

9:6A-1 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 9:6A-1 et al; 54A:9-25.4 and 54A:9-25.5  
Act"

"Children's Trust Fund

LAWS OF: 1985

CHAPTER: 197

Bill No: A393

Sponsor(s): Pellecchia and others

Date Introduced: Pre-filed

Committee: Assembly: Revenue, Finance and Appropriations; Corrections, Health and Human Services

Senate: Institutions, Health and Welfare; Revenue, Finance and Appropriations

Amended during passage: Yes Substituted for S2087 (not attached according to Governor's recommendations since identical to A393). Amendments denoted by asterisks.

Date of Passage: Assembly: June 28, 1984 Re-enacted 5-6-85  
Senate: February 14, 1985 Re-enacted 6-17-85

Date of Approval: June 26, 1985

Following statements are attached if available:

Sponsor statement: Yes  
Committee statement: Assembly Yes 6-18-84 and 3-15-84  
Senate Yes 7-30-84 and 1-28-85  
Fiscal Note: No  
Veto Message: Yes  
Message on Signing: No

Following were printed:

Reports: No  
Hearings: Yes

974.90 New Jersey. Legislature. General Assembly.  
C536 Corrections, Health and Human Services  
1984a Public hearing, held 2-29-84.  
Paterson, New Jersey 1984.

(OVER)

See newspaper clipping, "Assembly OKs trust fund to combat local child abuse," 5-7-85  
Trenton Times--attached.

6-26-85

[THIRD OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 393

## STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblymen PELLECCCHIA, GIRGENTI, DOYLE, VISOTCKY,  
GALLO, GORMAN, SHUSTED, DORIA, CHARLES and  
DEVERIN

AN ACT to establish a **\*[Child Life Protection]\*** *\*Children's Trust\**  
Fund and the Child Life Protection Commission.

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

1 1. This act shall be known and may be cited as the "**\*[Child Life**  
2 **Protection]\*** *\*Children's Trust\** Fund Act."

1 2. *\*a.\** There is established in the Department of the Treasury  
2 a special fund to be known as the "**\*[Child Life Protection]\*** *\*Chil-*  
2A *dren's Trust\** Fund."

3 *\*b.\** Each taxpayer who is due a tax refund on his taxes paid  
4 pursuant to Title 54A of the New Jersey Statutes shall have the  
5 opportunity to indicate on his tax return that a portion of his tax  
6 refund be deposited in the special fund. The Director of the Divi-  
7 sion of Taxation in the Department of the Treasury shall provide  
8 each taxpayer with the opportunity to indicate his preference on  
9 the tax return in substantially the following manner:

10 **\*[Child Life Protection]\*** *\*Children's Trust\** Fund: I wish to  
11 contribute \$2 , \$5 , \$10  of my tax refund to this fund.

12 The State Treasurer shall deposit into the fund all moneys desig-  
13 nated for the fund pursuant to this act.

1 3. The Legislature shall annually appropriate all moneys de-  
2 posited in the "**\*[Child Life Protection]\*** *\*Children's Trust\** Fund"  
3 established by this act to the Child Life Protection Commission to  
4 effectuate the purposes of sections 4 and 5 of this act.

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendments adopted March 15, 1984.

\*\*—Senate committee amendment adopted January 28, 1985.

\*\*\*—Assembly amendments adopted in accordance with Governor's recom-  
mendations April 15, 1985.

1 4. a. There is established in, but not of, the Department of  
 2 Human Services a Child Life Protection Commission. The com-  
 3 mission shall consist of ~~\*[seven]\*~~ *\*nine\** members, to be appointed  
 4 as follows: one member shall be the Commissioner of the Depart-  
 5 ment of Human Services, or his designated representative; two  
 6 members shall be county prosecutors, appointed by the Attorney  
 7 General; and ~~\*[four]\*~~ *\*six\** public members who shall be ~~\*[repre-~~  
 8 ~~sentatives of]\*~~ *\*persons who are experienced in child welfare and*  
 9 *represent\** private organizations which provide services, or funding  
 10 for services, to children in this State designed to identify, treat and  
 11 prevent child abuse and neglect, ~~\*[and]\*~~ ~~\*\*\*[two of whom]~~\*\*\*  
 12 ~~\*\*\*and who\*\*\*~~ shall be appointed by the Governor\*\*\*~~],~~ two of  
 12A whom shall be appointed by the President of the Senate\*, and two  
 12B of whom shall be appointed by the Speaker of the General Assem-  
 12C bly]\*\*\*. *\*The public members of the commission shall be appointed*  
 12D *with due consideration for geographic and ethnic diversity.\**

13 b. Members of the commission shall serve for terms of four years,  
 14 except that the Commissioner of the Department of Human  
 15 Services shall serve ex-officio, and except that the county prose-  
 16 cutors shall serve at the pleasure of the Attorney General. Of the  
 17 public members first appointed, ~~\*[two]\*~~ *\*three\** shall serve for a  
 18 a term of two years; and ~~\*[two]\*~~ *\*three\** shall serve for a term of  
 18A four years.

19 Vacancies in the membership of the commission shall be ~~\*[filled]\*~~  
 20 *\*filled\** in the same manner as the original appointment~~\*[, but]\*~~  
 21 for the *\*balance of the\** unexpired term. Members of the commis-  
 21A sion shall serve without compensation.

22 c. The commission shall select from among its public members  
 23 a chairman and a vice-chairman.

24 d. The Department of Human Services shall provide the com-  
 25 mission with such legal, stenographic, clerical and technical assist-  
 26 ance as the commission may require in order to perform its duties  
 27 under this act.

1 5. The Child Life Protection Commission shall receive, evaluate  
 2 and approve applications of public and private agencies and  
 3 organizations for grants from moneys annually appropriated from  
 4 the ~~“\*[Child Life Protection]\*~~ *\*Children’s Trust\** Fund.” Any  
 5 portion of the moneys actually appropriated which are remaining  
 6 at the end of a fiscal year shall lapse to the ~~“\*[Child Life Protec-~~  
 6A ~~tion]\*~~ *\*Children’s Trust\** Fund.”

7 Grants shall be awarded to public and private agencies for the  
 8 purposes of planning and establishing or improving programs and

9 services for the prevention of child abuse and neglect\*\*, including  
10 activities which:

11 a. Provide Statewide educational and public informational  
12 seminars for the purpose of developing appropriate public aware-  
13 ness regarding the problems of child abuse and neglect;

14 b. Encourage professional persons and groups to recognize and  
15 deal with problems of child abuse and neglect;

16 c. Make information about the problems of child abuse and  
17 neglect available to the public and organizations and agencies which  
18 deal with problems of child abuse and neglect; and

19 d. Encourage the development of community prevention pro-  
20 grams, including:

21 (1) Community-based educational programs on parenting, pre-  
22 natal care, prenatal bonding, child development, basic child care,  
23 care of children with special needs, coping with family stress, per-  
24 sonal safety and sexual abuse prevention training for children, and  
25 self-care training for latchkey children; and

26 (2) Community-based programs relating to crisis care, aid to  
27 parents, child abuse counseling, peer support groups for abusive or  
28 potentially abusive parents and their children, lay health visitors,  
29 respite of crisis child care, and early identification of families where  
30 the potential for child abuse and neglect exists\*\*.

31 The commission shall in awarding grants establish such priorities  
32 respecting the programs or services to be funded and the amounts  
33 of funding to be provided as it deems appropriate, except that the  
34 commission shall place particular emphasis on community-based  
35 programs and services which are designed to develop and demon-  
36 strate strategies for the early identification, intervention and assis-  
37 tance of **\*[abused or neglected children and their]\*** families *\*and*  
38 *children at risk in order to prevent child abuse and neglect\**.

39 The commission shall adopt such rules and regulations pursuant  
40 to the "Administrative Procedure Act," P. L. 1968, c. 410 (C.  
41 52:14B-1 et seq.) to govern the awarding of grants under this act  
42 as may be necessary to establish adequate reporting requirements  
43 on the use of grant funds by recipient agencies and organizations  
44 and to permit the commission to evaluate the programs and  
45 services for which grants are awarded.

1 6. The Child Life Protection Commission shall file annually,  
2 on or before April 1 of each year, with the Governor and the  
3 Legislature a report setting forth a description of the programs  
4 and services awarded grants in the previous calendar year under  
5 this act, which report shall set forth a statement of the priorities  
6 established by the commission in awarding those grants.

1     \*7. In addition to moneys deposited into the "Children's Trust  
 2 Fund" pursuant to section 3 of this act, the Commissioner of the  
 3 Department of Human Services may designate moneys to be de-  
 4 posited into the fund which have been appropriated from the Gen-  
 5 eral Fund to the Department of Human Services as he deems nec-  
 6 essary to effect the establishment of the "Children's Trust Fund."\*

1     \*\*\*8. Any costs incurred for collection or administration attribut-  
 2 able to this act by the Division of Taxation may be deducted from  
 3 receipts collected pursuant to section 1 of this act, as determined by  
 4 the Director of the Division of Budget and Accounting.\*\*\*

1     \***[7.]**\* \*\*\***[\*8.\*]**\*\*\*     \*\*\*9.\*\*\* This act shall take effect immedi-  
 2 ately, but shall apply to the 1985 tax year and thereafter. \*The  
 3 provisions of subsection b. of section 2 of this act shall expire on  
 4 December 31st of the tax year in which the \*\*\***[sum]**\*\*\* \*\*\*aggre-  
 5 gate amount\*\*\* of moneys \*\*\*designated by taxpayers for  
 6 deposit\*\*\* in the Children's Trust Fund reaches \$20,000,000.\*

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18 to the "Administrative Procedure Act," P. L. 1968, c. 410 (C.  
19 52:14B-1 et seq.) to govern the awarding of grants under this act  
20 as may be necessary to establish adequate reporting requirements  
21 on the use of grant funds by recipient agencies and organizations  
22 and to permit the commission to evaluate the programs and  
23 services for which grants are awarded.

1 6. The Child Life Protection Commission shall file annually,  
2 on or before April 1 of each year, with the Governor and the  
3 Legislature a report setting forth a description of the programs  
4 and services awarded grants in the previous calendar year under  
5 this act, which report shall set forth a statement of the priorities  
6 established by the commission in awarding those grants.

1 7. This act shall take effect immediately, but shall apply to  
2 the 1985 tax year and thereafter.

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#### STATEMENT

This bill permits the citizens of New Jersey to designate a portion of their gross income tax refund to be deposited in a Child Life Protection Fund to be used for programs and services for the prevention of child abuse and neglect. The income tax check-off would be similar in form to that now provided for the Endangered and Nongame Species of Wildlife Conservation Fund.

The bill establishes a Child Life Protection Commission, consisting of the Commissioner of Human Services, two county prosecutors, and four representatives of private organizations active in the area of child abuse. The commission would use the moneys in the fund to award grants to public and private agencies and organizations for the purpose of planning and establishing or improving programs and services. The commission is directed to place particular emphasis on demonstration grants to community-based programs to develop innovative strategies for early identification, intervention and assistance of abused or neglected children and their families.

A393 (1984)

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 393**

[OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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DATED: JUNE 18, 1984

Assembly Bill No. 393 OCR establishes a special fund in the Treasury Department in support of programs and services concerning the prevention of child abuse and neglect. Those taxpayers due a refund from the gross income tax would be permitted to designate a portion of the refund, i.e. \$2.00, \$5.00 or \$10.00, for the Children's Trust Fund commencing with the applicable tax returns filed for 1985.

There would be a maximum amount of \$20,000,000.00 established as a fund ceiling. When this amount is attained, the designation for a check-off to this Children's Trust Fund will expire. The Department of Human Services may designate necessary moneys, appropriated from the General Fund to the Department of Human Services, to establish the Children's Trust Fund. The Legislature will appropriate annually all moneys deposited in the fund to the Child Life Protection Commission, established by this bill.

The nine member commission shall award grants after evaluating applications from public and private agencies and organizations involved in the prevention of child abuse and neglect. The commission shall file an annual report with the Governor and the Legislature on or before April 1 of each year.



ASSEMBLY CORRECTIONS, HEALTH AND  
HUMAN SERVICES COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 393**

with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: MARCH 15, 1984

This bill would establish a special fund in the Department of the Treasury to support programs and services for the prevention of child abuse and neglect. Each taxpayer who is due a State income tax refund would be permitted to designate a portion of his refund to be deposited in the special fund.

The bill provides that the Legislature shall annually appropriate all moneys deposited in this fund to the Child Life Protection Commission, which would be established in, but not of, the Department of Human Services. The commission would receive, evaluate, and approve applications from public and private agencies for grants from the Child Life Protection Fund. Grants would be awarded for the purpose of planning and establishing or improving programs and services, with special emphasis on demonstration grants to community-based programs to develop innovative strategies for early identification, intervention and assistance of abused or neglected children and their families.

The bill further requires the Child Life Protection Commission, which would consist of the Commissioner of Human Services or his designee and two county prosecutors as well as representatives of private organizations that provide or fund child abuse services, to file an annual report with the Governor and the Legislature describing the programs and services awarded grants in the previous calendar year and the priorities of the commission in awarding grants.

The committee amended the bill to incorporate provisions suggested by the New Jersey Chapter of the National Committee for the Prevention of Child Abuse and the Association for Children of New Jersey.

The amendments:

- 1) Change the name of the fund to the "Children's Trust Fund" (the term used in the other states that have enacted this kind of legislation);
- 2) Establish a ceiling of \$20 million (the same as the Michigan program) on the amount of money to be collected through the income tax refund check-off process;

3) Change the composition of the Child Life Protection Commission from seven to nine members, and from four to six public members (two of whom would be appointed by the Governor, two by the Senate President, and two by the Assembly Speaker), while specifying that geographic and ethnic diversity be considerations in appointing the public members; and,

4) Emphasize that grants shall be awarded by the commission to community-based programs and services that focus on the prevention aspect of child abuse and neglect.

5) The amendatory language also provides that the Department of Human Services may provide moneys to the "Children's Trust Fund" to assist in starting up the fund's operations.

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SENATE INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 393**

[OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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DATED: JULY 30, 1984

This bill establishes a special fund in the Treasury Department, the "Children's Trust Fund," in support of programs and services concerning the prevention of child abuse and neglect. The bill provides that taxpayers due a refund from the gross income tax would be permitted to designate a portion of their refund, i.e., \$2.00, \$5.00 or \$10.00, for the Children's Trust Fund, commencing with the applicable tax returns filed for 1985.

The bill establishes a maximum amount of \$20,000,000.00 as a fund ceiling. When this amount is attained, the designation for a check-off to the Children's Trust Fund will expire. Also, the bill authorizes the Department of Human Services to designate necessary moneys, appropriated from the General Fund to the Department of Human Services, to establish the Children's Trust Fund.

The bill also establishes a nine member commission to award grants from the fund upon evaluating applications from public and private agencies and organizations involved in the prevention of child abuse and neglect. The commission is directed to file an annual report with the Governor and the Legislature on or before April 1 of each year.

SENATE REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 393**

[OFFICIAL COPY REPRINT]

with committee amendments

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**STATE OF NEW JERSEY**

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DATED: January 28, 1985

As amended, this bill establishes a special fund in the Treasury Department, the "Children's Trust Fund," to support programs and services designed to prevent child abuse and neglect. The bill provides that taxpayers due a refund from the New Jersey gross income tax would be permitted to designate a portion of their refund, i.e., \$2.00, \$5.00 or \$10.00, for the Children's Trust Fund, commencing with the applicable tax returns filed for 1985. The bill provides that when the amount in the Children's Trust Fund reaches \$20,000,000.00, the designation for a tax refund check-off will expire on December 31 of that year.

All moneys deposited in the Children's Trust Fund would be appropriated annually to the Child Life Protection Commission, also established by this bill. This nine-member commission, located in but not of the Department of Human Services, would award grants from the fund after evaluating applications from public and private agencies and organizations involved in the prevention of child abuse and neglect. The commission is directed to file an annual report with the Governor and the Legislature on or before April 1 of each year.

**FISCAL IMPACT:**

Since the check-off designation would only be applicable to those taxpayers due to receive a tax refund, there would not be a loss of income tax revenues.

The bill authorizes the Commissioner of Human Services to establish the Children's Trust Fund with funds appropriated to the Department of Human Services prior to the receipt of taxpayer contributions.

**COMMITTEE AMENDMENTS:**

With the concurrence of the sponsor, the committee amended the bill to specify more clearly the types of services and activities which would be eligible for grants from the Children's Trust Fund upon approval of the Child Life Protection Commission. According to the Department of Human Services, this clarification will assist New Jersey in qualifying for federal challenge grant funding authorized in Pub. L. 98-473.

**OTHER LEGISLATION:**

This bill is identical to Senate Bill No. 2087, also amended and reported favorably by the committee.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

April 15, 1985

ASSEMBLY BILL NO. 393 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I am returning Assembly Bill No. 393 (2nd OCR) with my objections, for reconsideration.

The purpose of this bill is to establish a special fund in the Treasury Department to be known as the "Children's Trust Fund" that will award grants to public and private agencies to aid the establishment and further development of programs designed to prevent child abuse and neglect. Each taxpayer due a refund from Gross Income Tax withholding may elect, by means of a checkoff mechanism on his or her tax return, to designate two dollars, five dollars, or ten dollars of the refund for deposit in the "Children's Trust Fund." The grants are to be awarded by the Child Life Protection Commission that will consist of nine members. These members include the Commissioner of Human Services ex-officio or his designee, two county prosecutors appointed by the Attorney General, two public members appointed by the Governor, two public members to be appointed by the President of the Senate, and two public members to be appointed by the Speaker of the General Assembly.

I heartily applaud the goals of this legislation and I am a strong proponent of efforts to curb and prevent child abuse. I have appointed a Task Force on Child Abuse and have set up a prosecutor's working group to improve investigations of child abuse, as well as initiating an early intervention and prevention campaign in conjunction with the Parent Teachers Association. Most significantly, this year, I have asked the Legislature to provide an appropriation for a major increase in case workers.

While I support all efforts to prevent child abuse, I cannot sign this bill as it is presently drafted. My primary objection is with the procedure for the appointment of the public members to the Commission. Public members of boards or commissions in the Executive Branch, under our Constitution, cannot be appointed by the Legislature. Public members should be appointed by the Governor with the advice and consent of the State Senate. Article IV, Section V, Paragraph 5 of the State Constitution provides that "[n]either the Legislature nor either house thereof shall elect or appoint any executive, administrative or judicial officer except the State Auditor."

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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Moreover, it has been held that the section prohibiting legislative appointments of executive and administrative officers must be read in conjunction with Article V, Section 1, Paragraph 12 of the New Jersey Constitution. That constitutional provision provides in pertinent part that the Governor "shall nominate and appoint, with the advice and consent of the Senate, all officers for whose election or appointment provision is not otherwise made by this Constitution or by law."

This provision, by vesting the appointment power solely in the Governor subject only to the Senate's concurrence, is a further constitutional recognition that the only Executive Branch position to which the Legislature can make a direct appointment is to the position of State Auditor.

These sections clearly indicate that it is unconstitutional for the Legislature or any of its members to make those appointments provided by this bill. Therefore, I recommend amending this bill to provide that all public members be appointed by the Governor with the advice and consent of the Senate.

Furthermore, as an administrative concern I consider it appropriate that the Division of Taxation be reimbursed for costs incurred in administering the Act. The Division of Taxation should not be required to absorb administrative costs attributable to a check off provision on taxpayer returns.

Finally, I have clarified the language providing that the taxpayer designation provision expire when the aggregate amount designated by taxpayers exceeds \$20 million in order to reflect the clear intent of the bill.

Accordingly, I herewith return Assembly Bill No. 393 (2nd OCR) for reconsideration and recommend that it be amended as follows:

Page 2, Section 4, Line 11: DELETE "two of whom" INSERT "and who"

Page 2, Section 4, Line 12 through Line 12B: DELETE ", two of whom shall be appointed by the President of the Senate, and two of whom shall be appointed by the Speaker of the General Assembly"

Page 4, Section 7, After Line 6: INSERT new section as follows: "8. Any costs incurred for collection or administration attributable to this act by the Division of Taxation may be deducted from receipts collected pursuant to Section 1 of this act, as determined by the Director of the Division of Budget and Accounting."

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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Page 4, Section 8, Line 1: DELETE "8." and insert "9."

Page 4, Section 8, Line 4: DELETE "sum" INSERT "aggregate amount"

Page 4, Section 8, Line 4: After "moneys" INSERT "designated by taxpayers  
for deposit"

Respectfully,  
/s/ Thomas H. Kean  
GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards  
Chief Counsel