

30:4-66

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2001 **CHAPTER:** 208
NJSA: 30:4-66 (Institutionalized Individuals: Exemption from payment of costs for support)
BILL NO: A3356 (Substituted for S2260)

SPONSOR(S): Heck and Thompson

DATE INTRODUCED: March 26, 2001

COMMITTEE: **ASSEMBLY:** Senior Issues: Appropriations

SENATE: Womens Issues; Budget

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 28, 2001

SENATE: June 28, 2001

DATE OF APPROVAL: August 15, 2001

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (2nd reprint)

(Amendments during passage denoted by superscript numbers)

A3356

SPONSORS STATEMENT: (Begins on page 2 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes 5-3-
2001(Senior Issues)

6-4-2001(Approp.)

Iss.) **SENATE:** Yes 6-25-01 (Women

6-25-01(Budget)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: Yes

S2260

SPONSORS STATEMENT: (Begins on page 2 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes 6-25-2001(Budget)

A3356

Identical to Assembly Approp. Com. Statement to

Iss.)

6-25-2001(Women

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

FINAL VERSION (Senate Committee Substitute) Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"State tries to prevent victimizing the victim<" 8-16-2001 Star Ledger, p.15 "Law excuses abused children from parents treatment bills,"8-16-2001The Record, pA3

ASSEMBLY, No. 3356

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MARCH 26, 2001

Sponsored by:

Assemblywoman ROSE MARIE HECK

District 38 (Bergen)

Assemblyman SAMUEL D. THOMPSON

District 13 (Middlesex and Monmouth)

Co-Sponsored by:

Assemblywoman Myers and Assemblyman Garrett

SYNOPSIS

Exempts chargeable children from payments for institutional care of abusive parents.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/4/2001)

1 AN ACT concerning payment for institutionalized care and amending
2 R.S. 30:4-66.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S. 30:4-66 is amended to read as follows:

8 30:4-66. Every patient supported in a State or county charitable
9 institution or other residential functional service shall be personally
10 liable for his maintenance and for all necessary expenses incurred by
11 the institution or other residential functional service in his behalf and
12 the husband, wife, father or mother of a child under 18 years of age,
13 and the children, severally and respectively, being of sufficient ability,
14 of every patient so confined, whose estate is not sufficient for his
15 support, shall support, and maintain the patient in the institution or
16 other residential functional service, as the case may be, in such manner
17 and to such an amount as the court shall direct pursuant to subsection
18 a. of R.S.30:4-60 in the case of mentally ill patients, and in the case of
19 developmentally disabled persons, as required pursuant to subsection
20 b. of R.S.30:4-60. All spouses living separate and apart from their
21 spouses so confined, and all parents of illegitimate children so confined
22 shall also be personally liable for such expense.

23 ~~[But]~~However, no payment shall be ordered to be made by a
24 chargeable relative 55 years of age or over except with respect to the
25 maintenance of his or her spouse or his or her natural or adopted child
26 under the age of 18 years; and no payment shall be ordered to be made
27 by a chargeable child in the case where the chargeable child's parent
28 who is a patient has been convicted of sexual abuse under any
29 provision in State law or as defined in section 2 of P.L.1997, c.175
30 (C.9:6-8.84) or section 1 of P.L.1992, c.109 (C.2A:61B-1), child
31 abuse, as defined in section 2 of P.L.1971, c.437 (C.9:6-8.9) or
32 section 1 of P.L.1974, c.119 (C.9:6-8.21), or endangering the welfare
33 of a child under N.J.S. 2C:24-4.
34 (cf: P.L. 1995, c.155, s.18)

35
36 2. This act shall take effect immediately.

37
38
39 STATEMENT

40
41 This bill exempts children from financial liability for the care of a
42 parent institutionalized in a State or county psychiatric facility, if the
43 parent has been convicted of sexual abuse under any provision in State

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 law or as defined in N.J.S.A. 9:6-8.84 or N.J.S.A. 2A:61B-1, child
2 abuse, as defined in N.J.S.A. 9:6-8.9 or N.J.S.A. 9:6-8.21, or
3 endangering the welfare of a child under N.J.S. 2C:24-4. Under
4 current law, spouses, parents of a child under 18 years of age and the
5 children 18 years of age or older are chargeable relatives, but the law
6 does not provide an exemption from financial liability for the children
7 in the case of a parent who has been convicted of sexual abuse, child
8 abuse or endangering the welfare of a child.

9 The current law does provide exemptions for chargeable relatives
10 if they are 55 years of age or older, except that with regard to a
11 spouse or a child under the age of 18 years, a person 55 years of age
12 or older remains a chargeable relative.

13 This legislation will address the recent situation described in The
14 Star Ledger article dated March 8, 2001, in which two children who
15 were the victims of sexual abuse by their father could be held
16 accountable for payments for their father's institutionalization at the
17 Ann Klein Forensic Center in Trenton. Although no payments have
18 been made by the children, if the law remains unchanged, the children
19 would continue to be chargeable relatives of the father who victimized
20 them.

ASSEMBLY SENIOR ISSUES AND COMMUNITY SERVICES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3356

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 3, 2001

The Assembly Senior Issues and Community Services Committee reports favorably and with committee amendments Assembly Bill No. 3356.

Under current law, spouses, parents of a child under 18 years of age and children 18 years of age or older are personally liable for the care and maintenance of a spouse, child or parent who has been institutionalized in a State or county psychiatric facility. Although the law does provide an exemption for chargeable relatives if they are 55 years of age or older under certain circumstances, the law does not provide an exemption for a child whose parent has been convicted of sexual abuse, child abuse or endangering the welfare of that child. In its original form, this bill exempted children from financial liability for the care of a parent institutionalized in a State or county psychiatric facility, if the parent has been convicted of sexual abuse under any provision in State law or as defined in N.J.S.A. 9:6-8.84 or N.J.S.A. 2A:61B-1, child abuse, as defined in N.J.S.A. 9:6-8.9 or N.J.S.A. 9:6-8.21, or endangering the welfare of a child under N.J.S. 2C:24-4.

By excluding children from being chargeable relatives, the sponsor intended to address the recent situation described in The Star Ledger article dated March 8, 2001, in which two children who were the victims of sexual abuse by their father could be held accountable for payments for their father's institutionalization at the Ann Klein Forensic Center in Trenton. Although no payments have been made by the children, if the law remains unchanged, the children would continue to be chargeable relatives of the father who victimized them.

As amended, the bill would include any child whose parent is institutionalized, regardless of whether the parent had been convicted of sexual or child abuse. Specifically, the committee amendments would eliminate a child 18 years of age or older from financial liability for the maintenance of a parent in an institution or other residential functional service.

In addition, the committee added a new section 2 to the bill which amends N.J.S.A.52:4B-34, the "Crime Victim's Bill of Rights," to

provide that no crime victim would be required to pay the maintenance support, rehabilitation or other costs arising from the imprisonment or commitment of a victimizer as a result of a crime.

[First Reprint]

ASSEMBLY, No. 3356

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MARCH 26, 2001

Sponsored by:

Assemblywoman ROSE MARIE HECK

District 38 (Bergen)

Assemblyman SAMUEL D. THOMPSON

District 13 (Middlesex and Monmouth)

Co-Sponsored by:

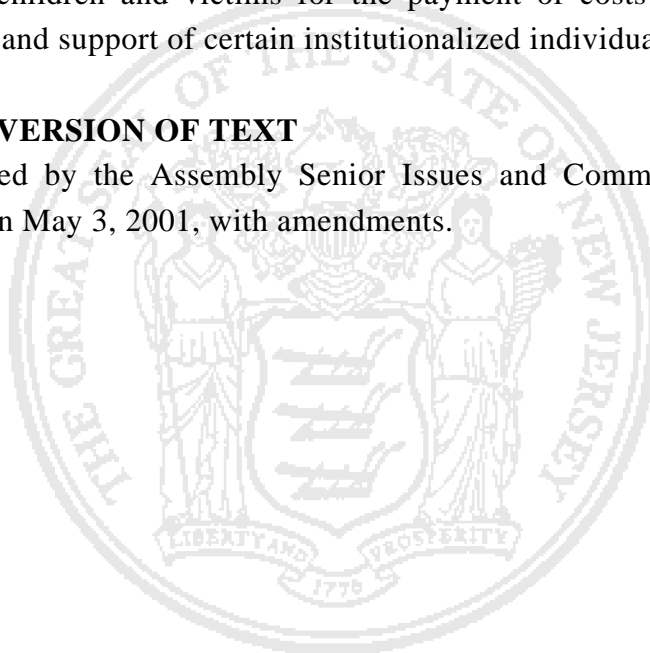
Assemblywoman Myers, Assemblyman Garrett, Assemblywoman Vandervalk, Assemblymen Arnone, Felice, Assemblywoman Greenstein, Assemblyman Gusciora and Assemblywoman Watson Coleman

SYNOPSIS

Exempts children and victims for the payment of costs related to the maintenance and support of certain institutionalized individuals.

CURRENT VERSION OF TEXT

As reported by the Assembly Senior Issues and Community Services Committee on May 3, 2001, with amendments.



(Sponsorship Updated As Of: 6/22/2001)

1 AN ACT concerning ¹[payment for institutionalized care] the liability
 2 of children and victims for payment of costs related to maintenance
 3 and support of institutionalized individuals¹ and amending
 4 R.S.30:4-66 ¹and P.L.1985, c.249¹.

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

8

9 1. R.S.30:4-66 is amended to read as follows:

10 30:4-66. Every patient supported in a State or county charitable
 11 institution or other residential functional service shall be personally
 12 liable for his maintenance and for all necessary expenses incurred by
 13 the institution or other residential functional service in his behalf and
 14 the husband, wife ¹[,] and¹ father or mother of a child under 18 years
 15 of age¹[, and the children]¹, severally and respectively, being of
 16 sufficient ability, of every patient so confined, whose estate is not
 17 sufficient for his support, shall support, and maintain the patient in the
 18 institution or other residential functional service, as the case may be,
 19 in such manner and to such an amount as the court shall direct
 20 pursuant to subsection a. of R.S.30:4-60 in the case of mentally ill
 21 patients, and in the case of developmentally disabled persons, as
 22 required pursuant to subsection b. of R.S.30:4-60. All spouses living
 23 separate and apart from their spouses so confined, and all parents of
 24 illegitimate children so confined shall also be personally liable for such
 25 expense.

26 **[But]** ¹**[However.]** But¹ no payment shall be ordered to be made
 27 by a chargeable relative 55 years of age or over except with respect to
 28 the maintenance of his or her spouse or his or her natural or adopted
 29 child under the age of 18 years¹[; and no payment shall be ordered to
 30 be made by a chargeable child in the case where the chargeable child's
 31 parent who is a patient has been convicted of sexual abuse under any
 32 provision in State law or as defined in section 2 of P.L.1997, c.175
 33 (C.9:6-8.84) or section 1 of P.L.1992, c.109 (C.2A:61B-1), child
 34 abuse, as defined in section 2 of P.L.1971, c.437 (C.9:6-8.9) or
 35 section 1 of P.L.1974, c.119 (C.9:6-8.21), or endangering the welfare
 36 of a child under N.J.S.2C:24-4]¹.

37 (cf: P.L.1995, c.155, s.18)

38

39 2. Section 3 of P.L.1985, c.249 (C.52:4B-36) is amended to read
 40 as follows:

41 3. The Legislature finds and declares that crime victims and

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASC committee amendments adopted May 3, 2001.

1 witnesses are entitled to the following rights:

2 a. To be treated with dignity and compassion by the criminal
3 justice system;

4 b. To be informed about the criminal justice process;

5 c. To be free from intimidation;

6 d. To have inconveniences associated with participation in the
7 criminal justice process minimized to the fullest extent possible;

8 e. To make at least one telephone call provided the call is
9 reasonable in both length and location called;

10 f. To medical assistance if, in the judgment of the law
11 enforcement agency, medical assistance appears necessary;

12 g. To be notified if presence in court is not needed;

13 h. To be informed about available remedies, financial assistance
14 and social services;

15 i. To be compensated for their loss whenever possible;

16 j. To be provided a secure, but not necessarily separate, waiting
17 area during court proceedings;

18 k. To be advised of case progress and final disposition;

19 l. To the prompt return of property when no longer needed as
20 evidence;

21 m. To submit a written statement about the impact of the crime to
22 a representative of the county prosecutor's office which shall be
23 considered prior to the prosecutor's final decision concerning whether
24 formal criminal charges will be filed; and

25 n. To make, prior to sentencing, an in-person statement directly
26 to the sentencing court concerning the impact of the crime.

27 This statement is to be made in addition to the statement permitted
28 for inclusion in the presentence report by N.J.S.2C:44-6.

29 In any homicide prosecution the victim's survivor may display
30 directly to the sentencing court at the time of this statement a
31 photograph of the victim taken before the homicide.

32 ¹o. No crime victim shall be required to pay the maintenance,
33 support, rehabilitation or other costs arising from the imprisonment or
34 commitment of a victimizer as a result of the crime.¹

35 (cf: P.L.1999, c.294, s.2)

36

37 ¹[2.] 3.¹ This act shall take effect immediately.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3356

STATE OF NEW JERSEY

DATED: JUNE 4, 2001

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3356 (1R).

Assembly Bill No. 3356 (1R) absolves children from paying for the support of their institutionalized parents and amends the "Crime Victim's Bill of Rights" to provide that no crime victim shall be required to pay the maintenance, support, rehabilitation or other costs arising from the imprisonment or commitment of a victimizer as a result of the crime.

Currently, the spouses, parents of a child under 18 years of age, and children 18 years of age or older of an institutionalized person are personally liable for the care and maintenance of a spouse, child or parent institutionalized in a State or county psychiatric facility. Although the law does provide an exemption for otherwise chargeable relatives if they are 55 years of age or older under certain circumstances, the law does not provide an exemption for a child whose parent has been convicted of the sexual abuse, child abuse or endangerment of the welfare of that child.

FISCAL IMPACT:

The Office of Legislative Services has estimated that the impact on State institutionalization costs is minimal; county facility maintenance payments could be reduced by \$500,000 annually.

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY
SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3356

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 2001

The Senate Women's Issues, Children and Family Services Committee reports favorably and with committee amendments Assembly Bill No. 3356 (1R).

This bill eliminates a child 18 years of age or older from financial liability for maintenance of a parent in a State or county psychiatric facility, developmental center or residential functional service.

Under current law, spouses, children 18 years of age or older and parents of a child under 18 years of age are chargeable relatives. The current law provides an exemption for these chargeable relatives if they are 55 years of age or older, except that this exemption does not apply with regard to a spouse or a child under the age of 18 years.

By excluding children from being chargeable relatives, this legislation addresses the recent situation reported in The Star Ledger articles dated March 8, 2001 and March 9, 2001, in which two children who were the victims of sexual abuse by their father could be held accountable for payments for their father's institutionalization at a State psychiatric facility. While there were no payments made by the children, if the law remains unchanged, the children would continue to be chargeable relatives of the father who victimized them.

In addition, the bill amends N.J.S.A.52:4B-34 et seq., the "Crime Victim's Bill of Rights," to provide that no crime victim would be required to pay the maintenance, support, rehabilitation or other costs arising from the imprisonment or commitment of a victimizer as a result of a crime.

The committee amended the bill to clarify that the provisions of the bill shall apply to any attempt made on or after the effective date of the bill to recover from a patient's child the necessary expenses of the patient pursuant to R.S.30:4-66, or to recover from a crime victim the maintenance, support, rehabilitation or other costs arising from the imprisonment or commitment of the victimizer as a result of the crime. The committee also adopted technical amendments to section 2 of the

bill.

As reported by the committee, this bill is identical to the Senate Committee Substitute for Senate Bill No. 2260 (Inverso/Littell/Furnari), which was also reported by the committee on this date.

[Second Reprint]

ASSEMBLY, No. 3356

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MARCH 26, 2001

Sponsored by:

Assemblywoman ROSE MARIE HECK

District 38 (Bergen)

Assemblyman SAMUEL D. THOMPSON

District 13 (Middlesex and Monmouth)

Co-Sponsored by:

Assemblywoman Myers, Assemblyman Garrett, Assemblywoman Vandervalk, Assemblymen Arnone, Felice, Assemblywoman Greenstein, Assemblyman Gusciora, Assemblywoman Watson Coleman, Senators Inverso, Littell, Furnari, Allen, Sinagra, Palaia, Matheussen and Cardinale

SYNOPSIS

Exempts children and victims for the payment of costs related to the maintenance and support of certain institutionalized individuals.

CURRENT VERSION OF TEXT

As reported by the Senate Women's Issues, Children and Family Services Committee on June 25, 2001, with amendments.

(Sponsorship Updated As Of: 6/29/2001)

1 AN ACT concerning ¹[payment for institutionalized care] the liability
 2 of children and victims for payment of costs related to maintenance
 3 and support of institutionalized individuals¹ and amending
 4 R.S.30:4-66 ¹and P.L.1985, c.249¹.

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

8
 9 1. R.S.30:4-66 is amended to read as follows:

10 30:4-66. Every patient supported in a State or county charitable
 11 institution or other residential functional service shall be personally
 12 liable for his maintenance and for all necessary expenses incurred by
 13 the institution or other residential functional service in his behalf and
 14 the husband, wife ¹[,] and¹ father or mother of a child under 18 years
 15 of age¹[, and the children]¹, severally and respectively, being of
 16 sufficient ability, of every patient so confined, whose estate is not
 17 sufficient for his support, shall support, and maintain the patient in the
 18 institution or other residential functional service, as the case may be,
 19 in such manner and to such an amount as the court shall direct
 20 pursuant to subsection a. of R.S.30:4-60 in the case of mentally ill
 21 patients, and in the case of developmentally disabled persons, as
 22 required pursuant to subsection b. of R.S.30:4-60. All spouses living
 23 separate and apart from their spouses so confined, and all parents of
 24 illegitimate children so confined shall also be personally liable for such
 25 expense.

26 **[But]** ¹**[However.]** But¹ no payment shall be ordered to be made
 27 by a chargeable relative 55 years of age or over except with respect to
 28 the maintenance of his or her spouse or his or her natural or adopted
 29 child under the age of 18 years¹[; and no payment shall be ordered to
 30 be made by a chargeable child in the case where the chargeable child's
 31 parent who is a patient has been convicted of sexual abuse under any
 32 provision in State law or as defined in section 2 of P.L.1997, c.175
 33 (C.9:6-8.84) or section 1 of P.L.1992, c.109 (C.2A:61B-1), child
 34 abuse, as defined in section 2 of P.L.1971, c.437 (C.9:6-8.9) or
 35 section 1 of P.L.1974, c.119 (C.9:6-8.21), or endangering the welfare
 36 of a child under N.J.S.2C:24-4]¹.

37 (cf: P.L.1995, c.155, s.18)

38

39 2. Section 3 of P.L.1985, c.249 (C.52:4B-36) is amended to read
 40 as follows:

41 3. The Legislature finds and declares that crime victims and

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ASC committee amendments adopted May 3, 2001.

² Senate SWF committee amendments adopted June 25, 2001.

1 witnesses are entitled to the following rights:

- 2 a. To be treated with dignity and compassion by the criminal
3 justice system;
- 4 b. To be informed about the criminal justice process;
- 5 c. To be free from intimidation;
- 6 d. To have inconveniences associated with participation in the
7 criminal justice process minimized to the fullest extent possible;
- 8 e. To make at least one telephone call provided the call is
9 reasonable in both length and location called;
- 10 f. To medical assistance if, in the judgment of the law
11 enforcement agency, medical assistance appears necessary;
- 12 g. To be notified if presence in court is not needed;
- 13 h. To be informed about available remedies, financial assistance
14 and social services;
- 15 i. To be compensated for their loss whenever possible;
- 16 j. To be provided a secure, but not necessarily separate, waiting
17 area during court proceedings;
- 18 k. To be advised of case progress and final disposition;
- 19 l. To the prompt return of property when no longer needed as
20 evidence;
- 21 m. To submit a written statement about the impact of the crime to
22 a representative of the county prosecutor's office which shall be
23 considered prior to the prosecutor's final decision concerning whether
24 formal criminal charges will be filed; ²[and]²
- 25 n. To make, prior to sentencing, an in-person statement directly
26 to the sentencing court concerning the impact of the crime.

27 This statement is to be made in addition to the statement permitted
28 for inclusion in the presentence report by N.J.S.2C:44-6.

29 In any homicide prosecution the victim's survivor may display
30 directly to the sentencing court at the time of this statement a
31 photograph of the victim taken before the homicide ²[.]; and²

32 ¹o. No crime victim shall be required to pay the maintenance,
33 support, rehabilitation or other costs arising from the imprisonment or
34 commitment of a victimizer as a result of the crime.¹

35 (cf: P.L.1999, c.294, s.2)

36

37 ¹[2.] ³.¹ This act shall take effect immediately ²and shall apply to
38 any attempt made on or after the date of enactment of this act to
39 recover from a patient's child the necessary expenses of the patient
40 pursuant to R.S.30:4-66, or to recover from a crime victim the
41 maintenance, support, rehabilitation or other costs arising from the
42 imprisonment or commitment of the victimizer as a result of the
43 crime².

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 3356

STATE OF NEW JERSEY

DATED: JUNE 25, 2001

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3356 (2R).

This bill relieves a child 18 years of age or older of financial liability for maintenance of a parent in a State or county psychiatric facility, developmental center or residential functional service.

Under current law, spouses, children 18 years of age or older and parents of a child under 18 years of age are chargeable relatives. The current law provides an exemption for these chargeable relatives if they are 55 years of age or older, except that this exemption does not apply with regard to a spouse or a child under the age of 18 years.

By excluding children from being chargeable relatives, this legislation addresses the recent situation, reported in the print media, in which two children who were the victims of sexual abuse by their father could be held accountable for payments for their father's institutionalization at a State psychiatric facility. While there were no payments made by the children, if the law remains unchanged, the children would continue to be chargeable relatives of the father who victimized them.

In addition, the bill amends N.J.S.A.52:4B-34, the "Crime Victim's Bill of Rights," to provide that no crime victim would be required to pay the maintenance, support, rehabilitation or other costs arising from the imprisonment or commitment of a victimizer as a result of a crime.

The provisions of the bill shall apply to any attempt made on or after the effective date of the legislation to recover from a patient's child the necessary expenses of the patient pursuant to R.S.30:4-66, or to recover from a crime victim the maintenance, support, rehabilitation or other costs arising from the imprisonment or commitment of the victimizer as a result of the crime.

The provisions of this bill are identical to those of Senate Bill No. 2260 SCS, which the committee also reports this day.

FISCAL IMPACT

The Office of Legislative Services has estimated that the impact on State institutionalization costs is minimal; county facility maintenance payments could be reduced by \$500,000 annually.

LEGISLATIVE FISCAL ESTIMATE
[Second Reprint]
ASSEMBLY, No. 3356
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: JULY 19, 2001

SUMMARY

Synopsis: Concerns the liability of children and victims for payment of costs related to maintenance and support of institutionalized individuals.

Type of Impact: Possible revenue loss to the State and counties of undetermined amount; possible simplification of administrative procedures on county level.

Agencies Affected: Department of Human Services (DHS) and counties

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	Minimal	Minimal	Minimal
Local Cost	Less than \$500,000	Less than \$500,000	Less than \$500,000

BILL DESCRIPTION

Assembly Bill No. 3356 (2R) of 2000 would eliminate a child 18 years of age or older from financial liability for the maintenance of a parent in an institution or other residential functional service. Furthermore, no crime victim would be required to pay the maintenance support, rehabilitation or other costs arising from the imprisonment or commitment of a victimizer as a result of a crime.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Department of Human Services informally stated the cost to implement this legislation would not exceed \$500,000 annually. The counties are assessed 10 percent of the cost to maintain these patients in institutions and the State pays the balance. The counties also determine the amount a chargeable, capable, relative would, pay which when recovered, would reduce the county share of the cost for such patient care. The recoveries generally approximate

\$10,000 per county annually (sometimes recoveries are higher), but usually do not exceed the counties' costs, thereby generating little if any recovery for the State.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Department of Human Services.

The FY 2002 recommended budget anticipates \$49.5 million in Patients and Residents' Cost recoveries - Psychiatric Hospitals. The Department of Human Services informally stated the cost to implement this legislation would not exceed \$500,000 annually. The counties are assessed 10 percent of the cost to maintain these patients in institutions and the State pays the balance. The counties also determine the amount a chargeable, capable, relative would pay which, when recovered, would reduce the county share of the cost for such patient care. The recoveries generally approximate \$10,000 per county annually (sometimes recoveries are higher), but usually do not exceed the counties' costs, thereby generating little if any recovery for the State.

Section: *Human Services*

Analyst: *Jay Hershberg*
Principal Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE, No. 2260

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MARCH 29, 2001

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

Senators Allen, Sinagra, Palaia, Matheussen and Cardinale

SYNOPSIS

Eliminates children from financial liability for parents' institutional care.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/23/2001)

S2260 INVERSO, LITTELL

2

1 AN ACT concerning payment for institutional care, amending
2 R.S.30:4-66 and supplementing Title 30 of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S. 30:4-66 is amended to read as follows:

8 30:4-66. Every patient supported in a State or county charitable
9 institution or other residential functional service shall be personally
10 liable for his maintenance and for all necessary expenses incurred by
11 the institution or other residential functional service in his behalf and
12 the husband, wife, father or mother of a child under 18 years of age,
13 [and the children,] severally and respectively, being of sufficient
14 ability, of every patient so confined, whose estate is not sufficient for
15 his support, shall support, and maintain the patient in the institution or
16 other residential functional service, as the case may be, in such manner
17 and to such an amount as the court shall direct pursuant to subsection
18 a. of R.S.30:4-60 in the case of mentally ill patients, and in the case of
19 developmentally disabled persons, as required pursuant to subsection
20 b. of R.S.30:4-60. All spouses living separate and apart from their
21 spouses so confined, and all parents of illegitimate children so confined
22 shall also be personally liable for such expense.

23 ~~[But]~~However, no payment shall be ordered to be made by a
24 chargeable relative 55 years of age or over except with respect to the
25 maintenance of his or her spouse or his or her natural or adopted child
26 under the age of 18 years.

27 (cf: P.L.1995, c.155, s.18)

28

29 2. (New section) Notwithstanding the provisions of Title 44 of the
30 Revised Statutes to the contrary, a child of a patient in a psychiatric
31 facility, as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), or a
32 child of a person in a State developmental center or other residential
33 functional service shall not be considered a legally chargeable relative
34 with regard to that patient or developmentally disabled person.

35

36 3. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill eliminates a child 18 years of age or older from financial
42 liability for maintenance of a parent in a State or county psychiatric
43 facility, developmental center or residential functional service.

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.

S2260 INVERSO, LITTELL

1 Under current law, spouses, parents of a child under 18 years of age
2 and the children are chargeable relatives. The current law provides an
3 exemption for these chargeable relatives if they are 55 years of age or
4 older, except that with regard to a spouse or a child under the age of
5 18 years, a person 55 years of age or older remains a chargeable
6 relative.

7 By excluding children from being chargeable relatives, this
8 legislation addresses the recent situation reported in The Star Ledger
9 articles dated March 8, 2001 and March 9, 2001, in which two
10 children who were the victims of sexual abuse by their father could be
11 held accountable for payments for their father's institutionalization at
12 a State psychiatric facility. While there were no payments made by the
13 children, if the law remains unchanged, the children would continue to
14 be chargeable relatives of the father who victimized them.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2260

STATE OF NEW JERSEY
209th LEGISLATURE

ADOPTED JUNE 25, 2001

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

Senator GARRY J. FURNARI

District 36 (Bergen, Essex and Passaic)

Co-Sponsored by:

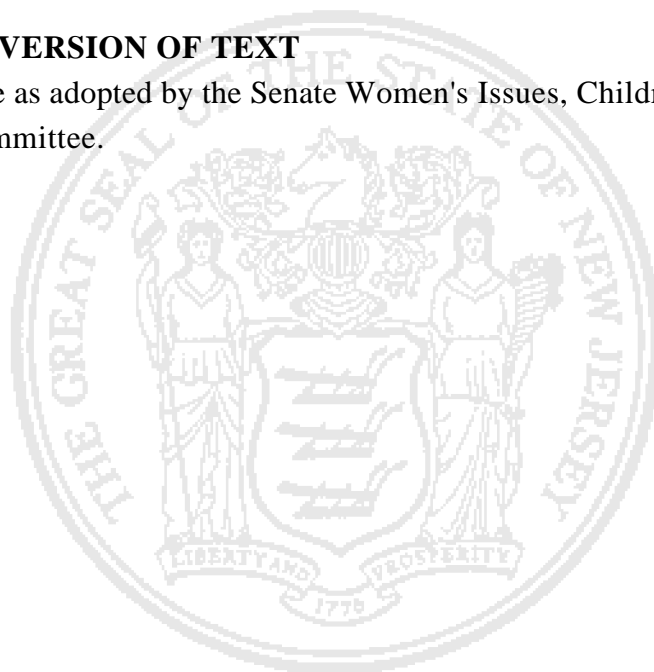
Senators Allen, Sinagra, Palaia, Matheussen and Cardinale

SYNOPSIS

Exempts children and victims for the payment of costs related to the maintenance and support of certain institutionalized individuals.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Women's Issues, Children and Family Services Committee.



1 **AN ACT** concerning the liability of children and victims for payment of
2 costs related to maintenance and support of institutionalized
3 individuals and amending R.S.30:4-66 and P.L.1985, c.249.

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

7
8 1. R.S.30:4-66 is amended to read as follows:

9 30:4-66. Every patient supported in a State or county charitable
10 institution or other residential functional service shall be personally
11 liable for his maintenance and for all necessary expenses incurred by
12 the institution or other residential functional service in his behalf and
13 the husband, wife [,] and father or mother of a child under 18 years
14 of age [, and the children], severally and respectively, being of
15 sufficient ability, of every patient so confined, whose estate is not
16 sufficient for his support, shall support, and maintain the patient in the
17 institution or other residential functional service, as the case may be,
18 in such manner and to such an amount as the court shall direct
19 pursuant to subsection a. of R.S.30:4-60 in the case of mentally ill
20 patients, and in the case of developmentally disabled persons, as
21 required pursuant to subsection b. of R.S.30:4-60. All spouses living
22 separate and apart from their spouses so confined, and all parents of
23 illegitimate children so confined shall also be personally liable for such
24 expense.

25 But no payment shall be ordered to be made by a chargeable
26 relative 55 years of age or over except with respect to the maintenance
27 of his or her spouse or his or her natural or adopted child under the
28 age of 18 years.

29 (cf: P.L.1995, c.155, s.18)

30

31 2. Section 3 of P.L.1985, c.249 (C.52:4B-36) is amended to read
32 as follows:

33 3. The Legislature finds and declares that crime victims and
34 witnesses are entitled to the following rights:

35 a. To be treated with dignity and compassion by the criminal
36 justice system;

37 b. To be informed about the criminal justice process;

38 c. To be free from intimidation;

39 d. To have inconveniences associated with participation in the
40 criminal justice process minimized to the fullest extent possible;

41 e. To make at least one telephone call provided the call is
42 reasonable in both length and location called;

43 f. To medical assistance if, in the judgment of the law

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 enforcement agency, medical assistance appears necessary;
2 g. To be notified if presence in court is not needed;
3 h. To be informed about available remedies, financial assistance
4 and social services;
5 i. To be compensated for their loss whenever possible;
6 j. To be provided a secure, but not necessarily separate, waiting
7 area during court proceedings;
8 k. To be advised of case progress and final disposition;
9 l. To the prompt return of property when no longer needed as
10 evidence;
11 m. To submit a written statement about the impact of the crime to
12 a representative of the county prosecutor's office which shall be
13 considered prior to the prosecutor's final decision concerning whether
14 formal criminal charges will be filed; [and]
15 n. To make, prior to sentencing, an in-person statement directly
16 to the sentencing court concerning the impact of the crime.

17 This statement is to be made in addition to the statement permitted
18 for inclusion in the presentence report by N.J.S.2C:44-6.

19 In any homicide prosecution the victim's survivor may display
20 directly to the sentencing court at the time of this statement a
21 photograph of the victim taken before the homicide; and

22 o. No crime victim shall be required to pay the maintenance,
23 support, rehabilitation or other costs arising from the imprisonment or
24 commitment of a victimizer as a result of the crime.

25 (cf: P.L.1999, c.294, s.2)

26

27 3. This act shall take effect immediately and shall apply to any
28 attempt made on or after the date of enactment of this act to recover
29 from a patient's child necessary expenses of the patient pursuant to
30 R.S.30:4-66, or to recover from a crime victim the maintenance,
31 support, rehabilitation or other costs arising from the imprisonment or
32 committment of the victimizer as a result of the crime.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2260**

STATE OF NEW JERSEY

DATED: JUNE 25, 2001

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2260 (SCS).

This bill relieves a child 18 years of age or older of financial liability for maintenance of a parent in a State or county psychiatric facility, developmental center or residential functional service.

Under current law, spouses, children 18 years of age or older and parents of a child under 18 years of age are chargeable relatives. The current law provides an exemption for these chargeable relatives if they are 55 years of age or older, except that this exemption does not apply with regard to a spouse or a child under the age of 18 years.

By excluding children from being chargeable relatives, this legislation addresses the recent situation, reported in the print media, in which two children who were the victims of sexual abuse by their father could be held accountable for payments for their father's institutionalization at a State psychiatric facility. While there were no payments made by the children, if the law remains unchanged, the children would continue to be chargeable relatives of the father who victimized them.

In addition, the bill amends N.J.S.A.52:4B-34, the "Crime Victim's Bill of Rights," to provide that no crime victim would be required to pay the maintenance, support, rehabilitation or other costs arising from the imprisonment or commitment of a victimizer as a result of a crime.

The provisions of the bill shall apply to any attempt made on or after the effective date of the legislation to recover from a patient's child the necessary expenses of the patient pursuant to R.S.30:4-66, or to recover from a crime victim the maintenance, support, rehabilitation or other costs arising from the imprisonment or commitment of the victimizer as a result of the crime.

The provisions of this bill are identical to those of Assembly Bill No. 3356 (2R), which the committee also reports this day.

FISCAL IMPACT

The Office of Legislative Services has estimated that the impact on State institutionalization costs is minimal; county facility maintenance payments could be reduced by \$500,000 annually.

SENATE WOMEN'S ISSUES, CHILDREN AND FAMILY
SERVICES COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 2260

STATE OF NEW JERSEY

DATED: JUNE 25, 2001

The Senate Women's Issues, Children and Family Services Committee reports favorably a Senate Committee Substitute for Senate Bill No. 2260.

This substitute eliminates a child 18 years of age or older from financial liability for maintenance of a parent in a State or county psychiatric facility, developmental center or residential functional service.

Under current law, spouses, children 18 years of age or older and parents of a child under 18 years of age are chargeable relatives. The current law provides an exemption for these chargeable relatives if they are 55 years of age or older, except that this exemption does not apply with regard to a spouse or a child under the age of 18 years.

By excluding children from being chargeable relatives, this legislation addresses the recent situation reported in The Star Ledger articles dated March 8, 2001 and March 9, 2001, in which two children who were the victims of sexual abuse by their father could be held accountable for payments for their father's institutionalization at a State psychiatric facility. While there were no payments made by the children, if the law remains unchanged, the children would continue to be chargeable relatives of the father who victimized them.

In addition, the substitute amends N.J.S.A.52:4B-34 et seq., the "Crime Victim's Bill of Rights," to provide that no crime victim would be required to pay the maintenance, support, rehabilitation or other costs arising from the imprisonment or commitment of a victimizer as a result of a crime.

The provisions of the substitute shall apply to any attempt made on or after the effective date of the substitute to recover from a patient's child the necessary expenses of the patient pursuant to R.S.30:4-66, or to recover from a crime victim the maintenance, support, rehabilitation or other costs arising from the imprisonment or commitment of the victimizer as a result of the crime.

This substitute is identical to Assembly Bill No. 3356 (1R) (SCA) (Heck/Thompson), which was also reported by the committee on this date.

P.L. 2001, CHAPTER 208, *approved August 15, 2001*
Assembly, No. 3356 (*Second Reprint*)

1 AN ACT concerning ¹[payment for institutionalized care] the liability
2 of children and victims for payment of costs related to maintenance
3 and support of institutionalized individuals¹ and amending
4 R.S.30:4-66 ¹and P.L.1985, c.249¹.

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

8
9 1. R.S.30:4-66 is amended to read as follows:

10 30:4-66. Every patient supported in a State or county charitable
11 institution or other residential functional service shall be personally
12 liable for his maintenance and for all necessary expenses incurred by
13 the institution or other residential functional service in his behalf and
14 the husband, wife ¹[,] and¹ father or mother of a child under 18 years
15 of age¹[, and the children]¹, severally and respectively, being of
16 sufficient ability, of every patient so confined, whose estate is not
17 sufficient for his support, shall support, and maintain the patient in the
18 institution or other residential functional service, as the case may be,
19 in such manner and to such an amount as the court shall direct
20 pursuant to subsection a. of R.S.30:4-60 in the case of mentally ill
21 patients, and in the case of developmentally disabled persons, as
22 required pursuant to subsection b. of R.S.30:4-60. All spouses living
23 separate and apart from their spouses so confined, and all parents of
24 illegitimate children so confined shall also be personally liable for such
25 expense.

26 **[But]** ¹**[However,]** But¹ no payment shall be ordered to be made
27 by a chargeable relative 55 years of age or over except with respect to
28 the maintenance of his or her spouse or his or her natural or adopted
29 child under the age of 18 years¹**[; and no payment shall be ordered to**
30 **be made by a chargeable child in the case where the chargeable child's**
31 **parent who is a patient has been convicted of sexual abuse under any**
32 **provision in State law or as defined in section 2 of P.L.1997, c.175**
33 **(C.9:6-8.84) or section 1 of P.L.1992, c.109 (C.2A:61B-1), child**
34 **abuse, as defined in section 2 of P.L.1971, c.437 (C.9:6-8.9) or**
35 **section 1 of P.L.1974, c.119 (C.9:6-8.21), or endangering the welfare**
36 **of a child under N.J.S.2C:24-4]**¹.
37 (cf: P.L.1995, c.155, s.18)

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:

¹ Assembly ASC committee amendments adopted May 3, 2001.

² Senate SWF committee amendments adopted June 25, 2001.

1 2. Section 3 of P.L.1985, c.249 (C.52:4B-36) is amended to read
2 as follows:

3 3. The Legislature finds and declares that crime victims and
4 witnesses are entitled to the following rights:

5 a. To be treated with dignity and compassion by the criminal
6 justice system;

7 b. To be informed about the criminal justice process;

8 c. To be free from intimidation;

9 d. To have inconveniences associated with participation in the
10 criminal justice process minimized to the fullest extent possible;

11 e. To make at least one telephone call provided the call is
12 reasonable in both length and location called;

13 f. To medical assistance if, in the judgment of the law
14 enforcement agency, medical assistance appears necessary;

15 g. To be notified if presence in court is not needed;

16 h. To be informed about available remedies, financial assistance
17 and social services;

18 i. To be compensated for their loss whenever possible;

19 j. To be provided a secure, but not necessarily separate, waiting
20 area during court proceedings;

21 k. To be advised of case progress and final disposition;

22 l. To the prompt return of property when no longer needed as
23 evidence;

24 m. To submit a written statement about the impact of the crime to
25 a representative of the county prosecutor's office which shall be
26 considered prior to the prosecutor's final decision concerning whether
27 formal criminal charges will be filed; ²[and]²

28 n. To make, prior to sentencing, an in-person statement directly
29 to the sentencing court concerning the impact of the crime.

30 This statement is to be made in addition to the statement permitted
31 for inclusion in the presentence report by N.J.S.2C:44-6.

32 In any homicide prosecution the victim's survivor may display
33 directly to the sentencing court at the time of this statement a
34 photograph of the victim taken before the homicide ²[.]; and²

35 ¹o. No crime victim shall be required to pay the maintenance,
36 support, rehabilitation or other costs arising from the imprisonment or
37 commitment of a victimizer as a result of the crime.¹

38 (cf: P.L.1999, c.294, s.2)

39

40 ¹[2.] 3.¹ This act shall take effect immediately ²and shall apply to
41 any attempt made on or after the date of enactment of this act to
42 recover from a patient's child the necessary expenses of the patient
43 pursuant to R.S.30:4-66, or to recover from a crime victim the
44 maintenance, support, rehabilitation or other costs arising from the
45 imprisonment or commitment of the victimizer as a result of the
46 crime².

1

2

3 Exempts children and victims for the payment of costs related to the
4 maintenance and support of certain institutionalized individuals.

CHAPTER 208

AN ACT concerning the liability of children and victims for payment of costs related to maintenance and support of institutionalized individuals and amending R.S.30:4-66 and P.L.1985, c.249.

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

1. R.S.30:4-66 is amended to read as follows:

Liability for patient's support.

30:4-66. Every patient supported in a State or county charitable institution or other residential functional service shall be personally liable for his maintenance and for all necessary expenses incurred by the institution or other residential functional service in his behalf and the husband, wife and father or mother of a child under 18 years of age, severally and respectively, being of sufficient ability, of every patient so confined, whose estate is not sufficient for his support, shall support, and maintain the patient in the institution or other residential functional service, as the case may be, in such manner and to such an amount as the court shall direct pursuant to subsection a. of R.S.30:4-60 in the case of mentally ill patients, and in the case of developmentally disabled persons, as required pursuant to subsection b. of R.S.30:4-60. All spouses living separate and apart from their spouses so confined, and all parents of illegitimate children so confined shall also be personally liable for such expense.

But no payment shall be ordered to be made by a chargeable relative 55 years of age or over except with respect to the maintenance of his or her spouse or his or her natural or adopted child under the age of 18 years.

2. Section 3 of P.L.1985, c.249 (C.52:4B-36) is amended to read as follows:

C.52:4B-36 Findings, declarations relative to rights of crime victims, witnesses.

3. The Legislature finds and declares that crime victims and witnesses are entitled to the following rights:

- a. To be treated with dignity and compassion by the criminal justice system;
- b. To be informed about the criminal justice process;
- c. To be free from intimidation;
- d. To have inconveniences associated with participation in the criminal justice process minimized to the fullest extent possible;
- e. To make at least one telephone call provided the call is reasonable in both length and location called;
- f. To medical assistance if, in the judgment of the law enforcement agency, medical assistance appears necessary;
- g. To be notified if presence in court is not needed;
- h. To be informed about available remedies, financial assistance and social services;
- i. To be compensated for their loss whenever possible;
- j. To be provided a secure, but not necessarily separate, waiting area during court proceedings;
- k. To be advised of case progress and final disposition;
- l. To the prompt return of property when no longer needed as evidence;
- m. To submit a written statement about the impact of the crime to a representative of the county prosecutor's office which shall be considered prior to the prosecutor's final decision concerning whether formal criminal charges will be filed;
- n. To make, prior to sentencing, an in-person statement directly to the sentencing court concerning the impact of the crime.

This statement is to be made in addition to the statement permitted for inclusion in the presentence report by N.J.S.2C:44-6.

In any homicide prosecution the victim's survivor may display directly to the sentencing court at the time of this statement a photograph of the victim taken before the homicide; and

- o. No crime victim shall be required to pay the maintenance, support, rehabilitation or other costs arising from the imprisonment or commitment of a victimizer as a result of the crime.

3. This act shall take effect immediately and shall apply to any attempt made on or after the date of enactment of this act to recover from a patient's child the necessary expenses of the patient pursuant to R.S.30:4-66, or to recover from a crime victim the maintenance, support, rehabilitation or other costs arising from the imprisonment or commitment of the victimizer as a result of the crime

Approved August 15, 2001.

Office of the Governor

PO BOX 004
TRENTON, NJ 08625

NEWS RELEASE

CONTACT: Kelli E. Phiel
609-777-2600

RELEASE: Aug 15, 2001

DiFrancesco Signs Legislation Exempting Victims From Paying for the Crimes of Their Abusers

Acting Governor Donald T. DiFrancesco signed legislation today to ensure that crime victims are not required to pay for the cost of institutionalizing or imprisoning their abuser.

"No crime victim should be required to pay for the support of a victimizer as the result of a crime. It is not right. It is not just. It is not acceptable," said the acting Governor in signing A-3356.

The legislation, A-3356, exempts crime victims from paying the maintenance, support, rehabilitation, or other costs arising from the imprisonment or commitment of a victimizer as a result of a crime. The bill also revises a 1918 law to exempt children of financial liability for maintenance of a parent in a state or county psychiatric facility, developmental center, or residential functional service.

"Sometimes you wish a piece of legislation could do more. You wish it could take away pain, stop sadness, and transform anger. No legislation can do that, of course. But some legislation can right a wrong. It can at least make sure that a victim doesn't have to suffer additional pain. That is what this bill does," said the acting Governor.

A-3356, was prompted by a Sussex County case in which Michael and Chrissy McMickle, due to a loophole in current law, were required to pay for the costs of their father's commitment, which was the result of his sexual and physical abuse of them as children.

"I am grateful to the McMickles for having the courage to come forward to challenge this law. This law has brought up a lot of pain for this family. And while this legislation cannot take that pain away, it can right a wrong and help the McMickle children -- or any victims in a similar situation -- to get on with their lives without the horrible reminder, said DiFrancesco.

A-3356 was sponsored by Senators Bob Littell (R-Sussex/Hunterdon/ Morris) and Pete Inverso (R-Mercer/Middlesex) and Assembly members Rose Heck (R-Bergen) and Sam Thompson (R-Middlesex/Monmouth).