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FLOOR AMENDMENT STATEMENT: Yes

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RH/CL

P.L.2017, CHAPTER 213, *approved August 7, 2017*

Assembly, No. 3386 (*Second Reprint*)

1 AN ACT concerning individuals with developmental disabilities,
2 amending P.L.2010, c.5, and supplementing Chapter 6 of Title 9
3 of the Revised Statutes.

4

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

7

8 1. Section 1 of P.L.2010, c.5 (C.30:6D-73) is amended to read
9 as follows:

10 1. The Legislature finds and declares that:

11 a. It is in the public interest for the State to provide for the
12 protection of individuals with developmental disabilities by
13 identifying those caregivers who have wrongfully caused them
14 injury;

15 b. The safety of individuals with developmental disabilities
16 receiving care from State-operated facilities or programs, from
17 those facilities or programs licensed, contracted, or regulated by the
18 **【Department】** Departments of Human Services**【,】** or Children and
19 Families, or from State-funded community-based services shall be
20 of paramount concern;

21 c. It is the intent of this legislation to assure that the lives of
22 innocent individuals with developmental disabilities are
23 immediately safeguarded from further injury and possible death and
24 that the legal rights of such **【persons】** individuals are fully
25 protected; and

26 d. Therefore, this act establishes a Central Registry of
27 Offenders Against Individuals with Developmental Disabilities in
28 the Department of Human Services to prevent caregivers who
29 become offenders against individuals with developmental
30 disabilities from working with individuals with developmental
31 disabilities.

32 (cf: P.L.2010, c.5, s.1)

33

34 2. Section 2 of P.L.2010, c.5 (C.30:6D-74) is amended to read
35 as follows:

36 2. As used in this act:

37 "Abuse" means wrongfully inflicting or allowing to be inflicted
38 physical abuse, sexual abuse, or verbal or psychological abuse or

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**Senate SHH committee amendments adopted January 30, 2017.**

²**Senate floor amendments adopted June 19, 2017.**

1 mistreatment by a caregiver upon an individual with a
2 developmental disability.

3 "Caregiver" means a person who receives State funding, directly
4 or indirectly, in whole or in part, to provide services or supports, or
5 both, to an individual with a developmental disability; except that
6 "caregiver" shall not include an immediate family member of [a
7 person] an individual with a developmental disability.

8 "Central registry" means the Central Registry of Offenders
9 Against Individuals with Developmental Disabilities established
10 pursuant to this act.

11 "Children's System of Care" means the Division of Children's
12 System of Care in the Department of Children and Families.

13 "Commissioner" means the Commissioner of Human Services.

14 "Department" means the Department of Human Services.

15 "Developmental disability" means developmental disability as
16 defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

17 "Exploitation" means the act or process of a caregiver using an
18 individual with a developmental disability or his resources for
19 another person's profit or advantage.

20 "Intimate parts" means the following body parts of a person:
21 sexual organs, genital area, anal area, inner thigh, groin, buttock, or
22 breast.

23 "Lewdness" means the exposing of the genitals for the purpose
24 of arousing or gratifying the sexual desire of a caregiver or an
25 individual with a developmental disability, or any flagrantly lewd
26 and offensive act which the caregiver knows or reasonably expects
27 is likely to be observed by an individual with a developmental
28 disability.

29 "Neglect" shall consist of any of the following acts by a
30 caregiver on an individual with a developmental disability: willfully
31 failing to provide proper and sufficient food, clothing, maintenance,
32 medical care, or a clean and proper home; or failure to do or permit
33 to be done any act necessary for the well-being of an individual
34 with a developmental disability.

35 "Physical abuse" means a physical act directed at an individual
36 with a developmental disability by a caregiver of a type that causes
37 one or more of the following: pain, injury, anguish, or suffering.
38 Such acts include, but are not limited to, the individual with a
39 developmental disability being kicked, pinched, bitten, punched,
40 slapped, hit, pushed, dragged, or struck with a thrown or held
41 object.

42 "Sexual abuse" means an act or attempted act of lewdness, sexual
43 contact, or sexual penetration between a caregiver and an individual
44 with a developmental disability. Any form of sexual contact or
45 activity between a caregiver and an individual with a developmental
46 disability, absent marriage, domestic partnership, or civil union, is
47 sexual abuse, regardless of whether the individual with a

1 developmental disability gives consent or the caregiver is on or off
2 duty.

3 "Sexual contact" means an intentional touching by a caregiver or
4 individual with a developmental disability, either directly or
5 through clothing, of the intimate parts of the individual with a
6 developmental disability or the caregiver for the purpose of
7 sexually arousing or sexually gratifying the caregiver. Sexual
8 contact of the caregiver with himself must be in view of the
9 individual with a developmental disability whom the caregiver
10 knows to be present.

11 "Sexual penetration" means vaginal intercourse, cunnilingus,
12 fellatio, or anal intercourse between a caregiver and an individual
13 with a developmental disability or insertion of the hand, finger, or
14 object into the anus or vagina, either by the caregiver or upon the
15 caregiver's instruction.

16 "Verbal or psychological abuse or mistreatment" means any
17 verbal or non-verbal act or omission by a caregiver that inflicts one
18 or more of the following: emotional harm; mental distress; or
19 invocation of fear, humiliation, intimidation, or degradation to an
20 individual with a developmental disability. Examples include, but
21 are not limited to: bullying; ignoring need; verbal assault; use of
22 racial or ethnic slurs; or intimidating gestures, such as shaking a fist
23 at an individual with a developmental disability.

24 (cf: P.L.2010, c.5, s.2)

25

26 3. Section 4 of P.L.2010, c.5 (C.30:6D-76) is amended to read
27 as follows:

28 4. a. Upon receipt of a report pursuant to section 3 **【of this**
29 **act】** of P.L.2010, c.5 (C.30:6D-75), the department shall designate
30 an entity, as established by the commissioner, that shall
31 immediately take such action as shall be necessary to ensure the
32 safety of the individual 18 years of age or older with a
33 developmental disability and to that end may request appropriate
34 assistance from local and State law enforcement officials or contact
35 Adult Protective Services to provide assistance in accordance with
36 the provisions of P.L.1993, c.249 (C.52:27D-406 et seq.).

37 b. The commissioner shall adopt rules and regulations
38 necessary to provide for an investigation of a reported incident and
39 subsequent substantiation or non-substantiation of an allegation of
40 abuse, neglect, or exploitation of an individual 18 years of age or
41 older with a developmental disability by a caregiver, by maintaining
42 **【a Special Response Unit】** an Office of Investigation to investigate
43 serious unusual incidents, as defined by applicable rules and
44 regulations, in facilities or community programs licensed,
45 contracted, or regulated by the department. During its investigation
46 of an allegation of abuse, neglect, or exploitation of an individual
47 18 years of age or older with a developmental disability by a
48 caregiver, the **【Special Response Unit】** Office of Investigation shall

1 make a good faith effort to notify the caregiver of the possibility of
2 the caregiver's inclusion on the registry, and give the caregiver an
3 opportunity to respond to the department concerning the allegation.

4 c. The **【Special Response Unit】** Office of Investigation, the
5 department, or other investigating entity shall forward to the
6 commissioner, or the commissioner's designee, a substantiated
7 incident of abuse, neglect, or exploitation of an individual 18 years
8 of age or older with a developmental disability for inclusion of an
9 offending caregiver on the central registry. The **【Special Response**
10 **Unit】** Office of Investigation, the department, or other investigating
11 entity shall also forward to the commissioner, or the commissioner's
12 designee, all unsubstantiated incidents of abuse, neglect, or
13 exploitation of an individual 18 years of age or older with a
14 developmental disability. ²When the investigation involves an
15 individual between the ages of 18 and 21 with a developmental
16 disability who is receiving services from the Children's System of
17 Care, the department, the Office of Investigation, the Institutional
18 Abuse Investigation Unit in the Department of Children and
19 Families, or other investigating entity shall concurrently notify the
20 Director of the Children's System of Care, or the director's
21 designee, of the referral for inclusion of an offending caregiver on
22 the central registry. The department, the Office of Investigation,
23 the Institutional Abuse Investigation Unit, or other investigating
24 entity shall also forward to the director, or the director's designee,
25 all unsubstantiated incidents of abuse, neglect, or exploitation of an
26 individual between the ages of 18 and 21 with a developmental
27 disability.² As soon as possible, and no later than 14 days after
28 receipt of the incident of abuse, neglect, or exploitation, the
29 commissioner or the commissioner's designee shall review the
30 incident. The offending caregiver of a substantiated incident shall
31 be included on the central registry as expeditiously as possible. The
32 **【Special Response Unit】** Office of Investigation shall retain a
33 record of all unsubstantiated incidents.

34 d. Upon the initiation of an investigation, the department shall:
35 (1) ensure that any communication concerning the alleged abuse,
36 neglect, or exploitation of an individual 18 years of age or older
37 with a developmental disability between a caregiver, case manager
38 of the caregiver, the case manager's supervisor, including a ²【case】
39 care² manager or ²【case manager】² supervisor under contract with
40 the Children's System of Care, or a person at the appropriate
41 ²【Regional】 Community Services² Office of the Division of
42 Developmental Disabilities or the Children's System of Care is
43 identified, safeguarded from loss or destruction, and maintained in a
44 secure location; and (2) contact the Office of the Attorney General,
45 which shall determine whether to participate in the investigation.

46 e. The **【Special Response Unit】** Office of Investigation shall
47 issue a written report of the investigation that includes the

1 conclusions of the **[unit]** office, the rationale for the conclusion,
2 and a detailed summary of any communication secured pursuant to
3 subsection d. of this section. The report shall also include an
4 assessment of the role of any case manager of a caregiver or the
5 case manager's supervisor, if applicable, in the allegation of abuse,
6 neglect, or exploitation, and a recommendation about whether any
7 civil or criminal action should be brought against the case manager
8 or supervisor. The report shall be made part of the record for
9 review in any civil or criminal proceeding that may ensue.

10 A written summary of the conclusions of the investigation shall
11 be provided to the guardian or authorized family member of the
12 individual 18 years of age or older with a developmental disability
13 who is the subject of the alleged abuse, neglect, or exploitation.

14 f. A licensed provider in another state shall be permitted access
15 to the central registry.

16 g. The department, ²**[the]**² Office of Investigation, ²**[the**
17 **Institutional Abuse Investigation Unit,]**² or other investigative
18 entity shall forward to the Commissioner of Children and Families,
19 or ²**[his or her]** to the commissioner's² designee, copies of the
20 investigative reports involving any ²**[child under]** individual over²
21 the age of 18 with a developmental disability who is the subject of
22 an investigation ²**[of an act of child abuse or neglect pursuant to**
23 **section 3 of P.L.2010, c.5 (C.30:6D-75)]² and is receiving services**
24 from the Children's System of Care. The reports may be used by
25 the Department of Children and Families, as appropriate, to initiate
26 or support contracting, licensing, or other corrective actions.

27 h. The department, the Office of Investigation, the Institutional
28 Abuse Investigation Unit, ¹**[or]** and any¹ other investigative entity
29 may share ¹, with and among each other,¹ ²**[all]**² investigative
30 records involving an individual ²**[between the age of 18 and 21**
31 **years]**² with a developmental disability who is the subject of an
32 investigation of an incident of abuse, neglect, or exploitation
33 pursuant to section 3 of P.L.2010, c.5 (C.30:6D-75) ²or an
34 investigation of child abuse or neglect pursuant to section 4 of
35 P.L.1971, c.437 (C.9:6-8.11)².

36 (cf: P.L.2012, c.69, s.10)

37
38 4. Section 5 of P.L.2010, c.5 (C30:6D-77) is amended to read
39 as follows:

40 5. a. There is established a Central Registry of Offenders
41 Against Individuals with Developmental Disabilities in the
42 department.

43 b. The commissioner shall adopt rules and regulations that
44 define the procedures and standards for inclusion of an offending
45 caregiver on the central registry and for notification of such
46 inclusion to the caregiver.

1 (1) For inclusion on the central registry in the case of a
2 substantiated incident of abuse, the caregiver shall have acted with
3 intent, recklessness, or careless disregard to cause or potentially
4 cause injury to an individual with a developmental disability.

5 (2) For inclusion on the central registry in the case of a
6 substantiated incident of neglect, the caregiver shall have acted with
7 gross negligence, recklessness, or in a pattern of behavior that
8 causes or potentially causes harm to an individual with a
9 developmental disability.

10 (3) In the case of a substantiated incident of exploitation, the
11 commissioner shall establish a dollar amount for inclusion on the
12 central registry.

13 c. The commissioner also shall adopt rules and regulations:

14 (1) necessary to provide for an appeals process, through the
15 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
16 seq.), of the commissioner's determination to include an alleged
17 offending caregiver's name on the central registry. The
18 commissioner's determination shall be a final agency decision
19 subject to review by the Appellate Division of the Superior Court;

20 (2) concerning the dissemination of information in the central
21 registry;

22 (3) that will prohibit persons included on the central registry
23 from employment in facilities or programs of the Division of
24 Developmental Disabilities in the department and those facilities or
25 programs licensed, contracted, or regulated by the department, or
26 from providing community-based services with indirect State
27 funding to **[persons]** individuals with developmental disabilities;
28 **[and]** ²and²

29 (4) necessary to provide for the removal of a person's name
30 from the central registry. A person may apply for removal of his
31 name to the commissioner after a period of five years of being
32 placed on the central registry. The person shall affirmatively
33 demonstrate to the commissioner clear and convincing evidence of
34 rehabilitation, using the provisions of P.L.1968, c.282 (C.2A:168A-
35 1 et seq.) as a guide ²**[; and**

36 (5) that will prohibit persons included on the central registry
37 from employment at the Department of Children and Families and
38 in facilities or programs licensed, contacted, regulated, or funded by
39 the Department of Children and Families]².

40 d. The commissioner may adopt rules and regulations that will
41 allow bona fide employers serving vulnerable populations to inquire
42 of the department if potential or current employees are included on
43 the central registry, consistent with federal and State privacy and
44 confidentiality laws.

45 e. No information received in the central registry shall be
46 considered as a public or government record within the meaning of
47 P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et
48 al.).

1 ²f. The Commissioner of Children and Families shall adopt
2 rules and regulations, pursuant to the “Administrative Procedure
3 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to prohibit a person
4 who is included on the central registry from being employed at the
5 Department of Children and Families, or in any facility or program
6 that is licensed, contracted, regulated, or funded by the Department
7 of Children and Families.²

8 (cf: P.L.2010, c.5, s.5)

9
10 5. (New section) a. The Department of Children and Families
11 shall conduct a check of its child abuse registry for each person who
12 is seeking employment at the ²**[department]** Department of
13 Children and Families², or in any facility or program ²that is²
14 licensed, contracted, regulated, or funded by the ²**[department]**
15 Department of Children and Families², or ²who is² seeking
16 employment in any facility or program ²that is² licensed,
17 contracted, or regulated by the Department of Human Services ²**[**,
18 or who is seeking² to provide community-based services ²**[with**
19 indirect State funding]² to individuals with developmental
20 disabilities, in order to determine if the person is included on the
21 child abuse registry as a substantiated perpetrator of child abuse or
22 neglect. ²**[The department shall immediately forward the**
23 information obtained as a result of the check to the Department of
24 Human Services.]²

25 b. The Commissioner of Children and Families shall adopt
26 rules and regulations ²**[that will]** , pursuant to the “Administrative
27 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to² prohibit a
28 person ²who is² included on the child abuse registry from
29 ²**[employment]** being employed² at the Department of Children
30 ²and Families,² or in any facility or program ²that is² licensed,
31 contracted, regulated, or funded by the ²**[department or the**
32 Department of Human Services, and from providing community-
33 based services with indirect State funding to individuals with
34 developmental disabilities] Department of Children and Families².

35 ²c. The Commissioner of Human Services shall adopt rules and
36 regulations, pursuant to the “Administrative Procedure Act,”
37 P.L.1968, c.410 (C.52:14B-1 et seq.), to prohibit a person who is
38 included on the child abuse registry from: (1) being employed in
39 any facility or program that is licensed, contracted, regulated, or
40 funded by the Department of Human Services to serve individuals
41 with developmental disabilities; and (2) providing community-
42 based services with indirect State funding to individuals with
43 developmental disabilities.²

44

45 6. This act shall take effect on the first day of the sixth month
46 following the date of enactment.

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3

4

5

6

Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care.

ASSEMBLY, No. 3386

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MARCH 3, 2016

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman NICHOLAS CHIARAVALLOTTI

District 31 (Hudson)

Assemblywoman MARLENE CARIDE

District 36 (Bergen and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

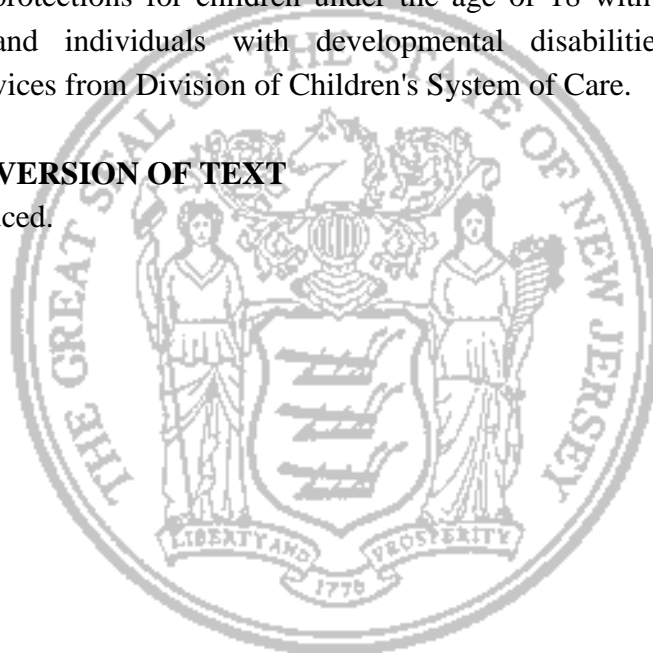
Assemblywomen Mosquera, Jasey and Assemblyman Benson

SYNOPSIS

Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/28/2016)

1 AN ACT concerning individuals with developmental disabilities,
2 amending P.L.2010, c.5, and supplementing Chapter 6 of Title 9
3 of the Revised Statutes.

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

7
8 1. Section 1 of P.L.2010, c.5 (C.30:6D-73) is amended to read
9 as follows:

10 1. The Legislature finds and declares that:

11 a. It is in the public interest for the State to provide for the
12 protection of individuals with developmental disabilities by
13 identifying those caregivers who have wrongfully caused them
14 injury;

15 b. The safety of individuals with developmental disabilities
16 receiving care from State-operated facilities or programs, from
17 those facilities or programs licensed, contracted, or regulated by the
18 **[Department]** Departments of Human Services**[,]** or Children and
19 Families, or from State-funded community-based services shall be
20 of paramount concern;

21 c. It is the intent of this legislation to assure that the lives of
22 innocent individuals with developmental disabilities are
23 immediately safeguarded from further injury and possible death and
24 that the legal rights of such **[persons]** individuals are fully
25 protected; and

26 d. Therefore, this act establishes a Central Registry of
27 Offenders Against Individuals with Developmental Disabilities in
28 the Department of Human Services to prevent caregivers who
29 become offenders against individuals with developmental
30 disabilities from working with individuals with developmental
31 disabilities.

32 (cf: P.L.2010, c.5, s.1)

33
34 2. Section 2 of P.L.2010, c.5 (C.30:6D-74) is amended to read
35 as follows:

36 2. As used in this act:

37 "Abuse" means wrongfully inflicting or allowing to be inflicted
38 physical abuse, sexual abuse, or verbal or psychological abuse or
39 mistreatment by a caregiver upon an individual with a
40 developmental disability.

41 "Caregiver" means a person who receives State funding, directly
42 or indirectly, in whole or in part, to provide services or supports, or
43 both, to an individual with a developmental disability; except that
44 "caregiver" shall not include an immediate family member of **[a**
45 **person]** an individual with a developmental disability.

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 "Central registry" means the Central Registry of Offenders
2 Against Individuals with Developmental Disabilities established
3 pursuant to this act.

4 "Children's System of Care" means the Division of Children's
5 System of Care in the Department of Children and Families.

6 "Commissioner" means the Commissioner of Human Services.

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8 "Developmental disability" means developmental disability as
9 defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

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12 another person's profit or advantage.

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14 sexual organs, genital area, anal area, inner thigh, groin, buttock, or
15 breast.

16 "Lewdness" means the exposing of the genitals for the purpose
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18 individual with a developmental disability, or any flagrantly lewd
19 and offensive act which the caregiver knows or reasonably expects
20 is likely to be observed by an individual with a developmental
21 disability.

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25 medical care, or a clean and proper home; or failure to do or permit
26 to be done any act necessary for the well-being of an individual
27 with a developmental disability.

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31 Such acts include, but are not limited to, the individual with a
32 developmental disability being kicked, pinched, bitten, punched,
33 slapped, hit, pushed, dragged, or struck with a thrown or held
34 object.

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37 with a developmental disability. Any form of sexual contact or
38 activity between a caregiver and an individual with a developmental
39 disability, absent marriage, domestic partnership, or civil union, is
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41 developmental disability gives consent or the caregiver is on or off
42 duty.

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44 individual with a developmental disability, either directly or
45 through clothing, of the intimate parts of the individual with a
46 developmental disability or the caregiver for the purpose of
47 sexually arousing or sexually gratifying the caregiver. Sexual
48 contact of the caregiver with himself must be in view of the

1 individual with a developmental disability whom the caregiver
2 knows to be present.

3 "Sexual penetration" means vaginal intercourse, cunnilingus,
4 fellatio, or anal intercourse between a caregiver and an individual
5 with a developmental disability or insertion of the hand, finger, or
6 object into the anus or vagina, either by the caregiver or upon the
7 caregiver's instruction.

8 "Verbal or psychological abuse or mistreatment" means any
9 verbal or non-verbal act or omission by a caregiver that inflicts one
10 or more of the following: emotional harm; mental distress; or
11 invocation of fear, humiliation, intimidation, or degradation to an
12 individual with a developmental disability. Examples include, but
13 are not limited to: bullying; ignoring need; verbal assault; use of
14 racial or ethnic slurs; or intimidating gestures, such as shaking a fist
15 at an individual with a developmental disability.

16 (cf: P.L.2010, c.5, s.2)

17

18 3. Section 4 of P.L.2010, c.5 (C.30:6D-76) is amended to read
19 as follows:

20 4. a. Upon receipt of a report pursuant to section 3 **[of this act]**
21 of P.L.2010, c.5 (C.30:6D-75), the department shall designate an
22 entity, as established by the commissioner, that shall immediately
23 take such action as shall be necessary to ensure the safety of the
24 individual 18 years of age or older with a developmental disability
25 and to that end may request appropriate assistance from local and
26 State law enforcement officials or contact Adult Protective Services
27 to provide assistance in accordance with the provisions of P.L.1993,
28 c.249 (C.52:27D-406 et seq.).

29 b. The commissioner shall adopt rules and regulations
30 necessary to provide for an investigation of a reported incident and
31 subsequent substantiation or non-substantiation of an allegation of
32 abuse, neglect, or exploitation of an individual 18 years of age or
33 older with a developmental disability by a caregiver, by maintaining
34 **[a Special Response Unit]** an Office of Investigation to investigate
35 serious unusual incidents, as defined by applicable rules and
36 regulations, in facilities or community programs licensed,
37 contracted, or regulated by the department. During its investigation
38 of an allegation of abuse, neglect, or exploitation of an individual
39 18 years of age or older with a developmental disability by a
40 caregiver, the **[Special Response Unit]** Office of Investigation shall
41 make a good faith effort to notify the caregiver of the possibility of
42 the caregiver's inclusion on the registry, and give the caregiver an
43 opportunity to respond to the department concerning the allegation.

44 c. The **[Special Response Unit]** Office of Investigation, the
45 department, or other investigating entity shall forward to the
46 commissioner, or the commissioner's designee, a substantiated
47 incident of abuse, neglect, or exploitation of an individual 18 years
48 of age or older with a developmental disability for inclusion of an

1 offending caregiver on the central registry. The **【Special Response**
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6 developmental disability. When the investigation involves an
7 individual between the ages of 18 and 21 with a developmental
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9 Care, the department, the Office of Investigation, the Institutional
10 Abuse Investigation Unit in the Department of Children and
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12 Director of the Children's System of Care, or the director's
13 designee, of the referral for inclusion of an offending caregiver on
14 the central registry. The department, the Office of Investigation,
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17 all unsubstantiated incidents of abuse, neglect, or exploitation of an
18 individual between the ages of 18 and 21 with a developmental
19 disability. As soon as possible, and no later than 14 days after
20 receipt of the incident of abuse, neglect, or exploitation, the
21 commissioner or the commissioner's designee shall review the
22 incident. The offending caregiver of a substantiated incident shall
23 be included on the central registry as expeditiously as possible. The
24 **【Special Response Unit】** Office of Investigation shall retain a
25 record of all unsubstantiated incidents.

26 d. Upon the initiation of an investigation, the department shall:
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28 neglect, or exploitation of an individual 18 years of age or older
29 with a developmental disability between a caregiver, case manager
30 of the caregiver, the case manager's supervisor, including a case
31 manager or case manager supervisor under contract with the
32 Children's System of Care, or a person at the appropriate Regional
33 Office of the Division of Developmental Disabilities or the
34 Children's System of Care is identified, safeguarded from loss or
35 destruction, and maintained in a secure location; and (2) contact the
36 Office of the Attorney General, which shall determine whether to
37 participate in the investigation.

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39 issue a written report of the investigation that includes the
40 conclusions of the **【unit】** office, the rationale for the conclusion,
41 and a detailed summary of any communication secured pursuant to
42 subsection d. of this section. The report shall also include an
43 assessment of the role of any case manager of a caregiver or the
44 case manager's supervisor, if applicable, in the allegation of abuse,
45 neglect, or exploitation, and a recommendation about whether any
46 civil or criminal action should be brought against the case manager
47 or supervisor. The report shall be made part of the record for
48 review in any civil or criminal proceeding that may ensue.

1 A written summary of the conclusions of the investigation shall
2 be provided to the guardian or authorized family member of the
3 individual 18 years of age or older with a developmental disability
4 who is the subject of the alleged abuse, neglect, or exploitation.

5 f. A licensed provider in another state shall be permitted access
6 to the central registry.

7 g. The department, the Office of Investigation, the Institutional
8 Abuse Investigation Unit, or other investigative entity shall forward
9 to the Commissioner of Children and Families, or his or her
10 designee, copies of the investigative reports involving any child
11 under the age of 18 with a developmental disability who is the
12 subject of an investigation of an act of child abuse or neglect
13 pursuant to section 3 of P.L.2010, c.5 (C.30:6D-75) and is receiving
14 services from the Children's System of Care. The reports may be
15 used by the Department of Children and Families, as appropriate, to
16 initiate or support contracting, licensing, or other corrective actions.

17 h. The department, the Office of Investigation, the Institutional
18 Abuse Investigation Unit, or other investigative entity may share all
19 investigative records involving an individual between the age of 18
20 and 21 years with a developmental disability who is the subject of
21 an investigation of an incident of abuse, neglect, or exploitation
22 pursuant to section 3 of P.L.2010, c.5 (C.30:6D-75).

23 (cf: P.L.2012, c.69, s.10)

24
25 4. Section 5 of P.L.2010, c.5 (C30:6D-77) is amended to read
26 as follows:

27 5. a. There is established a Central Registry of Offenders Against
28 Individuals with Developmental Disabilities in the department.

29 b. The commissioner shall adopt rules and regulations that
30 define the procedures and standards for inclusion of an offending
31 caregiver on the central registry and for notification of such
32 inclusion to the caregiver.

33 (1) For inclusion on the central registry in the case of a
34 substantiated incident of abuse, the caregiver shall have acted with
35 intent, recklessness, or careless disregard to cause or potentially
36 cause injury to an individual with a developmental disability.

37 (2) For inclusion on the central registry in the case of a
38 substantiated incident of neglect, the caregiver shall have acted with
39 gross negligence, recklessness, or in a pattern of behavior that
40 causes or potentially causes harm to an individual with a
41 developmental disability.

42 (3) In the case of a substantiated incident of exploitation, the
43 commissioner shall establish a dollar amount for inclusion on the
44 central registry.

45 c. The commissioner also shall adopt rules and regulations:

46 (1) necessary to provide for an appeals process, through the
47 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
48 seq.), of the commissioner's determination to include an alleged

1 offending caregiver's name on the central registry. The
2 commissioner's determination shall be a final agency decision
3 subject to review by the Appellate Division of the Superior Court;

4 (2) concerning the dissemination of information in the central
5 registry;

6 (3) that will prohibit persons included on the central registry
7 from employment in facilities or programs of the Division of
8 Developmental Disabilities in the department and those facilities or
9 programs licensed, contracted, or regulated by the department, or
10 from providing community-based services with indirect State
11 funding to **[persons]** individuals with developmental disabilities;
12 **[and]**

13 (4) necessary to provide for the removal of a person's name
14 from the central registry. A person may apply for removal of his
15 name to the commissioner after a period of five years of being
16 placed on the central registry. The person shall affirmatively
17 demonstrate to the commissioner clear and convincing evidence of
18 rehabilitation, using the provisions of P.L.1968, c.282 (C.2A:168A-
19 1 et seq.) as a guide; and

20 (5) that will prohibit persons included on the central registry
21 from employment at the Department of Children and Families and
22 in facilities or programs licensed, contacted, regulated, or funded by
23 the Department of Children and Families.

24 d. The commissioner may adopt rules and regulations that will
25 allow bona fide employers serving vulnerable populations to inquire
26 of the department if potential or current employees are included on
27 the central registry, consistent with federal and State privacy and
28 confidentiality laws.

29 e. No information received in the central registry shall be
30 considered as a public or government record within the meaning of
31 P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et
32 al.).

33 (cf: P.L.2010, c.5, s.5)

34

35 5. (New section) a. The Department of Children and Families
36 shall conduct a check of its child abuse registry for each person who
37 is seeking employment at the department, or in any facility or
38 program licensed, contracted, regulated, or funded by the
39 department, or seeking employment in any facility or program
40 licensed, contracted, or regulated by the Department of Human
41 Services, or who is seeking to provide community-based services
42 with indirect State funding to individuals with developmental
43 disabilities, in order to determine if the person is included on the
44 child abuse registry as a substantiated perpetrator of child abuse or
45 neglect. The department shall immediately forward the information
46 obtained as a result of the check to the Department of Human
47 Services.

1 b. The Commissioner of Children and Families shall adopt
2 rules and regulations that will prohibit a person included on the
3 child abuse registry from employment at the Department of
4 Children or in any facility or program licensed, contracted,
5 regulated, or funded by the department or the Department of Human
6 Services, and from providing community-based services with
7 indirect State funding to individuals with developmental
8 disabilities.

9

10 6. This act shall take effect on the first day of the sixth month
11 following the date of enactment.

12

13

14

STATEMENT

15

16 This bill provides protections for individuals with disabilities
17 between the ages of 18 and 21 who have been subjected to abuse,
18 neglect, or exploitation and are receiving services from the Division
19 of Children's System of Care (CSOC) in the Department of Children
20 and Families (DCF). It also establishes procedures for the transfer
21 of investigative reports relating to an act of child abuse or neglect,
22 involving children under the age of 18 with developmental
23 disabilities between the Department of Human Services (DHS), the
24 Office of Investigation in DHS, and the Institutional Abuse
25 Investigation Unit (IAIU) in DCF.

26 Specifically, the bill provides that, when DHS receives a report
27 of abuse, neglect, or exploitation by a caregiver of an individual
28 between the ages of 18 and 21 with a developmental disability who
29 is receiving services from CSOC, DHS, the Office of Investigation
30 in DHS (formally named the Special Response Unit), IAIU, or other
31 investigative entity would be required to concurrently notify the
32 Director of CSOC, or the director's designee, of the referral for
33 inclusion of the offending caregiver on the central registry. DHS,
34 the Office of Investigation, IAIU, or other investigative entity
35 would also be required to notify the director of any unsubstantiated
36 reports. Currently, the law requires that reports of abuse, neglect,
37 or exploitation or unsubstantiated reports of such acts be forwarded
38 to the Commissioner of Human Services but not to the director of
39 CSOC.

40 The bill requires DHS, the Office of Investigation, IAIU, or other
41 investigative entity to forward to the Commissioner of Children and
42 Families, or his or her designee, copies of the investigative reports
43 involving any child under the age of 18 with a developmental
44 disability who is the subject of an investigation of an act of child
45 abuse or neglect and is receiving services from CSOC. The reports
46 would be used by DCF, as appropriate, to initiate or support
47 contracting, licensing, or other corrective actions.

1 The bill also allows DHS, the Office of Investigation, the IAIU,
2 or other investigative entity to share all investigative records
3 involving an individual between the ages of 18 and 21 with a
4 developmental disability who is the subject of an investigation of an
5 incident of abuse, neglect, or exploitation. Currently, such reports
6 are not shared between the Office of Investigation, DHS, IAIU, or
7 other investigative entity.

8 The bill also stipulates that the Commissioner of DHS would
9 adopt rules and regulations prohibiting a person included on the
10 central registry from employment at DCF or in facilities or
11 programs licensed, contacted, regulated, or funded by DCF.
12 Currently, DHS has the authority to adopt rules and regulations
13 prohibiting a person included on the central registry from
14 employment in facilities or programs of the Division of
15 Developmental Disabilities and DHS, or from providing
16 community-based services to individuals with developmental
17 disabilities but not a person seeking employment at DCF or in
18 facilities or programs. licensed, contacted, regulated, or funded by
19 DCF.

20 The bill mandates that DCF conduct a check of its child abuse
21 registry for each person who is seeking employment at the
22 department, or in any facility or program licensed, contracted,
23 regulated, or funded by the department, or seeking employment in
24 any facility or program licensed, contracted, or regulated by the
25 Department of Human Services, or who is seeking to provide
26 community-based services with indirect State funding to individuals
27 with developmental disabilities, in order to determine if the person
28 is included on the registry as a substantiated perpetrator of child
29 abuse or neglect, and immediately forward the information to DHS.

30 Finally, under the bill's provisions, the Commissioner of DCF
31 would be required to adopt rules and regulations prohibiting a
32 person included on the child abuse registry from employment at the
33 Department of Children or in any facility or program licensed,
34 contracted, regulated, or funded by the department, DHS, and from
35 providing community-based services with indirect State funding to
36 individuals with developmental disabilities

37 Currently, there are no statutory provisions that specifically
38 mandate DCF to conduct a child abuse registry check on a person
39 seeking employment at DCF, in facilities or programs licensed,
40 contracted, regulated, or funded, as applicable, by DCF or DHS, or
41 seeking to provide community-based services to individuals with
42 developmental disabilities. Additionally, there are no regulatory
43 provisions prohibiting a person included on the registry from
44 obtaining such employment or providing such community-based
45 services.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 3386
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: JUNE 28, 2016

SUMMARY

- Synopsis:** Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care.
- Type of Impact:** An expenditure increase from the General Fund, offset by a revenue increase.
- Agencies Affected:** Department of Children and Families; Department of Human Services.

Office of Legislative Services Estimate

Fiscal Impact	<u>Years 1-3</u>
State Cost	Indeterminate increase – See comments below.
State Revenue	Indeterminate increase – See comments below.

- The Office of Legislative Services (OLS) estimates that the bill would likely require several thousand additional child abuse registry checks each year, requiring the hiring of an indeterminate number of additional staff to accommodate the increased workload.
- It is likely that the Department of Children and Families (DCF) would charge its current \$10 fee for each child abuse record check, offsetting a portion of the costs to conduct the checks.
- The OLS finds that the bill's requirement that the Department of Human Services (DHS) transmit investigation reports and other information to the DCF would have negligible fiscal impact at the DHS, and could be incorporated into its regular operating budget. There may be some costs borne by the DCF related to updating its reference data and review procedures used in contracting, licensing, and hiring, though the OLS cannot determine the full extent or nature of such changes, and cannot determine what additional costs may be required.

BILL DESCRIPTION

Assembly Bill No. 3386 of 2016 provides protections for individuals with disabilities between the ages of 18 and 21 who have been subjected to abuse, neglect, or exploitation and are receiving services from the Division of Children's System of Care (CSOC) in the DCF. It also establishes procedures for the transfer of investigative reports relating to an act of child abuse or neglect, involving children under the age of 18 with developmental disabilities between the DHS, the Office of Investigation in DHS, and the Institutional Abuse Investigation Unit (IAIU) in DCF.

Specifically, the bill provides that, when DHS receives a report of abuse, neglect, or exploitation by a caregiver of an individual between the ages of 18 and 21 with a developmental disability who is receiving services from CSOC, DHS, the Office of Investigation in DHS (formally named the Special Response Unit), IAIU, or other investigative entity would be required to concurrently notify the director of CSOC, or the director's designee, of the referral for inclusion of the offending caregiver on the central registry. DHS, the Office of Investigation, IAIU, or other investigative entity would also be required to notify the director of any unsubstantiated reports. Currently, the law requires that reports of abuse, neglect, or exploitation or unsubstantiated reports of such acts be forwarded to the Commissioner of Human Services but not to the director of CSOC.

The bill requires DHS, the Office of Investigation, IAIU, or other investigative entity to forward to the Commissioner of Children and Families, or his or her designee, copies of the investigative reports involving any child under the age of 18 with a developmental disability who is the subject of an investigation of an act of child abuse or neglect and is receiving services from CSOC. The reports would be used by DCF, as appropriate, to initiate or support contracting, licensing, or other corrective actions.

The bill also allows DHS, the Office of Investigation, the IAIU, or other investigative entity to share all investigative records involving an individual between the ages of 18 and 21 with a developmental disability who is the subject of an investigation of an incident of abuse, neglect, or exploitation. Currently, such reports are not required to be shared among the Office of Investigation, DHS, IAIU, or other investigative entities.

The bill also stipulates that the Commissioner of DHS would adopt rules and regulations prohibiting a person included on the central registry from employment at DCF or in facilities or programs licensed, contacted, regulated, or funded by DCF. Currently, DHS has the authority to adopt rules and regulations prohibiting a person included on the central registry from employment in facilities or programs of the Division of Developmental Disabilities and DHS, or from providing community-based services to individuals with developmental disabilities but not a person seeking employment at DCF or in facilities or programs licensed, contacted, regulated, or funded by DCF.

The bill mandates that DCF conduct a check of its child abuse registry for each person who is seeking employment at the department, or in any facility or program licensed, contracted, regulated, or funded by the department, or seeking employment in any facility or program licensed, contracted, or regulated by the Department of Human Services, or who is seeking to provide community-based services with indirect State funding to individuals with developmental disabilities, in order to determine if the person is included on the registry as a substantiated perpetrator of child abuse or neglect, and immediately forward the information to DHS.

Finally, under the bill's provisions, the Commissioner of DCF would be required to adopt rules and regulations prohibiting a person included on the child abuse registry from employment at the DCF or in any facility or program licensed, contracted, regulated, or funded by the

department, DHS, and from providing community-based services with indirect State funding to individuals with developmental disabilities.

Currently, there are no statutory provisions that specifically mandate DCF to conduct a child abuse registry check on a person seeking employment at DCF, in facilities or programs licensed, contracted, regulated, or funded, as applicable, by DCF or DHS, or seeking to provide community-based services to individuals with developmental disabilities. Additionally, there are no regulatory provisions prohibiting a person included on the registry from obtaining such employment or providing such community-based services.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the largest fiscal impact of the bill would be the requirement for the DCF to conduct child abuse registry checks on all individuals seeking employment related to State-funded services for to individuals with disabilities. The OLS estimates that the bill would likely require several thousand additional child abuse registry checks each year, in addition to the approximately 40,000 checks conducted annually. The child abuse registry check process is partially computerized, but often requires DCF staff to manually review archived paper files or if there is a pending administrative appeal or litigation. Consequently, the DCF would likely be required to hire an indeterminate number of additional staff to accommodate the increased workload. Although not specified in this bill, it is likely that the DCF would charge its current \$10 fee for each child abuse record check, offsetting a portion of the costs to conduct the checks.

The OLS finds that the bill's requirement that the DHS transmit investigation reports and other information to the DCF would have negligible fiscal impact at the DHS, and could be incorporated into its regular operating budget. There may be some costs borne by the DCF related to updating its reference data and review procedures used in contracting, licensing, and hiring, though the OLS cannot determine the full extent or nature of such changes, and cannot determine what additional costs may be required.

Section: Human Services

*Analyst: David Drescher
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3386

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 5, 2017

SUMMARY

- Synopsis:** Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care.
- Type of Impact:** An annual expenditure increase from the General Fund, offset by an annual revenue increase.
- Agencies Affected:** Department of Children and Families; Department of Human Services.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual Impact</u>
State Cost	Indeterminate increase – See comments below
State Revenue	Indeterminate increase – See comments below

- The Office of Legislative Services (OLS) estimates that the bill would likely require several thousand additional child abuse registry checks each year, requiring the hiring of an indeterminate number of additional staff to accommodate the increased workload.
- It is likely that the Department of Children and Families (DCF) would charge its current \$10 fee for each child abuse record check, offsetting a portion of the costs to conduct the checks.
- The OLS finds that the bill's requirement that the Department of Human Services (DHS) transmit investigation reports and other information to the DCF would have negligible fiscal impact at the DHS, and could be incorporated into its regular operating budget. There may be some costs borne by the DCF related to updating its reference data and review procedures used in contracting, licensing, and hiring, though the OLS cannot determine the full extent or nature of such changes, and cannot determine what additional costs may result.

BILL DESCRIPTION

Assembly Bill No. 3386 (1R) of 2016 provides protections for individuals with disabilities between the ages of 18 and 21 who have been subjected to abuse, neglect, or exploitation and are

receiving services from the Division of Children's System of Care (CSOC) in the DCF. It also establishes procedures for the transfer of investigative reports relating to an act of child abuse or neglect involving children under the age of 18 with developmental disabilities between the DHS and the DCF.

Specifically, the bill provides that, when DHS receives a report of abuse, neglect, or exploitation by a caregiver of an individual between the ages of 18 and 21 with a developmental disability who is receiving services from CSOC; DHS, the Office of Investigation in DHS, the Institutional Abuse Investigation Unit (IAIU) in the DCF, or other investigative entity would be required to concurrently notify the CSOC of the referral for inclusion of the offending caregiver on the central registry. The investigative entity would also be required to notify the CSOC of any unsubstantiated reports. Currently, the law requires that reports of abuse, neglect, or exploitation or unsubstantiated reports of such acts be forwarded to the Commissioner of Human Services but not to the CSOC.

The bill requires the investigative entity to forward to the Commissioner of Children and Families, or his or her designee, copies of the investigative reports involving any child under the age of 18 with a developmental disability who is the subject of an investigation of an act of child abuse or neglect and is receiving services from CSOC. The reports would be used by DCF, as appropriate, to initiate or support contracting, licensing, or other corrective actions.

The bill also allows DHS, the Office of Investigation, the IAIU, and any other investigative entity to share among each other all investigative records involving an individual between the ages of 18 and 21 with a developmental disability who is the subject of an investigation of an incident of abuse, neglect, or exploitation. Currently, such reports are not required to be shared among the Office of Investigation, DHS, IAIU, or other investigative entities.

The bill also stipulates that the DHS would adopt rules and regulations prohibiting a person included on the central registry from employment at DCF or in facilities or programs licensed, contacted, regulated, or funded by DCF. Currently, DHS has the authority to adopt rules and regulations prohibiting a person included on the central registry from employment in facilities or programs of the Division of Developmental Disabilities and DHS, or from providing community-based services to individuals with developmental disabilities but not a person seeking employment at DCF or in facilities or programs licensed, contacted, regulated, or funded by DCF.

The bill mandates that DCF conduct a check of its child abuse registry for each person who is seeking employment at the department, or in any facility or program licensed, contracted, regulated, or funded by the department, or seeking employment in any facility or program licensed, contracted, or regulated by DHS, or who is seeking to provide community-based services with indirect State funding to individuals with developmental disabilities, in order to determine if the person is included on the registry as a substantiated perpetrator of child abuse or neglect, and immediately forward the information to DHS.

Finally, under the bill's provisions, the DCF would be required to adopt rules and regulations prohibiting a person included on the child abuse registry from employment at the DCF or in any facility or program licensed, contracted, regulated, or funded by the department, DHS, and from providing community-based services with indirect State funding to individuals with developmental disabilities.

Currently, there are no statutory provisions that specifically mandate DCF to conduct a child abuse registry check on a person seeking employment at DCF, in facilities or programs licensed, contracted, regulated, or funded, as applicable, by DCF or DHS, or seeking to provide community-based services to individuals with developmental disabilities. Additionally, there are no regulatory provisions prohibiting a person included on the registry from obtaining such employment or providing such community-based services.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the largest fiscal impact of the bill would be the requirement for the DCF to conduct child abuse registry checks on all individuals seeking employment related to State-funded services for individuals with disabilities. The OLS estimates that the bill would likely require several thousand additional child abuse registry checks each year, in addition to the approximately 40,000 checks conducted annually under current law. The child abuse registry check process is partially computerized, but often requires DCF staff to manually review archived paper files or if there is a pending administrative appeal or litigation. Consequently, the DCF would likely be required to hire an indeterminate number of additional staff to accommodate the increased workload. Although not specified in this bill, it is likely that the DCF would charge its current \$10 fee for each child abuse record check, offsetting a portion of the costs to conduct the checks.

The OLS finds that the bill's requirement that the DHS transmit investigation reports and other information to the DCF would have negligible fiscal impact at the DHS, and could be incorporated into its regular operating budget. There may be some costs borne by the DCF related to updating its reference data and review procedures used in contracting, licensing, and hiring, though the OLS cannot determine the full extent or nature of such changes, and cannot determine what additional costs may result.

Section: *Human Services*

Analyst: *David Drescher*
 Senior Fiscal Analyst

Approved: *Frank W. Haines III*
 Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 3386

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 29, 2017

SUMMARY

- Synopsis:** Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care.
- Type of Impact:** An annual expenditure increase from the State General Fund, offset by an annual revenue increase.
- Agencies Affected:** Department of Children and Families; Department of Human Services.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual Impact</u>
State Cost	Indeterminate increase – See comments below.
State Revenue	Indeterminate increase – See comments below.

- The Office of Legislative Services (OLS) estimates that the bill would likely require several thousand additional child abuse registry checks each year, requiring the hiring of an indeterminate number of additional staff to accommodate the increased workload.
- It is likely that the Department of Children and Families (DCF) would charge its current \$10 fee for each child abuse record check, offsetting a portion of the costs to conduct the checks.
- The OLS finds that the bill's requirement that the Department of Human Services (DHS) transmit investigation reports and other information to the DCF would have negligible fiscal impact at the DHS, and could be incorporated into its regular operating budget. There may be some costs borne by the DCF related to updating its reference data and review procedures used in contracting, licensing, and hiring, though the OLS cannot determine the full extent or nature of such changes, and cannot determine what additional costs may result.

BILL DESCRIPTION

Assembly Bill No. 3386 (2R) of 2016 provides protections for individuals with developmental disabilities between the ages of 18 and 21 who have been subjected to abuse, neglect, or exploitation and are receiving services from the Division of Children's System of Care (CSOC) in the DCF. It also establishes procedures for the transfer of investigative reports relating to an act of abuse, neglect, or exploitation involving an individual over the age of 18 with developmental disabilities between the DHS and the DCF.

The bill requires that the DHS, the Office of Investigation in DHS, or any other investigative entity forward to the DCF copies of the investigative reports involving any individual over the age of 18 with a developmental disability who is the subject of an investigation of an incident of abuse, neglect, or exploitation and is receiving services from the CSOC. The reports would be used by the DCF, as appropriate, to initiate or support contracting, licensing, or other corrective actions.

The bill also allows the DHS, the Office of Investigation, the Institutional Abuse Investigation Unit, and other investigative entities to share among each other investigative records involving an individual with a developmental disability who is the subject of an investigation of an incident of abuse, neglect, or exploitation. Currently, such reports are not required to be shared among the investigative entities.

The bill also stipulates that the DCF would adopt rules and regulations prohibiting a person included on the DHS-operated Central Registry of Offenders Against Individuals with Developmental Disabilities from employment at the DCF or in facilities or programs licensed, contracted, regulated, or funded by the DCF. Currently, the central registry law only affects employment in the DHS and programs that it funds, not the DCF.

The bill mandates that the DCF conduct a check of its child abuse registry for each person who is seeking employment at the department, or in any facility or program licensed, contracted, regulated, or funded by the department, or seeking employment in any facility or program licensed, contracted, or regulated by the DHS, or to provide community-based services to individuals with developmental disabilities, in order to determine if the person is included on the registry as a substantiated perpetrator of child abuse or neglect. The DCF and the DHS would each be required to adopt rules and regulations prohibiting a person included on the child abuse registry from being employed at the DCF or DHS or in any facility or program licensed, contracted, regulated, or funded by either department, and from providing community-based services to individuals with developmental disabilities.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the largest fiscal impact of the bill would be the requirement for the DCF to conduct child abuse registry checks on all individuals seeking employment related to State-funded services for individuals with developmental disabilities. The OLS estimates that the bill would likely require several thousand additional child abuse registry checks each year, in addition to the approximately 40,000 checks conducted annually under current law. The child

abuse registry check process is partially computerized, but often requires DCF staff to manually review archived paper files or if there is a pending administrative appeal or litigation. Consequently, the DCF would likely be required to hire an indeterminate number of additional staff to accommodate the increased workload. Although not specified in this bill, it is likely that the DCF would charge its current \$10 fee for each child abuse record check, offsetting a portion of the costs to conduct the checks.

The OLS finds that the bill's requirement that the DHS transmit investigation reports and other information to the DCF would have negligible fiscal impact at the DHS, and could be incorporated into its regular operating budget. There may be some costs borne by the DCF related to updating its reference data and review procedures used in contracting, licensing, and hiring, though the OLS cannot determine the full extent or nature of such changes, and cannot determine what additional costs may result.

Section: Human Services

*Analyst: David Drescher
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3386

with Senate Floor Amendments
(Proposed by Senator VITALE)

ADOPTED: JUNE 19, 2017

These floor amendments remove the provision of this bill that would have required the Department of Human Services, the Office of Investigation, the Institutional Abuse Investigation Unit in the Department of Children and Families, or any other investigating entity to notify the Director of the Children's System of Care, or the director's designee, of an offending caregiver's referral for inclusion on the Central Registry of Offenders Against Individuals with Developmental Disabilities, in cases where the investigation involves an individual between the ages of 18 and 21 with a developmental disability, and to forward to the Director of the Children's System of Care, or the director's designee, all unsubstantiated incidents of abuse, neglect, or exploitation of an individual between the ages of 18 and 21 with a developmental disability.

The floor amendments additionally make revisions to ensure the use of proper terminology when referencing the Children's System of Care, as well as the employees who are contracted thereby, and to replace certain generalized references to the "department" with more specific references to the Department of Children and Families.

The floor amendments further clarify that copies of any investigative reports, which involve an individual with a developmental disability who is over (not under) the age of 18, who is receiving services from the Children's System of Care, and who is the subject of an investigation (regardless of whether that investigation involves allegations of child abuse or neglect), are to be provided by the Department of Human Services, the Office of Investigation, or other investigative entity to the Commissioner of Children and Families or the commissioner's designee. The floor amendments remove the provision that would have required the Institutional Abuse Investigation Unit to similarly forward copies of such reports to the Commissioner of Children and Families, since the Institutional Abuse Investigation Unit is already a part of the Department of Children and Families. The floor amendments also clarify that the Department of Human Services, the Office of Investigation, the Institutional Abuse Investigation Unit, and any other investigative entity may share investigative records, with and among each other, in cases that involve an investigation into the abuse, neglect, or exploitation of an individual with a developmental disability, or an investigation of child abuse or neglect, regardless of the age of the alleged victim.

The floor amendments remove the provision that would have required the Department of Children and Families to immediately provide the Department of Human Services with information that is obtained as a result of an employment-related check of the child abuse registry. They also clarify that the Department of Children and Families will be required to check the child abuse registry whenever a person seeks employment at a facility or program that is licensed, contracted, or regulated by the Department of Human Services to provide community-based services to individuals with developmental disabilities, regardless of whether or not the facility or program receives indirect State funding.

Finally, the amendments clarify that the Commissioner of Children and Families will be required to adopt rules and regulations to prohibit a person who is included on the central registry from being employed at the Department of Children and Families, or in any facility or program that is licensed, contracted, regulated, or funded by the Department of Children and Families. As introduced, the bill required the Commissioner of Children and Families to adopt rules and regulations only with regard to a person's inclusion on the child abuse registry. The amendments would also clarify that the Commissioner of Human Services will be required to adopt rules and regulations to prohibit a person who is included on the child abuse registry from: (1) being employed in any facility or program that is licensed, contracted, regulated, or funded by the Department of Human Services to serve individuals with developmental disabilities; and (2) providing community-based services with indirect State funding to individuals with developmental disabilities.

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3386

STATE OF NEW JERSEY

DATED: JUNE 6, 2016

The Assembly Woman and Children Committee reports favorably Assembly Bill No. 3386.

This bill provides protections for individuals with disabilities between the ages of 18 and 21 who have been subjected to abuse, neglect, or exploitation and are receiving services from the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF). It also establishes procedures for the transfer of investigative reports relating to an act of child abuse or neglect, involving children under the age of 18 with developmental disabilities between the Department of Human Services (DHS), the Office of Investigation in DHS, and the Institutional Abuse Investigation Unit (IAIU) in DCF.

Specifically, the bill provides that, when DHS receives a report of abuse, neglect, or exploitation by a caregiver of an individual between the ages of 18 and 21 with a developmental disability who is receiving services from CSOC, DHS, the Office of Investigation in DHS (formally named the Special Response Unit), IAIU, or other investigative entity would be required to concurrently notify the Director of CSOC, or the director's designee, of the referral for inclusion of the offending caregiver on the central registry. DHS, the Office of Investigation, IAIU, or other investigative entity would also be required to notify the director of any unsubstantiated reports. Currently, the law requires that reports of abuse, neglect, or exploitation or unsubstantiated reports of such acts be forwarded to the Commissioner of Human Services but not to the director of CSOC.

The bill requires DHS, the Office of Investigation, IAIU, or other investigative entity to forward to the Commissioner of Children and Families, or his or her designee, copies of the investigative reports involving any child under the age of 18 with a developmental disability who is the subject of an investigation of an act of child abuse or neglect and is receiving services from CSOC. The reports would be used by DCF, as appropriate, to initiate or support contracting, licensing, or other corrective actions.

The bill also allows DHS, the Office of Investigation, the IAIU, or other investigative entity to share all investigative records involving an individual between the ages of 18 and 21 with a developmental disability who is the subject of an investigation of an incident of abuse,

neglect, or exploitation. Currently, such reports are not shared between the Office of Investigation, DHS, IAIU, or other investigative entity.

The bill also stipulates that the Commissioner of DHS would adopt rules and regulations prohibiting a person included on the central registry from employment at DCF or in facilities or programs licensed, contacted, regulated, or funded by DCF. Currently, DHS has the authority to adopt rules and regulations prohibiting a person included on the central registry from employment in facilities or programs of the Division of Developmental Disabilities and DHS, or from providing community-based services to individuals with developmental disabilities but not a person seeking employment at DCF or in facilities or programs. licensed, contacted, regulated, or funded by DCF.

The bill mandates that DCF conduct a check of its child abuse registry for each person who is seeking employment at the department, or in any facility or program licensed, contracted, regulated, or funded by the department, or seeking employment in any facility or program licensed, contracted, or regulated by the Department of Human Services, or who is seeking to provide community-based services with indirect State funding to individuals with developmental disabilities, in order to determine if the person is included on the registry as a substantiated perpetrator of child abuse or neglect, and immediately forward the information to DHS.

Finally, under the bill's provisions, the Commissioner of DCF would be required to adopt rules and regulations prohibiting a person included on the child abuse registry from employment at the Department of Children or in any facility or program licensed, contracted, regulated, or funded by the department, DHS, and from providing community-based services with indirect State funding to individuals with developmental disabilities

Currently, there are no statutory provisions that specifically mandate DCF to conduct a child abuse registry check on a person seeking employment at DCF, in facilities or programs licensed, contracted, regulated, or funded, as applicable, by DCF or DHS, or seeking to provide community-based services to individuals with developmental disabilities. Additionally, there are no regulatory provisions prohibiting a person included on the registry from obtaining such employment or providing such community-based services.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3386

STATE OF NEW JERSEY

DATED: JUNE 23, 2016

The Assembly Budget Committee reports favorably Assembly Bill No. 3386.

This bill provides protections for individuals with disabilities between the ages of 18 and 21 who have been subjected to abuse, neglect, or exploitation and are receiving services from the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF). It also establishes procedures for the transfer of investigative reports relating to an act of child abuse or neglect, involving children under the age of 18 with developmental disabilities between the Department of Human Services (DHS), the Office of Investigation in DHS, and the Institutional Abuse Investigation Unit (IAIU) in DCF.

The bill requires that, when DHS receives a report of abuse, neglect, or exploitation by a caregiver of an individual between the ages of 18 and 21 with a developmental disability who is receiving services from CSOC, DHS, the Office of Investigation in DHS (formally named the Special Response Unit), IAIU, or other investigative entity concurrently notify the Director of CSOC, or the director's designee, of the referral for inclusion of the offending caregiver on the central registry. DHS, the Office of Investigation, IAIU, or other investigative entity is also required to notify the director of any unsubstantiated reports. Currently, the law requires that reports of abuse, neglect, or exploitation or unsubstantiated reports of such acts be forwarded to the Commissioner of Human Services but not to the director of CSOC.

The bill requires DHS, the Office of Investigation, IAIU, or other investigative entity to forward to the Commissioner of Children and Families, or the commissioner's designee, copies of the investigative reports involving any child under the age of 18 with a developmental disability who is the subject of an investigation of an act of child abuse or neglect and is receiving services from CSOC. The reports will be used by DCF, as appropriate, to initiate or support contracting, licensing, or other corrective actions.

The bill also allows DHS, the Office of Investigation, the IAIU, or other investigative entity to share all investigative records involving an individual between the ages of 18 and 21 with a developmental disability who is the subject of an investigation of an incident of abuse,

neglect, or exploitation. Currently, such reports are not shared between the Office of Investigation, DHS, IAIU, or other investigative entity.

The bill requires the Commissioner of DHS to adopt rules and regulations prohibiting a person included on the central registry from employment at DCF or in facilities or programs licensed, contacted, regulated, or funded by DCF. Currently, DHS has the authority to adopt rules and regulations prohibiting a person included on the central registry from employment in facilities or programs of the Division of Developmental Disabilities and DHS, or from providing community-based services to individuals with developmental disabilities but not a person seeking employment at DCF or in facilities or programs licensed, contacted, regulated, or funded by DCF.

The bill mandates that DCF conduct a check of its child abuse registry for each person who is seeking employment at the department, or in any facility or program licensed, contracted, regulated, or funded by the department, or seeking employment in any facility or program licensed, contracted, or regulated by the Department of Human Services, or who is seeking to provide community-based services with indirect State funding to individuals with developmental disabilities, in order to determine if the person is included on the registry as a substantiated perpetrator of child abuse or neglect, and immediately forward the information to DHS.

The bill requires the Commissioner of DCF to adopt rules and regulations prohibiting a person included on the child abuse registry from employment at the Department of Children or in any facility or program licensed, contracted, regulated, or funded by the department, DHS, and from providing community-based services with indirect State funding to individuals with developmental disabilities

Currently, there are no statutory provisions that specifically mandate DCF to conduct a child abuse registry check on a person seeking employment at DCF, in facilities or programs licensed, contracted, regulated, or funded, as applicable, by DCF or DHS, or seeking to provide community-based services to individuals with developmental disabilities. Additionally, there are no regulatory provisions prohibiting a person included on the registry from obtaining such employment or providing such community-based services.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill would likely require several thousand additional child abuse registry checks each year, requiring the hiring of an indeterminate number of additional staff to accommodate the increased workload.

It is likely that the Department of Children and Families (DCF) would charge its current \$10 fee for each child abuse record check, offsetting a portion of the costs to conduct the checks.

The OLS finds that the bill's requirement that the Department of Human Services (DHS) transmit investigation reports and other information to the DCF would have negligible fiscal impact at the DHS, and could be incorporated into its regular operating budget. There may be some costs borne by the DCF related to updating its reference data and review procedures used in contracting, licensing, and hiring, though the OLS cannot determine the full extent or nature of such changes, and cannot determine what additional costs may be required.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3386

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 30, 2017

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Assembly Bill No. 3386.

As amended by the committee, this bill provides protections for individuals with disabilities between the ages of 18 and 21 who have been subjected to abuse, neglect, or exploitation and are receiving services from the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF). It also establishes procedures for the transfer of investigative reports relating to an act of child abuse or neglect, involving children under the age of 18 with developmental disabilities between the Department of Human Services (DHS), the Office of Investigation in DHS, and the Institutional Abuse Investigation Unit (IAIU) in DCF.

Specifically, the bill provides that, when DHS receives a report of abuse, neglect, or exploitation by a caregiver of an individual between the ages of 18 and 21 with a developmental disability who is receiving services from CSOC, DHS, the Office of Investigation in DHS (formally named the Special Response Unit), IAIU, or other investigative entity would be required to concurrently notify the Director of CSOC, or the director's designee, of the referral for inclusion of the offending caregiver on the central registry. DHS, the Office of Investigation, IAIU, or other investigative entity would also be required to notify the director of any unsubstantiated reports. Currently, the law requires that reports of abuse, neglect, or exploitation or unsubstantiated reports of such acts be forwarded to the Commissioner of Human Services but not to the director of CSOC.

The bill requires DHS, the Office of Investigation, IAIU, or other investigative entity to forward to the Commissioner of Children and Families, or his or her designee, copies of the investigative reports involving any child under the age of 18 with a developmental disability who is the subject of an investigation of an act of child abuse or neglect and is receiving services from CSOC. The reports would be used by DCF, as appropriate, to initiate or support contracting, licensing, or other corrective actions.

The bill also allows DHS, the Office of Investigation, the IAIU, and any other investigative entity to share, with and among each other, all investigative records involving an individual between the ages of 18 and 21 with a developmental disability who is the subject of an investigation of an incident of abuse, neglect, or exploitation. Currently, such reports are not shared between the Office of Investigation, DHS, IAIU, or other investigative entity.

The bill also stipulates that the Commissioner of DHS would adopt rules and regulations prohibiting a person included on the central registry from employment at DCF or in facilities or programs licensed, contacted, regulated, or funded by DCF. Currently, DHS has the authority to adopt rules and regulations prohibiting a person included on the central registry from employment in facilities or programs of the Division of Developmental Disabilities and DHS, or from providing community-based services to individuals with developmental disabilities but not a person seeking employment at DCF or in facilities or programs. licensed, contacted, regulated, or funded by DCF.

The bill mandates that DCF conduct a check of its child abuse registry for each person who is seeking employment at the department, or in any facility or program licensed, contracted, regulated, or funded by the department, or seeking employment in any facility or program licensed, contracted, or regulated by the Department of Human Services, or who is seeking to provide community-based services with indirect State funding to individuals with developmental disabilities, in order to determine if the person is included on the registry as a substantiated perpetrator of child abuse or neglect, and immediately forward the information to DHS.

Finally, under the bill's provisions, the Commissioner of DCF would be required to adopt rules and regulations prohibiting a person included on the child abuse registry from employment at the Department of Children or in any facility or program licensed, contracted, regulated, or funded by the department, DHS, and from providing community-based services with indirect State funding to individuals with developmental disabilities

Currently, there are no statutory provisions that specifically mandate DCF to conduct a child abuse registry check on a person seeking employment at DCF, in facilities or programs licensed, contracted, regulated, or funded, as applicable, by DCF or DHS, or seeking to provide community-based services to individuals with developmental disabilities. Additionally, there are no regulatory provisions prohibiting a person included on the registry from obtaining such employment or providing such community-based services.

The committee amended the bill to clarify that it authorizes the department, the Office of Investigation, the Institutional Abuse Investigation Unit, and any other investigative entity, to share

investigative records only “with and among each other,” as opposed to sharing them with anyone.

As reported by the committee, Assembly Bill No. 3386 is identical to Senate Bill No. 2711(1R) which was also reported by the committee on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3386

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3386 (1R).

This bill provides protections for individuals with disabilities between the ages of 18 and 21 who have been subjected to abuse, neglect, or exploitation and are receiving services from the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF). It also establishes procedures for the transfer of investigative reports relating to an act of child abuse or neglect, involving children under the age of 18 with developmental disabilities between the Department of Human Services (DHS), the Office of Investigation in DHS, and the Institutional Abuse Investigation Unit (IAIU) in DCF.

Specifically, the bill provides that, when DHS receives a report of abuse, neglect, or exploitation by a caregiver of an individual between the ages of 18 and 21 with a developmental disability who is receiving services from CSOC, DHS, the Office of Investigation in DHS (formally named the Special Response Unit), IAIU, or other investigative entity would be required to concurrently notify the Director of CSOC, or the director's designee, of the referral for inclusion of the offending caregiver on the central registry. DHS, the Office of Investigation, IAIU, or other investigative entity would also be required to notify the director of any unsubstantiated reports. Currently, the law requires that reports of abuse, neglect, or exploitation or unsubstantiated reports of such acts be forwarded to the Commissioner of Human Services but not to the director of CSOC.

The bill requires DHS, the Office of Investigation, IAIU, or other investigative entity to forward to the Commissioner of Children and Families, or his or her designee, copies of the investigative reports involving any child under the age of 18 with a developmental disability who is the subject of an investigation of an act of child abuse or neglect and is receiving services from CSOC. The reports would be used by DCF, as appropriate, to initiate or support contracting, licensing, or other corrective actions.

The bill also allows DHS, the Office of Investigation, the IAIU, and any other investigative entity to share, with and among each other, all investigative records involving an individual between the ages of

18 and 21 with a developmental disability who is the subject of an investigation of an incident of abuse, neglect, or exploitation. Currently, such reports are not shared between the Office of Investigation, DHS, IAIU, or other investigative entity.

The bill also stipulates that the Commissioner of DHS would adopt rules and regulations prohibiting a person included on the central registry from employment at DCF or in facilities or programs licensed, contacted, regulated, or funded by DCF. Currently, DHS has the authority to adopt rules and regulations prohibiting a person included on the central registry from employment in facilities or programs of the Division of Developmental Disabilities and DHS, or from providing community-based services to individuals with developmental disabilities but not a person seeking employment at DCF or in facilities or programs. licensed, contacted, regulated, or funded by DCF.

The bill mandates that DCF conduct a check of its child abuse registry for each person who is seeking employment at the department, or in any facility or program licensed, contracted, regulated, or funded by the department, or seeking employment in any facility or program licensed, contracted, or regulated by the Department of Human Services, or who is seeking to provide community-based services with indirect State funding to individuals with developmental disabilities, in order to determine if the person is included on the registry as a substantiated perpetrator of child abuse or neglect, and immediately forward the information to DHS.

Finally, under the bill's provisions, the Commissioner of DCF would be required to adopt rules and regulations prohibiting a person included on the child abuse registry from employment at the Department of Children or in any facility or program licensed, contracted, regulated, or funded by the department, DHS, and from providing community-based services with indirect State funding to individuals with developmental disabilities

Currently, there are no statutory provisions that specifically mandate DCF to conduct a child abuse registry check on a person seeking employment at DCF, in facilities or programs licensed, contracted, regulated, or funded, as applicable, by DCF or DHS, or seeking to provide community-based services to individuals with developmental disabilities. Additionally, there are no regulatory provisions prohibiting a person included on the registry from obtaining such employment or providing such community-based services.

As reported, this bill is identical to Senate Bill No. 2711 (1R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill would likely require several thousand additional child abuse registry

checks each year, requiring the hiring of an indeterminate number of additional staff to accommodate the increased workload.

It is likely that the Department of Children and Families (DCF) would charge its current \$10 fee for each child abuse record check, offsetting a portion of the costs to conduct the checks.

The OLS finds that the bill's requirement that the Department of Human Services (DHS) transmit investigation reports and other information to the DCF would have negligible fiscal impact at the DHS, and could be incorporated into its regular operating budget. There may be some costs borne by the DCF related to updating its reference data and review procedures used in contracting, licensing, and hiring, though the OLS cannot determine the full extent or nature of such changes, and cannot determine what additional costs may be required.

SENATE, No. 2711

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED NOVEMBER 3, 2016

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator RONALD L. RICE

District 28 (Essex)

Co-Sponsored by:

Senators Addiego and Gordon

SYNOPSIS

Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/31/2017)

1 AN ACT concerning individuals with developmental disabilities,
2 amending P.L.2010, c.5, and supplementing Chapter 6 of Title 9
3 of the Revised Statutes.

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

7
8 1. Section 1 of P.L.2010, c.5 (C.30:6D-73) is amended to read
9 as follows:

10 1. The Legislature finds and declares that:

11 a. It is in the public interest for the State to provide for the
12 protection of individuals with developmental disabilities by
13 identifying those caregivers who have wrongfully caused them
14 injury;

15 b. The safety of individuals with developmental disabilities
16 receiving care from State-operated facilities or programs, from
17 those facilities or programs licensed, contracted, or regulated by the
18 **[Department]** Departments of Human Services**[,]** or Children and
19 Families, or from State-funded community-based services shall be
20 of paramount concern;

21 c. It is the intent of this legislation to assure that the lives of
22 innocent individuals with developmental disabilities are
23 immediately safeguarded from further injury and possible death and
24 that the legal rights of such **[persons]** individuals are fully
25 protected; and

26 d. Therefore, this act establishes a Central Registry of
27 Offenders Against Individuals with Developmental Disabilities in
28 the Department of Human Services to prevent caregivers who
29 become offenders against individuals with developmental
30 disabilities from working with individuals with developmental
31 disabilities.

32 (cf: P.L.2010, c.5, s.1)

33
34 2. Section 2 of P.L.2010, c.5 (C.30:6D-74) is amended to read
35 as follows:

36 2. As used in this act:

37 "Abuse" means wrongfully inflicting or allowing to be inflicted
38 physical abuse, sexual abuse, or verbal or psychological abuse or
39 mistreatment by a caregiver upon an individual with a
40 developmental disability.

41 "Caregiver" means a person who receives State funding, directly
42 or indirectly, in whole or in part, to provide services or supports, or
43 both, to an individual with a developmental disability; except that
44 "caregiver" shall not include an immediate family member of **[a**
45 **person]** an individual with a developmental disability.

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 "Central registry" means the Central Registry of Offenders
2 Against Individuals with Developmental Disabilities established
3 pursuant to this act.

4 "Children's System of Care" means the Division of Children's
5 System of Care in the Department of Children and Families.

6 "Commissioner" means the Commissioner of Human Services.

7 "Department" means the Department of Human Services.

8 "Developmental disability" means developmental disability as
9 defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

10 "Exploitation" means the act or process of a caregiver using an
11 individual with a developmental disability or his resources for
12 another person's profit or advantage.

13 "Intimate parts" means the following body parts of a person:
14 sexual organs, genital area, anal area, inner thigh, groin, buttock, or
15 breast.

16 "Lewdness" means the exposing of the genitals for the purpose
17 of arousing or gratifying the sexual desire of a caregiver or an
18 individual with a developmental disability, or any flagrantly lewd
19 and offensive act which the caregiver knows or reasonably expects
20 is likely to be observed by an individual with a developmental
21 disability.

22 "Neglect" shall consist of any of the following acts by a
23 caregiver on an individual with a developmental disability: willfully
24 failing to provide proper and sufficient food, clothing, maintenance,
25 medical care, or a clean and proper home; or failure to do or permit
26 to be done any act necessary for the well-being of an individual
27 with a developmental disability.

28 "Physical abuse" means a physical act directed at an individual
29 with a developmental disability by a caregiver of a type that causes
30 one or more of the following: pain, injury, anguish, or suffering.
31 Such acts include, but are not limited to, the individual with a
32 developmental disability being kicked, pinched, bitten, punched,
33 slapped, hit, pushed, dragged, or struck with a thrown or held
34 object.

35 "Sexual abuse" means an act or attempted act of lewdness, sexual
36 contact, or sexual penetration between a caregiver and an individual
37 with a developmental disability. Any form of sexual contact or
38 activity between a caregiver and an individual with a developmental
39 disability, absent marriage, domestic partnership, or civil union, is
40 sexual abuse, regardless of whether the individual with a
41 developmental disability gives consent or the caregiver is on or off
42 duty.

43 "Sexual contact" means an intentional touching by a caregiver or
44 individual with a developmental disability, either directly or
45 through clothing, of the intimate parts of the individual with a
46 developmental disability or the caregiver for the purpose of
47 sexually arousing or sexually gratifying the caregiver. Sexual
48 contact of the caregiver with himself must be in view of the

1 individual with a developmental disability whom the caregiver
2 knows to be present.

3 "Sexual penetration" means vaginal intercourse, cunnilingus,
4 fellatio, or anal intercourse between a caregiver and an individual
5 with a developmental disability or insertion of the hand, finger, or
6 object into the anus or vagina, either by the caregiver or upon the
7 caregiver's instruction.

8 "Verbal or psychological abuse or mistreatment" means any
9 verbal or non-verbal act or omission by a caregiver that inflicts one
10 or more of the following: emotional harm; mental distress; or
11 invocation of fear, humiliation, intimidation, or degradation to an
12 individual with a developmental disability. Examples include, but
13 are not limited to: bullying; ignoring need; verbal assault; use of
14 racial or ethnic slurs; or intimidating gestures, such as shaking a fist
15 at an individual with a developmental disability.

16 (cf: P.L.2010, c.5, s.2)

17

18 3. Section 4 of P.L.2010, c.5 (C.30:6D-76) is amended to read
19 as follows:

20 4. a. Upon receipt of a report pursuant to section 3 **[of this act]**
21 of P.L.2010, c.5 (C.30:6D-75), the department shall designate an
22 entity, as established by the commissioner, that shall immediately
23 take such action as shall be necessary to ensure the safety of the
24 individual 18 years of age or older with a developmental disability
25 and to that end may request appropriate assistance from local and
26 State law enforcement officials or contact Adult Protective Services
27 to provide assistance in accordance with the provisions of P.L.1993,
28 c.249 (C.52:27D-406 et seq.).

29 b. The commissioner shall adopt rules and regulations
30 necessary to provide for an investigation of a reported incident and
31 subsequent substantiation or non-substantiation of an allegation of
32 abuse, neglect, or exploitation of an individual 18 years of age or
33 older with a developmental disability by a caregiver, by maintaining
34 **[a Special Response Unit]** an Office of Investigation to investigate
35 serious unusual incidents, as defined by applicable rules and
36 regulations, in facilities or community programs licensed,
37 contracted, or regulated by the department. During its investigation
38 of an allegation of abuse, neglect, or exploitation of an individual
39 18 years of age or older with a developmental disability by a
40 caregiver, the **[Special Response Unit]** Office of Investigation shall
41 make a good faith effort to notify the caregiver of the possibility of
42 the caregiver's inclusion on the registry, and give the caregiver an
43 opportunity to respond to the department concerning the allegation.

44 c. The **[Special Response Unit]** Office of Investigation, the
45 department, or other investigating entity shall forward to the
46 commissioner, or the commissioner's designee, a substantiated
47 incident of abuse, neglect, or exploitation of an individual 18 years
48 of age or older with a developmental disability for inclusion of an

1 offending caregiver on the central registry. The **【Special Response**
2 **Unit】** Office of Investigation, the department, or other investigating
3 entity shall also forward to the commissioner, or the commissioner's
4 designee, all unsubstantiated incidents of abuse, neglect, or
5 exploitation of an individual 18 years of age or older with a
6 developmental disability. When the investigation involves an
7 individual between the ages of 18 and 21 with a developmental
8 disability who is receiving services from the Children's System of
9 Care, the department, the Office of Investigation, the Institutional
10 Abuse Investigation Unit in the Department of Children and
11 Families, or other investigating entity shall concurrently notify the
12 Director of the Children's System of Care, or the director's
13 designee, of the referral for inclusion of an offending caregiver on
14 the central registry. The department, the Office of Investigation,
15 the Institutional Abuse Investigation Unit, or other investigating
16 entity shall also forward to the director, or the director's designee,
17 all unsubstantiated incidents of abuse, neglect, or exploitation of an
18 individual between the ages of 18 and 21 with a developmental
19 disability. As soon as possible, and no later than 14 days after
20 receipt of the incident of abuse, neglect, or exploitation, the
21 commissioner or the commissioner's designee shall review the
22 incident. The offending caregiver of a substantiated incident shall
23 be included on the central registry as expeditiously as possible. The
24 **【Special Response Unit】** Office of Investigation shall retain a
25 record of all unsubstantiated incidents.

26 d. Upon the initiation of an investigation, the department shall:
27 (1) ensure that any communication concerning the alleged abuse,
28 neglect, or exploitation of an individual 18 years of age or older
29 with a developmental disability between a caregiver, case manager
30 of the caregiver, the case manager's supervisor, including a case
31 manager or case manager supervisor under contract with the
32 Children's System of Care, or a person at the appropriate Regional
33 Office of the Division of Developmental Disabilities or the
34 Children's System of Care is identified, safeguarded from loss or
35 destruction, and maintained in a secure location; and (2) contact the
36 Office of the Attorney General, which shall determine whether to
37 participate in the investigation.

38 e. The **【Special Response Unit】** Office of Investigation shall
39 issue a written report of the investigation that includes the
40 conclusions of the **【unit】** office, the rationale for the conclusion,
41 and a detailed summary of any communication secured pursuant to
42 subsection d. of this section. The report shall also include an
43 assessment of the role of any case manager of a caregiver or the
44 case manager's supervisor, if applicable, in the allegation of abuse,
45 neglect, or exploitation, and a recommendation about whether any
46 civil or criminal action should be brought against the case manager
47 or supervisor. The report shall be made part of the record for
48 review in any civil or criminal proceeding that may ensue.

1 A written summary of the conclusions of the investigation shall
2 be provided to the guardian or authorized family member of the
3 individual 18 years of age or older with a developmental disability
4 who is the subject of the alleged abuse, neglect, or exploitation.

5 f. A licensed provider in another state shall be permitted access
6 to the central registry.

7 g. The department, the Office of Investigation, the Institutional
8 Abuse Investigation Unit, or other investigative entity shall forward
9 to the Commissioner of Children and Families, or his or her
10 designee, copies of the investigative reports involving any child
11 under the age of 18 with a developmental disability who is the
12 subject of an investigation of an act of child abuse or neglect
13 pursuant to section 3 of P.L.2010, c.5 (C.30:6D-75) and is receiving
14 services from the Children's System of Care. The reports may be
15 used by the Department of Children and Families, as appropriate, to
16 initiate or support contracting, licensing, or other corrective actions.

17 h. The department, the Office of Investigation, the Institutional
18 Abuse Investigation Unit, or other investigative entity may share all
19 investigative records involving an individual between the age of 18
20 and 21 years with a developmental disability who is the subject of
21 an investigation of an incident of abuse, neglect, or exploitation
22 pursuant to section 3 of P.L.2010, c.5 (C.30:6D-75).

23 (cf: P.L.2012, c.69, s.10)

24
25 4. Section 5 of P.L.2010, c.5 (C30:6D-77) is amended to read
26 as follows:

27 5. a. There is established a Central Registry of Offenders
28 Against Individuals with Developmental Disabilities in the
29 department.

30 b. The commissioner shall adopt rules and regulations that
31 define the procedures and standards for inclusion of an offending
32 caregiver on the central registry and for notification of such
33 inclusion to the caregiver.

34 (1) For inclusion on the central registry in the case of a
35 substantiated incident of abuse, the caregiver shall have acted with
36 intent, recklessness, or careless disregard to cause or potentially
37 cause injury to an individual with a developmental disability.

38 (2) For inclusion on the central registry in the case of a
39 substantiated incident of neglect, the caregiver shall have acted with
40 gross negligence, recklessness, or in a pattern of behavior that
41 causes or potentially causes harm to an individual with a
42 developmental disability.

43 (3) In the case of a substantiated incident of exploitation, the
44 commissioner shall establish a dollar amount for inclusion on the
45 central registry.

46 c. The commissioner also shall adopt rules and regulations:

47 (1) necessary to provide for an appeals process, through the
48 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et

1 seq.), of the commissioner's determination to include an alleged
2 offending caregiver's name on the central registry. The
3 commissioner's determination shall be a final agency decision
4 subject to review by the Appellate Division of the Superior Court;

5 (2) concerning the dissemination of information in the central
6 registry;

7 (3) that will prohibit persons included on the central registry
8 from employment in facilities or programs of the Division of
9 Developmental Disabilities in the department and those facilities or
10 programs licensed, contracted, or regulated by the department, or
11 from providing community-based services with indirect State
12 funding to **persons** individuals with developmental disabilities;
13 **and**

14 (4) necessary to provide for the removal of a person's name
15 from the central registry. A person may apply for removal of his
16 name to the commissioner after a period of five years of being
17 placed on the central registry. The person shall affirmatively
18 demonstrate to the commissioner clear and convincing evidence of
19 rehabilitation, using the provisions of P.L.1968, c.282 (C.2A:168A-
20 1 et seq.) as a guide; and

21 (5) that will prohibit persons included on the central registry
22 from employment at the Department of Children and Families and
23 in facilities or programs licensed, contacted, regulated, or funded by
24 the Department of Children and Families.

25 d. The commissioner may adopt rules and regulations that will
26 allow bona fide employers serving vulnerable populations to inquire
27 of the department if potential or current employees are included on
28 the central registry, consistent with federal and State privacy and
29 confidentiality laws.

30 e. No information received in the central registry shall be
31 considered as a public or government record within the meaning of
32 P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et
33 al.).

34 (cf: P.L.2010, c.5, s.5)

35

36 5. (New section) a. The Department of Children and Families
37 shall conduct a check of its child abuse registry for each person who
38 is seeking employment at the department, or in any facility or
39 program licensed, contracted, regulated, or funded by the
40 department, or seeking employment in any facility or program
41 licensed, contracted, or regulated by the Department of Human
42 Services, or who is seeking to provide community-based services
43 with indirect State funding to individuals with developmental
44 disabilities, in order to determine if the person is included on the
45 child abuse registry as a substantiated perpetrator of child abuse or
46 neglect. The department shall immediately forward the information
47 obtained as a result of the check to the Department of Human
48 Services.

1 b. The Commissioner of Children and Families shall adopt
2 rules and regulations that will prohibit a person included on the
3 child abuse registry from employment at the Department of
4 Children or in any facility or program licensed, contracted,
5 regulated, or funded by the department or the Department of Human
6 Services, and from providing community-based services with
7 indirect State funding to individuals with developmental
8 disabilities.

9
10 6. This act shall take effect on the first day of the sixth month
11 following the date of enactment.

12

13

14

STATEMENT

15

16 This bill provides protections for individuals with disabilities
17 between the ages of 18 and 21 who have been subjected to abuse,
18 neglect, or exploitation and are receiving services from the Division
19 of Children's System of Care (CSOC) in the Department of Children
20 and Families (DCF). It also establishes procedures for the transfer
21 of investigative reports relating to an act of child abuse or neglect,
22 involving children under the age of 18 with developmental
23 disabilities between the Department of Human Services (DHS), the
24 Office of Investigation in DHS, and the Institutional Abuse
25 Investigation Unit (IAIU) in DCF.

26 Specifically, the bill provides that, when DHS receives a report
27 of abuse, neglect, or exploitation by a caregiver of an individual
28 between the ages of 18 and 21 with a developmental disability who
29 is receiving services from CSOC, DHS, the Office of Investigation
30 in DHS (formally named the Special Response Unit), IAIU, or other
31 investigative entity would be required to concurrently notify the
32 Director of CSOC, or the director's designee, of the referral for
33 inclusion of the offending caregiver on the central registry. DHS,
34 the Office of Investigation, IAIU, or other investigative entity
35 would also be required to notify the director of any unsubstantiated
36 reports. Currently, the law requires that reports of abuse, neglect,
37 or exploitation or unsubstantiated reports of such acts be forwarded
38 to the Commissioner of Human Services but not to the director of
39 CSOC.

40 The bill requires DHS, the Office of Investigation, IAIU, or other
41 investigative entity to forward to the Commissioner of Children and
42 Families, or his or her designee, copies of the investigative reports
43 involving any child under the age of 18 with a developmental
44 disability who is the subject of an investigation of an act of child
45 abuse or neglect and is receiving services from CSOC. The reports
46 would be used by DCF, as appropriate, to initiate or support
47 contracting, licensing, or other corrective actions.

1 The bill also allows DHS, the Office of Investigation, the IAIU,
2 or other investigative entity to share all investigative records
3 involving an individual between the ages of 18 and 21 with a
4 developmental disability who is the subject of an investigation of an
5 incident of abuse, neglect, or exploitation. Currently, such reports
6 are not shared between the Office of Investigation, DHS, IAIU, or
7 other investigative entity.

8 The bill also stipulates that the Commissioner of DHS would
9 adopt rules and regulations prohibiting a person included on the
10 central registry from employment at DCF or in facilities or
11 programs licensed, contacted, regulated, or funded by DCF.
12 Currently, DHS has the authority to adopt rules and regulations
13 prohibiting a person included on the central registry from
14 employment in facilities or programs of the Division of
15 Developmental Disabilities and DHS, or from providing
16 community-based services to individuals with developmental
17 disabilities but not a person seeking employment at DCF or in
18 facilities or programs. licensed, contacted, regulated, or funded by
19 DCF.

20 The bill mandates that DCF conduct a check of its child abuse
21 registry for each person who is seeking employment at the
22 department, or in any facility or program licensed, contracted,
23 regulated, or funded by the department, or seeking employment in
24 any facility or program licensed, contracted, or regulated by the
25 Department of Human Services, or who is seeking to provide
26 community-based services with indirect State funding to individuals
27 with developmental disabilities, in order to determine if the person
28 is included on the registry as a substantiated perpetrator of child
29 abuse or neglect, and immediately forward the information to DHS.

30 Finally, under the bill's provisions, the Commissioner of DCF
31 would be required to adopt rules and regulations prohibiting a
32 person included on the child abuse registry from employment at the
33 Department of Children or in any facility or program licensed,
34 contracted, regulated, or funded by the department, DHS, and from
35 providing community-based services with indirect State funding to
36 individuals with developmental disabilities

37 Currently, there are no statutory provisions that specifically
38 mandate DCF to conduct a child abuse registry check on a person
39 seeking employment at DCF, in facilities or programs licensed,
40 contracted, regulated, or funded, as applicable, by DCF or DHS, or
41 seeking to provide community-based services to individuals with
42 developmental disabilities. Additionally, there are no regulatory
43 provisions prohibiting a person included on the registry from
44 obtaining such employment or providing such community-based
45 services.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2711

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 5, 2017

SUMMARY

- Synopsis:** Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care.
- Type of Impact:** An annual expenditure increase from the General Fund, offset by an annual revenue increase.
- Agencies Affected:** Department of Children and Families; Department of Human Services.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual Impact</u>
State Cost	Indeterminate increase – See comments below
State Revenue	Indeterminate increase – See comments below

- The Office of Legislative Services (OLS) estimates that the bill would likely require several thousand additional child abuse registry checks each year, requiring the hiring of an indeterminate number of additional staff to accommodate the increased workload.
- It is likely that the Department of Children and Families (DCF) would charge its current \$10 fee for each child abuse record check, offsetting a portion of the costs to conduct the checks.
- The OLS finds that the bill's requirement that the Department of Human Services (DHS) transmit investigation reports and other information to the DCF would have negligible fiscal impact at the DHS, and could be incorporated into its regular operating budget. There may be some costs borne by the DCF related to updating its reference data and review procedures used in contracting, licensing, and hiring, though the OLS cannot determine the full extent or nature of such changes, and cannot determine what additional costs may result.

BILL DESCRIPTION

Senate Bill No. 2711 (1R) of 2016 provides protections for individuals with disabilities between the ages of 18 and 21 who have been subjected to abuse, neglect, or exploitation and are receiving services from the Division of Children's System of Care (CSOC) in the DCF. It also establishes procedures for the transfer of investigative reports relating to an act of child abuse or neglect involving children under the age of 18 with developmental disabilities between the DHS and the DCF.

Specifically, the bill provides that, when DHS receives a report of abuse, neglect, or exploitation by a caregiver of an individual between the ages of 18 and 21 with a developmental disability who is receiving services from CSOC; DHS, the Office of Investigation in DHS, the Institutional Abuse Investigation Unit (IAIU) in the DCF, or other investigative entity would be required to concurrently notify the CSOC of the referral for inclusion of the offending caregiver on the central registry. The investigative entity would also be required to notify the CSOC of any unsubstantiated reports. Currently, the law requires that reports of abuse, neglect, or exploitation or unsubstantiated reports of such acts be forwarded to the Commissioner of Human Services but not to the CSOC.

The bill requires the investigative entity to forward to the Commissioner of Children and Families, or his or her designee, copies of the investigative reports involving any child under the age of 18 with a developmental disability who is the subject of an investigation of an act of child abuse or neglect and is receiving services from CSOC. The reports would be used by DCF, as appropriate, to initiate or support contracting, licensing, or other corrective actions.

The bill also allows DHS, the Office of Investigation, the IAIU, and any other investigative entity to share among each other all investigative records involving an individual between the ages of 18 and 21 with a developmental disability who is the subject of an investigation of an incident of abuse, neglect, or exploitation. Currently, such reports are not required to be shared among the Office of Investigation, DHS, IAIU, or other investigative entities.

The bill also stipulates that the DHS would adopt rules and regulations prohibiting a person included on the central registry from employment at DCF or in facilities or programs licensed, contacted, regulated, or funded by DCF. Currently, DHS has the authority to adopt rules and regulations prohibiting a person included on the central registry from employment in facilities or programs of the Division of Developmental Disabilities and DHS, or from providing community-based services to individuals with developmental disabilities but not a person seeking employment at DCF or in facilities or programs licensed, contacted, regulated, or funded by DCF.

The bill mandates that DCF conduct a check of its child abuse registry for each person who is seeking employment at the department, or in any facility or program licensed, contracted, regulated, or funded by the department, or seeking employment in any facility or program licensed, contracted, or regulated by DHS, or who is seeking to provide community-based services with indirect State funding to individuals with developmental disabilities, in order to determine if the person is included on the registry as a substantiated perpetrator of child abuse or neglect, and immediately forward the information to DHS.

Finally, under the bill's provisions, the DCF would be required to adopt rules and regulations prohibiting a person included on the child abuse registry from employment at the DCF or in any facility or program licensed, contracted, regulated, or funded by the department, DHS, and from providing community-based services with indirect State funding to individuals with developmental disabilities.

Currently, there are no statutory provisions that specifically mandate DCF to conduct a child abuse registry check on a person seeking employment at DCF, in facilities or programs licensed,

contracted, regulated, or funded, as applicable, by DCF or DHS, or seeking to provide community-based services to individuals with developmental disabilities. Additionally, there are no regulatory provisions prohibiting a person included on the registry from obtaining such employment or providing such community-based services.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the largest fiscal impact of the bill would be the requirement for the DCF to conduct child abuse registry checks on all individuals seeking employment related to State-funded services for individuals with disabilities. The OLS estimates that the bill would likely require several thousand additional child abuse registry checks each year, in addition to the approximately 40,000 checks conducted annually under current law. The child abuse registry check process is partially computerized, but often requires DCF staff to manually review archived paper files or if there is a pending administrative appeal or litigation. Consequently, the DCF would likely be required to hire an indeterminate number of additional staff to accommodate the increased workload. Although not specified in this bill, it is likely that the DCF would charge its current \$10 fee for each child abuse record check, offsetting a portion of the costs to conduct the checks.

The OLS finds that the bill's requirement that the DHS transmit investigation reports and other information to the DCF would have negligible fiscal impact at the DHS, and could be incorporated into its regular operating budget. There may be some costs borne by the DCF related to updating its reference data and review procedures used in contracting, licensing, and hiring, though the OLS cannot determine the full extent or nature of such changes, and cannot determine what additional costs may result.

Section: Human Services

Analyst: David Drescher
Senior Fiscal Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 2711

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 29, 2017

SUMMARY

- Synopsis:** Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care.
- Type of Impact:** An annual expenditure increase from the State General Fund, offset by an annual revenue increase.
- Agencies Affected:** Department of Children and Families; Department of Human Services.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual Impact</u>
State Cost	Indeterminate increase – See comments below.
State Revenue	Indeterminate increase – See comments below.

- The Office of Legislative Services (OLS) estimates that the bill would likely require several thousand additional child abuse registry checks each year, requiring the hiring of an indeterminate number of additional staff to accommodate the increased workload.
- It is likely that the Department of Children and Families (DCF) would charge its current \$10 fee for each child abuse record check, offsetting a portion of the costs to conduct the checks.
- The OLS finds that the bill's requirement that the Department of Human Services (DHS) transmit investigation reports and other information to the DCF would have negligible fiscal impact at the DHS, and could be incorporated into its regular operating budget. There may be some costs borne by the DCF related to updating its reference data and review procedures used in contracting, licensing, and hiring, though the OLS cannot determine the full extent or nature of such changes, and cannot determine what additional costs may result.

BILL DESCRIPTION

Senate Bill No. 2711 (2R) of 2016 provides protections for individuals with developmental disabilities between the ages of 18 and 21 who have been subjected to abuse, neglect, or

exploitation and are receiving services from the Division of Children's System of Care (CSOC) in the DCF. It also establishes procedures for the transfer of investigative reports relating to an act of abuse, neglect, or exploitation involving an individual over the age of 18 with developmental disabilities between the DHS and the DCF.

The bill requires that the DHS, the Office of Investigation in DHS, or any other investigative entity forward to the DCF copies of the investigative reports involving any individual over the age of 18 with a developmental disability who is the subject of an investigation of an incident of abuse, neglect, or exploitation and is receiving services from the CSOC. The reports would be used by the DCF, as appropriate, to initiate or support contracting, licensing, or other corrective actions.

The bill also allows the DHS, the Office of Investigation, the Institutional Abuse Investigation Unit, and other investigative entities to share among each other investigative records involving an individual with a developmental disability who is the subject of an investigation of an incident of abuse, neglect, or exploitation. Currently, such reports are not required to be shared among the investigative entities.

The bill also stipulates that the DCF would adopt rules and regulations prohibiting a person included on the DHS-operated Central Registry of Offenders Against Individuals with Developmental Disabilities from employment at the DCF or in facilities or programs licensed, contracted, regulated, or funded by the DCF. Currently, the central registry law only affects employment in the DHS and programs that it funds, not the DCF.

The bill mandates that the DCF conduct a check of its child abuse registry for each person who is seeking employment at the department, or in any facility or program licensed, contracted, regulated, or funded by the department, or seeking employment in any facility or program licensed, contracted, or regulated by the DHS, or to provide community-based services to individuals with developmental disabilities, in order to determine if the person is included on the registry as a substantiated perpetrator of child abuse or neglect. The DCF and the DHS would each be required to adopt rules and regulations prohibiting a person included on the child abuse registry from being employed at the DCF or DHS or in any facility or program licensed, contracted, regulated, or funded by either department, and from providing community-based services to individuals with developmental disabilities.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the largest fiscal impact of the bill would be the requirement for the DCF to conduct child abuse registry checks on all individuals seeking employment related to State-funded services for individuals with developmental disabilities. The OLS estimates that the bill would likely require several thousand additional child abuse registry checks each year, in addition to the approximately 40,000 checks conducted annually under current law. The child abuse registry check process is partially computerized, but often requires DCF staff to manually review archived paper files or if there is a pending administrative appeal or litigation. Consequently, the DCF would likely be required to hire an indeterminate number of additional staff to accommodate the increased workload. Although not specified in this bill, it is likely that

the DCF would charge its current \$10 fee for each child abuse record check, offsetting a portion of the costs to conduct the checks.

The OLS finds that the bill's requirement that the DHS transmit investigation reports and other information to the DCF would have negligible fiscal impact at the DHS, and could be incorporated into its regular operating budget. There may be some costs borne by the DCF related to updating its reference data and review procedures used in contracting, licensing, and hiring, though the OLS cannot determine the full extent or nature of such changes, and cannot determine what additional costs may result.

Section: Human Services

*Analyst: David Drescher
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

STATEMENT TO
[First Reprint]
SENATE, No. 2711

with Senate Floor Amendments
(Proposed by Senator VITALE)

ADOPTED: JUNE 19, 2017

These floor amendments remove the provision of this bill that would have required the Department of Human Services, the Office of Investigation, the Institutional Abuse Investigation Unit in the Department of Children and Families, or any other investigating entity to notify the Director of the Children's System of Care, or the director's designee, of an offending caregiver's referral for inclusion on the Central Registry of Offenders Against Individuals with Developmental Disabilities, in cases where the investigation involves an individual between the ages of 18 and 21 with a developmental disability, and to forward to the Director of the Children's System of Care, or the director's designee, all unsubstantiated incidents of abuse, neglect, or exploitation of an individual between the ages of 18 and 21 with a developmental disability.

The floor amendments additionally make revisions to ensure the use of proper terminology when referencing the Children's System of Care, as well as the employees who are contracted thereby, and to replace certain generalized references to the "department" with more specific references to the Department of Children and Families.

The floor amendments further clarify that copies of any investigative reports, which involve an individual with a developmental disability who is over (not under) the age of 18, who is receiving services from the Children's System of Care, and who is the subject of an investigation (regardless of whether that investigation involves allegations of child abuse or neglect), are to be provided by the Department of Human Services, the Office of Investigation, or other investigative entity to the Commissioner of Children and Families or the commissioner's designee. The floor amendments remove the provision that would have required the Institutional Abuse Investigation Unit to similarly forward copies of such reports to the Commissioner of Children and Families, since the Institutional Abuse Investigation Unit is already a part of the Department of Children and Families. The floor amendments also clarify that the Department of Human Services, the Office of Investigation, the Institutional Abuse Investigation Unit, and any other investigative entity may share investigative records, with and among each other, in cases that involve an investigation into the abuse, neglect, or exploitation of an individual with a developmental disability, or an investigation of child abuse or neglect, regardless of the age of the alleged victim.

The floor amendments remove the provision that would have required the Department of Children and Families to immediately provide the Department of Human Services with information that is obtained as a result of an employment-related check of the child abuse registry. They also clarify that the Department of Children and Families will be required to check the child abuse registry whenever a person seeks employment at a facility or program that is licensed, contracted, or regulated by the Department of Human Services to provide community-based services to individuals with developmental disabilities, regardless of whether or not the facility or program receives indirect State funding.

Finally, the amendments clarify that the Commissioner of Children and Families will be required to adopt rules and regulations to prohibit a person who is included on the central registry from being employed at the Department of Children and Families, or in any facility or program that is licensed, contracted, regulated, or funded by the Department of Children and Families. As introduced, the bill required the Commissioner of Children and Families to adopt rules and regulations only with regard to a person's inclusion on the child abuse registry. The amendments would also clarify that the Commissioner of Human Services will be required to adopt rules and regulations to prohibit a person who is included on the child abuse registry from: (1) being employed in any facility or program that is licensed, contracted, regulated, or funded by the Department of Human Services to serve individuals with developmental disabilities; and (2) providing community-based services with indirect State funding to individuals with developmental disabilities.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO
SENATE, No. 2711

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 30, 2017

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 2711.

As amended by the committee, this bill provides protections for individuals with disabilities between the ages of 18 and 21 who have been subjected to abuse, neglect, or exploitation and are receiving services from the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF). It also establishes procedures for the transfer of investigative reports relating to an act of child abuse or neglect, involving children under the age of 18 with developmental disabilities between the Department of Human Services (DHS), the Office of Investigation in DHS, and the Institutional Abuse Investigation Unit (IAIU) in DCF.

Specifically, the bill provides that, when DHS receives a report of abuse, neglect, or exploitation by a caregiver of an individual between the ages of 18 and 21 with a developmental disability who is receiving services from CSOC, DHS, the Office of Investigation in DHS (formally named the Special Response Unit), IAIU, or other investigative entity would be required to concurrently notify the Director of CSOC, or the director's designee, of the referral for inclusion of the offending caregiver on the central registry. DHS, the Office of Investigation, IAIU, or other investigative entity would also be required to notify the director of any unsubstantiated reports. Currently, the law requires that reports of abuse, neglect, or exploitation or unsubstantiated reports of such acts be forwarded to the Commissioner of Human Services but not to the director of CSOC.

The bill requires DHS, the Office of Investigation, IAIU, or other investigative entity to forward to the Commissioner of Children and Families, or his or her designee, copies of the investigative reports involving any child under the age of 18 with a developmental disability who is the subject of an investigation of an act of child abuse or neglect and is receiving services from CSOC. The reports would be used by DCF, as appropriate, to initiate or support contracting, licensing, or other corrective actions.

The bill also allows DHS, the Office of Investigation, the IAIU, and any other investigative entity to share, with and among each other, all investigative records involving an individual between the ages of 18 and 21 with a developmental disability who is the subject of an investigation of an incident of abuse, neglect, or exploitation. Currently, such reports are not shared between the Office of Investigation, DHS, IAIU, or other investigative entity.

The bill also stipulates that the Commissioner of DHS would adopt rules and regulations prohibiting a person included on the central registry from employment at DCF or in facilities or programs licensed, contacted, regulated, or funded by DCF. Currently, DHS has the authority to adopt rules and regulations prohibiting a person included on the central registry from employment in facilities or programs of the Division of Developmental Disabilities and DHS, or from providing community-based services to individuals with developmental disabilities but not a person seeking employment at DCF or in facilities or programs. licensed, contacted, regulated, or funded by DCF.

The bill mandates that DCF conduct a check of its child abuse registry for each person who is seeking employment at the department, or in any facility or program licensed, contracted, regulated, or funded by the department, or seeking employment in any facility or program licensed, contracted, or regulated by the Department of Human Services, or who is seeking to provide community-based services with indirect State funding to individuals with developmental disabilities, in order to determine if the person is included on the registry as a substantiated perpetrator of child abuse or neglect, and immediately forward the information to DHS.

Finally, under the bill's provisions, the Commissioner of DCF would be required to adopt rules and regulations prohibiting a person included on the child abuse registry from employment at the Department of Children or in any facility or program licensed, contracted, regulated, or funded by the department, DHS, and from providing community-based services with indirect State funding to individuals with developmental disabilities

Currently, there are no statutory provisions that specifically mandate DCF to conduct a child abuse registry check on a person seeking employment at DCF, in facilities or programs licensed, contracted, regulated, or funded, as applicable, by DCF or DHS, or seeking to provide community-based services to individuals with developmental disabilities. Additionally, there are no regulatory provisions prohibiting a person included on the registry from obtaining such employment or providing such community-based services.

The committee amended the bill to clarify that it authorizes the department, the Office of Investigation, the Institutional Abuse Investigation Unit, and any other investigative entity, to share

investigative records only “with and among each other,” as opposed to sharing them with anyone.

As reported by the committee, Senate Bill No. 2711 is identical to Assembly Bill No. 3386(1R) which was also reported by the committee on this date.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2711

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2711 (1R).

This bill provides protections for individuals with disabilities between the ages of 18 and 21 who have been subjected to abuse, neglect, or exploitation and are receiving services from the Division of Children's System of Care (CSOC) in the Department of Children and Families (DCF). It also establishes procedures for the transfer of investigative reports relating to an act of child abuse or neglect, involving children under the age of 18 with developmental disabilities between the Department of Human Services (DHS), the Office of Investigation in DHS, and the Institutional Abuse Investigation Unit (IAIU) in DCF.

Specifically, the bill provides that, when DHS receives a report of abuse, neglect, or exploitation by a caregiver of an individual between the ages of 18 and 21 with a developmental disability who is receiving services from CSOC, DHS, the Office of Investigation in DHS (formally named the Special Response Unit), IAIU, or other investigative entity would be required to concurrently notify the Director of CSOC, or the director's designee, of the referral for inclusion of the offending caregiver on the central registry. DHS, the Office of Investigation, IAIU, or other investigative entity would also be required to notify the director of any unsubstantiated reports. Currently, the law requires that reports of abuse, neglect, or exploitation or unsubstantiated reports of such acts be forwarded to the Commissioner of Human Services but not to the director of CSOC.

The bill requires DHS, the Office of Investigation, IAIU, or other investigative entity to forward to the Commissioner of Children and Families, or his or her designee, copies of the investigative reports involving any child under the age of 18 with a developmental disability who is the subject of an investigation of an act of child abuse or neglect and is receiving services from CSOC. The reports would be used by DCF, as appropriate, to initiate or support contracting, licensing, or other corrective actions.

The bill also allows DHS, the Office of Investigation, the IAIU, and any other investigative entity to share, with and among each other, all investigative records involving an individual between the ages of

18 and 21 with a developmental disability who is the subject of an investigation of an incident of abuse, neglect, or exploitation. Currently, such reports are not shared between the Office of Investigation, DHS, IAIU, or other investigative entity.

The bill also stipulates that the Commissioner of DHS would adopt rules and regulations prohibiting a person included on the central registry from employment at DCF or in facilities or programs licensed, contacted, regulated, or funded by DCF. Currently, DHS has the authority to adopt rules and regulations prohibiting a person included on the central registry from employment in facilities or programs of the Division of Developmental Disabilities and DHS, or from providing community-based services to individuals with developmental disabilities but not a person seeking employment at DCF or in facilities or programs. licensed, contacted, regulated, or funded by DCF.

The bill mandates that DCF conduct a check of its child abuse registry for each person who is seeking employment at the department, or in any facility or program licensed, contracted, regulated, or funded by the department, or seeking employment in any facility or program licensed, contracted, or regulated by the Department of Human Services, or who is seeking to provide community-based services with indirect State funding to individuals with developmental disabilities, in order to determine if the person is included on the registry as a substantiated perpetrator of child abuse or neglect, and immediately forward the information to DHS.

Finally, under the bill's provisions, the Commissioner of DCF would be required to adopt rules and regulations prohibiting a person included on the child abuse registry from employment at the Department of Children or in any facility or program licensed, contracted, regulated, or funded by the department, DHS, and from providing community-based services with indirect State funding to individuals with developmental disabilities.

Currently, there are no statutory provisions that specifically mandate DCF to conduct a child abuse registry check on a person seeking employment at DCF, in facilities or programs licensed, contracted, regulated, or funded, as applicable, by DCF or DHS, or seeking to provide community-based services to individuals with developmental disabilities. Additionally, there are no regulatory provisions prohibiting a person included on the registry from obtaining such employment or providing such community-based services.

As reported, this bill is identical to Assembly Bill No. 3386 (1R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill would likely require several thousand additional child abuse registry

checks each year, requiring the hiring of an indeterminate number of additional staff to accommodate the increased workload.

It is likely that the Department of Children and Families (DCF) would charge its current \$10 fee for each child abuse record check, offsetting a portion of the costs to conduct the checks.

The OLS finds that the bill's requirement that the Department of Human Services (DHS) transmit investigation reports and other information to the DCF would have negligible fiscal impact at the DHS, and could be incorporated into its regular operating budget. There may be some costs borne by the DCF related to updating its reference data and review procedures used in contracting, licensing, and hiring, though the OLS cannot determine the full extent or nature of such changes, and cannot determine what additional costs may be required.

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Governor Christie Takes Action On Pending Legislation

Monday, August 7, 2017

Tags: [Bill Action](#)

Trenton, NJ - Governor Chris Christie today announced that he has taken action on the following pending legislation:

BILL SIGNINGS:

S-169/A-4329 (Bateman/McKeon, Zwicker) - Allows certain emergency squad volunteers holding municipal elective office to vote on emergency squad concerns

S-452/A-838 (Sacco, Greenstein/Jimenez, Moriarty) - Requires waiver of dealer obligation regarding necessary repairs impacting vehicle inspection to include description of known defects

S-678/A-4967 (Rice/Watson, Tucker, Caputo) - Requires local government units to certify compliance with certain federal hiring requirements when filing annual budgets

S-726/A-4460 (Cruz-Perez, Oroho/Jones, Mosquera, Downey, Johnson) – Extends full protection of Law Against Discrimination to persons having liability for service in Armed Forces of United States; guarantees equal employment opportunity in State contracting to all veterans

S-996wGR/A-1378 (Rice, Van Drew, Turner/Muoio, Benson, Pintor Marin, Quijano, Schaer) – Requires report on status of lead-safe program in DCA

S-1219/A-936 (Holzapfel, Allen/Wolfe, McGuckin, Oliver, Giblin, Wimberly) - Requires reporting of suspected abuse of institutionalized elderly to police and that facility employees receive notice of reporting requirement annually; designated as "Peggy's Law"

S-1359/A-4096 (A.R. Bucco, Stack/A.M. Bucco, Vainieri Huttie, McKnight, Mazzeo) - Guarantees full and equal access to all housing to disabled persons who retain their retired service or guide dog as a pet, and who also obtain a new service or guide dog

S-1497/A-3225 (A.R. Bucco, Pennacchio/Dancer, Clifton, Munoz, A.M. Bucco) - Designates Killed in Action flag as an official State flag; mandates it be displayed at certain public buildings

SCS for S-1640, 1642, 1013/AS AS ACS for A-3152, 3154, 2426 (Van Drew, Holzapfel, Singer, Turner/Andrzejczak, McGuckin, Land, Wolfe, Vainieri Huttie, Taliaferro, Benson) - Establishes requirements concerning necessary care of dogs, domestic companion animals, and service animals, and for tethering of dogs

S-1660/A-770 (Van Drew, Cruz-Perez/Andrzejczak, Land, Houghtaling, DeAngelo, Johnson) - Provides for voluntary contributions by taxpayers on gross income tax returns for maintenance of certain State memorials honoring war veterans

S-1731/A-2368 (Gordon, Allen/Vainieri Huttie) - Permits municipality to establish civil penalty for smoking in public places

S-1739/A-2167 (Turner, Diegnan/Johnson, Vainieri Huttie, Wimberly) - Establishes sexual assault training requirements for law enforcement officers

S-1750/A-2729 (Madden, Cruz-Perez/A.M. Bucco, DeAngelo, Space, Mosquera, Wisniewski, DeCroce, Mukherji, Jones) - Establishes special motorcycle license plates for veterans

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[Letter Regarding S3074 \[pdf 45kB\]](#)

S-1808/A-3342 (Van Drew, Diegnan/Karabinchak) - Designates striped bass as NJ State Saltwater Fish; redesignates brook trout as NJ Freshwater Fish

S-2153/A-3520 (Gordon/Eustace, Sumter, Wimberly, Vainieri Huttie, Johnson) – Requires NJTA to study impact of constructing rail stations at certain park and ride facilities

S-2369/A-4152 (Whelan, Van Drew, Connors/Andrzejczak, Mazzeo, Land, Burzichelli) - Limits application of DEP shellfish habitat rules for certain dredging activities

S-2457/A-3999 (Van Drew, Oroho/Houghtaling, Andrzejczak, Mazzeo, Space, Downey) - Enables collection of voluntary contributions for Jersey Fresh Program through gross income tax returns

S-2578/A-4239 (Cunningham, Pou, Gordon/Sumter, Jasey, Benson, Muoio, Downey, Mukherji) - Revises New Jersey College Loans to Assist State Students Loan Program to require applicants first exhaust federal student loans, require income verification, and limit total student loan amounts

S-2884/A-4484 (Whelan, Greenstein/Eustace, Quijano, Chiaravalloti, Caride) - Declares that deed restrictions or agreements that prevent raising or constructing of a structure to certain flood elevation standards are unenforceable

S-2892/A-5042 (Sweeney/Giblin) - Exempts certain real estate brokers, broker-salespersons and salespersons from continuing education requirement

S-3074/A-4586 (Lesniak, Turner/Johnson, Oliver, Holley, Chiaravalloti) - Establishes gubernatorial veto power over Waterfront Commission of New York Harbor's meeting minutes; expands gubernatorial oversight powers over commission

S-3244/A-4854 (Sweeney, Allen/Singleton, Burzichelli, Taliaferro) - Designates portion of Interstate Highway Route 295 in West Deptford Township as "State Trooper Sean E. Cullen Memorial Highway"

A-445/S-1661 (Mazzeo, Pinkin, DeAngelo, Chiaravalloti/Van Drew, A.R. Bucco) - Provides for voluntary contributions by taxpayers on gross income tax returns for the NJ World War II Veterans' Memorial Fund

A-1185/S-2771 (Mosquera, Holley, Moriarty, Quijano/Cruz-Perez, Van Drew) - Requires State Comptroller to report findings of audit compliance reviews

A-1199/S-1326 (Mosquera, Moriarty, Lagana, Zwicker, Downey/Turner, Oroho) - Permits a victim or witness of any age to testify by closed circuit television under certain circumstances in prosecutions for domestic violence, sexual assault, and certain other crimes

ACS for A-1690/SCS SCS for S-660, 2002 (Dancer, Singleton, Andrzejczak, Land, Benson, Moriarty, Houghtaling/Turner, Beach, Van Drew) - Allows fire district elections to be moved to November; eliminates certain fire district budget referenda; and eliminates certain fire district capital purchase referenda

A-1953/S-2448 (Coughlin, Lagana, Muoio, Benson, Houghtaling, Danielsen, Mukherji/Vitale, Whelan) - Allows installment payments for senior and disabled property taxpayers to repay overpayments of homestead credits and homestead property tax reimbursements

A-1955/SCS for S-1795 (Jones, Lampitt, Phoebus, Space/A.R. Bucco, Oroho) - Provides for voluntary discharge of personal representatives overseeing administration of estates by application to the Surrogate's Court

A-2176/S-156 (Taliaferro, Eustace, Benson, Mazzeo, Chiaravalloti/Madden, Ruiz) - Criminalizes possession and sale of alpha-pyrrolidinopentophenone (alpha-PVP), commonly known as "flakka" or "flocka"

A-3056/SCS for S-2360, 3030 (Taliaferro, Dancer, Houghtaling, Space, Andrzejczak, Webber/Allen, Greenstein, Bateman, Smith, Wimberly) – Requires DEP to establish voluntary guidelines for K-12 schools and institutions of higher education to reduce, recover, and recycle food waste; extends "Food Bank Good Samaritan Act" immunity protections to public and nonpublic schools.

A-3058/S-2366 (Space, Taliaferro, Dancer, Houghtaling, Andrzejczak/Oroho, Ruiz) - Establishes Farm to School Coordinating Council

A-3381 (McKnight, Holley, Vainieri Huttie, Houghtaling, Chiaravalloti, Quijano, Gordon) – Authorizes municipal volunteer programs for free removal of snow from certain residential properties occupied by seniors or disabled persons.

A-3386/S-2711 (Schaer, Vainieri Huttie, Chiaravalloti, Caride, Mukherji, Wimberly/Vitale, Rice) - Provides protections for children under the age of 18 with developmental disabilities and individuals with developmental disabilities ages 18-21 receiving services from Division of Children's System of Care

A-3437/S-1076 (DeAngelo, Gusciora, Land, Andrzejczak/Turner) - Designates "Garden State" as State Slogan

A-3896/S-2790 (Sumter, Mukherji, Pintor Marin/Scutari, Turner) - Concerns sale of certain tires

A-3908/S-3021 (Mazzeo, DeAngelo, Mukherji, Houghtaling, Quijano/Whelan, T. Kean) - Establishes 9/11 Memorial Registry

A-3911/S-2863 (Wisniewski, Vainieri Huttie, Mukherji/Cardinale, Pennacchio) - Provides that motor vehicle registration expires on registrant's numerical calendar day of birth

A-4164/S-2588 (Houghtaling, Downey, Holley, Muoio, Webber/Van Drew, Cruz-Perez) - Requires State Auditor to annually report on unspent State account balances

A-4206/S-2676 (Karabinchak, Prieto, Webber, Holley/Diegnan, A.R. Bucco) - Requires candidates for election to school board to file with their nominating petitions specific affirmation that they have not been convicted of crimes that would disqualify them from office

A-4230/S-3141 (Conaway, O'Scanlon, Mukherji, Pintor Marin/Codey) - Requires health insurance carriers; SHBP, and SEHBP to inform covered persons about organ and tissue donation

ACS for A-4432/SCS for S-2841 (Schaer, Lampitt, Benson, Singleton, Chiaravalloti, Wimberly/Cunningham) - Provides increased tax credit amounts under Grow New Jersey Assistance Program for certain businesses that have collaborative research relationships with colleges or universities

A-4542/S-2986 (Mazzeo, Johnson, Land, Andrzejczak, DeCroce/Van Drew) - Designates portion of State Highway Route 55 as "State Trooper Frankie L. Williams Memorial Highway"

A-4580/S-2989 (Taliaferro, Burzichelli, Quijano, Houghtaling/Lesniak, Oroho) - Appropriates \$2,900,000 from "2009 Farmland Preservation Fund" for grants to certain nonprofit organizations for farmland preservation purposes

A-4581/S-2987 (Houghtaling, Andrzejczak, Singleton, Downey/Cruz-Perez, Oroho) - Appropriates \$22,385,743 to State Agriculture Development Committee for farmland preservation purposes

A-4582/S-2990 (Andrzejczak, Mazzeo, Taliaferro, Zwicker, Houghtaling/Whelan, Van Drew) - Appropriates \$32.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants

A-4584/S-2988 (Zwicker, Taliaferro, Burzichelli, Houghtaling/Sweeney) - Appropriates \$7,500,000 from constitutionally dedicated CBT revenues for planning incentive grants to municipalities for farmland preservation purposes

A-4630/S-1938 (Jones/Cruz-Perez) - Repeals law regulating charges assessed by a miller for grinding grain

A-4673/S-3095 (Houghtaling, Downey/Van Drew) - Concerns assessment of buildings or structures on real property located in certain counties following material depreciation thereof

A-4713/S-3235 (Burzichelli, Prieto, Gusciora, DeAngelo, Benson/Kyrillos, Whelan) - Designates building where NJEDA is located in memory of Caren Franzini to commemorate her outstanding service to State

A-4895/S-3056 (Egan, Sumter, Pinkin/Cunningham) - Eliminates UI exemption for interns employed by hospitals

BILL VETOED:

S-2214/A-3847 (Turner, Cunningham/Lampitt, Mukherji, Johnson, Eustace) - CONDITIONAL - Requires institutions of higher education and proprietary degree-granting institutions to improve transparency of tuition and fees

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