon become the legal ward of the  
21 division, which shall be the legal guardian of **[such]** the child for  
22 all purposes, including the placement of **[such]** the child for  
23 adoption.

24 If the court shall have made an interlocutory order as provided in  
25 section 17 of P.L.1951, c.138 (C.30:4C-17), but at the final hearing  
26 a further order of commitment shall not be made as provided in this  
27 section, the Division of **[Youth and Family Services]** Child  
28 Protection and Permanency shall return the child forthwith to the  
29 parent or parents, guardian, or person having had custody of the  
30 child immediately prior to the filing of the petition; provided,  
31 however, that if the return does not ensure the safety of the child or  
32 if the parent or parents, guardian, or person having had custody  
33 cannot be found or, for other reason satisfactory to the court, is  
34 unable to accept the child, the division, upon order of the court,  
35 may place the child with such other person or persons who, at the  
36 time of final hearing, expressed willingness to accept the child, but  
37 **[such]** the order shall in no wise be construed as a grant of custody  
38 or guardianship. In all such cases the interlocutory order shall  
39 continue in full force and effect until the division shall have made  
40 disposition of the child as provided herein or as otherwise provided  
41 by law, but in no case for a period longer than 30 days after the  
42 final hearing.

43 (cf: P.L.1999, c.53, s.32)

44  
45 72. Section 21 of P.L.1951, c.138 (C.30:4C-21) is amended to  
46 read as follows:

1       21. The order of the court committing a child to the  
2 guardianship of the **【Bureau of Childrens Services】** Division of  
3 Child Protection and Permanency, shall in no wise be restrictive of  
4 the duties, powers, and authority of **【such bureau】** the division in  
5 the care, custody, placement, welfare, and exclusive guardianship  
6 of the child as provided in **【this act】** P.L.1951, c.138 (C.30:4C-1 et  
7 seq.), and **【such bureau】** the division shall be removed as **【such】**  
8 the guardian only by a court of competent jurisdiction upon charges  
9 preferred and upon good cause shown after an opportunity to be  
10 heard.

11 (cf: P.L.1962, c.197, s.22)

12

13       73. Section 23 of P.L.1951, c.138 (C.30:4C-23) is amended to  
14 read as follows:

15       23. In addition to the methods otherwise provided in this article  
16 for establishing guardianship by the **【Bureau of Childrens Services】**  
17 Division of Child Protection and Permanency, and when necessary  
18 to carry out the provisions of **【this act】** P.L.1951, c.138 (C.30:4C-1  
19 et seq.), the **【Bureau of Childrens Services】** Division of Child  
20 Protection and Permanency, after due investigation and  
21 consideration, may, in cases where it would be to the permanent  
22 advantage of the child, take voluntary surrenders and releases of  
23 custody and consents to adoption from the parent, parents,  
24 guardians, or other persons or agencies having the right or authority  
25 to give such surrenders, releases, or consents. Such surrenders,  
26 releases, or consents, when properly acknowledged before a person  
27 authorized to take acknowledgments of proofs in the State of New  
28 Jersey, shall be valid and binding irrespective of the age of the  
29 person giving the same, and shall be irrevocable except at the  
30 discretion of the **【Bureau of Childrens Services】** Division of Child  
31 Protection and Permanency or upon order of a court of competent  
32 jurisdiction.

33 (cf: PL.1962, c.197, s.24)

34

35       74. Section 24 of P.L.1951, c.138 (C.30:4C-24) is amended to  
36 read as follows:

37       24. Whenever the director of welfare of any county or  
38 municipality in this State shall be called upon to serve any child  
39 whose needs cannot properly be provided for by financial assistance  
40 as made available by the laws of this State, **【such】** the director  
41 shall, within 24 hours thereafter, give written notice thereof to the  
42 **【Bureau of Childrens Services】** Division of Child Protection and  
43 Permanency, and shall file an application for care or custody, as  
44 provided in section 11 of **【this act】** P.L.1951, c.138 (C.30:4C-11),  
45 or shall file a complaint as provided in section 12 of **【this act】**  
46 P.L.1951, c.138 (C.30:4C-12), or shall file a petition as provided in  
47 section 15 of **【this act】** P.L.1951, c.138 (C.30:4C-15), as the



1 situation of the child may require. **【Such】** The notice shall contain  
2 all available information concerning the child and **【his】** the child's  
3 circumstances, which will enable the **【Bureau of Childrens**  
4 **Services】** Division of Child Protection and Permanency to take  
5 proper action. If the immediate needs of the child so require, the  
6 director shall provide for **【his】** the child's care in a suitable place,  
7 approved with reasonable promptness for that purpose by the  
8 **【bureau】** division, paying therefor as a charge against county or  
9 municipal funds until such time as the child has been found eligible  
10 for care, custody, or guardianship in accordance with the provisions  
11 of **【this act】** P.L.1951, c.138 (C.30:4C-1 et seq.).

12 (cf: P.L.1962, c.197, s.25)

13

14 75. Section 25 of P.L.1951, c.138 (C.30:4C-25) is amended to  
15 read as follows:

16 25. The **【Bureau of Childrens Services】** Division of Child  
17 Protection and Permanency, by its agent or agents, shall regularly  
18 visit all children under its care, custody, or guardianship under the  
19 provisions of **【this act】** P.L.1951, c.138 (C.30:4C-1 et seq.) in  
20 order to assure the maximum benefit from such services.

21 (cf: P.L.1962, c.197, s.26)

22

23 76. Section 3 of P.L.2010, c.69 (C.30:4C-26b) is amended to  
24 read as follows:

25 3. a. Whenever the Division of **【Youth and Family Services】**  
26 Child Protection and Permanency in the Department of Children  
27 and Families places any child in a resource family home, including  
28 a change in a placement following the initial placement, there shall  
29 be a presumption that the child shall remain in the school currently  
30 attended by the child and the child shall remain in that school,  
31 pending a best interest determination as set forth in subsection c. of  
32 this section, unless the division determines that the circumstances  
33 provided in subsection b. of this section are present.

34 b. If the division determines that remaining in the present  
35 school is not in the best interest of the child upon consideration of  
36 the best interest factors listed in subsection f. of this section, and  
37 would present significant safety concerns or otherwise be a  
38 significant and immediate detriment to the child, the child may be  
39 immediately enrolled in the school district in which the resource  
40 family home is located. If the division enrolls the child in the  
41 school district in which the resource family home is located,  
42 pursuant to this subsection, the division shall, within two business  
43 days of taking such action, provide notice to the child's law  
44 guardian and a parent or legal guardian, of the new school  
45 placement and the basis for such action. If the division determines  
46 there exists a credible safety issue for the child if the location of the  
47 school in the resource family's district is disclosed to the parent or

1 legal guardian, the division shall not include the location of that  
2 school or other information about the identity of the school in the  
3 notice to the parent or legal guardian.

4 c. Except as provided in subsection b. of this section, within  
5 five business days of placement in a resource family home, the  
6 division shall make a determination, upon consideration of the best  
7 interest factors listed in subsection f. of this section, whether the  
8 presumption that the child continue to attend the school that the  
9 child currently attends is outweighed by the best interest factors  
10 supporting placement in the school district in which the resource  
11 family home is located.

12 In making that determination, the division shall make reasonable  
13 efforts to consult with a parent or guardian of the child, the child,  
14 the child's law guardian, a representative from the school the child  
15 attended at the time of removal, and any school district under  
16 consideration for placement.

17 d. If the division's determination, pursuant to subsection c. of  
18 this section, is that it is in the best interest of the child to enroll the  
19 child in the school district in which the resource family home is  
20 located, the determination shall remain preliminary pending the  
21 completion of the requirements of this subsection. If the division's  
22 determination is consistent with the presumption established  
23 pursuant to subsection a. of this section, the determination shall be  
24 deemed conclusive at the time the determination is made.

25 (1) The division shall immediately transmit a written notice to  
26 the child's law guardian and a parent or legal guardian of the child:  
27 (a) advising of the preliminary determination; (b) providing the  
28 basis for the preliminary determination; and (c) that the preliminary  
29 determination shall be deemed conclusive if the division does not  
30 receive notice that an application pursuant to this subsection has  
31 been made with the court by the date indicated on the notice, which  
32 date shall be five business days from the date the notice is  
33 transmitted by the division.

34 The child shall remain enrolled in his current school at least until  
35 the time allotted to seek a court review of the preliminary  
36 determination is exhausted.

37 (2) Any party may make an application with the court seeking a  
38 review of whether the division's preliminary determination is in the  
39 best interest of the child upon consideration of the best interest  
40 factors listed in subsection f. of this section within the time allotted  
41 by the division as specified in the division's notice, which date shall  
42 be five business days from the date the notice is transmitted by the  
43 division, unless the child's law guardian, on behalf of the child, and  
44 a parent or legal guardian of the child agrees, in writing, to waive  
45 the opportunity for a court review of the preliminary determination  
46 pursuant to this subsection, in which case the determination  
47 becomes conclusive.

1 Any party who makes an application for court review of the  
2 preliminary determination pursuant to this subsection shall provide  
3 simultaneous notice to the division and all other parties involved in  
4 the division's complaint for custody and guardianship. The court  
5 shall hear and decide such application in an expedited manner. In  
6 any such proceedings, the division shall bear the burden of proof,  
7 based on a preponderance of the evidence, that its determination to  
8 enroll the child in the school district in which the resource family  
9 home is located is in the best interest of the child.

10 If a party makes an application for court review of the division's  
11 preliminary determination pursuant to this subsection, the child  
12 shall continue to attend his current school while the court hears and  
13 decides the application.

14 (3) If the division does not receive timely notice pursuant to  
15 paragraph (2) of this subsection that an application has been made  
16 for court review within five business days of the transmittal date of  
17 the notice of the preliminary determination, the preliminary  
18 determination shall be deemed conclusive and the division shall  
19 implement its determination as provided in subsection g. of this  
20 section.

21 e. (1) At any time during placement of a child in a resource  
22 family home, the court may, upon application by any party to the  
23 division's complaint for custody or guardianship, review the child's  
24 school placement upon consideration of the best interest factors  
25 listed in subsection f. of this section, and make appropriate orders  
26 regarding school placement.

27 (2) At any time during placement in a resource family home, the  
28 division may reconsider the child's school placement and make a  
29 new determination in accordance with subsection b. or c. and d. of  
30 this section, upon consideration of the best interest factors listed in  
31 subsection f. of this section.

32 f. The factors the division and the court shall consider in  
33 making a best interest determination, as provided in this section,  
34 shall include, but not be limited to:

35 (1) safety considerations;

36 (2) the proximity of the resource family home to the child's  
37 present school;

38 (3) the age and grade level of the child as it relates to the other  
39 best interest factors listed in this subsection;

40 (4) the needs of the child, including social adjustment and  
41 wellbeing;

42 (5) the child's preference;

43 (6) the child's performance, continuity of education, and  
44 engagement in the school the child presently attends;

45 (7) the child's special education programming if the child is  
46 classified;

47 (8) the point of time in the school year;

1 (9) the child's permanency goal and the likelihood of  
2 reunification;

3 (10) the anticipated duration of the current placement; and

4 (11) such other factors as provided by regulation of the  
5 Commissioner of Children and Families.

6 g. At the time a determination becomes conclusive or upon any  
7 subsequent decision by the court, the child shall either continue to  
8 be enrolled in his current school or shall be immediately enrolled in  
9 the new school district, and the mandated student record shall be  
10 provided to the new school district in accordance with applicable  
11 regulations of the State Board of Education.

12 h. The division shall provide transportation for the child to  
13 attend school during the time that a determination is being made or  
14 while a court review is pending as to where the child will attend  
15 school and for the subsequent five school days. At such time as a  
16 determination is made by the division or a decision is rendered by  
17 the court, the division shall immediately notify the school district  
18 where the child is currently attending school, the school district of  
19 residence, and the school district where the resource family home is  
20 located, as applicable.

21 The district of residence shall be responsible for transportation  
22 for the child to attend school, within five days of being notified by  
23 the division where the child will attend school.

24 i. Nothing in this section shall be construed to require any  
25 public entity to fund students placed in nonpublic schools by their  
26 parents or guardians.

27 j. Notwithstanding the provisions of this section, the division  
28 shall not be required to identify the school where the child is or will  
29 be enrolled to a parent or legal guardian, if the release of such  
30 information would pose a risk to the safety of the child.

31 (cf: P.L.2010, c.69, s.3)

32

33 77. Section 1 of P.L.1962, c.137 (C.30:4C-26.1) is amended to  
34 read as follows:

35 1. As used in **[this act]** P.L.1962, c.137 (C.30:4C-26.1 et seq.)  
36 "resource family home" means and includes private residences  
37 wherein any child in the care, custody, or guardianship of the  
38 Department of Children and Families may be placed by the  
39 department, or with its approval, for care, and shall include any  
40 private residence maintained by persons with whom any **[such]**  
41 child is placed by the Division of **[Youth and Family Services]**  
42 Child Protection and Permanency for the purpose of adoption until  
43 the adoption is finalized.

44 (cf: P.L.2006, c.47, s.131)

45

46 78. Section 2 of P.L.1962, c.137 (C.30:4C-26.2) is amended to  
47 read as follows:

1       2. The Division of **【Youth and Family Services】** Child  
2 Protection and Permanency, shall establish and maintain, within the  
3 limits of available appropriations, child care shelters in **【such】**  
4 numbers and at **【such】** locations throughout the State as the  
5 Commissioner of Children and Families shall deem to be necessary.  
6 (cf: P.L. 2006, c.47, s.132)

7  
8       79. Section 3 of P.L.1962, c.137 (C.30:4C-26.3) is amended to  
9 read as follows:

10       3. **【Such】** The shelters shall be equipped and used for the  
11 temporary care and supervision of children who are placed in the  
12 care, custody, or guardianship of the Division of **【Youth and**  
13 **Family Services】** Child Protection and Permanency, during the  
14 interim between such placement and placement in a suitable  
15 resource family home. **【Such】** The shelters shall be properly  
16 staffed to provide for child care and supervision and shall contain  
17 the necessary facilities for both physical and psychological  
18 examinations of **【such】** children.  
19 (cf: P.L.2004, c.130, s.60)

20  
21       80. Section 1 of P.L.1962, c.136 (C.30:4C-26.4) is amended to  
22 read as follows:

23       1. As used in **【this act】** P.L.1962, c.136 (C.30:4C-26.4 et seq.)  
24 "resource family parent" shall mean any person with whom a child  
25 in the care, custody, or guardianship of the Department of Children  
26 and Families is placed by the department, or with its approval, for  
27 care and shall include any person with whom a child is placed by  
28 the Division of **【Youth and Family Services】** Child Protection and  
29 Permanency for the purpose of adoption until the adoption is  
30 finalized.  
31 (cf: P.L.2006, c.47, s.133)

32  
33       81. Section 2 of P.L.1962, c.136 (C.30:4C-26.5) is amended to  
34 read as follows:

35       2. Notwithstanding the provisions of any other law or any rule  
36 or regulation of the Division of **【Youth and Family Services】** Child  
37 Protection and Permanency, no agreement entered into between the  
38 division and any resource family parent for the care of any child in  
39 the care, custody, or guardianship of the division shall contain any  
40 provision prohibiting the adoption of any child by the resource  
41 family parent.  
42 (cf: P.L.2004, c.130, s.62)

43  
44       82. Section 1 of P.L.1962, c.139 (C.30:4C-26.6) is amended to  
45 read as follows:

46       1. As used in **【this act】** P.L.1962, c.139 (C.30:4C-26.6 et seq.)  
47 "resource family parent" shall mean any person with whom a child

1 in the care, custody, or guardianship of the Department of Children  
2 and Families is placed by the department, or with its approval, for  
3 care and shall include any person with whom a child is placed by  
4 the Division of **【Youth and Family Services】** Child Protection and  
5 Permanency for the purpose of adoption until the adoption is  
6 finalized.

7 (cf: P.L.2006, c.47, s.134)

8

9 83. Section 2 of P.L.1962, c.139 (C.30:4C-26.7) is amended to  
10 read as follows:

11 2. Any person, who, as a resource family parent, has cared for  
12 a child continuously for a period of 15 months or more, may apply  
13 to the Division of **【Youth and Family Services】** Child Protection  
14 and Permanency, for the placement of the child with them for the  
15 purpose of adoption and if the child is eligible for adoption, the  
16 division shall give preference and first consideration to their  
17 application over all other applications for adoption placements.

18 (cf: P.L.2004, c.130, s.64)

19

20 84. Section 1 of P.L.1985, c.396 (C.30:4C-26.8) is amended to  
21 read as follows:

22 1. a. A person, in addition to meeting other requirements as  
23 may be established by the Department of Children and Families,  
24 shall become a resource family parent or eligible to adopt a child  
25 only upon the completion of an investigation to ascertain if there is  
26 a State or federal record of criminal history for the prospective  
27 adoptive or resource family parent or any other adult residing in the  
28 prospective parent's home. The investigation shall be conducted by  
29 the Division of State Police in the Department of Law and Public  
30 Safety and shall include an examination of its own files and the  
31 obtaining of a similar examination by federal authorities.

32 b. If the prospective resource family parent or any adult  
33 residing in the prospective parent's home has a record of criminal  
34 history, the Department of Children and Families shall review the  
35 record with respect to the type and date of the criminal offense and  
36 make a determination as to the suitability of the person to become a  
37 resource family parent or the suitability of placing a child in that  
38 person's home, as the case may be.

39 c. For the purposes of this section, a conviction for one of the  
40 offenses enumerated in subsection d. or e. of this section has  
41 occurred if the person has been convicted under the laws of this  
42 State or any other state or jurisdiction for an offense that is  
43 substantially equivalent to the offenses enumerated in these  
44 subsections.

45 d. A person shall be disqualified from being a resource family  
46 parent or shall not be eligible to adopt a child if that person or any  
47 adult residing in that person's household ever committed a crime  
48 which resulted in a conviction for:

- 1 (1) a crime against a child, including endangering the welfare of
- 2 a child and child pornography pursuant to N.J.S.2C:24-4; or child
- 3 abuse, neglect, or abandonment pursuant to R.S.9:6-3;
- 4 (2) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant
- 5 to N.J.S.2C:11-4;
- 6 (3) aggravated assault which would constitute a crime of the
- 7 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;
- 8 (4) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);
- 9 (5) kidnapping and related offenses including criminal restraint;
- 10 false imprisonment; interference with custody; criminal coercion; or
- 11 enticing a child into a motor vehicle, structure, or isolated area
- 12 pursuant to N.J.S.2C:13-1 through 2C:13-6;
- 13 (6) sexual assault, criminal sexual contact, or lewdness pursuant
- 14 to N.J.S.2C:14-2 through N.J.S.2C:14-4;
- 15 (7) robbery which would constitute a crime of the first degree
- 16 pursuant to N.J.S.2C:15-1;
- 17 (8) burglary which would constitute a crime of the second
- 18 degree pursuant to N.J.S.2C:18-2;
- 19 (9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17
- 20 et seq.);
- 21 (10) endangering the welfare of an incompetent person pursuant
- 22 to N.J.S.2C:24-7 or endangering the welfare of an elderly or
- 23 disabled person pursuant to N.J.S.2C:24-8;
- 24 (11) terrorist threats pursuant to N.J.S.2C:12-3;
- 25 (12) arson pursuant to N.J.S.2C:17-1, or causing or risking
- 26 widespread injury or damage which would constitute a crime of the
- 27 second degree pursuant to N.J.S.2C:17-2; or
- 28 (13) an attempt or conspiracy to commit an offense listed in
- 29 paragraphs (1) through (12) of this subsection.
- 30 e. A person shall be disqualified from being a resource family
- 31 parent if that person or any adult residing in that person's household
- 32 was convicted of one of the following crimes and the date of release
- 33 from confinement occurred during the preceding five years:
- 34 (1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;
- 35 (2) aggravated assault which would constitute a crime of the
- 36 fourth degree pursuant to subsection b. of N.J.S.2C:12-1;
- 37 (3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1
- 38 et seq.);
- 39 (4) robbery which would constitute a crime of the second degree
- 40 pursuant to N.J.S.2C:15-1;
- 41 (5) burglary which would constitute a crime of the third degree
- 42 pursuant to N.J.S.2C:18-2; or
- 43 (6) an attempt or conspiracy to commit an offense listed in
- 44 paragraphs (1) through (5) of this subsection.
- 45 For the purposes of this subsection, the "date of release from
- 46 confinement" means the date of termination of court-ordered
- 47 supervision through probation, parole, or residence in a correctional
- 48 facility, whichever date occurs last.

1 For purposes of this section, "resource family parent" means any  
2 person with whom a child in the care, custody, or guardianship of  
3 the Department of Children and Families is placed by the  
4 department, or with its approval, for care and shall include any  
5 person with whom a child is placed by the Division of **【Youth and**  
6 **Family Services】** Child Protection and Permanency for the purpose  
7 of adoption until the adoption is finalized.

8 (cf: P.L.2006, c.47, s.135)

9

10 85. Section 1 of P.L.1989, c.21 (C.30:4C-26.9) is amended to  
11 read as follows:

12 1. The Department of Children and Families may grant  
13 approval to a prospective resource family parent for a period not to  
14 exceed six months, upon completion of the State portion of the  
15 criminal history record investigation required pursuant to P.L.1985,  
16 c.396 (C.30:4C-26.8), pending completion and review of the federal  
17 portion of the criminal history record investigation required  
18 pursuant to that act, if: (1) the State portion of the criminal history  
19 record investigation indicates no information which would  
20 disqualify the person, (2) the prospective resource family parent and  
21 any adult residing in the prospective resource family parent's home  
22 submit a sworn statement to the Department of Children and  
23 Families attesting that the person does not have a record of criminal  
24 history which would disqualify the person, and (3) there is  
25 substantial compliance with department standards for resource  
26 family homes indicating there is no risk to a child's health or safety.

27 For purposes of this section, "resource family parent" means any  
28 person with whom a child in the care, custody, or guardianship of  
29 the Department of Children and Families is placed by the  
30 department, or with its approval, for care and shall include any  
31 person with whom a child is placed by the Division of **【Youth and**  
32 **Family Services】** Child Protection and Permanency for the purpose  
33 of adoption until the adoption is finalized.

34 (cf: P.L.2006, c.47, s.136)

35

36 86. Section 1 of P.L.2010, c.98 (C.30:4C-26.20) is amended to  
37 read as follows:

38 1. a. Notwithstanding any other provision of law to the  
39 contrary, if a minor is placed in a resource family home, group  
40 home, or institution, pursuant to section 26 of P.L.1951, c.138  
41 (C.30:4C-26), and is pregnant, becomes pregnant, or gives birth to a  
42 child while in the placement, the Division of **【Youth and Family**  
43 **Services】** Child Protection and Permanency in the Department of  
44 Children and Families shall provide or arrange for the provision of  
45 services to ensure that the minor and her child remain together as a  
46 family unit.



1       b. A Division of **【Youth and Family Services】** Child Protection  
2 and Permanency caseworker shall develop and implement a  
3 permanency plan for the minor and her child that will enable the  
4 minor to provide a safe and stable home for her child, and shall not  
5 limit the minor's legal right to make decisions regarding the care,  
6 custody, and supervision of her child. The plan shall address, but  
7 shall not be limited to, the following areas:

- 8       (1) counseling and advocacy services;  
9       (2) information about and referral to physicians, certified nurse  
10 midwives, and other health care professionals providing prenatal  
11 care;  
12       (3) medical care, including hospital, maternity, postnatal, and  
13 preventive pediatric services; and  
14       (4) maintenance services, including, clothing, food, housing,  
15 and financial assistance.

16       c. If, as a result of the minor's pregnancy or birth of her child,  
17 the minor's current placement is no longer available, is  
18 inappropriate, or could result in harm to the minor or her child, the  
19 caseworker shall locate and place the minor and her child together  
20 in a substitute living arrangement.

21       d. The Division of **【Youth and Family Services】** Child  
22 Protection and Permanency shall not be required to arrange or  
23 provide for services to the minor and her child pursuant to  
24 subsection a. of this section, if the division has reasonable cause to  
25 believe that the minor's child has been subjected to child abuse or  
26 acts of child abuse or neglect by the minor.

27       e. For purposes of this section, "minor" means a person 21  
28 years of age or younger who is under the care and supervision or  
29 custody of the Division of **【Youth and Family Services】** Child  
30 Protection and Permanency pursuant to section 12 of P.L.1951,  
31 c.138 (C.30:4C-12).  
32 (cf: P.L.2010, c.98, s.1)

33  
34       87. Section 1 of P.L.1962, c.135 (C.30:4C-27.1) is amended to  
35 read as follows:

36       1. As used in **【this act】** P.L.1962, c.135 (C.30:4C-27.1 et seq.)  
37 "resource family parent" shall mean any person with whom a child  
38 in the care, custody, or guardianship of the Department of Children  
39 and Families is placed by the department, or with its approval, for  
40 care and shall include any person with whom a child is placed by  
41 the Division of **【Youth and Family Services】** Child Protection and  
42 Permanency for the purpose of adoption until the adoption is  
43 finalized.  
44 (cf: P.L.2006, c.47, s.137)

45  
46       88. Section 2 of P.L.1962, c.135 (C.30:4C-27.2) is amended to  
47 read as follows:

1 2. Notwithstanding the provision of any other law, the  
2 maintenance of a clothing warehouse and distribution center for the  
3 distribution of clothing to children in the care, custody, or  
4 guardianship of the Division of **[Youth and Family Services]** Child  
5 Protection and Permanency, shall be discontinued and in lieu  
6 thereof the division shall increase the monthly allowance payable to  
7 any resource family parent caring for any of the children in a  
8 sufficient amount to enable the resource family parent to purchase  
9 the necessary clothing items required by the children from the local  
10 merchants of the locality wherein the resource family parent  
11 resides.

12 (cf: P.L.2004, c.130, s.69)

13

14 89. Section 3 of P.L.2001, c.419 (C.30:4C-27.5) is amended to  
15 read as follows:

16 3. As used in **[this act]** P.L.2001, c.419 (C.30:4C-27.3 et seq.):

17 "Child" means a person who: is either under the age of 18 or  
18 meets the criteria set forth in subsection f. of section 2 of P.L.1972,  
19 c.81 (C.9:17B-2); and is under the care or custody of the division or  
20 another public or private agency authorized to place children in  
21 New Jersey.

22 "Commissioner" means the Commissioner of Children and  
23 Families.

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

25 "Division" means the Division of **[Youth and Family Services]**  
26 Child Protection and Permanency in the Department of Children  
27 and Families.

28 "Resource family home" or "home" means a private residence,  
29 other than a children's group home or shelter home, in which board,  
30 lodging, care, and temporary out-of-home placement services are  
31 provided by a resource family parent on a 24-hour basis to a child  
32 under the auspices of the division or any public or private agency  
33 authorized to place children in New Jersey.

34 "Resource family parent" means a person who has been licensed  
35 pursuant to **[this act]** P.L.2001, c.419 to provide resource family  
36 care to five or fewer children, including a child who has been  
37 placed by the division with the person for the purpose of adoption,  
38 except that the department may license a resource family parent to  
39 provide care for more than five children, if necessary, to keep  
40 sibling groups intact or to serve the best interests of the children in  
41 the home.

42 "License" means a document issued by the department to a  
43 person who meets the requirements of **[this act]** P.L.2001, c.419 to  
44 provide resource family care to children in the person's home.

45 (cf: P.L.2006, c.47, s.138)

1 90. Section 1 of P.L.2003, c.186 (C.30:4C-27.16) is amended to  
2 read as follows:

3 1. As used in sections 1 through 6 and 8 through 11 of [this  
4 act] P.L.2003, c.186 (C.30:4C-27.16 et al.):

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

6 "Division" means the Division of [Youth and Family Services]  
7 Child Protection and Permanency in the Department of Children  
8 and Families.

9 "Residential child care facility" or "facility" means any public or  
10 private establishment subject to the regulatory authority of the  
11 department that provides room, board, care, shelter, or treatment  
12 services for children on a 24-hour-a-day basis. The term shall  
13 include: residential facilities operated by or under contract or  
14 agreement with the division to serve 13 or more children with  
15 emotional or behavioral problems as defined pursuant to section 2  
16 of P.L.1951, c.138 (C.30:4C-2); State-operated children's  
17 psychiatric facilities providing inpatient treatment; group homes,  
18 treatment homes, teaching family homes, alternative care homes,  
19 and supervised transitional living homes operated by or under  
20 contract or agreement with the division to serve 12 or fewer  
21 children with emotional or behavioral problems as defined pursuant  
22 to N.J.A.C.10:128-1.2; and shelter care facilities and homes,  
23 including shelters serving children in juvenile-family crisis and in  
24 need of temporary shelter care, as defined pursuant to section 3 of  
25 P.L.1982, c.77 (C.2A:4A-22).

26 "Staff member" means an individual 18 years of age or older  
27 who is an administrator of, employed by, or works in a facility on a  
28 regularly scheduled basis during the facility's operating hours,  
29 including full-time, part-time, voluntary, contract, consulting, and  
30 substitute staff, whether compensated or not.

31 (cf: P.L.2006, c.47, s.139)

32

33 91. Section 28 of P.L.1951, c.138 (C.30:4C-28) is amended to  
34 read as follows:

35 28. The [Bureau of Childrens Services] Division of Child  
36 Protection and Permanency may at any time discharge from its care,  
37 custody, or guardianship any child, if in the opinion of [such  
38 bureau] the division the best interests of the child will be promoted  
39 thereby.

40 (cf: P.L.1962, c.197, s.29)

41

42 92. Section 29 of P.L.1951, c.138 (C.30:4C-29) is amended to  
43 read as follows:

44 29. Subject to the provisions of section 30 [hereof] of P.L.1951,  
45 c.138 (C.30:4C-30), payments for maintenance shall be made by the  
46 [Bureau of Childrens Services] Division of Child Protection and  
47 Permanency.

1 The **【Bureau of Childrens Services】** Division of Child Protection  
2 and Permanency is hereby empowered to receive from the State  
3 Treasurer and from the county treasurer of each county such sums  
4 as shall be appropriated for the purposes of **【this act】** P.L.1951,  
5 c.138 (C:30:4C-1 et seq.), and shall cause such sums to be set up  
6 in a special account or accounts subject to disbursement by the  
7 **【Bureau of Childrens Services】** Division of Child Protection and  
8 Permanency.  
9 (cf: P.L.1962, c.197, s.30)

10  
11 93. Section 1 of P.L.1962, c.142 (C.30:4C-29.1) is amended to  
12 read as follows:

13 1. a. In any case in which the Department of Children and  
14 Families, through the Division of **【Youth and Family Services】**  
15 Child Protection and Permanency, is providing care or custody for  
16 any child when the child is in a resource family home, any legally  
17 responsible person of the child, if of sufficient financial ability, is  
18 liable for the full costs of maintenance of the child incurred by the  
19 division. If the legally responsible person is of insufficient  
20 financial ability, the person is liable in an amount which a court of  
21 competent jurisdiction directs according to a scheduled rate  
22 approved by the division. Nothing contained herein shall prevent  
23 the legally responsible person from voluntarily executing an  
24 agreement for payment to the division for the costs of maintenance  
25 of the child receiving care or custody when the child is in a resource  
26 family home.

27 b. The division shall have a lien against the property of the  
28 legally responsible person in an amount equal to the amount to be  
29 paid, which lien shall have priority over all unrecorded  
30 encumbrances.

31 c. If the legally responsible person fails to reimburse the  
32 department, through the division, for the costs of maintenance of a  
33 child incurred by the division when the child is in a resource family  
34 home, a court of competent jurisdiction, upon the complaint of the  
35 Commissioner of Children and Families, may summon the legally  
36 responsible person and other witnesses, and may order the legally  
37 responsible person to pay an amount to the department, according to  
38 a scheduled rate approved by the division.

39 d. In any case in which the department, through the division,  
40 has agreed to provide youth facilities aid to a public, private, or  
41 voluntary agency pursuant to **【this act】** P.L.1962, c.142 (C.30:4C-  
42 29.1 et seq.), the division shall have a lien against the property of  
43 any person, persons, or agency so contracting, in an amount equal  
44 to the amount or amounts so contracted to be paid, which lien shall  
45 have priority over all unrecorded encumbrances. **【Such】** The lien  
46 shall be reduced for each year of service provided by the agency at  
47 a rate to be negotiated by the division and the agency, but in no case

1 more than 20% a year; provided, however, that annual reductions  
2 shall not exceed \$10,000.

3 (cf: P.L.2006, c.47, s.140)

4

5 94. Section 32 of P.L.1951, c.138 (C.30:4C-32) is amended to  
6 read as follows:

7 32. Whenever a child receiving care, custody, or guardianship as  
8 provided by **[this act]** P.L.1951, c.138 (C.30:4C-1 et seq.) has died,  
9 and an investigation by the Division of **[Youth and Family**  
10 **Services]** Child Protection and Permanency discloses that there are  
11 insufficient funds from any other source to provide proper burial,  
12 **[such]** the division shall authorize the expenditure of an amount  
13 reasonably necessary to provide proper burial for **[such]** the child,  
14 and **[such]** the amount shall be a proper charge against State funds,  
15 within the limits of available appropriations, in the same manner  
16 and extent as expenditures for maintenance.

17 The amount reasonably necessary to provide proper burial shall  
18 be determined by the average cost for a proper burial and funeral  
19 charged by funeral directors in the locality in which the child is  
20 buried.

21 (cf: P.L.1990, c.66, s.5)

22

23 95. Section 33 of P.L.1951, c.138 (C.30:4C-33) is amended to  
24 read as follows:

25 33. The **[Bureau of Childrens Services]** Division of Child  
26 Protection and Permanency may compromise and settle any claim  
27 due or which may become due **[such bureau]** the division for  
28 reimbursement of moneys paid to any individual or organization for  
29 maintenance of a child. A memorandum of the compromise and  
30 settlement shall be entered in the official records of the **[bureau]**  
31 division.

32 (cf: P.L.1962, c.197, s.34)

33

34 96. Section 34 of P.L.1951, c.138 (C.30:4C-34) is amended to  
35 read as follows:

36 34. Whenever the **[Bureau of Childrens Services]** Division of  
37 Child Protection and Permanency shall recover or receive  
38 reimbursement of any moneys paid to any individual or  
39 organization for the maintenance of a child, the moneys so  
40 recovered or received shall be credited to the State treasury or to the  
41 Federal Government in the same proportion as they were charged in  
42 the original instance. The **[Bureau of Childrens Services]** division  
43 is hereby authorized to take all necessary and proper action under  
44 the laws of this State for the recovery of any **[such]** moneys  
45 wrongfully received or retained by any individual or organization,  
46 or for the recovery from the person or persons responsible under the

1 laws of this State for the support of **[such]** the child the value of  
2 maintenance furnished to **[such]** the child.

3 (cf: P.L.1962, c.197, s.35)

4

5 97. Section 35 of P.L.1951, c.138 (C.30:4C-35) is amended to  
6 read as follows:

7 35. The **[Bureau of Childrens Services]** Division of Child  
8 Protection and Permanency is authorized to retain any voluntary  
9 contributions of money heretofore received by it, and to receive  
10 future contributions. All **[such]** contributions, whether already  
11 received or hereafter received, shall be kept in a separate fund, and  
12 shall be used only upon order of the **[bureau]** division for the  
13 purposes for which the contributions were made, and **[such]** the  
14 funds shall be in the custody and control of the **[Bureau of**  
15 **Childrens Services]** division; provided, however, that any **[such]**  
16 contribution made to the **[bureau]** division, the original purpose of  
17 which is no longer practicable or possible of achievement, may be  
18 used by the **[bureau]** division, at its discretion, for the general  
19 benefit and welfare of children under its supervision.

20 (cf: P.L.1962, c.197, s.36)

21

22 98. Section 36 of P.L.1951, c.138 (C.30:4C-36) is amended to  
23 read as follows:

24 36. On application in writing by the **[Bureau of Childrens**  
25 **Services]** Division of Child Protection and Permanency, the State  
26 Treasurer on warrant of the Director of the Division of Budget and  
27 Accounting may pay to the **[bureau]** division from its annual  
28 appropriation such amount not exceeding **[\$5,000.00]** \$5,000 as  
29 may be necessary to establish a petty cash fund for the payment of  
30 traveling expenses and **[such]** other current expenses as require a  
31 prompt cash outlay.

32 The **[Bureau of Childrens Services]** division shall file an  
33 account with vouchers attached showing all expenditures from its  
34 petty cash fund and on receipt of the amount thereof from the State  
35 Treasurer shall reimburse the fund. Any questions with reference to  
36 the allowance, expenditure, accounting, and reimbursement of petty  
37 cash moneys shall be finally determined by ruling of the Director of  
38 the Division of Budget and Accounting.

39 (cf: P.L.1962, c.197, s.37)

40

41 99. Section 37 of P.L.1951, c.138 (C.30:4C-37) is amended to  
42 read as follows:

43 37. Whenever the **[Bureau of Childrens Services]** Division of  
44 Child Protection and Permanency shall have issued, or shall  
45 hereafter issue, any checks, drafts, or warrants to be paid from  
46 moneys received from the Federal Government, the State, or any

1 county of this State for the cost of maintenance, and **[such]** the  
2 checks, drafts, or warrants shall not be cashed for a period of **[1]**  
3 one year from the date of issue, the following procedure shall be  
4 taken:

5 (a) The **[Bureau of Childrens Services]** division shall give due  
6 notice to the bank on which **[such]** the checks, drafts, or warrants  
7 were issued that no payment shall be made thereon.

8 (b) The **[Bureau of Childrens Services]** division shall then from  
9 time to time deposit in a special fund moneys in an amount equal to  
10 that represented by **[such]** the checks, drafts, or warrants, which  
11 moneys shall be held for the payments of **[such]** the checks, drafts,  
12 or warrants. **[Such]** The special fund shall be in the custody and  
13 control of the **[Bureau of Childrens Services]** division.

14 (c) The moneys so deposited shall be maintained in **[such]** the  
15 special fund for a period of **[6]** six years from the date of deposit,  
16 and, if still unclaimed after that time by anyone having a legal right  
17 thereto, shall be credited to the Federal Government, the State, or  
18 any county of this State in the same proportion as **[such]** the  
19 moneys were received by the **[Bureau of Childrens Services]**  
20 division in the original instance.

21 Whenever the **[Bureau of Childrens Services]** division shall  
22 have credited any moneys to the Federal Government, the State, or  
23 any county of this State pursuant to the provisions of this section, it  
24 shall thereupon be free of all obligations as to those checks, drafts,  
25 or warrants for which such moneys have been held for payment.

26 (cf: P.L.1962, c.197, s.38)

27

28 100. Section 2 of P.L.1962, c.206 (C.30:4C-42) is amended to  
29 read as follows:

30 2. The **[Bureau of Childrens Services]** Division of Child  
31 Protection and Permanency, is hereby authorized and empowered,  
32 subject to the availability of appropriations therefor, to establish an  
33 Adoption Resource Exchange, the services of which shall be  
34 available only to approved agencies as a further resource to  
35 facilitate placement of children for adoption by and through **[such]**  
36 the agencies.

37 (cf: P.L.1964, c.102, s.26)

38

39 101. Section 3 of P.L.1962, c.206 (C.30:4C-43) is amended to  
40 read as follows:

41 43. The Adoption Resource Exchange authorized by **[this act]**  
42 P.L.1962, c.206 (C.30:4C-41 et seq.) shall not itself engage in the  
43 placement of children for adoption nor shall it be construed as a  
44 substitute for other local community resources, whether public or  
45 voluntary. It shall be a facility whereby the **[Bureau of Childrens**  
46 **Services]** Division of Child Protection and Permanency and other

1 approved agencies may mutually share and exchange information  
2 concerning children available for adoption and homes available for  
3 the placement of adoptive children.

4 (cf: P.L.1964, c.102, s.27)

5

6 102. Section 4 of P.L.1962, c.206 (C.30:4C-44) is amended to  
7 read as follows:

8 44. The **【Bureau of Childrens Services】** Division of Child  
9 Protection and Permanency is hereby authorized and empowered to  
10 establish rules, regulations, and procedures necessary to accomplish  
11 the purposes of **【this act】** P.L.1962, c.206 (C.30:4C-41 et seq.).

12 (cf: P.L.1964, c.102, s.28)

13

14 103. Section 2 of P.L.1973, c.81 (C.30:4C-46) is amended to  
15 read as follows:

16 2. The Division of **【Youth and Family Services】** Child  
17 Protection and Permanency shall make payments to adoptive  
18 parents on behalf of a child placed for adoption by the division  
19 whenever:

20 a. The child because of physical or mental condition, race, age,  
21 or membership in a sibling group, or for any other reason falls into  
22 the category of a child hard to place for adoption;

23 b. The adoptive family is capable of providing the permanent  
24 family relationships needed by the child; and

25 c. Except in situations involving adoption by a child's resource  
26 family parent, there has been a reasonable effort to place the child  
27 in an adoptive setting without providing a subsidy.

28 Payments shall be made on behalf of a child placed for adoption  
29 by the division except that whenever a child who would otherwise  
30 be eligible for subsidy payment is in the care of an approved New  
31 Jersey adoption agency pursuant to P.L.1977, c.367 (C.9:3-37 et  
32 seq.) a child shall, upon application by the agency and satisfaction  
33 of the regular requirements of the adoption subsidy program, be  
34 approved for participation in the adoption subsidy program. In any  
35 case the division may approve payment in subsidization of adoption  
36 for a child without legal transfer of care or custody of the child to  
37 the division. The division shall adopt regulations for administration  
38 of this program with respect to these children, except that all  
39 children are evaluated for eligibility in the same manner as children  
40 already under the care, custody, or guardianship of the division.

41 (cf: P.L.2004, c.130, s.82)

42

43 104. Section 4 of P.L.1973, c.81 (C.30:4C-48) is amended to  
44 read as follows:

45 4. Qualification for payments in subsidization of adoption shall  
46 be determined and approved by the Division of **【Youth and Family**  
47 **Services】** Child Protection and Permanency prior to the completion



1 of the adoption proceeding, and may be redetermined annually  
2 thereafter. No payments shall be made for any child who the  
3 division has determined was brought into this State for the sole  
4 purpose of qualifying for an adoption subsidy pursuant to P.L.1973,  
5 c. 81 (C. 30:4C-45 et seq.).

6 (cf: P.L.1983, c.484, s.3)

7

8 105. Section 5 of P.L.1973, c.81 (C.30:4C-49) is amended to  
9 read as follows:

10 5. The Division of **【Youth and Family Services】** Child  
11 Protection and Permanency shall make all necessary rules and  
12 regulations for administering the program for payments in  
13 subsidization of adoptions.

14 (cf: P.L.1983, c.484, s.4)

15

16 106. Section 2 of P.L.1977, c.424 (C.30:4C-51) is amended to  
17 read as follows:

18 2. The Legislature declares that it is in the public interest,  
19 whereby the safety of children shall be of paramount concern, to  
20 afford every child placed outside his home by the Division of  
21 **【Youth and Family Services】** Child Protection and Permanency  
22 with the opportunity for eventual return to **【his】** the child's home or  
23 placement in an alternative permanent home; that it is the obligation  
24 of the State to promote this end through effective planning and  
25 regular review of each child's placement; and that it is the purpose  
26 of **【this act】** P.L.1977, c.424 (C.30:4C-50 et seq.) to establish  
27 procedures for both administrative and judicial review of each  
28 child's placement in order to ensure that such placement ensures the  
29 safety and health and serves the best interest of the child.

30 (cf: P.L.1999, c.53, s.37)

31

32 107. Section 3 of P.L.1977, c.424 (C.30:4C-52) is amended to  
33 read as follows:

34 3. As used in **【this act】** P.L.1977, c.424 (C.30:4C-50 et seq.),  
35 unless the context indicates otherwise:

36 a. "Child" means any person less than 18 years of age;

37 b. "Child placed outside his home" means a child under the  
38 care, custody, or guardianship of the division who resides in a  
39 resource family home, group home, residential treatment facility,  
40 shelter for the care of abused or neglected children or juveniles  
41 considered as juvenile-family crisis cases, or independent living  
42 arrangement operated by or approved for payment by the division,  
43 or a child who has been placed by the division in the home of a  
44 person who is not related to the child and does not receive any  
45 payment for the care of the child from the division, or a child placed  
46 by the court in juvenile-family crisis cases pursuant to P.L.1982,  
47 c.77 (C.2A:4A-20 et seq.), but does not include a child placed by

1 the court in the home of a person related to the child who does not  
2 receive any payment from the division for the care of the child;

3 c. "County of supervision" means the county in which the  
4 division has established responsibility for supervision of the child;

5 d. "Division" means the Division of **【Youth and Family**  
6 **Services】** Child Protection and Permanency in the Department of  
7 Children and Families;

8 e. "Temporary caretaker" means a resource family parent as  
9 defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4) or a director  
10 of a group home or residential treatment facility;

11 f. "Designated agency" means an agency designated by the  
12 court pursuant to P.L.1982, c.80 (C.2A:4A-76 et seq.) to develop a  
13 family services plan.

14 (cf: P.L.2006, c.47, s.141)

15

16 108. Section 1 of P.L.1991, c.448 (C.30:4C-53.1) is amended to  
17 read as follows:

18 1. The Legislature finds and declares that it is in the public  
19 interest, whereby the safety of children shall be of paramount  
20 concern, to afford every child placed outside **【his】** the child's home  
21 by the Division of **【Youth and Family Services】** Child Protection  
22 and Permanency in the Department of Children and Families with  
23 permanency through return to **【his】** the child's own home, if the  
24 child can be returned home without endangering the child's health  
25 or safety; through adoption, if family reunification is not possible;  
26 or through an alternative permanent placement, if termination of  
27 parental rights is not appropriate:

28 a. Due to the severity of health and social problems such as  
29 AIDS, drug abuse, and homelessness, the division often works with  
30 families over a period of many years, and the children of these  
31 families often spend a majority of their young lives in resource  
32 family care; and

33 b. Research has shown that the longer children remain in the  
34 resource family care system, the greater number of placements they  
35 experience. As a result of these multiple placements, from birth  
36 family to resource family home, and from one resource family home  
37 to another resource family home, children develop emotional and  
38 psychological problems, making it more difficult for them to  
39 develop a positive self-image; and

40 c. (Deleted by amendment, P.L.2004, c.130).

41 d. The obligation of the State to recognize and protect the  
42 rights of children in the child welfare system should be fulfilled in  
43 the context of a clear and consistent policy which limits the  
44 repeated placement of children in resource family care and  
45 promotes the eventual placement of these children in stable and safe  
46 permanent homes.

47 (cf: P.L.2006, c.47, s.142)

1       109. Section 2 of P.L.1991, c.448 (C.30:4C-53.2) is amended to  
2 read as follows:

3       2. For purposes of **【this act】** P.L.1991, c.448 (C.30:4C-53.1 et  
4 seq.), the terms "repeated placement into resource family care" and  
5 "placed again into resource family care" shall apply to a child who  
6 has been placed in the custody of the Division of **【Youth and**  
7 **Family Services】** Child Protection and Permanency for placement  
8 in resource family care by the Family Part of the Chancery Division  
9 of the Superior Court or as a result of a voluntary placement  
10 agreement pursuant to P.L.1974, c.119 (C.9:6-8.21 et seq.), released  
11 into the custody of **【his】** the child's parents or legally responsible  
12 guardian at the conclusion of the placement and is once again  
13 temporarily removed from **【his】** the child's place of residence and  
14 placed under the division's care and supervision.  
15 (cf: P.L.2004, c.130, s.85)

16

17       110. Section 7 of P.L.2001, c.250 (C.30:4C-84) is amended to  
18 read as follows:

19       7. As used in sections 7 through 10 of P.L.2001, c.250  
20 (C.30:4C-84 et seq.):

21       "Caregiver" means a person over 18 years of age, other than a  
22 child's parent, who has a kinship relationship with the child and has  
23 been providing care and support for the child, while the child has  
24 been residing in the caregiver's home, for either the last 12  
25 consecutive months or 15 of the last 22 months. "Caregiver"  
26 includes a resource family parent as defined in section 1 of  
27 P.L.1962, c.136 (C.30:4C-26.4).

28       "Child" means a person under 18 years of age, except as  
29 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

30       "Commissioner" means the Commissioner of Children and  
31 Families.

32       "Court" means the Superior Court, Chancery Division, Family  
33 Part.

34       "Division" means the Division of **【Youth and Family Services】**  
35 Child Protection and Permanency in the Department of Children  
36 and Families.

37       "Family friend" means a person who is connected to a child or  
38 the child's parent by an established, positive psychological or  
39 emotional relationship that is not a biological or legal relationship.

40       "Kinship caregiver assessment" means a written report prepared  
41 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1  
42 et al.) and pursuant to regulations adopted by the commissioner.

43       "Kinship legal guardian" means a caregiver who is willing to  
44 assume care of a child due to parental incapacity, with the intent to  
45 raise the child to adulthood, and who is appointed the kinship legal  
46 guardian of the child by the court pursuant to P.L.2001, c.250  
47 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible

1 for the care and protection of the child and for providing for the  
2 child's health, education, and maintenance.

3 "Kinship relationship" means a family friend or a person with a  
4 biological or legal relationship with the child.

5 (cf: P.L.2006, c.47, s.154)

6

7 111. Section 2 of P.L.2005, c.95 (C.30:4C-90) is amended to  
8 read as follows:

9 2. The Legislature finds and declares that:

10 a. An increasing number of relatives in the State, including  
11 grandparents, find themselves providing care on a long-term basis  
12 to children who cannot reside with their parents due to the parent's  
13 incapacity or inability to perform the regular and expected functions  
14 of care and support of the child;

15 b. The State law allows for the appointment of an individual as  
16 a kinship legal guardian; a kinship legal guardian has the same  
17 rights, responsibilities, and authority relating to a child as a birth  
18 parent, with the exception of consenting to the adoption of the child  
19 or a name change for the child, while the birth parent retains the  
20 obligation to pay child support and the right to court-approved  
21 visitation or parenting time with the child;

22 c. The Department of Human Services and the Department of  
23 Children and Families offers a variety of support services and  
24 financial aid to kinship legal guardians, which include monthly  
25 payments through the federal TANF program, Medicaid eligibility  
26 for the child, funding for short-term or one-time expenses, support  
27 groups, child support collection, housing assistance, legal services,  
28 child care, respite services, and education;

29 d. The **【department】** Department of Children and Families has  
30 established the Kinship Navigator program, which is a referral  
31 service designed to help kinship caregivers coordinate the various  
32 government and community resources that may be available to  
33 them; and

34 e. It is appropriate for the State to ensure that individuals who  
35 may be eligible to become kinship legal guardians are aware of the  
36 eligibility requirements for, and the responsibilities of, kinship legal  
37 guardianship, and that both individuals who may be eligible to  
38 become kinship legal guardians and current kinship legal guardians  
39 are aware of the services available to kinship legal guardians in the  
40 State.

41 (cf: P.L.2005, c.95, s.2)

42

43 112. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to  
44 read as follows:

45 3. Definitions. As used in **【this act】** P.L.1968, c.413 (C.30:4D-  
46 1 et seq.), and unless the context otherwise requires:

47 a. "Applicant" means any person who has made application for  
48 purposes of becoming a "qualified applicant."

- 1       b. "Commissioner" means the Commissioner of Human  
2 Services.
- 3       c. "Department" means the Department of Human Services,  
4 which is herein designated as the single State agency to administer  
5 the provisions of this act.
- 6       d. "Director" means the Director of the Division of Medical  
7 Assistance and Health Services.
- 8       e. "Division" means the Division of Medical Assistance and  
9 Health Services.
- 10      f. "Medicaid" means the New Jersey Medical Assistance and  
11 Health Services Program.
- 12      g. "Medical assistance" means payments on behalf of recipients  
13 to providers for medical care and services authorized under **[this**  
14 **act]** P.L.1968, c.413.
- 15      h. "Provider" means any person, public or private institution,  
16 agency, or business concern approved by the division lawfully  
17 providing medical care, services, goods, and supplies authorized  
18 under **[this act]** P.L.1968, c.413, holding, where applicable, a  
19 current valid license to provide such services or to dispense such  
20 goods or supplies.
- 21      i. "Qualified applicant" means a person who is a resident of  
22 this State, and either a citizen of the United States or an eligible  
23 alien, and is determined to need medical care and services as  
24 provided under **[this act]** P.L.1968, c.413, with respect to whom  
25 the period for which eligibility to be a recipient is determined shall  
26 be the maximum period permitted under federal law, and who:
- 27       (1) Is a dependent child or parent or caretaker relative of a  
28 dependent child who would be, except for resources, eligible for the  
29 aid to families with dependent children program under the State  
30 Plan for Title IV-A of the federal Social Security Act as of July 16,  
31 1996;
- 32       (2) Is a recipient of Supplemental Security Income for the Aged,  
33 Blind and Disabled under Title XVI of the Social Security Act;
- 34       (3) Is an "ineligible spouse" of a recipient of Supplemental  
35 Security Income for the Aged, Blind and Disabled under Title XVI  
36 of the Social Security Act, as defined by the federal Social Security  
37 Administration;
- 38       (4) Would be eligible to receive Supplemental Security Income  
39 under Title XVI of the federal Social Security Act or, without  
40 regard to resources, would be eligible for the aid to families with  
41 dependent children program under the State Plan for Title IV-A of  
42 the federal Social Security Act as of July 16, 1996, except for  
43 failure to meet an eligibility condition or requirement imposed  
44 under such State program which is prohibited under Title XIX of  
45 the federal Social Security Act such as a durational residency  
46 requirement, relative responsibility, consent to imposition of a lien;
- 47       (5) (Deleted by amendment, P.L.2000, c.71).

1 (6) Is an individual under 21 years of age who, without regard to  
2 resources, would be, except for dependent child requirements,  
3 eligible for the aid to families with dependent children program  
4 under the State Plan for Title IV-A of the federal Social Security  
5 Act as of July 16, 1996, or groups of such individuals, including but  
6 not limited to, children in resource family placement under  
7 supervision of the Division of **[Youth and Family Services]** Child  
8 Protection and Permanency in the Department of Children and  
9 Families whose maintenance is being paid in whole or in part from  
10 public funds, children placed in a resource family home or  
11 institution by a private adoption agency in New Jersey or children  
12 in intermediate care facilities, including developmental centers for  
13 the developmentally disabled, or in psychiatric hospitals;

14 (7) Would be eligible for the Supplemental Security Income  
15 program, but is not receiving such assistance and applies for  
16 medical assistance only;

17 (8) Is determined to be medically needy and meets all the  
18 eligibility requirements described below:

19 (a) The following individuals are eligible for services, if they  
20 are determined to be medically needy:

21 (i) Pregnant women;

22 (ii) Dependent children under the age of 21;

23 (iii) Individuals who are 65 years of age and older; and

24 (iv) Individuals who are blind or disabled pursuant to either 42  
25 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.

26 (b) The following income standard shall be used to determine  
27 medically needy eligibility:

28 (i) For one person and two person households, the income  
29 standard shall be the maximum allowable under federal law, but  
30 shall not exceed 133 1/3% of the State's payment level to two  
31 person households under the aid to families with dependent children  
32 program under the State Plan for Title IV-A of the federal Social  
33 Security Act in effect as of July 16, 1996; and

34 (ii) For households of three or more persons, the income standard  
35 shall be set at 133 1/3% of the State's payment level to similar size  
36 households under the aid to families with dependent children  
37 program under the State Plan for Title IV-A of the federal Social  
38 Security Act in effect as of July 16, 1996.

39 (c) The following resource standard shall be used to determine  
40 medically needy eligibility:

41 (i) For one person households, the resource standard shall be  
42 200% of the resource standard for recipients of Supplemental  
43 Security Income pursuant to 42 U.S.C. s.1382(1)(B);

44 (ii) For two person households, the resource standard shall be  
45 200% of the resource standard for recipients of Supplemental  
46 Security Income pursuant to 42 U.S.C. s.1382(2)(B);

1 (iii) For households of three or more persons, the resource  
2 standard in subparagraph (c)(ii) above shall be increased by  
3 \$100.00 for each additional person; and

4 (iv) The resource standards established in (i), (ii), and (iii) are  
5 subject to federal approval and the resource standard may be lower  
6 if required by the federal Department of Health and Human  
7 Services.

8 (d) Individuals whose income exceeds those established in  
9 subparagraph (b) of paragraph (8) of this subsection may become  
10 medically needy by incurring medical expenses as defined in 42  
11 C.F.R.435.831(c) which will reduce their income to the applicable  
12 medically needy income established in subparagraph (b) of  
13 paragraph (8) of this subsection.

14 (e) A six-month period shall be used to determine whether an  
15 individual is medically needy.

16 (f) Eligibility determinations for the medically needy program  
17 shall be administered as follows:

18 (i) County welfare agencies and other entities designated by the  
19 commissioner are responsible for determining and certifying the  
20 eligibility of pregnant women and dependent children. The division  
21 shall reimburse county welfare agencies for 100% of the reasonable  
22 costs of administration which are not reimbursed by the federal  
23 government for the first 12 months of this program's operation.  
24 Thereafter, 75% of the administrative costs incurred by county  
25 welfare agencies which are not reimbursed by the federal  
26 government shall be reimbursed by the division;

27 (ii) The division is responsible for certifying the eligibility of  
28 individuals who are 65 years of age and older and individuals who  
29 are blind or disabled. The division may enter into contracts with  
30 county welfare agencies to determine certain aspects of eligibility.  
31 In such instances the division shall provide county welfare agencies  
32 with all information the division may have available on the  
33 individual.

34 The division shall notify all eligible recipients of the  
35 Pharmaceutical Assistance to the Aged and Disabled program,  
36 P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the  
37 medically needy program and the program's general requirements.  
38 The division shall take all reasonable administrative actions to  
39 ensure that Pharmaceutical Assistance to the Aged and Disabled  
40 recipients, who notify the division that they may be eligible for the  
41 program, have their applications processed expeditiously, at times  
42 and locations convenient to the recipients; and

43 (iii) The division is responsible for certifying incurred medical  
44 expenses for all eligible persons who attempt to qualify for the  
45 program pursuant to subparagraph (d) of paragraph (8) of this  
46 subsection;

1 (9) (a) Is a child who is at least one year of age and under 19  
2 years of age and, if older than six years of age but under 19 years of  
3 age, is uninsured; and

4 (b) Is a member of a family whose income does not exceed  
5 133% of the poverty level and who meets the federal Medicaid  
6 eligibility requirements set forth in section 9401 of Pub.L.99-509  
7 (42 U.S.C. s.1396a);

8 (10) Is a pregnant woman who is determined by a provider to be  
9 presumptively eligible for medical assistance based on criteria  
10 established by the commissioner, pursuant to section 9407 of  
11 Pub.L.99-509 (42 U.S.C. s.1396a(a));

12 (11) Is an individual 65 years of age and older, or an individual  
13 who is blind or disabled pursuant to section 301 of Pub.L.92-603  
14 (42 U.S.C. s.1382c), whose income does not exceed 100% of the  
15 poverty level, adjusted for family size, and whose resources do not  
16 exceed 100% of the resource standard used to determine medically  
17 needy eligibility pursuant to paragraph (8) of this subsection;

18 (12) Is a qualified disabled and working individual pursuant to  
19 section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d) whose income  
20 does not exceed 200% of the poverty level and whose resources do  
21 not exceed 200% of the resource standard used to determine  
22 eligibility under the Supplemental Security Income Program,  
23 P.L.1973, c.256 (C.44:7-85 et seq.);

24 (13) Is a pregnant woman or is a child who is under one year of  
25 age and is a member of a family whose income does not exceed  
26 185% of the poverty level and who meets the federal Medicaid  
27 eligibility requirements set forth in section 9401 of Pub.L.99-509  
28 (42 U.S.C. s.1396a), except that a pregnant woman who is  
29 determined to be a qualified applicant shall, notwithstanding any  
30 change in the income of the family of which she is a member,  
31 continue to be deemed a qualified applicant until the end of the 60-  
32 day period beginning on the last day of her pregnancy;

33 (14) (Deleted by amendment, P.L.1997, c.272).

34 (15) (a) Is a specified low-income Medicare beneficiary pursuant  
35 to 42 U.S.C. s.1396a(a)10(E)iii whose resources beginning January  
36 1, 1993 do not exceed 200% of the resource standard used to  
37 determine eligibility under the Supplemental Security Income  
38 program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income  
39 beginning January 1, 1993 does not exceed 110% of the poverty  
40 level, and beginning January 1, 1995 does not exceed 120% of the  
41 poverty level.

42 (b) An individual who has, within 36 months, or within 60  
43 months in the case of funds transferred into a trust, of applying to  
44 be a qualified applicant for Medicaid services in a nursing facility  
45 or a medical institution, or for home or community-based services  
46 under section 1915(c) of the federal Social Security Act (42 U.S.C.  
47 s.1396n(c)), disposed of resources or income for less than fair  
48 market value shall be ineligible for assistance for nursing facility



1 services, an equivalent level of services in a medical institution, or  
2 home or community-based services under section 1915(c) of the  
3 federal Social Security Act (42 U.S.C. s.1396n(c)). The period of  
4 the ineligibility shall be the number of months resulting from  
5 dividing the uncompensated value of the transferred resources or  
6 income by the average monthly private payment rate for nursing  
7 facility services in the State as determined annually by the  
8 commissioner. In the case of multiple resource or income transfers,  
9 the resulting penalty periods shall be imposed sequentially.  
10 Application of this requirement shall be governed by 42 U.S.C.  
11 s.1396p(c). In accordance with federal law, this provision is  
12 effective for all transfers of resources or income made on or after  
13 August 11, 1993. Notwithstanding the provisions of this subsection  
14 to the contrary, the State eligibility requirements concerning  
15 resource or income transfers shall not be more restrictive than those  
16 enacted pursuant to 42 U.S.C. s.1396p(c).

17 (c) An individual seeking nursing facility services or home or  
18 community-based services and who has a community spouse shall  
19 be required to expend those resources which are not protected for  
20 the needs of the community spouse in accordance with section  
21 1924(c) of the federal Social Security Act (42 U.S.C. s.1396r-5(c))  
22 on the costs of long-term care, burial arrangements, and any other  
23 expense deemed appropriate and authorized by the commissioner.  
24 An individual shall be ineligible for Medicaid services in a nursing  
25 facility or for home or community-based services under section  
26 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)) if  
27 the individual expends funds in violation of this subparagraph. The  
28 period of ineligibility shall be the number of months resulting from  
29 dividing the uncompensated value of transferred resources and  
30 income by the average monthly private payment rate for nursing  
31 facility services in the State as determined by the commissioner.  
32 The period of ineligibility shall begin with the month that the  
33 individual would otherwise be eligible for Medicaid coverage for  
34 nursing facility services or home or community-based services.

35 This subparagraph shall be operative only if all necessary  
36 approvals are received from the federal government including, but  
37 not limited to, approval of necessary State plan amendments and  
38 approval of any waivers;

39 (16) Subject to federal approval under Title XIX of the federal  
40 Social Security Act, is a dependent child, parent or specified  
41 caretaker relative of a child who is a qualified applicant, who would  
42 be eligible, without regard to resources, for the aid to families with  
43 dependent children program under the State Plan for Title IV-A of  
44 the federal Social Security Act as of July 16, 1996, except for the  
45 income eligibility requirements of that program, and whose family  
46 earned income,

47 (a) if a dependent child, does not exceed 133% of the poverty  
48 level; and

1 (b) if a parent or specified caretaker relative, beginning  
2 September 1, 2005 does not exceed 100% of the poverty level,  
3 beginning September 1, 2006 does not exceed 115% of the poverty  
4 level and beginning September 1, 2007 does not exceed 133% of  
5 the poverty level,  
6 plus such earned income disregards as shall be determined  
7 according to a methodology to be established by regulation of the  
8 commissioner;

9 The commissioner may increase the income eligibility limits for  
10 children and parents and specified caretaker relatives, as funding  
11 permits;

12 (17) Is an individual from 18 through 20 years of age who is not  
13 a dependent child and would be eligible for medical assistance  
14 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to  
15 income or resources, who, on the individual's 18th birthday was in  
16 resource family care under the care and custody of the Division of  
17 **[Youth and Family Services]** Child Protection and Permanency in  
18 the Department of Children and Families and whose maintenance  
19 was being paid in whole or in part from public funds;

20 (18) Is a person between the ages of 16 and 65 who is  
21 permanently disabled and working, and:

22 (a) whose income is at or below 250% of the poverty level, plus  
23 other established disregards;

24 (b) who pays the premium contribution and other cost sharing as  
25 established by the commissioner, subject to the limits and  
26 conditions of federal law; and

27 (c) whose assets, resources and unearned income do not exceed  
28 limitations as established by the commissioner;

29 (19) Is an uninsured individual under 65 years of age who:

30 (a) has been screened for breast or cervical cancer under the  
31 federal Centers for Disease Control and Prevention breast and  
32 cervical cancer early detection program;

33 (b) requires treatment for breast or cervical cancer based upon  
34 criteria established by the commissioner;

35 (c) has an income that does not exceed the income standard  
36 established by the commissioner pursuant to federal guidelines;

37 (d) meets all other Medicaid eligibility requirements; and

38 (e) in accordance with Pub.L.106-354, is determined by a  
39 qualified entity to be presumptively eligible for medical assistance  
40 pursuant to 42 U.S.C. s.1396a(aa), based upon criteria established  
41 by the commissioner pursuant to section 1920B of the federal Social  
42 Security Act (42 U.S.C. s.1396r-1b); or

43 (20) Subject to federal approval under Title XIX of the federal  
44 Social Security Act, is a single adult or couple, without dependent  
45 children, whose income in 2006 does not exceed 50% of the poverty  
46 level, in 2007 does not exceed 75% of the poverty level and in 2008  
47 and each year thereafter does not exceed 100% of the poverty level;  
48 except that a person who is a recipient of Work First New Jersey

1 general public assistance, pursuant to P.L.1947, c.156 (C.44:8-107  
2 et seq.), shall not be a qualified applicant.

3 j. "Recipient" means any qualified applicant receiving benefits  
4 under this act.

5 k. "Resident" means a person who is living in the State  
6 voluntarily with the intention of making his home here and not for a  
7 temporary purpose. Temporary absences from the State, with  
8 subsequent returns to the State or intent to return when the purposes  
9 of the absences have been accomplished, do not interrupt continuity  
10 of residence.

11 l. "State Medicaid Commission" means the Governor, the  
12 Commissioner of Human Services, the President of the Senate and  
13 the Speaker of the General Assembly, hereby constituted a  
14 commission to approve and direct the means and method for the  
15 payment of claims pursuant to **[this act]** P.L.1968, c.413.

16 m. "Third party" means any person, institution, corporation,  
17 insurance company, group health plan as defined in section 607(1)  
18 of the federal "Employee Retirement and Income Security Act of  
19 1974," 29 U.S.C. s.1167(1), service benefit plan, health  
20 maintenance organization, or other prepaid health plan, or public,  
21 private or governmental entity who is or may be liable in contract,  
22 tort, or otherwise by law or equity to pay all or part of the medical  
23 cost of injury, disease or disability of an applicant for or recipient  
24 of medical assistance payable under **[this act]** P.L.1968, c.413.

25 n. "Governmental peer grouping system" means a separate  
26 class of skilled nursing and intermediate care facilities administered  
27 by the State or county governments, established for the purpose of  
28 screening their reported costs and setting reimbursement rates under  
29 the Medicaid program that are reasonable and adequate to meet the  
30 costs that must be incurred by efficiently and economically operated  
31 State or county skilled nursing and intermediate care facilities.

32 o. "Comprehensive maternity or pediatric care provider" means  
33 any person or public or private health care facility that is a provider  
34 and that is approved by the commissioner to provide comprehensive  
35 maternity care or comprehensive pediatric care as defined in  
36 subsection b. (18) and (19) of section 6 of P.L.1968, c.413  
37 (C.30:4D-6).

38 p. "Poverty level" means the official poverty level based on  
39 family size established and adjusted under Section 673(2) of  
40 Subtitle B, the "Community Services Block Grant Act," of  
41 Pub.L.97-35 (42 U.S.C. s.9902(2)).

42 q. "Eligible alien" means one of the following:

43 (1) an alien present in the United States prior to August 22,  
44 1996, who is:

45 (a) a lawful permanent resident;

46 (b) a refugee pursuant to section 207 of the federal "Immigration  
47 and Nationality Act" (8 U.S.C. s.1157);

1 (c) an asylee pursuant to section 208 of the federal  
2 "Immigration and Nationality Act" (8 U.S.C. s.1158);

3 (d) an alien who has had deportation withheld pursuant to  
4 section 243(h) of the federal "Immigration and Nationality Act" (8  
5 U.S.C. s.1253 (h));

6 (e) an alien who has been granted parole for less than one year  
7 by the U.S. Citizenship and Immigration Services pursuant to  
8 section 212(d)(5) of the federal "Immigration and Nationality Act"  
9 (8 U.S.C. s.1182(d)(5));

10 (f) an alien granted conditional entry pursuant to section  
11 203(a)(7) of the federal "Immigration and Nationality Act" (8  
12 U.S.C. s.1153(a)(7)) in effect prior to April 1, 1980; or

13 (g) an alien who is honorably discharged from or on active duty  
14 in the United States armed forces and the alien's spouse and  
15 unmarried dependent child.

16 (2) An alien who entered the United States on or after August  
17 22, 1996, who is:

18 (a) an alien as described in paragraph (1)(b), (c), (d) or (g) of  
19 this subsection; or

20 (b) an alien as described in paragraph (1)(a), (e) or (f) of this  
21 subsection who entered the United States at least five years ago.

22 (3) A legal alien who is a victim of domestic violence in  
23 accordance with criteria specified for eligibility for public benefits  
24 as provided in Title V of the federal "Illegal Immigration Reform  
25 and Immigrant Responsibility Act of 1996" (8 U.S.C. s.1641).

26 (cf: P.L.2006, c.47, s.159)

27

28 113. Section 7 of P.L.2007, c.58 (C.30:4D-59) is amended to  
29 read as follows:

30 7. a. The Medicaid audit, program integrity, fraud and abuse  
31 prevention and recovery functions, all officers and employees that  
32 the Medicaid Inspector General deems qualified and substantially  
33 engaged therein, and any documents and records that the Medicaid  
34 Inspector General deems necessary and related to the transfer of  
35 such functions and personnel, shall be transferred to the Office of  
36 the Medicaid Inspector General from the Medicaid Office of  
37 Program Integrity Unit and the Third Party Liability Unit in the  
38 Division of Medical Assistance and Health Services, the Division of  
39 Disability Services, the Division of Developmental Disabilities, the  
40 Division of Mental Health and Addiction Services, the Division of  
41 **【Youth and Family Services】** Child Protection and Permanency, the  
42 Division of **【Child Behavioral Health Services】** Children's System  
43 of Care, the Department of Health and Senior Services, and the  
44 Department of the Treasury. The Medicaid Inspector General shall  
45 consult with the head of each department or agency from which  
46 such function is to be transferred to determine the officers and  
47 employees to be transferred.

1       b. The Medicaid Inspector General shall have general  
2 managerial control over the office and shall establish the  
3 organizational structure of the office as the Medicaid Inspector  
4 General deems appropriate to carry out the responsibilities and  
5 functions of the office. Within the limits of funds appropriated  
6 therefor, the Medicaid Inspector General may hire such employees  
7 in the unclassified service as are necessary to administer the office.  
8 These employees shall serve at the pleasure of the Medicaid  
9 Inspector General. Subject to the availability of appropriations, the  
10 Medicaid Inspector General may obtain the services of certified  
11 public accountants, qualified management consultants, professional  
12 auditors, or other professionals necessary to independently perform  
13 the functions of the office.

14 (cf: P.L.2007, c.58, s.7)

15

16       114. Section 10 of P.L.1985, c.307 (C.30:4G-10) is amended to  
17 read as follows:

18       10. a. There is established in the department an Advisory  
19 Council on Personal Attendant Services which consists of 19  
20 members as follows: the Commissioner of Health and Senior  
21 Services, the Director of the Division of **[Youth and Family  
22 Services]** Child Protection and Permanency in the Department of  
23 Children and Families, the Director of the Division of  
24 Developmental Disabilities, and the Director of the Division of  
25 Medical Assistance and Health Services in the Department of  
26 Human Services, the Director of the Division of Veterans' Services  
27 in the Department of Military and Veterans' Affairs, and the  
28 Director of the Division of Vocational Rehabilitation Services in  
29 the Department of Labor and Workforce Development, or their  
30 designees, who shall serve ex officio, and 13 members appointed by  
31 the commissioner who are residents of this State, one of whom is a  
32 member of the New Jersey Association of County Representatives  
33 of Disabled Persons, four of whom represent providers of personal  
34 attendant services, five of whom represent consumers of personal  
35 attendant services and three of whom represent advocacy groups or  
36 agencies for the physically disabled.

37       A vacancy in the membership of the council shall be filled in the  
38 same manner as the original appointment.

39       The members of the council shall serve without compensation,  
40 but the department shall reimburse the members for the reasonable  
41 expenses incurred in the performance of their duties.

42       b. The council shall hold an organizational meeting within 30  
43 days after the appointment of its members. The members of the  
44 council shall elect from among them a chairman, who shall be the  
45 chief executive officer of the council and the members shall elect a  
46 secretary, who need not be a member of the council.

47       c. The council shall:

- 1 (1) Advise the commissioner on matters pertaining to personal  
2 attendant services and the development of the personal attendant  
3 program, upon the request of the commissioner;
- 4 (2) Review the rules and regulations promulgated for the  
5 implementation of the personal attendant program and make  
6 recommendations to the commissioner, as appropriate;
- 7 (3) Evaluate the effectiveness of the personal attendant program  
8 in achieving the purposes of this act; and
- 9 (4) Assess the Statewide need for personal attendant services  
10 and the projected cost for providing these services Statewide.  
11 (cf: P.L.2006, c.47, s.160)

12  
13 115. Section 1 of P.L.1997, c.254 (C.30:5B-6.1) is amended to  
14 read as follows:

- 15 1. As used in **[this act]** P.L.1997, c.254 (C.30:5B-6.1 et seq.):  
16 "Department" means the Department of Children and Families.  
17 "Division" means the Division of **[Youth and Family Services]**  
18 Child Protection and Permanency in the Department of Children  
19 and Families.  
20 "Staff member" means any owner, sponsor, director, or person  
21 employed by or working at a child care center on a regularly  
22 scheduled basis during the center's operating hours, including full-  
23 time, part-time, voluntary, contract, consulting, and substitute staff,  
24 whether compensated or not.  
25 "Child care center" or **["Center"]** "center" means any facility  
26 which is maintained for the care, development or supervision of six  
27 or more children under 13 years of age who attend the facility for  
28 less than 24 hours a day, and which is subject to State licensure or  
29 life-safety approval, pursuant to the provisions of the "Child Care  
30 Licensing Act," P.L. 1983, c.492 (C.30:5B-1 to 30:5B-15) .  
31 (cf: P.L.2006, c.47, s.163)

32  
33 116. Section 1 of P.L.2000, c.77 (C.30:5B-6.10) is amended to  
34 read as follows:

- 35 1. As used in sections 1 through 7 and 9 through 12 of  
36 P.L.2000, c.77 (C.30:5B-6.10 et seq.):  
37 "Child care center" or "center" means any facility which is  
38 maintained for the care, development, or supervision of six or more  
39 children under 13 years of age who attend the facility for less than  
40 24 hours a day, and which is subject to State licensure or life-safety  
41 approval pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).  
42 "Department" means the Department of Children and Families.  
43 "Division" means the Division of **[Youth and Family Services]**  
44 Child Protection and Permanency in the Department of Children  
45 and Families.  
46 "Staff member" means a person 18 years of age or older who  
47 owns, sponsors, or directs a child care center, or who is employed  
48 by or works in a child care center on a regularly scheduled basis

1 during the center's operating hours, including full-time, part-time,  
2 voluntary, contract, consulting, and substitute staff, whether  
3 compensated or not.

4 (cf: P.L.2006, c.47, s.164)

5

6 117. Section 14 of P.L.1983, c.492 (C.30:5B-14) is amended to  
7 read as follows:

8 14. a. The Director of the Division of Family Development in  
9 the Department of Human Services, a designee of the  
10 Commissioner of Children and Families, and the Director of the  
11 **【Division】 Office** on Women in the Department of **【Community**  
12 **Affairs】 Children and Families** shall establish a Child Care  
13 Advisory Council which shall consist of at least 15 individuals who  
14 have experience, training, or other interests in child care issues. To  
15 the extent possible, the directors shall designate members of  
16 existing councils or task forces heretofore established on child care  
17 in New Jersey as the advisory council.

18 b. The advisory council shall:

19 (1) Review rules and regulations or proposed revisions to  
20 existing rules and regulations governing the licensing of child care  
21 centers;

22 (2) Review proposed statutory amendments governing the  
23 licensing of child care centers and make recommendations to the  
24 commissioner;

25 (3) Advise the commissioner on the administration of the  
26 licensing responsibilities under this act;

27 (4) Advise the Commissioners of Human Services **【,】 and**  
28 **Children and Families【, and Community Affairs】** and other  
29 appropriate units of State government on the needs, priorities,  
30 programs, and policies relating to child care throughout the State;

31 (5) Study and recommend alternative resources for child care;  
32 and

33 (6) Facilitate employer supported child care through information  
34 and technical assistance.

35 c. The advisory council may accept from any governmental  
36 department or agency, public or private body, or any other source  
37 grants or contributions to be used in carrying out its responsibilities  
38 under **【this act】 P.L.1983, c.492 (C.30:5B-1 et seq.)**.

39 (cf: P.L.2006, c.47, s.165)

40

41 118. Section 2 of P.L.1993, c.350 (C.30:5B-25.2) is amended to  
42 read as follows:

43 2. As used in sections 1 through 4 of P.L.1993, c.350  
44 (C.30:5B-25.1 through C.30:5B-25.4):

45 "Child abuse registry" means the child abuse registry of the  
46 Division of **【Youth and Family Services】 Child Protection and**

1 Permanency in the Department of Children and Families established  
2 pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11).

3 "Provider" means a family day care provider as defined by  
4 section 3 of P.L.1987, c.27 (C.30:5B-18) and includes, but is not  
5 limited to, a family day care provider's assistant and a substitute  
6 family day care provider.

7 "Family day care sponsoring organization" means an agency or  
8 organization which contracts with the Department of Human  
9 Services to assist in the registration of family day care providers in  
10 a specific geographic area pursuant to P.L.1987, c.27 (C.30:5B-16  
11 et seq.).

12 "Household member" means an individual over 14 years of age  
13 who resides in a family day care provider's home.

14 (cf: P.L.2006, c.47, s.168)

15

16 119. Section 3 of P.L.1993, c.350, (C.30:5B-25.3) is amended to  
17 read as follows:

18 3. a. The Division of **【Youth and Family Services】** Child  
19 Protection and Permanency in the Department of Children and  
20 Families shall conduct a search of its child abuse registry to  
21 determine if a report of child abuse or neglect has been filed,  
22 pursuant to section 3 of P.L.1971, c.437 (C.9:6-8.10), involving a  
23 person registering as a prospective provider or a household member  
24 of the prospective provider or as a current provider or household  
25 member of the current provider.

26 b. The division shall conduct the search only upon receipt of  
27 the prospective or current provider or household member's written  
28 consent to the search. If the person refuses to provide his consent,  
29 the family day care sponsoring organization shall deny the  
30 prospective or current provider's application for a certificate or  
31 renewal of registration.

32 c. The division shall advise the sponsoring organization of the  
33 results of the child abuse registry search within a time period to be  
34 determined by the Department of Children and Families.

35 d. The department shall not issue a certificate or renewal of  
36 registration to a prospective or current provider unless the  
37 department has first determined that no substantiated charge of  
38 child abuse or neglect against the prospective or current provider or  
39 household member is found during the child abuse registry search.

40 (cf: P.L.2006, c.47, s.169)

41

42 120. Section 3 of P.L.1987, c.215 (C.30:5B-28) is amended to  
43 read as follows:

44 3. The Commissioner of Human Services, in consultation with  
45 the Commissioner of Education and the Advisory Council on Child  
46 Care established pursuant to section 14 of P.L.1983, c.492  
47 (C.30:5B-14) and the **【Division】** Office on Women in the  
48 Department of **【Community Affairs** established pursuant to



1 P.L.1974, c.87 (C.52:27D-43.8 et seq.)] Children and Families,  
2 shall establish criteria for assessing the suitability of grant  
3 applicants. Each applicant for a grant under this act shall:

4 a. Describe the need for and type of child care services to be  
5 furnished;

6 b. Provide assurances that the applicant has knowledge of and  
7 experience in the special nature of child care services for school-age  
8 children;

9 c. Provide assurances that each person to be employed by the  
10 applicant for child care has appropriate experience and character  
11 including a criminal history records check of the files of the State  
12 Bureau of Identification and the Federal Bureau of Investigation,  
13 Identification Division;

14 d. Provide evidence that the applicant will be afforded use of  
15 an appropriate school facility or another appropriate location as  
16 approved by the commissioner, which may be a child care center  
17 licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.);

18 e. Provide assurances that the program will be in conformity  
19 with all appropriate statutes, regulations, ordinances, and such  
20 programs as shall be developed for the program created by [this  
21 act] P.L.1987, c.215 (C.30:5B-26 et seq.);

22 f. Provide a tentative budget for the program, including a  
23 proposed sliding-fee schedule which should reflect a family's  
24 capacity to pay;

25 g. Provide assurances that the parents of school-age children  
26 will be involved in the development and implementation of the  
27 child care program; and

28 h. Provide such other assurances and information as the  
29 commissioner shall reasonably require to carry out the provisions of  
30 [this act] P.L.1987, c.215.

31 (cf: P.L.1987, c.215, s.3)

32

33 121. Section 2 of P.L.2003, c.185 (C.30:5B-32) is amended to  
34 read as follows:

35 2. a. A unified child care agency contracted with the  
36 Department of Human Services pursuant to N.J.A.C.10:15-2.1, shall  
37 request that the Division of [Youth and Family Services] Child  
38 Protection and Permanency in the Department of Children and  
39 Families conduct a child abuse record information check of the  
40 division's child abuse records, as promptly as possible, to determine  
41 if an incident of child abuse or neglect has been substantiated,  
42 pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11), against:

43 (1) a prospective approved home provider as defined in  
44 N.J.A.C.10:15-1.2 providing child care services under the "New  
45 Jersey Cares for Kids Program" established pursuant to  
46 N.J.A.C.10:15-5.1, or to a child whose parent is receiving  
47 assistance under the Work First New Jersey program established

1 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) or is employed but  
2 continues to receive supportive services pursuant to the provisions  
3 of section 5 of P.L.1997, c.13 (C.44:10-38); or

4 (2) any adult member of the prospective provider's household.

5 b. The division shall conduct the child abuse record  
6 information check only upon receipt of the prospective approved  
7 home provider's or any adult household member's written consent to  
8 the check. If the person refuses to provide his consent, the unified  
9 child care agency shall deny the prospective approved home  
10 provider's application to provide child care services.

11 c. If the division determines that an incident of child abuse or  
12 neglect by the prospective approved home provider or any adult  
13 member of the household has been substantiated, the division shall  
14 release the results of the child abuse record information check to the  
15 unified child care agency pursuant to subsection g. of section 1 of  
16 P.L.1977, c.102 (C.9:6-8.10a) and the agency shall deny the  
17 prospective approved home provider's application to provide child  
18 care services.

19 d. Before denying the prospective approved home provider's  
20 application to provide child care services, the unified child care  
21 agency shall give notice personally or by certified or registered mail  
22 to the last known address of the prospective approved home  
23 provider with return receipt requested, of the reasons why the  
24 application will be denied. The notice shall afford the prospective  
25 approved home provider the opportunity to be heard and to contest  
26 the agency's action. The hearing shall be conducted in accordance  
27 with the "Administrative Procedure Act," P.L.1968, c.410  
28 (C.52:14B-1 et seq.).

29 e. If a prospective approved home provider's application to  
30 provide child care services is denied, the unified child care agency  
31 shall notify the parent of the child who would be eligible to receive  
32 such services, personally and in writing, of the reasons why the  
33 application was denied and the parent's right to select another  
34 provider. The parent shall keep such information confidential and  
35 shall not disclose the information except as authorized by law.

36 (cf: P.L.2006, c.47, s.171)

37

38 122. Section 2 of P.L.1995, c.321 (C.30:9A-19) is amended to  
39 read as follows:

40 2. a. A person shall not conduct, maintain or operate a mental  
41 health program unless: (1) the commissioner or the Commissioner  
42 of Children and Families, as applicable, has issued a license to that  
43 person, in accordance with rules and regulations adopted by the  
44 commissioner or the Commissioner of Children and Families, as  
45 applicable, which prescribe standards for the provision of services  
46 by a mental health program; and (2) that person has a purchase of  
47 service contract or an affiliation agreement with the Division of  
48 Mental Health and Addiction Services in the Department of Human

1 Services or the Department of Children and Families, including, but  
2 not limited to, the Division of **【Child Behavioral Health Services】**  
3 Children's System of Care, as applicable.

4 b. Application for a license to conduct, maintain, or operate a  
5 mental health program shall be made upon forms prescribed by the  
6 commissioner or the Commissioner of Children and Families, as  
7 applicable. The commissioner or the Commissioner of Children  
8 and Families, as applicable, shall charge such nonrefundable fees  
9 for the filing of an application for a license, and for any renewal  
10 thereof, as the commissioner or the Commissioner of Children and  
11 Families, as applicable, shall from time to time fix by regulation.  
12 (cf: 2006, c.47, s.172)

13

14 123. Section 2 of P.L.1977, c.448 (C.30:11B-2) is amended to  
15 read as follows:

16 2. "Community residence for the developmentally disabled"  
17 means any community residential facility housing up to 16 persons  
18 with developmental disabilities, which provides food, shelter, and  
19 personal guidance for persons with developmental disabilities who  
20 require assistance, temporarily or permanently, in order to live  
21 independently in the community. Such residences shall not be  
22 considered health care facilities within the meaning of the "Health  
23 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)  
24 and shall include, but not be limited to, group homes, halfway  
25 houses, supervised apartment living arrangements and hostels.

26 "Community residence for the mentally ill" means any  
27 community residential facility which provides food, shelter, and  
28 personal guidance, under such supervision as required, to not more  
29 than 15 persons with mental illness who require assistance  
30 temporarily or permanently, in order to live independently in the  
31 community. These residences shall be approved for a purchase of  
32 service contract or an affiliation agreement pursuant to procedures  
33 established by the Division of Mental Health and Addiction  
34 Services in the Department of Human Services or the Division of  
35 **【Child Behavioral Health Services】** Children's System of Care in  
36 the Department of Children and Families, as applicable. These  
37 residences shall not house persons who have been assigned to a  
38 State psychiatric hospital after having been found not guilty of a  
39 criminal offense by reason of insanity or unfit to be tried on a  
40 criminal charge. These residences shall not be considered health  
41 care facilities within the meaning of the "Health Care Facilities  
42 Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) and shall  
43 include, but not be limited to, group homes, halfway houses,  
44 supervised apartment living arrangements, family care homes, and  
45 hostels.

46 "Community residence for persons with head injuries" means a  
47 community residential facility providing food, shelter, and personal  
48 guidance, under such supervision as required, to not more than 15

1 persons with head injuries, who require assistance, temporarily or  
2 permanently, in order to live in the community, and shall include,  
3 but not be limited to: group homes, halfway houses, supervised  
4 apartment living arrangements, and hostels. Such a residence shall  
5 not be considered a health care facility within the meaning of the  
6 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1  
7 et seq.).

8 "Developmental disability" or "developmentally disabled" means  
9 a severe, chronic disability of a person which: a. is attributable to a  
10 mental or physical impairment or combination of mental or physical  
11 impairments; b. is manifest before age 22; c. is likely to continue  
12 indefinitely; d. results in substantial functional limitations in three  
13 or more of the following areas of major life activity, that is, self-  
14 care, receptive and expressive language, learning, mobility, self-  
15 direction and capacity for independent living, or economic self-  
16 sufficiency; and e. reflects the need for a combination and sequence  
17 of special interdisciplinary or generic care, treatment or other  
18 services which are of lifelong or extended duration and are  
19 individually planned and coordinated. Developmental disability  
20 includes, but is not limited to, severe disabilities attributable to an  
21 intellectual disability, autism, cerebral palsy, epilepsy, spina bifida,  
22 and other neurological impairments where the above criteria are  
23 met.

24 "Mentally ill" or "mental illness" means any psychiatric disorder  
25 which has required an individual to receive either inpatient  
26 psychiatric care or outpatient psychiatric care on an extended basis.

27 "Person with head injury" means a person who has sustained an  
28 injury, illness, or traumatic changes to the skull, the brain contents  
29 or its coverings which results in a temporary or permanent  
30 physiobiological decrease of cognitive, behavioral, social, or  
31 physical functioning which causes partial or total disability.

32 (cf: P.L.2010, c.50, s.60)

33

34 124. Section 10 of P.L.1987, c.112 (C.30:11B-4.2) is amended to  
35 read as follows:

36 10. a. Within six months of the effective date of **[this act]**  
37 P.L.1987, c.112, the Director of the Division of Mental Health and  
38 Addiction Services in the Department of Human Services or the  
39 Division of **[Child Behavioral Health Services]** Children's System  
40 of Care in the Department of Children and Families, as applicable,  
41 shall develop program standards which include criteria for  
42 educational and professional experience of employees of a  
43 community residence for the mentally ill and staffing ratios  
44 appropriate to the needs of the residents of the community  
45 residences for the mentally ill.

46 b. Within six months after the effective date of P.L.1993,  
47 c.329, the Commissioner of Human Services or the Commissioner  
48 of Children and Families, as applicable, shall develop program

1 standards which include criteria for educational and professional  
2 experience of employees of a community residence for persons with  
3 head injuries and staffing ratios appropriate to the needs of the  
4 residents of these community residences.

5 (cf: P.L.2006, c.47, s.179)

6

7 125. Section 4 of P.L.1979, c.337 (C.30:14-4) is amended to  
8 read as follows:

9 4. a. There is created an Advisory Council on Domestic  
10 Violence which shall consist of 20 members: the Director of the  
11 **【Division】 Office** on Women in the Department **【of Community**  
12 **Affairs】 Children and Families**, the Director of the Division of  
13 **【Youth and Family Services】 Child Protection and Permanency** in  
14 the Department of Children and Families and the Director of the  
15 Division of Family Development in the Department of Human  
16 Services, the Director of the Administrative Office of the Courts,  
17 the Commissioner of the Department of Education, the  
18 Commissioner of Labor and Workforce Development, the Attorney  
19 General, or their designees, and one representative of Legal  
20 Services of New Jersey, one former domestic violence shelter  
21 resident, one representative of the Police Chiefs Association, one  
22 representative of the County Prosecutors Association, one  
23 representative of the New Jersey State Nurses Association, one  
24 representative of the Mental Health Association in New Jersey, one  
25 representative of the New Jersey Crime Prevention Officers  
26 Association, one representative of the New Jersey Hospital  
27 Association, one representative of the Violent Crimes  
28 Compensation Board, and four representatives of the New Jersey  
29 Coalition for Battered Women to be appointed by the Governor.

30 b. The advisory council shall:

31 (1) Monitor the effectiveness of the laws concerning domestic  
32 violence and make recommendations for their improvement;

33 (2) Review proposed legislation governing domestic violence  
34 and make recommendations to the Governor and the Legislature;

35 (3) Study the needs, priorities, programs, and policies relating to  
36 domestic violence throughout the State; and

37 (4) Ensure that all service providers and citizens are aware of  
38 the needs of and services available to victims of domestic violence  
39 and make recommendations for community education and training  
40 programs.

41 c. The advisory council shall periodically advise the Director  
42 of the Division of **【Youth and Family Services】 Child Protection**  
43 **and Permanency** in the Department of Children and Families and  
44 the Director of the **【Division】 Office** on Women in the Department  
45 of **【Community Affairs】 Children and Families** on its activities,  
46 findings, and recommendations.

47 (cf: P.L.2006, c.47, s.181)

1       126. Section 3 of P.L.2001, c.195 (C.30:14-15) is amended to  
2 read as follows:

3       3. a. There is hereby established the "Domestic Violence  
4 Victims' Fund," a dedicated fund within the General Fund and  
5 administered by the Division of **[Youth and Family Services]** Child  
6 Protection and Permanency in the Department of Children and  
7 Families. The fund shall be the depository of moneys realized from  
8 the civil penalty imposed pursuant to section 1 of P.L.2001, c.195  
9 (C.2C:25-29.1) and any other moneys made available for the  
10 purposes of the fund.

11       b. All moneys deposited in the "Domestic Violence Victims'  
12 Fund" shall be used for direct services to victims of domestic  
13 violence, including, but not limited to, shelter services, legal  
14 advocacy services, and legal assistance services, and for related  
15 administrative costs of the Division of **[Youth and Family**  
16 **Services]** Child Protection and Permanency.

17 (cf: P.L.2006, c.47, s.182)

18

19       127. Section 1 of P.L.1999, c.223 (C.34:15C-21) is amended to  
20 read as follows:

21       1. a. There is created, in the New Jersey State Employment and  
22 Training Commission, a council which shall be known as the  
23 Council on Gender Parity in Labor and Education.

24       b. The council shall consist of **[17]** 16 members who are  
25 individuals with experience in the fields of labor, education,  
26 training, or gender equity. The **[17]** 16 members shall include: six  
27 members appointed by the Director of the **[Division]** Office on  
28 Women; six members appointed by the Executive Director of the  
29 State Employment and Training Commission; and **[five]** four  
30 members who shall serve ex officio, one of whom shall be  
31 appointed by the Commissioner of **[Community Affairs]** Children  
32 and Families, one by the Commissioner of Education, one by the  
33 Commissioner of Human Services, **[one by the Commissioner of**  
34 **Labor and Workforce Development]** and one by the Executive  
35 Director of the Commission on Higher Education. Not more than  
36 half of the members appointed by the Director of the **[Division]**  
37 Office on Women and not more than half of the members appointed  
38 by the Executive Director of the State Employment and Training  
39 Commission shall be of the same political party. The members  
40 appointed by the director and executive director shall serve for  
41 terms of three years, except that of the eight members first  
42 appointed by the director and the executive director, four shall be  
43 appointed for three years, two shall be appointed for two years, and  
44 two shall be appointed for one year. Each member shall hold office  
45 for the term of appointment and until his successor is appointed and  
46 qualified. A member appointed to fill a vacancy occurring in the  
47 membership of the council for any reason other than the expiration

1 of the term shall have a term of appointment for the unexpired term  
2 only. Vacancies shall be filled in the same manner as the original  
3 appointment. A member may be appointed for any number of  
4 successive terms. Any member appointed by the director or the  
5 executive director may be removed from the council by the director  
6 or the executive director, as the case may be, for cause, after a  
7 hearing and may be suspended by the director or the executive  
8 director pending the completion of the hearing.

9 c. Members of the council shall serve without compensation,  
10 but may be reimbursed for necessary expenses incurred in the  
11 performance of their duties as members. Action may be taken and  
12 motions and resolutions may be adopted by the council at a council  
13 meeting by an affirmative vote of a majority of the members. The  
14 council shall elect from its members a chairperson who shall be a  
15 nongovernmental member of the council. Advanced notification  
16 for, and copies of the minutes of, each meeting of the council shall  
17 be filed with the Governor, the President of the Senate, and the  
18 Speaker of the General Assembly.

19 (cf: P.L.2005, c.354, s.19)

20  
21 128. Section 2 of P.L.1999, c.223 (C.34:15C-22) is amended to  
22 read as follows:

23 2. The Council shall:

24 a. Assess the effectiveness of State programs designed to  
25 provide gender equity in labor, education, and training;

26 b. Make recommendations to the Commissioners of the  
27 **【Departments of Community Affairs】** Children and Families,  
28 Education, Human Services, and Labor and Workforce  
29 Development, and the Secretary of Higher Education regarding the  
30 needs, priorities, programs, and policies related to access and equity  
31 for labor, education, and workforce training throughout the State;

32 c. Review current and proposed legislation and regulations  
33 pertaining to gender equity in labor, education, and workforce  
34 training and make recommendations regarding possible legislation  
35 and regulations to the State Employment and Training Commission  
36 and the **【Division】** Office on Women;

37 d. Develop policies to insure that State agencies set  
38 benchmarks and integrate their data collection systems to assess  
39 progress toward achieving gender equity and take action to insure  
40 that appropriate data collection systems exist where needed;

41 e. Develop policies to promote linkages among individuals,  
42 schools, organizations, and public agencies providing gender equity  
43 services and programs;

44 f. Educate and provide information to the public on the issues  
45 and current developments in gender equity by issuing reports and  
46 holding events such as conferences and symposia;

47 g. Submit an annual report to the Governor, the Legislature, the  
48 State Employment and Training Commission, and the **【Division】**

1 Office on Women of its assessments and recommendations made  
2 pursuant to this section;

3 h. Conduct studies and promote research, as practicable, to  
4 develop the means to correct gender inequitable practices, including  
5 practices leading to pay disparities between men and women and  
6 publish and otherwise make available to employers, labor  
7 organizations, professional associations, educational institutions,  
8 the media, and the general public the findings resulting from these  
9 studies and other materials;

10 i. Develop and make available information, as practicable,  
11 regarding best practices for workplace gender equity to enable  
12 employers to evaluate job categories based on objective criteria,  
13 such as educational requirements, skill requirements, independence,  
14 working conditions, and responsibility; and

15 j. Establish a Statewide recognition of exceptional practices, as  
16 practicable, to promote gender equity in the workplace to be  
17 presented to a workplace, as shall be defined by the Council, that, at  
18 a minimum, has demonstrated it has made a substantial effort to  
19 eliminate pay disparities between men and women, and thus  
20 deserves special recognition, in addition to any other requirements  
21 and specifications the Council deems appropriate in the  
22 determination of the workplace to be recognized.

23 (cf: P.L.2011, c.186, s.1)

24

25 129. Section 2 of P.L.2007, c.319, s.2 (C.38A:3-39) is amended  
26 to read as follows:

27 2. The commission shall consist of 15 members who are New  
28 Jersey residents. The Governor shall appoint 12 members and of  
29 the 12 appointed, nine shall be women. There shall be appointed  
30 one representative from each of the following branches of military  
31 service who may also be affiliated with an organization named  
32 below: the Army; the Air Force; the Coast Guard[, ]; the Marines;  
33 and the Navy. There shall also be appointed by the Governor, one  
34 representative from the Veterans of Foreign Wars, one  
35 representative from the American Legion, one representative from  
36 the Disabled American Veterans, one representative from the  
37 American Veterans, one representative from the New Jersey Army  
38 National Guard, one representative from the New Jersey Air  
39 National Guard[;] , and one representative from the Military Order  
40 of the Purple Heart. The Commissioner of [the Department of]  
41 Military and Veterans' Affairs, the Commissioner of [the  
42 Department of] Labor and Workforce Development, and the  
43 Director of the [Division] Office on Women in the Department of  
44 [Community Affairs] Children and Families, or their respective  
45 designees, shall serve as ex-officio members.

46 The public members shall serve for terms of three years and until  
47 the appointment and qualification of their successors, except that of



1 the initial appointment of public members, four shall be appointed  
2 for a term of three years, four shall be appointed for a term of two  
3 years, and four shall be appointed for a term of one year.

4 If any public member discontinues affiliation with the respective  
5 veterans' organization, the member shall immediately resign  
6 membership with the commission.

7 Any vacancy in the membership of the commission shall be  
8 filled in the same manner as the original appointments are made.

9 (cf: P.L.2007, c.319, s.2)

10

11 130. Section 35 of P.L.1979, c.496 (C.44:7-93) is amended to  
12 read as follows:

13 35. a. As used in this section, "eligible resident" means a  
14 resident of a residential health care facility, rooming house, or  
15 boarding house who is: eligible to receive services under the latest  
16 New Jersey Comprehensive Annual Services Program Plan for the  
17 use of funds appropriated under Title XX of the Federal Social  
18 Security Act; an "eligible person" under the act to which this act is  
19 a supplement; an otherwise aged, blind, or disabled person; or a  
20 resident designated to be eligible by the Commissioner of Human  
21 Services.

22 b. County welfare boards shall provide services to eligible  
23 residents of residential health care facilities, rooming houses, and  
24 boarding houses which shall include, but not be limited to, the  
25 following:

26 (1) Investigation and evaluation of reports of abuse or  
27 exploitation, as defined in section 36 hereunder, or of threats of  
28 such abuse or exploitation of eligible residents, at the direction of  
29 the Commissioner of Human Services;

30 (2) Visits to all such facilities having eligible residents, at  
31 regularly scheduled intervals to assess the needs of such residents,  
32 determine whether they are receiving needed services and  
33 appropriate levels of care, and to provide such services where  
34 appropriate;

35 (3) Provision of information to eligible residents concerning  
36 social service, welfare, mental health, home health, and medical  
37 assistance programs available to them; referral of eligible residents  
38 to State, county, and local agencies and organizations for any  
39 [such] services which county welfare boards cannot provide; and  
40 follow up to such referrals to determine whether such services are  
41 being provided;

42 (4) Reporting of any suspected violations of the provisions of  
43 this act and of any complaints received concerning services and  
44 conditions in such facilities to the commissioner and to appropriate  
45 State and local agencies for remedial action; and

46 (5) Provision of information to eligible residents whose  
47 continued residence in such facilities may be injurious or dangerous

1 to their health concerning alternative housing and living  
2 arrangements available to them.

3 County welfare boards shall coordinate all services provided  
4 under this subsection with services provided to eligible residents by  
5 the State Divisions of Mental Health and Addiction Services and  
6 Developmental Disabilities in the Department of Human Services  
7 and Division of **【Youth and Family Services】** Child Protection and  
8 Permanency in the Department of Children and Families, charitable  
9 institutions, and other State and local agencies and service  
10 providers.

11 c. In order to fulfill their responsibilities under subsection b.  
12 above, county welfare boards shall be entitled to receive full and  
13 free access to residential health care facilities, rooming houses, and  
14 boarding houses by the owners and operators of **【such】** the  
15 facilities, and to receive cooperation and assistance from State and  
16 local law enforcement officials as needed.

17 d. The Commissioner of Human Services shall:

18 (1) Promulgate all necessary regulations to implement the  
19 provisions of this section;

20 (2) Maintain a central file of all complaints received concerning  
21 suspected violations of the provisions of this act and concerning  
22 services and conditions at residential health care facilities, rooming  
23 houses, and boarding houses and shall maintain a record of the State  
24 and local agencies to which complaints have been referred by  
25 county welfare boards; refer any **【such】** complaints received by the  
26 commissioner to State and local agencies for remedial action as  
27 necessary; and follow up all complaints to determine whether  
28 **【such】** remedial action has been taken;

29 (3) Provide such training and educational programs to the  
30 operators of such facilities as will enable them to appropriately  
31 respond to the needs of their residents;

32 (4) Designate agencies to:

33 (a) Identify those residential health care facilities, rooming  
34 houses, and boarding houses in which substantial numbers of  
35 persons reside who are in need of mental health or developmental  
36 disabilities services;

37 (b) Receive referrals and be responsible for the provision of  
38 mental health or developmental disability services, or both;

39 (c) Report any apparent violation of this act to the appropriate  
40 State and local officials and authorities;

41 (d) Coordinate their efforts with county welfare boards,  
42 charitable institutions, the State Divisions of Mental Health and  
43 Addiction Services and Developmental Disabilities in the  
44 Department of Human Services, and Division of **【Youth and Family**  
45 **Services】** Child Protection and Permanency in the Department of  
46 Children and Families, and other State and local entities and service  
47 providers;

1 (5) Periodically monitor and evaluate services provided to  
2 eligible residents by county welfare boards and community agencies  
3 serving persons with mental illness or developmental disabilities;

4 (6) Issue a report to the Legislature's Standing Reference  
5 Committees on Health, Human Services and Senior Citizens  
6 concerning the implementation of this section, **[1]** one year  
7 following the effective date of this act.

8 e. Any person who submits or reports a complaint concerning a  
9 suspected violation of the provisions of this act or concerning  
10 services and conditions in residential health care facilities, rooming  
11 houses, and boarding houses, or who testifies in any administrative  
12 or judicial proceeding arising from **[such]** a complaint, shall have  
13 immunity from any civil or criminal liability on account of such  
14 complaint, unless such person has acted in bad faith or with  
15 malicious purpose.

16 (cf: P.L.2010, c.50, s.75)

17  
18 131. Section 10 of P.L.1991, c.134 (C.45:15BB-10) is amended  
19 to read as follows:

20 10. There is created within the Division of Consumer Affairs in  
21 the Department of Law and Public Safety, the State Board of Social  
22 Work Examiners. The board shall consist of **[nine]** 10 members  
23 who are residents of the State, two of whom shall be public  
24 members appointed pursuant to the provisions of subsection b. of  
25 section 2 of P.L.1971, c.60 (C.45:1-2.2) and one of whom shall be  
26 the Commissioner of Human Services, or **[his]** the commissioner's  
27 designee, and one of whom shall be the Commissioner of Children  
28 and Families, or the commissioner's designee, the latter two  
29 appointed in fulfillment of the requirement of subsection c. of that  
30 section. Of the six remaining members, three shall have been  
31 actively engaged in the practice of social work for at least five years  
32 immediately preceding their appointment, and, except for the  
33 members first appointed, one shall be a licensed clinical social  
34 worker, one shall be a licensed social worker, and one shall be a  
35 certified social worker pursuant to this act. Of the three remaining  
36 members, two shall be social work educators, one of whom shall  
37 represent a baccalaureate level program and one of whom shall  
38 represent a master's level program; and one shall be a social worker  
39 with a doctorate level degree, and, all of whom, except for the  
40 members first appointed, shall be licensed or certified pursuant to  
41 this act.

42 The Governor shall appoint each member, other than the State  
43 executive department member, for terms of three years, except that  
44 of the social worker members first appointed, two shall serve for a  
45 term of three years, two shall serve for terms of two years and two  
46 shall serve for terms of one year. Any vacancy in the membership  
47 shall be filled for the unexpired term in the manner provided by the  
48 original appointment. No member of the board may serve more

1 than two successive terms in addition to any unexpired term to  
2 which he has been appointed. The Governor may remove any  
3 member of the board, other than the State executive department  
4 member, for cause.

5 (cf: P.L.1991, c.134, s.10)

6

7 132. Section 3 of P.L.2001, c.81 (C.52:4B-51) is amended to  
8 read as follows:

9 3. The Attorney General shall establish a Statewide Sexual  
10 Assault Nurse Examiner program in the Department of Law and  
11 Public Safety.

12 Upon implementation of the certification process for a forensic  
13 sexual assault nurse examiner pursuant to section 5 of **[this act]**  
14 P.L.2001, c.81 (C.52:4B-53), the county prosecutor in each county  
15 shall appoint or designate a certified forensic sexual assault nurse  
16 examiner to serve as program coordinator for the program in the  
17 county in accordance with the provisions of this section.

18 a. The county prosecutor may appoint an employee of the  
19 prosecutor's office who is a certified forensic sexual assault nurse  
20 examiner to serve as program coordinator to administer the program  
21 in that county.

22 b. In a county where the county prosecutor does not appoint an  
23 employee of his office to serve as program coordinator, the county  
24 prosecutor shall designate a certified forensic sexual assault nurse  
25 examiner who is an employee of a licensed health care facility or a  
26 county rape care program that is designated by the **[Division]**  
27 Office on Women in the Department of **[Community Affairs]**  
28 Children and Families to serve as the program coordinator. A  
29 person designated as a program coordinator pursuant to this  
30 subsection shall not be deemed an employee of the county  
31 prosecutor's office.

32 (cf: P.L.2001, c.81, s.3)

33

34 133. Section 6 of P.L.2001, c.81 (C.52:4B-54) is amended to  
35 read as follows:

36 6. a. The county prosecutor's office in each county shall  
37 establish a Sexual Assault Response Team or shall enter into a  
38 collaborative agreement with another county to share the services of  
39 that county's response team. The response team shall be comprised  
40 of: a certified forensic sexual assault nurse examiner, a rape care  
41 advocate from the county program established, or designated by the  
42 **[Division]** Office on Women in the Department of **[Community**  
43 **Affairs]** Children and Families, as provided under section 3 of  
44 P.L.2001, c.81 (C.52:4B-51), and a law enforcement official. The  
45 response team shall:

46 (1) respond to a report of sexual assault at the request of a  
47 victim of sexual assault pursuant to guidelines established by the

1 Attorney General pursuant to section 17 of **[this act]** P.L.2001,  
2 c.81 (C.52:4B-60); and

3 (2) provide treatment, counseling, legal, and forensic medical  
4 services to a victim of sexual assault in accordance with the  
5 standard protocols developed by the Attorney General pursuant to  
6 subsection d. of section 6 of P.L.1985, c.404 (C.52:4B-44).

7 b. Each member of the response team shall complete the  
8 standardized education and training program developed by the  
9 program coordinator pursuant to subsection e. of section 4 of **[this**  
10 **act]** P.L.2001, c.81 (C.52:4B-52).

11 (cf: P.L.2001, c.81, s.6)

12  
13 134. Section 7 of P.L.2001, c.81 (C.52:4B-55) is amended to  
14 read as follows:

15 7. a. The Attorney General shall establish a Sexual Assault  
16 Nurse Examiner Program Coordinating Council comprised of: the  
17 Attorney General, the Director of the **[Division]** Office on Women,  
18 the Chief of the Office of Victim-Witness Advocacy, the Executive  
19 Director of the New Jersey Coalition Against Sexual Assault, and  
20 the Executive Director of the New Jersey Board of Nursing, or their  
21 respective designees; a representative from the New Jersey County  
22 Prosecutor's Association; and the program coordinators appointed  
23 or designated pursuant to section 3 of **[this act]** P.L.2001, c.81  
24 (C.52:4B-51).

25 The Attorney General, through the sexual assault unit established  
26 pursuant to section 8 of P.L.2001, c.81 (C.52:4B-56), and in  
27 consultation with the coordinating council, shall oversee the  
28 Statewide Sexual Assault Nurse Examiner program and identify and  
29 obtain any State and federal funding available to supplement the  
30 funds appropriated to operate the program.

31 b. The coordinating council shall review the effectiveness of  
32 the services provided by the State to victims of sexual assault and  
33 make recommendations to the Attorney General for any needed  
34 changes in the standards, regulations or State policy concerning the  
35 provision of victim services.

36 (cf: P.L.2001, c.81, s.7)

37  
38 135. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to  
39 read as follows:

40 2. As used in **[this act]** P.L.1961, c.49 (C.52:14-17.26 et seq.):

41 (a) The term "State" means the State of New Jersey.

42 (b) The term "commission" means the State Health Benefits  
43 Commission, created by section 3 of **[this act]** P.L.1961, c.49  
44 (C.52:14-17.27).

45 (c) (1) The term "employee" means an appointive or elective  
46 officer, a full-time employee of the State of New Jersey, or a full-  
47 time employee of an employer other than the State who appears on

1 a regular payroll and receives a salary or wages for an average of  
2 the number of hours per week as prescribed by the governing body  
3 of the participating employer which number of hours worked shall  
4 be considered full-time, determined by resolution, and not less than  
5 20.

6 (2) After the effective date of P.L.2010, c.2, the term  
7 "employee" means (i) a full-time appointive or elective officer  
8 whose hours of work are fixed at 35 or more per week, a full-time  
9 employee of the State, or a full-time employee of an employer other  
10 than the State who appears on a regular payroll and receives a  
11 salary or wages for an average of the number of hours per week as  
12 prescribed by the governing body of the participating employer  
13 which number of hours worked shall be considered full-time,  
14 determined by resolution, and not less than 25, or (ii) an appointive  
15 or elective officer, an employee of the State, or an employee of an  
16 employer other than the State who has or is eligible for health  
17 benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et  
18 seq.) or sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1  
19 et seq.) on that effective date and continuously thereafter provided  
20 the officer or employee is covered by the definition in paragraph (1)  
21 of this subsection. For the purposes of this act an employee of  
22 Rutgers, The State University of New Jersey, shall be deemed to be  
23 an employee of the State, and an employee of the New Jersey  
24 Institute of Technology shall be considered to be an employee of  
25 the State during such time as the Trustees of the Institute are party  
26 to a contractual agreement with the State Treasurer for the provision  
27 of educational services. The term "employee" shall further mean,  
28 for purposes of this act, a former employee of the South Jersey Port  
29 Corporation, who is employed by a subsidiary corporation or other  
30 corporation, which has been established by the Delaware River Port  
31 Authority pursuant to subdivision (m) of Article I of the compact  
32 creating the Delaware River Port Authority (R.S.32:3-2), as defined  
33 in section 3 of P.L.1997, c.150 (C.34:1B-146), and who is eligible  
34 for continued membership in the Public Employees' Retirement  
35 System pursuant to subsection j. of section 7 of P.L.1954, c.84  
36 (C.43:15A-7).

37 For the purposes of this act the term "employee" shall not  
38 include persons employed on a short-term, seasonal, intermittent or  
39 emergency basis, persons compensated on a fee basis, persons  
40 having less than two months of continuous service or persons whose  
41 compensation from the State is limited to reimbursement of  
42 necessary expenses actually incurred in the discharge of their  
43 official duties, provided, however, that the term "employee" shall  
44 include persons employed on an intermittent basis to whom the  
45 State has agreed to provide coverage under P.L.1961, c.49  
46 (C.52:14-17.25 et seq.) in accordance with a binding collective  
47 negotiations agreement. An employee paid on a 10-month basis,  
48 pursuant to an annual contract, will be deemed to have satisfied the

1 two-month waiting period if the employee begins employment at  
2 the beginning of the contract year. The term "employee" shall also  
3 not include retired persons who are otherwise eligible for benefits  
4 under this act but who, although they meet the age or disability  
5 eligibility requirement of Medicare, are not covered by Medicare  
6 Hospital Insurance, also known as Medicare Part A, and Medicare  
7 Medical Insurance, also known as Medicare Part B. A determination  
8 by the commission that a person is an eligible employee within the  
9 meaning of this act shall be final and shall be binding on all parties.

10 (d) (1) The term "dependents" means an employee's spouse,  
11 partner in a civil union couple or an employee's domestic partner as  
12 defined in section 3 of P.L.2003, c.246 (C.26:8A-3), and the  
13 employee's unmarried children under the age of 23 years who live  
14 with the employee in a regular parent-child relationship. "Children"  
15 shall include stepchildren, legally adopted children and children  
16 placed by the Division of **[Youth and Family Services]** Child  
17 Protection and Permanency in the Department of Children and  
18 Families, provided they are reported for coverage and are wholly  
19 dependent upon the employee for support and maintenance. A  
20 spouse, partner in a civil union couple, domestic partner or child  
21 enlisting or inducted into military service shall not be considered a  
22 dependent during the military service. The term "dependents" shall  
23 not include spouses, partners in a civil union couple or domestic  
24 partners of retired persons who are otherwise eligible for the  
25 benefits under this act but who, although they meet the age or  
26 disability eligibility requirement of Medicare, are not covered by  
27 Medicare Hospital Insurance, also known as Medicare Part A, and  
28 Medicare Medical Insurance, also known as Medicare Part B.

29 (2) Notwithstanding the provisions of paragraph (1) of this  
30 subsection to the contrary and subject to the provisions of paragraph  
31 (3) of this subsection, for the purposes of an employer other than  
32 the State that is participating in the State Health Benefits Program  
33 pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term  
34 "dependents" means an employee's spouse or partner in a civil  
35 union couple and the employee's unmarried children under the age  
36 of 23 years who live with the employee in a regular parent-child  
37 relationship. "Children" shall include stepchildren, legally adopted  
38 children and children placed by the Division of **[Youth and Family**  
39 **Services]** Child Protection and Permanency in the Department of  
40 Children and Families provided they are reported for coverage and  
41 are wholly dependent upon the employee for support and  
42 maintenance. A spouse, partner in a civil union couple or child  
43 enlisting or inducted into military service shall not be considered a  
44 dependent during the military service. The term "dependents" shall  
45 not include spouses or partners in a civil union couple of retired  
46 persons who are otherwise eligible for benefits under P.L.1961, c.49  
47 (C.52:14-17.25 et seq.) but who, although they meet the age or  
48 disability eligibility requirement of Medicare, are not covered by

1 Medicare Hospital Insurance, also known as Medicare Part A, and  
2 Medicare Medical Insurance, also known as Medicare Part B.

3 (3) An employer other than the State that is participating in the  
4 State Health Benefits Program pursuant to section 3 of P.L.1964,  
5 c.125 (C.52:14-17.34) may adopt a resolution providing that the  
6 term "dependents" as defined in paragraph (2) of this subsection  
7 shall include domestic partners as provided in paragraph (1) of this  
8 subsection.

9 (e) The term "carrier" means a voluntary association,  
10 corporation or other organization, including a health maintenance  
11 organization as defined in section 2 of the "Health Maintenance  
12 Organizations Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully  
13 engaged in providing or paying for or reimbursing the cost of,  
14 personal health services, including hospitalization, medical and  
15 surgical services, under insurance policies or contracts, membership  
16 or subscription contracts, or the like, in consideration of premiums  
17 or other periodic charges payable to the carrier.

18 (f) The term "hospital" means (1) an institution operated  
19 pursuant to law which is primarily engaged in providing on its own  
20 premises, for compensation from its patients, medical diagnostic  
21 and major surgical facilities for the care and treatment of sick and  
22 injured persons on an inpatient basis, and which provides such  
23 facilities under the supervision of a staff of physicians and with 24  
24 hour a day nursing service by registered graduate nurses, or (2) an  
25 institution not meeting all of the requirements of (1) but which is  
26 accredited as a hospital by the Joint Commission on Accreditation  
27 of Hospitals. In no event shall the term "hospital" include a  
28 convalescent nursing home or any institution or part thereof which  
29 is used principally as a convalescent facility, residential center for  
30 the treatment and education of children with mental disorders, rest  
31 facility, nursing facility or facility for the aged or for the care of  
32 drug addicts or alcoholics.

33 (g) The term "State managed care plan" means a health care  
34 plan under which comprehensive health care services and supplies  
35 are provided to eligible employees, retirees, and dependents: (1)  
36 through a group of doctors and other providers employed by the  
37 plan; or (2) through an individual practice association, preferred  
38 provider organization, or point of service plan under which services  
39 and supplies are furnished to plan participants through a network of  
40 doctors and other providers under contracts or agreements with the  
41 plan on a prepayment or reimbursement basis and which may  
42 provide for payment or reimbursement for services and supplies  
43 obtained outside the network. The plan may be provided on an  
44 insured basis through contracts with carriers or on a self-insured  
45 basis, and may be operated and administered by the State or by  
46 carriers under contracts with the State.

47 (h) The term "Medicare" means the program established by the  
48 "Health Insurance for the Aged Act," Title XVIII of the "Social



1 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,  
2 or its successor plan or plans.

3 (i) The term "traditional plan" means a health care plan which  
4 provides basic benefits, extended basic benefits and major medical  
5 expense benefits as set forth in section 5 of P.L.1961, c.49  
6 (C.52:14-17.29) by indemnifying eligible employees, retirees, and  
7 dependents for expenses for covered health care services and  
8 supplies through payments to providers or reimbursements to  
9 participants.

10 (j) The term "successor plan" means a State managed care plan  
11 that shall replace the traditional plan and that shall provide benefits  
12 as set forth in subsection (B) of section 5 of P.L.1961, c.49  
13 (C.52:14-17.29) with provisions regarding reimbursements and  
14 payments as set forth in paragraph (1) of subsection (C) of section 5  
15 of P.L.1961, c.49 (C.52:14-17.29).

16 (cf: P.L.2010, c.2, s.9)

17

18 136. Section 1 of P.L.2005, c.347 (C.52:17B-210) is amended to  
19 read as follows:

20 1. The Attorney General, in consultation with the New Jersey  
21 School Boards Association, the New Jersey Coalition Against  
22 Sexual Assault, the New Jersey Education Association, and the  
23 **[Division] Office** on Women, shall prepare a pamphlet to educate  
24 children about pedophile crimes and how to reduce their chances of  
25 becoming victims of **[such] pedophile** crimes. The pamphlet shall  
26 be distributed to all public and private elementary and secondary  
27 schools throughout the State. The schools shall reproduce the  
28 pamphlet for distribution to students. The pamphlets shall be  
29 designed by the Attorney General.

30 (cf: P.L.2005, c.347, s.1)

31

32 137. Section 2 of P.L.1985, c.66 (C.52:27D-29.15) is amended  
33 to read as follows:

34 2. The Commissioner of **[the Department of Community**  
35 **Affairs] Children and Families**, in consultation with the **[Division]**  
36 **Office** on Women **[established pursuant to P.L.1974, c.87**  
37 **(C.52:27D-43.8 et seq.)]** and the Advisory Council on Child Care  
38 established pursuant to section 14 of P.L.1983, c.492 (C.30:5B-14),  
39 shall establish an Intergenerational Child Care Demonstration  
40 Matching Program in the Division on Aging established pursuant to  
41 section 28 of P.L.1966, c.293 (C.52:27D-28) to enable senior  
42 residents of the State, 60 years of age or older, to be recruited and  
43 matched by a county office on aging so they may render nurturing  
44 child care services to pre-school and latchkey children of working  
45 parents after school hours.

46 (cf: P.L.1985, c.66, s.2)

1 138. Section 3 of P.L.1985, c.66 (C.52:27D-29.16) is amended  
2 to read as follows:

3 3. a. The Division on Aging, the **["Division"]** Office on  
4 Women, and the Advisory Council on Child Care shall recommend  
5 standards to ensure that the Intergenerational Child Care  
6 Demonstration Matching Program is of high quality and benefits  
7 both children and older people. Subject to the "Administrative  
8 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the  
9 Commissioner of **["the Department of Community Affairs"]** Children  
10 and Families shall adopt all regulations necessary to effectuate the  
11 purposes of **["this act"]** P.L.1985, c.66 (C.52:27D-29.14 et seq.).

12 b. Any county office on aging that is interested in participating  
13 in the program may submit a proposal to the commissioner. The  
14 commissioner shall review the proposals and approve the proposals  
15 that best meet the purposes of the demonstration program.

16 (cf: P.L.1985, c.66, s.3)

17

18 139. Section 1 of P.L.1974, c.87 (C.52:27D-43.8) is amended to  
19 read as follows:

20 1. This act shall be known as, and may be cited as, the  
21 **["Division"]** "Office on Women Act **["of 1974"]**."

22 (cf: P.L.1974, c.87, s.1)

23

24 140. Section 2 of P.L.1974, c.87 (C.52:27D-43.9) is amended to  
25 read as follows:

26 2. There is hereby established in the Department of  
27 **["Community Affairs a Division"]** Children and Families, Division of  
28 Family and Community Partnerships, an Office on Women. The  
29 **["division"]** office shall consist of a director and the New Jersey  
30 Advisory Commission on the Status of Women.

31 (cf: P.L.1974, c.87, s.2)

32

33 141. (New section) a. The Division on Women in the Department  
34 of Community Affairs, together with its functions, powers, and  
35 duties, is transferred to the Department of Children and Families  
36 and shall be reconstituted as the Office on Women in the  
37 department. The transfer pursuant to this section shall be made in  
38 accordance with the provisions of the "State Agency Transfer Act,"  
39 P.L.1971, c.375 (C.52:14D-1 et seq.).

40 b. All appropriations and other monies available, and to  
41 become available, to the Division on Women in the Department of  
42 Community Affairs, transferred to the Department of Children and  
43 Families and reconstituted as the Office on Women in the  
44 department pursuant to P.L. , c. (C. ) (pending before the  
45 Legislature as this bill), are continued in the Office on Women in  
46 the Department of Children and Families established hereunder and  
47 shall be available for the objects and purposes for which these

1 monies are appropriated, subject to the provisions of P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill) and any  
3 other terms, restrictions, limitations, or other requirements imposed  
4 by law.

5 c. Whenever, in any law, rule, regulation, order, contract,  
6 document, judicial, or administrative proceeding or otherwise,  
7 reference is made to the Division on Women in the Department of  
8 Community Affairs, the same shall mean and refer to the Office on  
9 Women in the Department of Children and Families.

10

11 142. Section 3 of P.L.1974, c.87 (C.52:27D-43.10) is amended to  
12 read as follows:

13 3. The Director of the **【Division】** Office on Women shall be a  
14 person qualified by training and experience to perform the duties of  
15 **【his or her】** the office. The director shall be appointed by the  
16 Governor, by and with the advice and consent of the Senate, and  
17 shall serve at the pleasure of the Governor during the Governor's  
18 term of office and until the appointment and qualification of a  
19 successor. The director shall administer the work of **【such**  
20 **division】** the office under the direction and supervision of the  
21 commissioner, and shall perform such other functions of the  
22 department as the commissioner may prescribe. The director shall  
23 receive such salary as shall be provided by law.

24 (cf: P.L.1974, c.87, s.3)

25

26 143. Section 5 of P.L.1974, c.87 (C.52:27D-43.12) is amended  
27 to read as follows:

28 5. The **【Division】** Office on Women shall be under the  
29 supervision of the director. The director shall:

30 a. Appoint and remove such professionals, technical, and  
31 clerical assistants, and employees, subject to the provisions of Title  
32 11, Civil Service of the Revised Statutes, and other applicable  
33 statutes, as may be necessary to enable the **【division】** office to  
34 perform the duties imposed upon it by **【this act】** P.L.1974, c.87  
35 (C.52:27D-43.8 et seq.) and shall fix their compensation within the  
36 limits of available appropriations and as shall be provided by law;

37 b. Select and retain the services of consultants whose advice is  
38 considered necessary to assist the **【division】** office in obtaining  
39 information or developing plans and programs required for the  
40 performance of the duties and responsibilities of the **【division】**  
41 office as provided by **【this act】** P.L.1974, c.87;

42 c. Attend all meetings of the New Jersey Advisory  
43 Commission on the Status of Women and its committees but shall  
44 have no vote. The director may delegate to subordinate officers or  
45 employees the responsibility to attend the meetings of the  
46 commission.

47 (cf: P.L.1974, c.87, s.5)

1 144. Section 6 of P.L.1974, c.87 (C.52:27D-43.13) is amended  
2 to read as follows:

3 6. The **【division】 office**, under the supervision and leadership  
4 of the director, shall:

5 a. Serve as the central permanent agency for the coordination  
6 of programs and services for the women of New Jersey and for the  
7 evaluation of the effectiveness of their implementation and as a  
8 planning agency for the development of new programs and services;

9 b. Establish a liaison with all other governmental departments  
10 and agencies involved with the enforcement of laws, ordinances,  
11 and regulations and with the development of programs affecting the  
12 status of women;

13 c. Request State departments and other public and private  
14 agencies on a State, county, and local level to initiate joint efforts to  
15 promote the expansion of rights and opportunities available to the  
16 women of this State;

17 d. Cooperate with all Federal and interstate programs and  
18 services provided for women;

19 e. Engage in a continuous study of the changing needs and  
20 concerns of women in New Jersey and develop and recommend new  
21 programs to the Governor and the Legislature;

22 f. Consult with, advise, and otherwise provide professional  
23 assistance to organized efforts by communities, organizations,  
24 associations, and groups which are working toward the goal of  
25 improving the status of women;

26 g. Serve as a clearing house to publish and disseminate  
27 information and to provide assistance and direction to women with  
28 specific problems and needs;

29 h. Act as a search committee for the Governor and other  
30 executive officers in the State Government for the purpose of  
31 discovering and recommending women who are talented and  
32 qualified to serve in the Executive Branch of the State  
33 Government;

34 i. Report annually to the Commissioner of **【the Department of  
35 Community Affairs】 Children and Families** and the Governor on its  
36 activities and recommendations;

37 j. Do all other things necessary to carry out the powers and  
38 duties granted under **【this act】 P.L.1974, c.87 (C.52:27D-43.8 et  
39 seq.)**.

40 (cf: P.L1974, c.87, s.6)

41

42 145. Section 8 of P.L.1974, c.87 (C.52:27D-43.15) is amended  
43 read as follows:

44 8. The commission, acting jointly and as a body, shall advise  
45 the Director of the **【Division】 Office on Women** on matters referred  
46 to it by the director and may originate and make recommendations  
47 to the director concerning policies and their implementation. The

1 commission, or any member thereof, may not act in the name of or  
2 as an agent of the **【Division】 Office** on Women or give instructions  
3 to the director or a member of the staff of the **【division】 office**.  
4 (cf: P.L.1974, c.87, s.8)

5  
6 146. Section 1 of P.L.2003, c.225 (C.52:27D-43.17a) is amended  
7 to read as follows:

8 1. As used in this act:

9 "Board" means the Domestic Violence Fatality and Near Fatality  
10 Review Board established pursuant to **【this act】 P.L.2003, c.225**  
11 **(C.52:27D-43.17a et seq.)**.

12 "Domestic violence-related fatality" or "fatality" means a death  
13 which arises as a result of one or more acts of domestic violence as  
14 defined in section 3 of P.L.1991, c.261 (C.2C:25-19).

15 "Near fatality" means a case in which a victim of domestic  
16 violence is in serious or critical condition, as certified by a  
17 physician.

18 "Panel" means the Panel to Study Domestic Violence in the Law  
19 Enforcement Community established pursuant to section 9 of **【this**  
20 **act】 P.L.2003, c.225 (C.52:27D-43.17i)**.

21 (cf: P.L.2003, c.225, s.1)

22

23 147. Section 2 of P.L.2003, c.225 (C.52:27D-43.17b) is amended  
24 to read as follows:

25 2. There is established the Domestic Violence Fatality and  
26 Near Fatality Review Board. For the purposes of complying with  
27 the provisions of Article V, Section IV, paragraph 1 of the New  
28 Jersey Constitution, the board is established within the Department  
29 of **【Community Affairs】 Children and Families**, but  
30 notwithstanding the establishment, the board shall be independent  
31 of any supervision or control by the department or any board or  
32 officer thereof.

33 The purpose of the board is to review the facts and circumstances  
34 surrounding domestic violence-related fatalities and near fatalities  
35 in New Jersey in order to identify their causes and their relationship  
36 to government and nongovernment service delivery systems, and to  
37 develop methods of prevention. The board shall: review trends and  
38 patterns of fatalities and near fatalities; evaluate the responses of  
39 government and nongovernment service delivery systems to  
40 fatalities and near fatalities and offer recommendations for  
41 improvement of these responses; identify and characterize high-risk  
42 groups in order to develop public policy; collect statistical data, in a  
43 consistent and uniform manner, on the occurrence of fatalities and  
44 near fatalities; and improve collaboration between State and local  
45 agencies and organizations for the purpose of developing initiatives  
46 to prevent domestic violence.

47 (cf: P.L.2003, c.225, s.2)

1 148. Section 3 of P.L.2003, c.225 (C.52:27D-43.17c) is amended  
2 to read as follows:

3 3. a. The board shall consist of ~~23~~ 20 members as follows:

4 (1) the Commissioners of Community Affairs, Human Services,  
5 Children and Families, and Health and Senior Services, ~~the~~  
6 Director of the Division on Women in the Department of  
7 Community Affairs], the Attorney General, the Public Defender,  
8 the Superintendent of the State Police, the Director of the Division  
9 of ~~Youth and Family Services~~ Child Protection and Permanency  
10 in the Department of Children and Families, ~~the Supervisor of the~~  
11 Office on the Prevention of Violence Against Women in the  
12 Department of Community Affairs established pursuant to  
13 Executive Order No. 61 (1992)], the State Medical Examiner, ~~the~~  
14 Program Director of the Domestic Violence Fatality Review Board  
15 established pursuant to Executive Order No. 110 (2000)] and the  
16 chairperson of the Child Fatality and Near Fatality Review Board,  
17 or their designees, who shall serve ex officio;

18 (2) eight public members appointed by the Governor who shall  
19 include a representative of the County Prosecutors Association of  
20 New Jersey with expertise in prosecuting domestic violence cases, a  
21 representative of the New Jersey Coalition for Battered Women, a  
22 representative of a program for battered women that provides  
23 intervention services to perpetrators of acts of domestic violence, a  
24 representative of the law enforcement community with expertise in  
25 the area of domestic violence, a psychologist with expertise in the  
26 area of domestic violence or other related fields, a licensed social  
27 worker with expertise in the area of domestic violence, a licensed  
28 health care professional knowledgeable in the screening and  
29 identification of domestic violence cases and a county probation  
30 officer; and

31 (3) two retired judges appointed by the Administrative Director  
32 of the Administrative Office of the Courts, one with expertise in  
33 family law and one with expertise in municipal law as it relates to  
34 domestic violence.

35 b. The public members of the board shall serve for three-year  
36 terms, except that of the public members first appointed, four shall  
37 serve for a period of one year, three shall serve for a period of two  
38 years and two shall serve for a period of three years. The members  
39 shall serve without compensation, but shall be eligible for  
40 reimbursement for necessary and reasonable expenses incurred in  
41 the performance of their official duties and within the limits of  
42 funds appropriated for this purpose. Vacancies in the membership  
43 of the board shall be filled in the same manner as the original  
44 appointments were made.

45 c. The board shall select a chairperson from among its  
46 members who shall be responsible for the coordination of all  
47 activities of the board.

1 d. The board is entitled to call to its assistance and avail itself  
2 of the services of employees of any State, county, or municipal  
3 department, board, bureau, commission, or agency as it may require  
4 and as may be available for the purposes of reviewing a case  
5 pursuant to the provisions of **[this act]** P.L.2003, c.225 (C.52:27D-  
6 43.17a. et seq.).

7 e. The board may seek the advice of experts, such as persons  
8 specializing in the fields of psychiatric and forensic medicine,  
9 nursing, psychology, social work, education, law enforcement,  
10 family law, academia, military affairs, or other related fields, if the  
11 facts of a case warrant additional expertise.

12 (cf: P.L.2011, c.129, s.1)

13  
14 149. Section 2 of P.L.1979, c.125 (C.52:27D-43.19) is amended  
15 to read as follows:

16 2. As used in **[this act]** P.L.1979, c.125 (C.52:27D-43.18 et  
17 seq), a "displaced homemaker" is an individual who has not worked  
18 in the labor force for a substantial number of years but has, during  
19 those years, worked in the home providing unpaid services for  
20 family members and has been dependent upon the income of  
21 another family member but is no longer supported by that income  
22 and:

23 a. Is receiving public assistance because of dependent children  
24 in the home but is within **[1]** one year of no longer being eligible  
25 for **[such]** assistance; or

26 b. Is unemployed or underemployed and is experiencing  
27 difficulty in obtaining or upgrading employment; or

28 c. Is at least 40 years of age, an age at which discrimination  
29 based on age is likely, and at which entry or reentry to or  
30 advancement in the labor market is difficult.

31 "Commissioner" means the Commissioner of **[the Department of**  
32 **Community Affairs]** Children and Families.

33 **["Division"]** Office shall mean the **[Division]** Office on Women  
34 within the Department of **[Community Affairs]** Children and  
35 Families.

36 (cf: P.L.1979, c.125, s.2)

37  
38 150. Section 3 of P.L.1979, c.125 (C.52:27D-43.20) is amended  
39 to read as follows:

40 3. The **[Division]** Office on Women in the Department of  
41 **[Community Affairs]** Children and Families shall identify existing  
42 displaced homemaker programs and provide technical assistance  
43 and encouragement for the expansion of other multi-purpose  
44 programs which provide:

45 a. Job counseling services which are specifically designed for  
46 displaced homemakers, and which aid them in acquiring knowledge  
47 of their talents and skills in relation to existing jobs, and which

1 counsel displaced homemakers with respect to appropriate job  
2 opportunities.

3 b. Job training and job placement services which develop, by  
4 working with State and local government agencies and private  
5 employers, training and placement programs for jobs in the public  
6 and private sectors, which assist participants in gaining admission  
7 to existing public and private job training programs and  
8 opportunities, and which identify community needs and encourage  
9 the creation of new jobs in the public and private sectors.

10 c. Health education and counseling services which cooperate  
11 with existing health programs to provide counseling on preventive  
12 health care, health care consumer education, family health care and  
13 nutrition, alcohol and drug addiction, and overcoming health  
14 barriers to employment.

15 d. Financial management services which provide information  
16 and assistance with respect to credit, insurance, taxes, estate and  
17 probate problems, mortgages, loans, and other related financial  
18 matters.

19 e. Educational services, including outreach and information  
20 about courses offering credit through secondary or post-secondary  
21 education programs, and including bilingual programs where  
22 appropriate, as well as information about other programs which are  
23 determined to be of interest and benefit to displaced homemakers in  
24 developing employable skills.

25 f. Legal counseling and referral services.

26 g. Outreach and information services with respect to Federal  
27 and State employment, education, health, public assistance, and  
28 unemployment assistance programs.

29 (cf: P.L.1979, c.125, s.3)

30

31 151. Section 5 of P.L.1979, c.125 (C.52:27D-43.22) is amended  
32 to read as follows:

33 5. The **【Division】** Office on Women within the Department of  
34 **【Community Affairs】** Children and Families shall make a  
35 continuous study of the needs of displaced homemakers, and  
36 effective programs and services and funding available to meet those  
37 needs. The **【division】** office shall also coordinate community  
38 organizations, women's groups, and public agencies to maximize  
39 the utilization of existing programs and resources. **【Such】** The  
40 coordination shall include, but not be limited to, the Division on  
41 Aging in the Department of Community Affairs, the Office on  
42 Women of the Division of Vocational Education in the Department  
43 of Education, the Division of Vocational Rehabilitation Services in  
44 the Department of Labor and Industry, and the Division of Welfare  
45 in the Department of Human Services. The goal of this coordination  
46 shall be to put eligible people in touch with existing programs and  
47 to foster cooperation and the exchange of information among all



1 departments and agencies of State Government which sponsor  
2 programs for which displaced homemakers would be eligible.

3 (cf: P.L.1979, c.125, s.5)

4

5 152. Section 6 of P.L.1979, c.125 (C.52:27D-43.23) is amended  
6 to read as follows:

7 6. The **【division】** office shall compile and maintain a  
8 description and assessment of each program operating pursuant to  
9 **【this act】** P.L.1979, c.125 (C.52:27D-43.18 et seq.), including the  
10 number of displaced homemakers served, the number who obtained  
11 employment, the number who enrolled in educational courses, the  
12 number of those enrolled who completed such educational courses,  
13 the cost per displaced homemaker for each program, and the total  
14 number of staff and staff ratio to persons served under the program.

15 **【Such】** The report shall be available within **【1】** one year of the  
16 effective date of **【the act】** P.L.1979, c.125.

17 (cf: P.L.1979, c.125, s.6)

18

19 153. Section 3 of P.L.1993, c.188 (C.52:27D-43.24b) is amended  
20 to read as follows:

21 3. The Department of **【Community Affairs】** Children and  
22 Families shall establish a trust fund for the deposit of the fees  
23 collected pursuant to section 2 of **【this amendatory and**  
24 **supplementary act】** P.L.1993, c.188 (C.52:27D-43.24a). The  
25 moneys from the trust fund shall be used for the specific purpose of  
26 providing grants-in-aid to programs for displaced homemakers as  
27 identified by the **【Division】** Office on Women in the Department of  
28 **【Community Affairs】** Children and Families pursuant to section 3  
29 of P.L.1979, c.125 (C.52:27D-43.20).

30 (cf: P.L.1993, c.188, s.3)

31

32 154. Section 2 of P.L.2005, c.204 (C.52:27D-43.36) is amended  
33 to read as follows:

34 2. a. The Director of the **【Division】** Office on Women in the  
35 Department of **【Community Affairs】** Children and Families, in  
36 consultation with the Advisory Council on Domestic Violence and  
37 the Commissioners of Human Services and Health and Senior  
38 Services, shall establish a domestic violence public awareness  
39 campaign in order to promote public awareness of domestic  
40 violence among the general public and health care and social  
41 services professionals and provide information to assist victims of  
42 domestic violence and their children.

43 b. The public awareness campaign shall include the  
44 development and implementation of public awareness and outreach  
45 efforts to promote domestic violence prevention and education,  
46 including, but not limited to, the following subjects:

47 (1) the causes and nature of domestic violence;

- 1 (2) risk factors;  
2 (3) preventive measures; and  
3 (4) the availability of, and how to access, services in the  
4 community for victims of domestic violence, including, but not  
5 limited to, shelter services, legal advocacy services, and legal  
6 assistance services.

7 c. The director shall coordinate the efforts of the **[division]**  
8 office with any activities being undertaken by other State agencies  
9 to promote public awareness of, and provide information to the  
10 public about, domestic violence.

11 d. The director, within the limits of funds available for this  
12 purpose, shall seek to utilize electronic and print media, and may  
13 prepare and disseminate such written information as the director  
14 deems necessary, to accomplish the purposes of **[this act]**  
15 P.L.2005, c.204 (C.52:27D-43.35 et seq.).

16 e. The **[division]** office shall make available electronically on  
17 its Internet website in English and Spanish information about  
18 domestic violence as described in subsection b. of this section.

19 f. The director may accept, for the purposes of the public  
20 awareness campaign, any special grant of funds, services, or  
21 property from the federal government or any of its agencies, or  
22 from any foundation, organization, or other entity.

23 g. The director shall report to the Governor and the Legislature,  
24 no later than 18 months after the effective date of **[this act]**  
25 P.L.2005, c.204 (C.52:27D-43.35 et seq.), on the activities and  
26 accomplishments of the public awareness campaign.

27 (cf: P.L.2005, c.204, s.2)

28

29 155. Section 2 of P.L.1999, c.239 (C.52:27D-444) is amended to  
30 read as follows:

31 2. The Legislature finds and declares that:

32 a. Micro-business loans are usually granted to those businesses  
33 that are mostly sole proprietorships with five or fewer employees,  
34 that require an initial capital outlay of less than \$35,000 to start a  
35 new business or expand an existing business, utilize loans in  
36 amounts of less than \$15,000 with most loans being paid back on  
37 time, and experience a default rate that is often no higher than on  
38 commercial loans;

39 b. Experience in numerous other states and in certain urban  
40 areas in New Jersey has shown that "micro lending," or carefully  
41 underwriting small loans to individual entrepreneurs with well-  
42 developed, realistic business plans, has been successful in helping  
43 individuals, without regard to geographical location, to start micro-  
44 businesses;

45 c. Nonprofit community-based development corporations have  
46 the experience of providing the training and technical assistance  
47 that is necessary for prospective entrepreneurs to establish a viable  
48 business;

1 d. While the New Jersey Economic Development Authority  
2 currently manages several programs to promote the development of  
3 micro and small businesses in the State and the New Jersey  
4 Development Authority for Small Businesses, Minorities' and  
5 Women's Enterprises has a peer group micro-lending program in  
6 place which targets urban areas of the State, there is a need to  
7 establish a separate micro-business credit program to provide new  
8 and innovative ways to assist more unemployed women and  
9 underemployed women in all areas of the State to enter or reenter  
10 the marketplace and to recognize that nonprofit community-based  
11 development corporations and certain Statewide women's business  
12 organizations have the experience of providing the training and  
13 technical assistance that is necessary for prospective entrepreneurs  
14 to establish a viable business; and

15 e. It is appropriate to establish a micro-business credit program  
16 that would target only those potential female entrepreneurs who  
17 have little or no prior business experience, are self-motivated and  
18 are willing to undertake an extensive training program and receive  
19 other kinds of technical assistance in order to gain the necessary  
20 experience to start a successful business through grants given to  
21 certified nonprofit community development corporations and  
22 certain Statewide women's business organizations, and the  
23 Department of Community Affairs which has experience in  
24 evaluating and monitoring community development corporations  
25 [and which already manages a number of programs through its  
26 Division on Women to assist women to improve their lives] is the  
27 appropriate State agency to accomplish these goals.

28 (cf: P.L.2004, c.176, s.2)

29

30 156. (New section) a. Notwithstanding any law, rule, or  
31 regulation to the contrary, commencing on or after the effective date  
32 of P.L. , c. (C. ) (pending before the Legislature as this bill)  
33 and subject to the provisions of subsection b. of this section, the  
34 Division of Children's System of Care in the Department of  
35 Children and Families shall determine eligibility and provide  
36 support and services, to the extent possible, for persons with  
37 developmental disabilities, as defined in section 3 of P.L.1977, c.82  
38 (C.30:6D-3), under 21 years of age. The Division of Children's  
39 System of Care shall be responsible for licensing, inspection, and  
40 standard-setting with regard to facilities providing services for  
41 persons with developmental disabilities under 21 years of age.

42 The Division of Developmental Disabilities in the Department of  
43 Human Services shall cease providing services for those persons  
44 with developmental disabilities under 21 years of age as of the date  
45 that the Division of Children's System of Care in Department of  
46 Children and Families commences determining eligibility and  
47 providing services for these persons, except that the Division of  
48 Developmental Disabilities may establish procedures including, but

1 not limited to, a redetermination of eligibility for services, if  
2 appropriate, by the Commissioner of Human Services, for the  
3 transition of persons with developmental disabilities to adult  
4 services provided by the Division of Developmental Disabilities in  
5 the Department of Human Services.

6 b. The Director of the Division of Developmental Disabilities  
7 in the Department of Human Services and the Director of the  
8 Division of Children's System of Care in the Department of  
9 Children and Families shall establish and enter into an inter-agency  
10 agreement as necessary for the purposes of subsection a. of this  
11 section.

12 c. The Commissioners of Human Services and Children and  
13 Families, in consultation with each other and pursuant to the  
14 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
15 seq.), shall adopt, notwithstanding any provision of P.L.1968, c.410  
16 (C.52:14B-1 et seq.) to the contrary, immediately upon filing with  
17 the Office of Administrative Law, such rules and regulations as the  
18 Commissioners deem necessary to effectuate the purposes of  
19 section 156 of P.L. , c. (C. ) (pending before the Legislature  
20 as this bill), which shall be effective for a period not to exceed 12  
21 months following the effective date of P.L. , c. (C. ) (pending  
22 before the Legislature as this bill). The regulations shall thereafter  
23 be amended, adopted, or readopted by the commissioners in  
24 accordance with the provision of P.L.1968, c.410 (C.52:14B-1 et  
25 seq.).

26 d. Whenever any law, rule, regulation, order, contract, or  
27 document pertaining to persons with developmental disabilities, as  
28 defined in section 3 of P.L.1977, c.82 (C.30:6D-3), under 21 years  
29 of age refers to the Division of Developmental Disabilities in the  
30 Department of Human Services, the same shall mean and refer to  
31 the Division of Children's System of Care in the Department of  
32 Children and Families.

33  
34 157. (New section) a. Notwithstanding any law, rule, or  
35 regulation to the contrary, commencing on or after the effective date  
36 of P.L. , c. (C. ) (pending before the Legislature as this  
37 bill) and subject to the provisions of subsection b. of this  
38 section, the Division of Children's System of Care in the  
39 Department of Children and Families, in lieu of the Division of  
40 Mental Health and Addiction Services in the Department of Human  
41 Services, shall provide, manage, and coordinate services for the  
42 treatment of substance abuse and related afflictions for persons  
43 under 21 years of age.

44 b. The Director of the Division of Mental Health and Addiction  
45 Services in the Department of Human Services and the Director of  
46 the Division of Children's System of Care in the Department of  
47 Children and Families shall establish and enter into an inter-agency

1 agreement as necessary for the purposes of subsection a. of this  
2 section.

3 c. The Commissioners of Human Services and Children and  
4 Families, in consultation with each other and pursuant to the  
5 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
6 seq.), shall adopt, notwithstanding any provision of P.L.1968, c.410  
7 (C.52:14B-1 et seq.) to the contrary, immediately upon filing with  
8 the Office of Administrative Law, such rules and regulations as the  
9 Commissioners deem necessary to effectuate the purposes of  
10 section 157 of P.L. , c. (C. ) (pending before the Legislature  
11 as this bill), which shall be effective for a period not to exceed 12  
12 months following the effective date of P.L. , c. (C. ) (pending  
13 before the Legislature as this bill). The regulations shall thereafter  
14 be amended, adopted, or readopted by the commissioners in  
15 accordance with the provision of P.L.1968, c.410 (C.52:14B-1 et  
16 seq.).

17

18 158. This act shall take effect immediately.

19

20

21

#### STATEMENT

22

23 The bill makes various changes to and reorganizes the  
24 Department of Children and Families (DCF). Specifically, the bill  
25 renames: 1) the Division of Youth and Family Services as the  
26 Division of Child Protection and Permanency; 2) the Division of  
27 Prevention and Community Partnerships as the Division of Family  
28 and Community Partnerships; and 3) the Division of Child  
29 Behavioral Health Services as the Division of Children's System of  
30 Care. The bill transfers the Division on Women from the  
31 Department of Community Affairs to DCF and reconstitutes the  
32 division as the Office on Women in DCF.

33 The bill also establishes that the Division of Children's System  
34 of Care in the DCF, in lieu of the Division of Developmental  
35 Disabilities (DDD) in the Department of Human Services (DHS), is  
36 to determine eligibility and provide support and services, to the  
37 extent possible, for persons with developmental disabilities, as  
38 defined in section 3 of P.L.1977, c.82 (C.30:6D-3), under 21 years  
39 of age. The Division of Children's System of Care is also to be  
40 responsible for licensing, inspection, and standard-setting with  
41 regard to facilities providing services for persons with  
42 developmental disabilities under 21 years of age.

43 The bill provides that DDD is to cease providing services for  
44 those persons with developmental disabilities under 21 years of age  
45 as of the date that the Division of Children's System of Care in  
46 commences determining eligibility and providing services for these  
47 persons, except that DDD may establish procedures including, but  
48 not limited to, a redetermination of eligibility for services, if

1 appropriate, by the Commissioner of Human Services, for the  
2 transition of persons with developmental disabilities to adult  
3 services provided by DDD.

4 The bill also establishes that the Division of Children's System  
5 of Care, in lieu of the Division of Mental Health and Addiction  
6 Services in DHS, is to provide, manage, and coordinate services for  
7 the treatment of substance abuse and related afflictions for persons  
8 under 21 years of age. The bill provides that the Directors of the  
9 Division of Developmental Disabilities and the Director of the  
10 Division of Mental Health and Addiction Services in DHS and  
11 the Director of the Division of Children's System of Care in DCF  
12 establish and enter into inter-agency agreements as necessary for  
13 the purposes of this bill.

14 Finally, the bill makes changes to various boards and  
15 commissions to reflect the organizational changes to DCF.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 2070**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 21, 2012

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2070, with committee amendments.

As amended, the bill makes various changes to and reorganizes the Department of Children and Families (DCF). Specifically, the bill renames: 1) the Division of Youth and Family Services as the Division of Child Protection and Permanency; 2) the Division of Prevention and Community Partnerships as the Division of Family and Community Partnerships; and 3) the Division of Child Behavioral Health Services as the Division of Children's System of Care. The bill transfers the Division on Women from the Department of Community Affairs to DCF and provides that the programs, services, and funding maintained and associated with the division during Fiscal Year 2012 are not to be altered or diminished by the transfer of the division.

The bill establishes that the Division of Children's System of Care in DCF, in lieu of the Division of Developmental Disabilities (DDD) in the Department of Human Services (DHS), is to determine eligibility and provide support and services, deemed clinically and functionally appropriate by DCF, as limited by service availability and appropriations and other monies available, and to become available, for persons with developmental disabilities, as defined in section 3 of P.L.1977, c.82 (C.30:6D-3), under 21 years of age. The Division of Children's System of Care is also to be responsible for licensing, inspection, and standard-setting with regard to facilities providing services for persons with developmental disabilities under 21 years of age.

The bill provides that DDD is to cease providing services for those persons with developmental disabilities under 21 years of age as of the date that the Division of Children's System of Care commences determining eligibility and providing services for these persons, with the exception of the services provided to adults over the age of 18 by the Moderate Security Unit and that DDD may continue to provide services to individuals under 21 years of age determined eligible for such services prior to the effective date of this bill. DDD may also establish rules and procedures for the transition of persons receiving

services from DCF to adult services provided by DDD including, but not limited to, a redetermination of eligibility for services.

The bill establishes that the Division of Children's System of Care, in lieu of the Division of Mental Health and Addiction Services in the DHS, is to provide, manage, and coordinate services for the treatment of alcoholism and substance abuse for persons under 21 years of age, deemed clinically and functionally appropriate by DCF, as limited by service availability and appropriations and other monies available, and to become available. The Division of Mental Health and Addiction Services may continue to exclusively provide, manage, and coordinate programs and services designed primarily for adults 18 years of age or older, including, but not limited to, services provided pursuant to R.S.39:4-50 and the Drug Courts of this State.

The bill directs the Commissioner of DHS and the Commissioner of DCF, or the commissioners' designees, to establish and enter into inter-agency agreements as necessary for the purposes of this bill.

The bill makes changes to various boards and commissions to reflect the organizational changes to DCF.

#### COMMITTEE AMENDMENTS

The committee amendments provide that the Division on Women shall remain a division when transferred to DCF and delete provisions reconstituting the division as an office. The amendments provide that the programs, services, and funding maintained and associated with the division during Fiscal Year 2012 are not be altered or diminished by the transfer of the division.

The committee amended the bill to clarify the responsibilities of, and services to be provided by, DDD and the Division of Mental Health and Addiction Services in DHS and the Division of Children's System of Care in DCF, as those responsibilities and services relate to persons with developmental disabilities and persons being treated for alcoholism and substance abuse under 21 years of age.

The amendments provide that the Moderate Security Unit may continue to provide services to adults over the age of 18 by and that DDD may continue to provide services to individuals under 21 years of age determined eligible for such services prior to the effective date of this bill. DDD may also establish rules and procedures for the transition of persons receiving services from DCF to adult services provided by DDD including, but not limited to, a redetermination of eligibility for services. The Division of Mental Health and Addiction Services may continue to exclusively provide, manage, and coordinate programs and services designed primarily for adults 18 years of age or older, including, but not limited to, services provided pursuant to R.S.39:4-50 and the Drug Courts of this State.

The committee amendments provide that the Commissioner of DHS and the Commissioner of DCF, or the commissioners' designees,



rather than the directors of the divisions establish and enter into inter-agency agreements as necessary for the purposes of this bill.

The committee also amended to the bill to make various technical changes to properly reference DCF and to remove pejorative language.

FISCAL IMPACT:

The departments have indicated that the reorganization plan is budget-neutral, but this cannot be independently verified. The Office of Legislative Services notes that some indeterminate costs may be generated in the physical relocation of staff from the offices of the Department of Human Services and the Department of Community Affairs to the offices of the Department of Children and Families. Additional indeterminate costs may be incurred in notifying people currently served by programs being transferred between departments who may be affected by the reorganization.

# Governor Christie Takes Action on Reorganization to Make Government Work Smarter and Better

Friday, June 29, 2012   Tags: [Other](#)

## Bold Reorganization Centers on Principles of Simplicity, Accessibility and Comprehensiveness to Better Serve the Most Vulnerable

**Trenton, NJ** – Following through on his commitment to make government more responsive and provide a streamlined delivery of services to New Jersey’s most vulnerable residents, Governor Christie today signed legislation officially setting in motion commonsense reorganizations of critical state agencies. The reorganization, first proposed as part of the Fiscal Year 2013 Budget, realigns key services and programs of state government – those serving families, women, children and seniors – in order to remove barriers to accessibility, provide more complete care through all service offerings, and make government more efficient.

“I have made clear my mission to deliver better government on two fronts – making it smaller, smartly consolidated and efficient, but also better tailored and integrated to meet the needs of the individual, families and seniors without forcing them to navigate through different places and agencies to obtain the services and help they need,” said Governor Christie. “These measures are a critical part of my Administration’s continued reforms to government to benefit not only service recipients but all of our state’s taxpayers too.”

Additionally, Governor Christie moved forward with the integration of all tourism and promotion activities through the expanded role of the New Jersey Sports & Exposition Authority, in another commonsense consolidation of state operations to maximize resources and results for New Jersey taxpayers. This model will not only streamline and simplify tourism resources for visitors, but save money for taxpayers and provide a foundation to strengthen the tourism industry in a strategic and long-term way.

“Our splintered patchwork of tourism promotion programs inside and outside of government have failed to deliver the cohesive, well-oiled approach we need to attract visitors and tourism dollars through a strategic and long-term vision,” said Governor Christie. “It is a natural fit to combine these agencies and resources in such a commonsense way to compete with other states and properly showcase what New Jersey has to offer, from Atlantic City to the Jersey Shore to the Highlands.”

The reorganization, and the affected departments, are detailed below:

### Department of Children and Families




As promised in his February budget address, the Governor today signed S-2070, a reorganization making DCF the single point of entry for all families with children with developmental disabilities, offering them a full range of services inside of a single agency. The bill renames the Division of Youth and Family Services as the Division of Child Protection and Permanency; the Division of Prevention and Community Partnerships as the Division of Family and Community Partnerships; and the Division of Child Behavioral Health Services as the Division of Children’s System Care. The bill transfers the Division on Women from the Department of Community Affairs to DCF. Among other things, the bill:

Establishes that the Division of Children’s System Care, within the Department of Children and Families will determine eligibility and provide supports and services for most youth with developmental disabilities under 21 years of

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age.

Establishes that the Division of Children's System Care will coordinate, manage, and provide services for the treatment of alcoholism and substance abuse for most adolescents under 21 years of age.

#### **The New Department of Human Services/Division of Aging Services**

Governor Christie proposed a similar, comprehensive approach to providing services for seniors, which is embodied in S-2072, also signed into law today. The bill transfers two DHSS Divisions, their administrative support structure, and \$2.2 billion in funding to a new Division of Aging Services at the Department of Human Services. Consistent with that move, the Governor's plan renames the Department of Health and Senior Services, simply, the Department of Health.

This commonsense restructuring creates a single point of access for seniors and people with disabilities and their caregivers regardless of Medicaid eligibility. This allows for a continuum of coordinated and integrated disability and long-term care resources which will improve health outcomes, deliver appropriate care in appropriate settings and create the opportunity and the ability for aging adults to remain at home for as long as possible, with proper community based supports.

Included in the move:

The Division of Senior Benefits and Utilization Management (SBUM), which administers the PAAD and Senior Gold programs.

The Division of Aging and Community Services (DACS), which administers federal and State funded programs designed to make it easier for seniors and caregivers to live in the community as long as possible with independence, dignity and choice.

#### **The New Department of Health**

S-2072 also reorganized the former Department of Health and Senior Services to sharpen the focus of the new Department of Health on the comprehensive coordination of hospital subsidy programs, Health Information Technology (HIT) and key public health issues.

Transfers the Graduate Medical Education and Hospital Relief Subsidy Fund programs from the Department of Human Services to the Department of Health to enhance the Department's efforts to make hospital funding more predictable and transparent.

The Department will continue to license and inspect all health care facilities, provide consumer report cards on health care quality, ensure the safety of food, monitor communicable diseases and respond to public health emergencies.

#### **Sports & Exposition Authority and Tourism, Motion Picture Commission**

Governor Christie signed reorganization legislation making the New Jersey Sports & Exposition Authority (NJSEA) a key agency in all government tourism and promotion activities. Under A-3097, approved today, a realigned NJSEA, working in partnership and collaboration with the Division of Travel and Tourism and the New Jersey Motion Picture and Television Commission, will coordinate economic development and promotional and marketing efforts related to tourism, entertainment, sports, and all related activities. To improve synergies, the NJSEA will now officially be a part


of the Department of State (rather than the Department of Community Affairs), where it will not only partner with the Division of Travel and Tourism and the New Jersey Motion Picture Television Commission, but also work in close collaboration with the Business Action Center and the Office of Foreign Investment and Protocol.

###

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