

30:4C-2

LEGISLATIVE HISTORY CHECKLIST

(Div. of Youth & Family Services--redefine expenditure of "maintenance" money)

WISA 30:4C-2

LAWS OF 1979

CHAPTER 208

Bill No. A1404

Sponsor(s) Van Wagner

Date Introduced May 18, 1978

Committee: Assembly Appropriations

Senate Institutions, Health and Welfare

Amended during passage Yes

Assembly Committee Substitute (OCR) enacted. Amendments during passage denoted by asterisks

Date of Passage: Assembly May 10, 1979

Senate June 21, 1979

Date of approval Sept. 25, 1979

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly Yes

Senate Yes

Fiscal Note No

Veto message No

Message on signing Yes

Following were printed.

Reports No

Hearings No

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[OFFICIAL COPY REPRINT]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1404

STATE OF NEW JERSEY

ADOPTED: MAY 7, 1979

AN Act to amend "An act concerning the care, custody, guardianship, maintenance and supervision of dependent and neglected children, promoting home life therefor, providing for the financing thereof, and repealing certain statutes relating thereto," approved May 31, 1951 (P. L. 1951, c. 138).

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

1 1. 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 the following words and terms
4 shall, unless otherwise indicated, be deemed and taken to have
5 the meanings herein given to them:

6 (a) The title "Division of Youth and Family Services" suc-
7 cessor to the "Bureau of Childrens Services" means the State
8 agency for the care, custody, guardianship, maintenance and pro-
9 tection of children, as more specifically described by the provisions
10 of this act, and succeeding the agency heretofore variously desig-
11 nated by the laws of this State as the State Board of Child Welfare
12 or the State Board of Children's Guardians.

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

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

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

21 (e) The term "guardianship" means control over the person
22 and property of a child as established by the order of a court of
23 competent jurisdiction, and as more specifically defined by the pro-
24 visions of this act. Guardianship by the Division of Youth and
25 Family Services shall be treated as guardianship by the Commis-
26 sioner of **[Institutions and Agencies]** *Human Services*, exercised
27 on his behalf wholly by and in the name of the Division of Youth

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

28 and Family Services, acting through the chief executive officer of
 29 the division or his authorized representative. Such exercise of
 30 guardianship by the division shall be at all times and in all respects
 31 subject to the supervision of the commissioner.

32 (f) The term "maintenance" means moneys expended by the
 33 Division of Youth and Family Services to procure board, lodging,
 34 clothing, medical, dental, and hospital care, or any other similar or
 35 specialized commodity or service furnished to, on behalf of, or for
 36 a child pursuant to the provisions of this act; *maintenance also in-*
 37 *cludes but ***[it]*** *is* not limited to moneys expended for shelter,*
 38 *utilities, food, repairs, essential household equipment, and other*
 39 *expenditures to remedy situations of an emergent nature to per-*
 40 *mit, as far as practicable, children to continue to live ***[in their own***
 40A *homes]* *with their families*.*

41 (g) The term "welfare services" means consultation, counseling,
 42 and referral to or utilization of available resources for the purpose
 43 of determining and correcting or adjusting matters and circum-
 44 stances which are endangering the welfare of a child, and for the
 45 purpose of promoting his proper development and adjustment in
 46 the family and the community.

47 (h) The term "foster parent" means any person other than a
 48 natural or adoptive parent with whom a child in the care, custody or
 49 guardianship of the Division of Youth and Family Services is
 50 placed by said division, or with its approval, for temporary or
 51 long-term care, but shall not include any persons with whom a child
 52 is placed for the purpose of adoption.

53 (i) The term "foster home" means and includes private resi-
 54 dences, group homes and institutions wherein any child in the care,
 55 custody or guardianship of the Division of Youth and Family
 56 Services may be placed by the said division or with its approval
 57 for temporary or long-term care, and shall include any private
 58 residence maintained by persons with whom any such child is
 59 placed for adoption.

60 (j) The singular includes the plural form.

61 (k) The masculine noun and pronoun includes the feminine.

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

63 (m) The term "group home" means and includes any single
 64 family dwelling used in the placement of 12 children or less pur-
 65 suant to law recognized as a group home by the Department of
 66 **[Institutions and Agencies] Human Services**; in accordance with
 67 rules and regulations adopted by the Commissioner of **[Institutions**
 68 **and Agencies] Human Services**; provided, however, that no group
 69 home shall contain more than 12 children.

1 2. This act shall take effect immediately.

ASSEMBLY, No. 1404

STATE OF NEW JERSEY

INTRODUCED MAY 18, 1978

By Assemblyman VAN WAGNER

Referred to Committee on Appropriations

AN ACT to establish an emergency fund in the Division of Youth and Family Services and making an appropriation therefor.

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

1 1. There is established in the Division of Youth and Family
2 Services an emergency fund for the purpose of providing funds to
3 remedy domestic situations of an emergent nature that are poten-
4 tially harmful to children.

1 2. The Commissioner of the Department of Human Services shall
2 promulgate such regulations as shall be necessary to effectuate the
3 purposes of this act.

1 3. There is appropriated to the fund established by this act the
2 sum of \$200,000.00.

1 4. This act shall take effect January 1, 1979.

STATEMENT

This bill is designed to continue the funding of an emergency fund established within the Division of Youth and Family Services by a federal grant pursuant to the Child Abuse Prevention and Treatment Act (P. L. 93-247).

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 1404

STATE OF NEW JERSEY

DATED: MAY 7, 1979

Assembly Committee Substitute for Assembly Bill No. 1404 expands the definition of "maintenance" to include expenditures for shelter, utilities, food, repairs and other expenditures necessary to remedy emergency domestic situations which are potentially harmful to children. Currently the Division of Youth and Family Services is providing assistance in such emergency situations with Federal funds from a Federal grant under the Child Abuse Prevention and Treatment Act (P. L. 93-247). This bill will enable the Division of Youth and Family Services to continue to provide for the needs of children in potentially harmful domestic situations with State funds that have been provided in the Appropriations Act for the fiscal year ending June 30, 1980.

This Substitute for Assembly Bill No. 1404 will supplement existing programs of State, county and municipal agencies by permitting the division to make payments to remedy the harmful domestic situations without placing the child outside his natural home. However, prior to utilizing maintenance funds, current laws and procedures require the division to determine whether public assistance can provide for such emergency needs.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1404

STATE OF NEW JERSEY

DATED: JUNE 14, 1979

Assembly Committee Substitute for Assembly Bill No. 1404 expands the definition of "maintenance" to include expenditures for shelter, utilities, food, repairs and other expenditures necessary to remedy emergency domestic situations which are potentially harmful to children. Concurrently, the Division of Youth and Family Services is providing assistance in such emergency situations with federal funds from a grant under the Child Abuse Prevention and Treatment Act (P. L. 93-247). The federal grant expires June 30, 1979. This bill will enable the Division of Youth and Family Services to use State funds to continue to provide for the needs of children in potentially harmful domestic situations.

Under this bill, children in state facilities are included in the enrollment count of their school district of residence and thereby generate state equalization and categorical aid.

Local school districts will be required to pay tuition for children from their districts in state facilities. Tuition will be equal to the average net current expense budget per pupil attending a regular school, and since children in state facilities are eligible for categorical aid, the balance of the cost will be paid primarily by the state.

-- It simplifies the procedure for determining the district of residence of a child in a state facility by directing the Commissioner of Education to determine the district of residence using readily available criteria, such as the district of residence of the parent with whom the child lived before being placed in the facility or the last known district of residence of the child.

This procedure will avoid placing an undue burden on the municipality in which the state facility is located.

The Governor also signed A-1404, sponsored by Assemblyman Richard Van Wagner (D-Monmouth), which authorizes the Division of Youth and Family Services to use state funds to continue to provide for the emergency needs of children in harmful domestic situations without removing the children from their homes.

Under a federal grant made possible by the Child Abuse Prevention and Treatment Act, the Division currently pays for expenditure for shelter, utilities, food, repairs and other expenditures necessary to remedy emergency domestic situations which are potentially harmful to children under the Division's care but still living at home.

This bill will permit the continued funding of the emergency fund, which expired under the federal act in June, 1979.

The FY 1980 budget includes a \$250,000 appropriation for the fund.

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