

30:4C-1 et al

LEGISLATIVE HISTORY CHECKLIST

WJSA 30:4C-1 et al. (Div. of Youth & Family Services--Authorize agreements with agencies to provide "youth facility aid")

LAWS OF 1979 CHAPTER 309

Bill No. A3255

Sponsor(s) Visotcky and Hollenbeck

Date Introduced April 26, 1979

Committee: Assembly Institutions, Health and Welfare

Senate Institutions, Health and Welfare

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly June 18, 1979

Senate Dec. 3, 1979

Date of approval Jan. 17, 1980

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/>
Committee Statement: Assembly	Yes	<input checked="" type="checkbox"/>
Senate	Yes	<input checked="" type="checkbox"/>
Fiscal Note	Yes	No
Veto message	Yes	<input checked="" type="checkbox"/>
Message on signing	Yes	No
Following were printed:		
Reports	Yes	No
Hearings	Yes	No

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ASSEMBLY, No. 3255

STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1979

By Assemblymen VISOTCKY and HOLLENBECK

Referred to Committee on Institutions, Health and Welfare

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), and amending P. L. 1962, c. 142.

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

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

3 1. This act is to be administered strictly in accordance with the
4 general principles laid down in this section, which are declared to
5 be the public policy of this State:

6 (a) That the preservation and strengthening of family life is a
7 matter of public concern as being in the interests of the general
8 welfare;

9 (b) That the prevention and correction of dependency and
10 delinquency among children should be accomplished so far as
11 practicable through welfare services which will seek to continue
12 the living of such children in their own homes;

13 (c) That necessary welfare services to children should be
14 strengthened and extended through the development of private
15 and voluntary agencies qualified to provide such services; **[and]**

16 (d) That wherever in this State necessary welfare services are
17 not available to children who are dependent or adjudged delinquent
18 by proper judicial tribunal, or in danger of so becoming, then such
19 services should be provided by this State until such times as they
20 are made available by private and voluntary agencies**[.]**; *and*

21 (e) *That the State may assist private, public and voluntary*
22 *agencies to construct, purchase, upgrade or renovate youth facili-*
23 *ties for the residential care or day treatment of children in need*
24 *of these services.*

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

1 2. 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 the
5 meanings herein given to them:

6 (a) The title "Division of Youth and Family Services" successor
7 to the "Bureau of Childrens Services" means the State agency for
8 the care, custody, guardianship, maintenance and protection of
9 children, as more specifically described by the provisions of this
10 act, and succeeding the agency heretofore variously designated by
11 the laws of this State as the State Board of Child Welfare or the
12 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 pur-
16 pose of providing necessary welfare services, or maintenance, or
17 both.

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

22 (e) The term "guardianship" means control over the person
23 and property of a child as established by the order of a court of
24 competent jurisdiction, and as more specifically defined by the pro-
25 visions of this act. Guardianship by the Division of Youth and
26 Family Services shall be treated as guardianship by the Commis-
27 sioner of [Institutions and Agencies] *Human Services* exercised
28 on his behalf wholly by and in the name of the Division of Youth
29 and Family Services, acting through the chief executive officer of
30 the division or his authorized representative. Such exercise of
31 guardianship by the division shall be at all times and in all respects
32 subject to the supervision of the commissioner.

33 (f) The term "maintenance" means moneys expended by the
34 Division of Youth and Family Services to procure board, lodging,
35 clothing, medical, dental, and hospital care, or any other similar
36 or specialized commodity or service furnished to, on behalf of, or
37 for a child pursuant to the provisions of this act.

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 circum-
41 stances which are endangering the welfare of a child, and for the
42 purpose of promoting his proper development and adjustment in
43 the family and the community.

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

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

57 (j) The singular includes the plural form.

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

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

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

67 (n) *The term "youth facility" means a facility within this State
68 used to house or provide services to children under this act, includ-
69 ing but not limited to group homes, residential facilities, day care
70 centers, and day treatment centers.*

71 (o) *The term "youth facility aid" means aid provided by the
72 Division of Youth and Family Services to public, private or volun-
73 tary agencies to purchase, construct, renovate, repair, upgrade or
74 otherwise improve a youth facility in consideration for an agree-
75 ment for the agency to provide residential care, day treatment or
76 other youth services for children in need of such services.*

77 (p) *The term "day treatment center" means a facility used to
78 provide counseling, supplemental educational services, therapy,
79 and other related services to children for whom it has been deter-
80 mined that such services are necessary, but is not used to house
81 these children in a residential setting.*

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

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

3 4. The **[Bureau of Childrens Services]** *Division of Youth and*
4 *Family Services* shall have the requisite powers to:

5 (a) Exercise general supervision over children for whom care,
6 custody or guardianship is provided in accordance with article 2
7 of this act;

8 (b) Administer for the Department of **[Institutions and Agen-**
9 **cies]** *Human Services* the powers and duties provided in chapter 3
10 of Title 9 of the Revised Statutes (Adoption), as amended and
11 supplemented, as the same may be delegated and assigned by the
12 said department;

13 (c) Administer for the Commissioner of **[Institutions and**
14 **Agencies]** *Human Services* the powers and duties as provided in
15 chapter 7 of Title 9 of the Revised Statutes (dependent children;
16 bringing into State), as amended and supplemented, as the same
17 may be delegated and assigned by the said commissioner;

18 (d) Administer for the State Board of **[Control]** *Institutional*
19 *Trustees* the powers and duties provided in sections 30:1-14
20 through 30:1-17 of chapter 1 of Title 30 of the Revised Statutes
21 (visitation and inspection), as amended and supplemented, so far
22 as the same may be delegated and assigned by the said State Board
23 of **[Control]** *Institutional Trustees* with respect to institutions,
24 organizations and noninstitutional agencies for the care, custody
25 and welfare of children;

26 (e) **[Provide care and exercise supervision over children paroled**
27 **or released from State correctional institutions for juveniles in**
28 **accordance with rules and regulations established by the State**
29 **Board of Control;]** ***[Deleted by amendment.]*** **Provide care and*
29A *exercise supervision over children paroled or released from State*
29B *correctional institutions for juveniles in accordance with rules and*
29C *regulations established by the State Board of Control;**

30 (f) Make investigations or provide supervision of any child in
31 this State at the request and on behalf of a public or private agency
32 or institution of any other State;

33 (g) Meet and confer, as the unmet needs of New Jersey's children
34 may require, with representatives of the public welfare boards
35 and the private agencies and institutions for the care of children
36 in this State in order that the programs of such boards, agencies
37 and institutions may be developed and fully utilized and that there
38 may be a coordination of all public and private facilities for the
39 protection and care of children;

40 (h) Issue such reasonable rules and regulations as may be
 41 necessary for the purpose of carrying into effect the meaning of
 42 this act, which rules and regulations shall be binding so far as
 43 they are consistent with such purpose.

44 (i) Promulgate and file with the Secretary of State, subject to
 45 the approval of the Board of Public Welfare, rules and regulations
 46 as may be necessary as a basis for the provision for payment for
 47 services rendered by privately sponsored agencies or institutions
 48 to children under the care, custody or guardianship of the **[Bureau**
 49 **of Childrens Services]** *Division of Youth and Family Services*.
 50 Such rules and regulations shall include, but shall not be limited to,
 51 standards of professional training, experience and practices, and
 52 requirements relating to the moral responsibility of the trustees,
 53 officers or other persons supervising or conducting the program,
 54 the adequacy of the facilities, the maintenance of adequate case-
 55 work records, and the furnishing of comprehensive reports**[.]**;

56 *(i) Enter into written agreements with public, private or volun-*
 57 *tary agencies to provide youth facility aid to such agencies, subject*
 58 *to a preaward qualification review of the agency's fiscal and pro-*
 59 *grammatic abilities and periodic reviews.*

1 4. Section 1 of P. L. 1962, c. 142 (C. 30:4C-29.1) is amended to
 2 read as follows:

3 1. In any case in which the Department of **[Institutions and**
 4 **Agencies]** *Human Services*, through the **[Bureau of Childrens**
 5 **Services]** *Division of Youth and Family Services*, is providing care
 6 and custody for any child, the **[bureau]** *division* may, on behalf of
 7 the department, accept an agreement in writing made by any
 8 person or persons for the payment to the **[bureau]** *division* for
 9 said services of such amount or amounts as shall be prescribed
 10 therefor by schedule approved by the department and of such
 11 person or persons are legally obligated to provide support for any
 12 such child, the **[bureau]** *division* shall have a lien against the
 13 property of any person so contracting in an amount equal to the
 14 amount or amounts so contracted to be paid, which lien shall have
 15 priority over all unrecorded encumbrances.

16 *In any case in which the department, through the Division of*
 17 *Youth and Family Services, has agreed to provide youth facilities*
 18 *aid to a public, private or voluntary agency pursuant to this act, the*
 19 *division shall have a lien against the property of any person, per-*
 20 *sons or agency so contracting, in an amount equal to the amount or*
 21 *amounts so contracted to be paid, which lien shall have priority*
 22 *over all unrecorded encumbrances. Such lien shall be reduced for*

23 *each year of service provided by the agency at a rate to be nego-*
 24 *tiated by the division and the agency, but in no case more than*
 25 *20% a year; provided, however, that annual reductions shall not*
 26 *exceed \$10,000.00.*

1 5. Section 2 of P. L. 1962, c. 142 (C. 30:4C-29.2) is amended to
 2 read as follows:

3 2. At any time during the period during which said child is within
 4 the care and custody of the [bureau] *division* and within 2 years
 5 after the date upon which said care and custody is terminated, the
 6 [bureau] *division*, through any officer or employee authorized by it
 7 so to do, may execute and file a certificate with the county clerk,
 8 or if there be such an officer in the county, with the register of
 9 deeds and mortgages of the county, or with the clerk of the
 10 Superior Court, as the case may be, which certificate shall state
 11 the name of the child, the date when the child came under the care
 12 and custody of the [bureau] *division* and the date of the agreement,
 13 the name of the person or persons by whom the agreement was
 14 made, and the sum or sums which said person or persons agreed to
 15 pay to the [bureau] *division* for the support and maintenance of
 16 said child, and the amount due the [bureau] *division* for such
 17 service at the time of the filing of the certificate, and the rate of
 18 accumulation, if any shall occur thereafter, and the person or
 19 persons from whom such sum or sums are or will become due,
 20 and upon the filing of said certificate the lien shall immediately
 21 attach to and become binding upon all real property in the owner-
 22 ship of the person or persons against whom it is filed in the county
 23 if it is filed in the county, or wherever situate in the State,
 24 if it is filed in the Superior Court, and it shall have the force and
 25 effect of a judgment at law.

26 *At any time after the signing of an agreement to provide youth*
 27 *facilities aid under this act for the duration of both that agreement*
 28 *and any service agreement, the division, through any officer or*
 29 *employee authorized so to do, may execute and file a lien certificate*
 30 *with the county clerk or with the clerk of the Superior Court, which*
 31 *shall state the names and addresses of both parties, the date of the*
 32 *signing of the contract, the sum or sums which were disbursed to*
 33 *the agency in the expectation that the agency would provide con-*
 34 *tract services to the division in the future, and the amount due the*
 35 *division at the time of filing of said certificate.*

1 6. There is hereby appropriated to the Department of Human
 2 Services \$310,000.00 for the purposes of this act.

1 7. This act shall take effect immediately.

STATEMENT

This bill authorizes the Division of Youth and Family Services to enter into written agreements with public, private or voluntary agencies to provide "youth facility aid" to such agencies to assist them in the construction, purchase, upgrading or renovation of youth facilities for the residential care or day treatment of children in need of such services.

The bill requires the division to conduct a pre-award qualification review of the agency's fiscal and programmatic abilities and periodic reviews after having entered into an agreement. In addition, the bill establishes a lien against the property of the contracting agency. The amount of the lien is to be reduced for each year of service provided by the agency at a rate negotiated by the division and the agency, but in no case more than 20% or \$10,000.00 a year, whichever is less.

Service organizations have a great deal of difficulty financing improvements to meet health and building codes or renovations to meet life and safety standards for youth facilities. The Department of Human Services believes that this enabling legislation is necessary to permit service organizations to build, upgrade or renovate their facilities so that they may provide services such as day treatment or residential care for the Division of Youth and Family Services children in need of such services.

The bill also appropriates \$310,000.00 to the Department of Human Services for the purpose of providing "youth facility aid."

A3255 (1979)

ASSEMBLY INSTITUTIONS, HEALTH AND
WELFARE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3255

STATE OF NEW JERSEY

DATED: MAY 21, 1979

This bill appropriates \$310,000.00 to the Department of Human Services for the purpose of providing "youth facility aid" to certain public, private or voluntary agencies. This legislation authorizes the Division of Youth and Family Services (DYFS) to enter into written agreements with certain agencies to assist them in the construction, purchase and renovation of youth facilities for day treatment or residential care of children in need of services.

The bill requires DYFS to conduct a pre-award qualification review of an agency's program and fiscal abilities, in addition to periodic reviews after entering into a written agreement. Additionally, the bill establishes a lien against the property of the contracting agency. The lien will be reduced on an annual basis by a negotiable amount, but in no case more than 20% or \$10,000.00 annually, whichever is less.

The committee agrees with the purpose of this legislation and released it without amendment.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3255
with Senate committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 2, 1979

This bill authorizes the Division of Youth and Family Services (DYFS) to enter into written agreement with public, private or voluntary agencies to provide them with "youth facility aid." This aid would assist agencies in the construction, purchase, upgrading or renovation of youth facilities for day treatment or residential care of children in need of such services. The bill appropriates \$310,000.00 for such youth facilities aid.

The bill requires DYFS to conduct a pre-award qualification review of an agency's fiscal and program abilities, in addition to periodic reviews after entering into an agreement. Additionally, the bill establishes a lien against the property of the contracting agency. The lien will be reduced on an annual basis by a negotiable amount.

In approving the bill, the committee recognized the need to provide residential services for New Jersey youngsters *within* the State. The committee also recognized that historically there has been a severe lack of services within New Jersey for children exhibiting the most severe behavior problems and that this bill will hopefully provide an incentive for the development of such programs. Youth facility aid is not intended to be a loan program but rather a purchase of service arrangement. In addition, the committee expressed its concern that promised services would actually be delivered and felt it imperative that youth facility aid contracts entered into by the division with any agency explicitly state that the facility will provide services and placements for those children who in the division's opinion are in most need. The committee felt that in fact it has an oversight obligation in this regard and expects that all youth facility aid agreements made with the \$310,000.00 appropriation be forwarded to the Senate and Assembly Institutions, Health and Welfare Committees as well as the Joint Appropriations Committee.

The committee amended the bill to restore a subsection of the original law which had inadvertently been deleted. This subsection is not related to the youth facilities aid program and its deletion would have meant a DYFS policy change with respect to which department is responsible for juvenile offenders released from State correctional institutions.

ASSEMBLY BILL NO. 3255 (OCR)

To the Assembly:

Pursuant to Article V, Section 1, Paragraph 15 of the Constitution, I am appending to Assembly Bill No. 3255 (OCR) at the time of signing it, this statement of the items or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

On Page 6: Section 6, Line 2: The appropriation of \$310,000 to the Department of Human Services for the purposes of this act is deleted in its entirety.

The purpose of this bill is to authorize the Department of Human Services to enter into agreements with public, private or voluntary agencies to provide assistance in the construction, renovation, purchase or upgrading of facilities for the residential care or day treatment of children in need of such services..

Although this bill was introduced with my support and authorizes an activity which I believe is important, I find it impossible to provide the funds appropriated in this bill within the limitations of the fiscal year 1980 budget. I have, however, included funds for this program in my fiscal year 1981 budget proposal.

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

CHIEF OF STAFF, SECRETARY