30:4C-15.7 et. al.

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF:	2015	CHAP.	TER:	82				
NJSA: 30:4C-15.7 et. al. (Expands number of safe havens for leaving newborn infants)								
BILL NO:	S122							
SPONSOR(S)								
DATE INTRODUCED: January 14, 201			14					
COMMITTEE:		ASSEMBLY:	Wome	n and Children				
		SENATE:		e Health, Human t and Appropriation	Services and Senior	Citizens		
AMENDED DU		ASSAGE:		Yes				
DATE OF PAS	SAGE:	ASSE	MBLY:	June 25, 2015				
		SENA	ſE:	May 12, 2014				
DATE OF APPROVAL: August 10, 2015								
FOLLOWING ARE ATTACHED IF AVAILABLE:								
FINAL TEXT OF BILL (First reprint enacted)			ted)			Yes		
S122								
	SPON	SOR'S STATEM	ENT: (B	egins on page 6 o	of introduced bill)	Yes		
	COMN	IITTEE STATEM	ENT:		ASSEMBLY:	Yes		
					SENATE:	Yes	Health Budget	
(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, <i>may possibly</i> be found at www.njleg.state.nj.us)								
	FLOO	R AMENDMENT	STATE	MENT:		No		
LEGISLATIVE FISCAL E			ESTIM	ATE:		No		
A4149								
SPONSOR'S STATEMENT: (Begins on page 6 of introduced bill)					Yes			

SENATE: No

ASSEMBLY:

Yes

(continued)

COMMITTEE STATEMENT:

FLOOR AMENDMENT STATEMENT:	No		
LEGISLATIVE FISCAL ESTIMATE:	No		
VETO MESSAGE:	No		
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes		
FOLLOWING WERE PRINTED: To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or mailto:refdesk@njstatelib.org REPORTS: No HEARINGS: No			
NEWSPAPER ARTICLES:	Yes		
"Lawmakers call to increase safe haven role after," Burlington County Times, January 21, 2015			

LAW

P.L.2015, CHAPTER 82, *approved August 10, 2015* Senate, No. 122 (*First Reprint*)

1 AN ACT concerning the protection of newborn infants and 2 amending P.L.2000, c.58 and P.L.1991, c.275. 3 4 **BE IT ENACTED** by the Senate and General Assembly of the State 5 of New Jersey: 6 7 1. Section 4 of P.L.2000, c.58 (C.30:4C-15.7) is amended to 8 read as follows: 9 4. a. If a person voluntarily delivers a child who is or appears to be no more than 30 days old to, and leaves the child ¹ with an 10 adult employee¹ at: 11 12 (1) a State, county, or municipal police station and does not 13 express an intent to return for the child, a State, county, or municipal police officer shall take the child to the emergency 14 department of a licensed general hospital in this State and the 15 hospital shall proceed as specified in subsection b. of this section; 16 17 (2) ¹[<u>the premises of</u>]¹ <u>a fire station of a municipal, county, fire</u> district, or volunteer fire department that is staffed 24 hours a day, 18 19 seven days a week, and does not express an intent to return for the 20 child, a fire fighter shall take the child to the emergency department 21 of a licensed general hospital in this State, and the hospital shall proceed as specified in subsection b. of this section; or 22 23 (3) ¹[the premises of]¹ a public or private ambulance, first aid, or rescue squad that is staffed 24 hours a day, seven days a week, 24 25 and does not express an intent to return for the child, an emergency medical technician, or another squad member if an emergency 26 27 medical technician is not available, shall take the child to the 28 emergency department of a licensed general hospital in this State, 29 and the hospital shall proceed as specified in subsection b. of this 30 section. 31 b. If a person voluntarily delivers a child who is or appears to 32 be no more than 30 days old to, and leaves the child at an 33 emergency department of a licensed general hospital in this State 34 and does not express an intent to return for the child, or, if a State, 35 county, or municipal police officer, a fire fighter, or a member of a public or private ambulance, first aid, or rescue squad brings a child 36 to a licensed general hospital under the circumstances set forth in 37 38 subsection a. of this section, the hospital shall: 39 (1) take possession of the child without a court order; 40 (2) take any action or provide any treatment necessary to protect 41 the child's physical health and safety; and 42 (3) no later than the first business day after taking possession of 43 the child, notify the Division of [Youth and Family Services] Child 44 Protection and Permanency in the Department of Children and 45 Families that the hospital has taken possession of the child. 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 <u>thus</u> is new matter. Matter enclosed in superscript numerals has been adopted as follows: ¹Senate SHH committee amendments adopted January 27, 2014. c. The ¹[Division of]¹ Division of [Youth and Family Services] <u>Child Protection and Permanency</u> shall assume the care, custody, and control of the child immediately upon receipt of notice from a licensed general hospital pursuant to paragraph (3) of subsection b. of this section. The division shall commence a thorough search of all listings of missing children to ensure that the relinquished child has not been reported missing.

8 d. A child for whom the ¹[Division of]¹ Division of [Youth 9 and Family Services] <u>Child Protection and Permanency</u> assumes 10 care, custody, and control pursuant to subsection c. of this section 11 shall be treated as a child taken into possession without a court 12 order.

13 It shall be an affirmative defense to prosecution for e. 14 abandonment of a child that the parent voluntarily delivered the child to and left the child ¹[at] with an adult employee¹, or 15 voluntarily arranged for another person to deliver the child to and 16 leave the child $\frac{1}{\text{with an adult employee}}$ at [1, 1] a State, county, or 17 18 municipal police station, a fire department, or an ambulance, first <u>aid, or rescue squad</u> as provided in subsection a. of this section $\frac{1}{2}$ 19 or ¹voluntarily delivered the child to and left the child at¹ the 20 21 emergency department of a licensed general hospital in this State as 22 provided in subsection b. of this section. Nothing in this subsection 23 shall be construed to create a defense to any prosecution arising 24 from any conduct other than the act of delivering the child as 25 described herein, and this subsection specifically shall not 26 constitute a defense to any prosecution arising from an act of abuse 27 or neglect committed prior to the delivery of the child to a State, 28 county, or municipal police station, a fire department, or an 29 ambulance, first aid, or rescue squad as provided in subsection a. of 30 this section or the emergency department of a licensed general 31 hospital in this State as provided in subsection b. of this section.

f. (1) A State, county, or municipal police officer and the
 governmental jurisdiction employing that officer:

34 (2) a fire fighter and the fire department, and governmental
 35 jurisdiction as applicable, employing or utilizing the services of that
 36 person;

37 (3) a member of an ambulance, first aid, or rescue squad and the
 38 squad, and governmental jurisdiction as applicable, employing, or
 39 utilizing the services of that person; or

40 (4) an employee of an emergency department of a licensed 41 general hospital in this State and the hospital employing that 42 person, shall incur no civil or criminal liability for any good faith 43 acts or omissions performed pursuant to this section.

g. Any person who voluntarily delivers a child who is or
appears to be no more than 30 days old to a licensed general
hospital [or a], a police station, fire department, or ambulance, first
aid, or rescue squad in accordance with this section shall not be

required to disclose that person's name or other identifying 1 2 information or that of the child or the child's parent, if different from the person who delivers the child to the hospital [or], police 3 station, fire department, or ambulance, first aid, or rescue squad, or 4 5 provide background or medical information about the child, but 6 may voluntarily do so. (cf: P.L.2012, c.16, s.68) 7 8 9 2. Section 6 of P.L.2000, c.58 (C.30:4C-15.9) is amended to 10 read as follows: 11 6. a. The Commissioner of Children and Families, in 12 consultation with the Commissioner of Health [and Senior 13 Services], shall establish an educational and public information 14 program to promote safe placement alternatives for newborn 15 infants, the confidentiality offered to birth parents and information 16 regarding adoption procedures. This campaign shall include the 17 establishment of a 24-hour, toll free hotline to assist in making information about the safe haven procedures established by 18 19 P.L.2000, c.58 (C.30:4C-15.5 et al.) as widely available as possible. 20 b. The Department of Children and Families shall provide to 21 licensed general hospitals in this State and State, county, or 22 municipal police stations, fire departments, and ambulance, first 23 aid, and rescue squads, information about relevant social service 24 agencies which may be made available to any person voluntarily 25 delivering a child as provided in section 4 of P.L.2000, c.58 26 (C.30:4C-15.7). The Department of Children and Families shall notify 27 c. 28 relevant county and municipal government agencies, agencies that 29 deliver social services administered by the Departments of Children 30 and Families, Human Services, and Health [and Senior Services], physicians, pregnancy crisis centers, adoption agencies, and 31 32 colleges and universities about the availability of information 33 concerning the "New Jersey Safe Haven Infant Protection Act," 34 including the pamphlets, posters, and other materials available on 35 the department's Internet site. 36 (cf: P.L.2009, c.255, s.1) 37 38 3. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to 39 read as follows: 40 7. a. The division shall initiate a petition to terminate parental 41 rights on the grounds of the "best interests of the child" pursuant to 42 subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the 43 following standards are met: 44 (1) The child's safety, health, or development has been or will 45 continue to be endangered by the parental relationship; 46 (2) The parent is unwilling or unable to eliminate the harm 47 facing the child or is unable or unwilling to provide a safe and

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1 stable home for the child and the delay of permanent placement will 2 add to the harm. Such harm may include evidence that separating 3 the child from his resource family parents would cause serious and 4 enduring emotional or psychological harm to the child; 5 (3) The division has made reasonable efforts to provide services 6 to help the parent correct the circumstances which led to the child's 7 placement outside the home and the court has considered 8 alternatives to termination of parental rights; and 9 (4) Termination of parental rights will not do more harm than 10 good. b. The division shall initiate a petition to terminate parental 11 12 rights on the ground that the "parent has abandoned the child" 13 pursuant to subsection (e) of section 15 of P.L.1951, c.138 14 (C.30:4C-15) if the following standards are met: 15 (1) a court finds that for a period of six or more months: 16 (a) the parent, although able to have contact, has had no contact 17 with the child, the child's resource family parent or the division; and 18 (b) the parent's whereabouts are unknown, notwithstanding the 19 division's reasonable efforts to locate the parent; or 20 (2) where the identities of the parents are unknown and the 21 division has exhausted all reasonable methods of attempting 22 identification, the division may immediately file for termination of 23 parental rights upon the completion of the law enforcement 24 investigation; or (3) where the parent voluntarily delivered the child to and left 25 the child ¹[at] <u>with an adult employee</u>¹, or voluntarily arranged for 26 another person to deliver the child to and leave the child $\frac{1}{\text{with an}}$ 27 adult employee,¹ at a State, county or municipal police station, a 28 29 fire station of a municipal, county, fire district, or volunteer fire 30 department, the premises of a public or private ambulance, first aid, or rescue squad; or [at] ¹voluntarily delivered the child to and left 31 the child at¹ an emergency department of a licensed general hospital 32 in this State when the child is or appears to be no more than 30 days 33 34 old, without expressing an intent to return for the child, as provided 35 in section 4 of P.L.2000, c.58 (C.30:4C-15.7), the division shall file 36 for termination of parental rights no later than 21 days after the day 37 the division assumed care, custody and control of the child. 38 c. As used in this section and in section 15 of P.L.1951, c.138 39 (C.30:4C-15) "reasonable efforts" mean attempts by an agency 40 authorized by the division to assist the parents in remedying the 41 circumstances and conditions that led to the placement of the child 42 and in reinforcing the family structure, including, but not limited to: 43 (1) consultation and cooperation with the parent in developing a 44 plan for appropriate services; 45 (2) providing services that have been agreed upon, to the family, 46 in order to further the goal of family reunification;

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(3) informing the parent at appropriate intervals of the child's 1 2 progress, development, and health; and (4) facilitating appropriate visitation. 3 4 d. The division shall not be required to provide "reasonable 5 efforts" as defined in subsection c. of this section prior to filing a 6 petition for the termination of parental rights if an exception to the requirement to provide reasonable efforts to reunify the family has 7 been established pursuant to section 25 of P.L.1999, c.53 (C.30:4C-8 9 11.3). 10 (cf: P.L.2004, c.130, s.56) 11 12 4. This act shall take effect immediately. 13 14 15 16 17 Expands number of safe havens for leaving newborn infants.

SENATE, No. 122

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by: Senator ANTHONY R. BUCCO District 25 (Morris and Somerset) Senator DAWN MARIE ADDIEGO District 8 (Atlantic, Burlington and Camden)

Co-Sponsored by: Senator Gordon

SYNOPSIS

Expands number of safe havens for leaving newborn infants.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



AN ACT concerning the protection of newborn infants and 1 2 amending P.L.2000, c.58 and P.L.1991, c.275. 3 BE IT ENACTED by the Senate and General Assembly of the State 4 5 of New Jersey: 6 7 1. Section 4 of P.L.2000, c.58 (C.30:4C-15.7) is amended to 8 read as follows: 9 4. a. If a person voluntarily delivers a child who is or appears 10 to be no more than 30 days old to, and leaves the child at: (1) a State, county, or municipal police station and does not 11 express an intent to return for the child, a State, county, or 12 municipal police officer shall take the child to the emergency 13 14 department of a licensed general hospital in this State and the 15 hospital shall proceed as specified in subsection b. of this section; 16 (2) the premises of a fire station of a municipal, county, fire 17 district, or volunteer fire department that is staffed 24 hours a day, 18 seven days a week, and does not express an intent to return for the 19 child, a fire fighter shall take the child to the emergency department of a licensed general hospital in this State, and the hospital shall 20 21 proceed as specified in subsection b. of this section; or 22 (3) the premises of a public or private ambulance, first aid, or 23 rescue squad that is staffed 24 hours a day, seven days a week, and 24 does not express an intent to return for the child, an emergency 25 medical technician, or another squad member if an emergency 26 medical technician is not available, shall take the child to the 27 emergency department of a licensed general hospital in this State, 28 and the hospital shall proceed as specified in subsection b. of this 29 section. 30 b. If a person voluntarily delivers a child who is or appears to 31 be no more than 30 days old to, and leaves the child at an 32 emergency department of a licensed general hospital in this State 33 and does not express an intent to return for the child, or, if a State, 34 county, or municipal police officer, a fire fighter, or a member of a 35 public or private ambulance, first aid, or rescue squad brings a child 36 to a licensed general hospital under the circumstances set forth in 37 subsection a. of this section, the hospital shall: 38 (1) take possession of the child without a court order; 39 (2) take any action or provide any treatment necessary to protect 40 the child's physical health and safety; and 41 (3) no later than the first business day after taking possession of 42 the child, notify the Division of [Youth and Family Services] Child 43 Protection and Permanency in the Department of Children and 44 Families that the hospital has taken possession of the child.

Matter underlined <u>thus</u> is new matter.

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

c. The Division of Division of [Youth and Family Services]
<u>Child Protection and Permanency</u> shall assume the care, custody,
and control of the child immediately upon receipt of notice from a
licensed general hospital pursuant to paragraph (3) of subsection b.
of this section. The division shall commence a thorough search of
all listings of missing children to ensure that the relinquished child
has not been reported missing.

d. A child for whom the Division of Division of [Youth and
Family Services] <u>Child Protection and Permanency</u> assumes care,
custody, and control pursuant to subsection c. of this section shall
be treated as a child taken into possession without a court order.

It shall be an affirmative defense to prosecution for 12 e. 13 abandonment of a child that the parent voluntarily delivered the 14 child to and left the child at, or voluntarily arranged for another 15 person to deliver the child to and leave the child at, a State, county, 16 or municipal police station, a fire department, or an ambulance, first 17 aid, or rescue squad as provided in subsection a. of this section or 18 the emergency department of a licensed general hospital in this 19 State as provided in subsection b. of this section. Nothing in this 20 subsection shall be construed to create a defense to any prosecution 21 arising from any conduct other than the act of delivering the child 22 as described herein, and this subsection specifically shall not 23 constitute a defense to any prosecution arising from an act of abuse 24 or neglect committed prior to the delivery of the child to a State, 25 county, or municipal police station, a fire department, or an 26 ambulance, first aid, or rescue squad as provided in subsection a. of 27 this section or the emergency department of a licensed general hospital in this State as provided in subsection b. of this section. 28

f. (1) A State, county, or municipal police officer and the
 governmental jurisdiction employing that officer:

31 (2) a fire fighter and the fire department, and governmental
 32 jurisdiction as applicable, employing or utilizing the services of that
 33 person;

34 (3) a member of an ambulance, first aid, or rescue squad and the
 35 squad, and governmental jurisdiction as applicable, employing, or
 36 utilizing the services of that person; or

37 (4) an employee of an emergency department of a licensed
 38 general hospital in this State and the hospital employing that
 39 person.

shall incur no civil or criminal liability for any good faith acts oromissions performed pursuant to this section.

g. Any person who voluntarily delivers a child who is or appears to be no more than 30 days old to a licensed general hospital [or a], a police station, fire department, or ambulance, first aid, or rescue squad in accordance with this section shall not be required to disclose that person's name or other identifying information or that of the child or the child's parent, if different

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1 from the person who delivers the child to the hospital [or], police 2 station, fire department, or ambulance, first aid, or rescue squad, or provide background or medical information about the child, but 3 4 may voluntarily do so. 5 (cf: P.L.2012, c.16, s.68) 6 7 2. Section 6 of P.L.2000, c.58 (C.30:4C-15.9) is amended to 8 read as follows: 9 6. a. The Commissioner of Children and Families, in consultation with the Commissioner of Health [and Senior 10 Services], shall establish an educational and public information 11 program to promote safe placement alternatives for newborn 12 13 infants, the confidentiality offered to birth parents and information 14 regarding adoption procedures. This campaign shall include the 15 establishment of a 24-hour, toll free hotline to assist in making 16 information about the safe haven procedures established by P.L.2000, c.58 (C.30:4C-15.5 et al.) as widely available as possible. 17 18 b. The Department of Children and Families shall provide to 19 licensed general hospitals in this State and State, county, or 20 municipal police stations, fire departments, and ambulance, first aid, and rescue squads, information about relevant social service 21 22 agencies which may be made available to any person voluntarily 23 delivering a child as provided in section 4 of P.L.2000, c.58 24 (C.30:4C-15.7). 25 The Department of Children and Families shall notify c. 26 relevant county and municipal government agencies, agencies that 27 deliver social services administered by the Departments of Children 28 and Families, Human Services, and Health [and Senior Services], 29 physicians, pregnancy crisis centers, adoption agencies, and 30 colleges and universities about the availability of information 31 concerning the "New Jersey Safe Haven Infant Protection Act," 32 including the pamphlets, posters, and other materials available on 33 the department's Internet site. 34 (cf: P.L.2009, c.255, s.1) 35 36 3. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to 37 read as follows: 38 7. a. The division shall initiate a petition to terminate parental 39 rights on the grounds of the "best interests of the child" pursuant to 40 subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the 41 following standards are met: 42 (1) The child's safety, health, or development has been or will 43 continue to be endangered by the parental relationship; 44 (2) The parent is unwilling or unable to eliminate the harm 45 facing the child or is unable or unwilling to provide a safe and 46 stable home for the child and the delay of permanent placement will 47 add to the harm. Such harm may include evidence that separating

1 the child from his resource family parents would cause serious and 2 enduring emotional or psychological harm to the child; 3 (3) The division has made reasonable efforts to provide services 4 to help the parent correct the circumstances which led to the child's 5 placement outside the home and the court has considered 6 alternatives to termination of parental rights; and 7 (4) Termination of parental rights will not do more harm than 8 good. 9 b. The division shall initiate a petition to terminate parental 10 rights on the ground that the "parent has abandoned the child" 11 pursuant to subsection (e) of section 15 of P.L.1951, c.138 12 (C.30:4C-15) if the following standards are met: 13 (1) a court finds that for a period of six or more months: 14 (a) the parent, although able to have contact, has had no contact 15 with the child, the child's resource family parent or the division; and 16 (b) the parent's whereabouts are unknown, notwithstanding the 17 division's reasonable efforts to locate the parent; or 18 (2) where the identities of the parents are unknown and the 19 division has exhausted all reasonable methods of attempting 20 identification, the division may immediately file for termination of 21 parental rights upon the completion of the law enforcement 22 investigation; or 23 (3) where the parent voluntarily delivered the child to and left 24 the child at, or voluntarily arranged for another person to deliver the 25 child to and leave the child at a State, county or municipal police 26 station, a fire station of a municipal, county, fire district, or volunteer fire department, the premises of a public or private 27 28 ambulance, first aid, or rescue squad, or [at] an emergency 29 department of a licensed general hospital in this State when the 30 child is or appears to be no more than 30 days old, without 31 expressing an intent to return for the child, as provided in section 4 32 of P.L.2000, c.58 (C.30:4C-15.7), the division shall file for 33 termination of parental rights no later than 21 days after the day the 34 division assumed care, custody and control of the child. 35 c. As used in this section and in section 15 of P.L.1951, c.138 (C.30:4C-15) "reasonable efforts" mean attempts by an agency 36 37 authorized by the division to assist the parents in remedying the 38 circumstances and conditions that led to the placement of the child 39 and in reinforcing the family structure, including, but not limited to: 40 (1) consultation and cooperation with the parent in developing a 41 plan for appropriate services; 42 (2) providing services that have been agreed upon, to the family, 43 in order to further the goal of family reunification; 44 (3) informing the parent at appropriate intervals of the child's 45 progress, development, and health; and 46 (4) facilitating appropriate visitation.

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d. The division shall not be required to provide "reasonable 1 2 efforts" as defined in subsection c. of this section prior to filing a 3 petition for the termination of parental rights if an exception to the requirement to provide reasonable efforts to reunify the family has 4 5 been established pursuant to section 25 of P.L.1999, c.53 (C.30:4C-6 11.3). 7 (cf: P.L.2004, c.130, s.56) 8 4. This act shall take effect immediately. 9 10 11 12 **STATEMENT** 13 14 This bill expands the list of sites at which newborn infants may 15 be left safely and anonymously by a parent, or another person 16 acting on the parent's behalf, in accordance with the provisions of 17 the "New Jersey Safe Haven Infant Protection Act," to include the premises of fire stations and ambulance, first aid, and rescue squads 18 19 that are staffed 24 hours a day, seven days a week. Current law 20 provides that an infant may be left at emergency departments of 21 licensed general hospitals and State, county and municipal police 22 stations.

SENATE HEALTH, HUMAN SERVICES AND SENIOR CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 122

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 27, 2014

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 122.

This bill expands the list of sites at which newborn infants may be left safely and anonymously by a parent, or another person acting on the parent's behalf, in accordance with the provisions of the "New Jersey Safe Haven Infant Protection Act," to include the premises of fire stations and ambulance, first aid, and rescue squads that are staffed 24 hours a day, seven days a week. Current law provides that an infant may be left at emergency departments of licensed general hospitals and State, county, and municipal police stations.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

The committee amended the bill to:

- (1) clarify that a child delivered to a safe haven must be left with an adult employee, except if the child is delivered to an emergency department of a licensed general hospital; and
- (2) make technical and clarifying corrections.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint] SENATE, No. 122

STATE OF NEW JERSEY

DATED: MARCH 20, 2014

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 122 (1R).

This bill expands the list of sites at which newborn infants may be left safely and anonymously by a parent, or another person acting on the parent's behalf, in accordance with the provisions of the "New Jersey Safe Haven Infant Protection Act," to include the premises of fire stations and ambulance, first aid, and rescue squads that are staffed 24 hours a day, seven days a week. Current law provides that an infant may be left at emergency departments of licensed general hospitals and State, county, and municipal police stations.

The bill also clarifies under the act that a child delivered to a safe haven must be left with an adult employee at the safe haven, other than when the child is delivered to and left at an emergency department of a licensed general hospital.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

STATEMENT TO

[First Reprint] **SENATE, No. 122**

STATE OF NEW JERSEY

DATED: JUNE 18, 2015

The Assembly Women and Children Committee reports favorably Senate Bill No. 122 (1R).

This bill expands the list of sites at which newborn infants may be left safely and anonymously by a parent, or another person acting on the parent's behalf, in accordance with the provisions of the "New Jersey Safe Haven Infant Protection Act," to include the premises of fire stations and ambulance, first aid, and rescue squads that are staffed 24 hours a day, seven days a week. Current law provides that an infant may be left at emergency departments of licensed general hospitals and State, county, and municipal police stations.

The bill also clarifies that a child delivered to a safe haven must be left with an adult employee at the safe haven, other than when the child is delivered to and left at an emergency department of a licensed general hospital.

As reported, this bill is identical to Assembly Bill No. 4149, which was released by the committee on the same day.

ASSEMBLY, No. 4149 STATE OF NEW JERSEY 216th LEGISLATURE

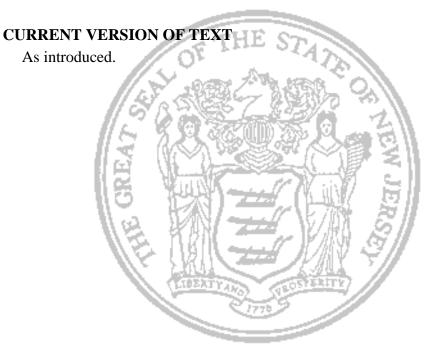
INTRODUCED FEBRUARY 5, 2015

Sponsored by: Assemblywoman MARY PAT ANGELINI District 11 (Monmouth) Assemblywoman DONNA M. SIMON District 16 (Hunterdon, Mercer, Middlesex and Somerset) Assemblywoman VALERIE VAINIERI HUTTLE District 37 (Bergen) Assemblyman BENJIE E. WIMBERLY District 35 (Bergen and Passaic)

Co-Sponsored by: Assemblymen Space, Webber, Rumana, Assemblywomen Caride, McHose and Assemblyman Eustace

SYNOPSIS

Expands number of safe havens for leaving newborn infants.



(Sponsorship Updated As Of: 6/26/2015)

1 AN ACT concerning the protection of newborn infants and 2 amending P.L.2000, c.58 and P.L.1991, c.275. 3 4 **BE IT ENACTED** by the Senate and General Assembly of the State 5 of New Jersey: 6 7 1. Section 4 of P.L.2000, c.58 (C.30:4C-15.7) is amended to 8 read as follows: 9 4. a. If a person voluntarily delivers a child who is or appears 10 to be no more than 30 days old to, and leaves the child with an adult 11 employee at: 12 (1) a State, county, or municipal police station and does not express an intent to return for the child, a State, county, or 13 municipal police officer shall take the child to the emergency 14 15 department of a licensed general hospital in this State and the 16 hospital shall proceed as specified in subsection b. of this section; 17 (2) a fire station of a municipal, county, fire district, or 18 volunteer fire department that is staffed 24 hours a day, seven days 19 a week, and does not express an intent to return for the child, a fire 20 fighter shall take the child to the emergency department of a 21 licensed general hospital in this State, and the hospital shall proceed 22 as specified in subsection b. of this section; or 23 (3) a public or private ambulance, first aid, or rescue squad that 24 is staffed 24 hours a day, seven days a week, and does not express 25 an intent to return for the child, an emergency medical technician, 26 or another squad member if an emergency medical technician is not available, shall take the child to the emergency department of a 27 licensed general hospital in this State, and the hospital shall proceed 28 29 as specified in subsection b. of this section. 30 b. If a person voluntarily delivers a child who is or appears to 31 be no more than 30 days old to, and leaves the child at an 32 emergency department of a licensed general hospital in this State 33 and does not express an intent to return for the child, or, if a State, 34 county, or municipal police officer, a fire fighter, or a member of a 35 public or private ambulance, first aid, or rescue squad brings a child 36 to a licensed general hospital under the circumstances set forth in 37 subsection a. of this section, the hospital shall: 38 (1) take possession of the child without a court order; 39 (2) take any action or provide any treatment necessary to protect 40 the child's physical health and safety; and 41 (3) no later than the first business day after taking possession of 42 the child, notify the Division of Child Protection and Permanency in 43 the Department of Children and Families that the hospital has taken 44 possession of the child. 45 The Division of Child Protection and Permanency shall c. 46 assume the care, custody, and control of the child immediately upon

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 <u>thus</u> is new matter.

receipt of notice from a licensed general hospital pursuant to
 paragraph (3) of subsection b. of this section. The division shall
 commence a thorough search of all listings of missing children to
 ensure that the relinquished child has not been reported missing.

d. A child for whom the Division of Child Protection and
Permanency assumes care, custody, and control pursuant to
subsection c. of this section shall be treated as a child taken into
possession without a court order.

9 e. It shall be an affirmative defense to prosecution for 10 abandonment of a child that the parent voluntarily delivered the child to and left the child [at] with an adult employee, or 11 12 voluntarily arranged for another person to deliver the child to and 13 leave the child with an adult employee, at **[**,**]** a State, county, or 14 municipal police station, a fire department, or an ambulance, first 15 aid, or rescue squad as provided in subsection a. of this section ; or 16 voluntarily delivered the child to and left the child at the emergency 17 department of a licensed general hospital in this State as provided in 18 subsection b. of this section. Nothing in this subsection shall be 19 construed to create a defense to any prosecution arising from any 20 conduct other than the act of delivering the child as described 21 herein, and this subsection specifically shall not constitute a defense 22 to any prosecution arising from an act of abuse or neglect 23 committed prior to the delivery of the child to a State, county, or 24 municipal police station, a fire department, or an ambulance, first 25 aid, or rescue squad as provided in subsection a. of this section or 26 the emergency department of a licensed general hospital in this 27 State as provided in subsection b. of this section.

f. (1) A State, county, or municipal police officer and the
governmental jurisdiction employing that officer:

30 (2) a fire fighter and the fire department, and governmental
 31 jurisdiction as applicable, employing or utilizing the services of that
 32 person;

33 (3) a member of an ambulance, first aid, or rescue squad and the
 34 squad, and governmental jurisdiction as applicable, employing, or
 35 utilizing the services of that person; or

36 (4) an employee of an emergency department of a licensed 37 general hospital in this State and the hospital employing that 38 person, shall incur no civil or criminal liability for any good faith 39 acts or omissions performed pursuant to this section.

40 g. Any person who voluntarily delivers a child who is or 41 appears to be no more than 30 days old to a licensed general 42 hospital [or a], a police station, fire department, or ambulance, first 43 aid, or rescue squad in accordance with this section shall not be 44 required to disclose that person's name or other identifying 45 information or that of the child or the child's parent, if different from the person who delivers the child to the hospital [or], police 46 47 station, fire department, or ambulance, first aid, or rescue squad, or

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1 provide background or medical information about the child, but 2 may voluntarily do so. 3 (cf: P.L.2012, c.16, s.68) 4 5 2. Section 6 of P.L.2000, c.58 (C.30:4C-15.9) is amended to 6 read as follows: 7 6. a. The Commissioner of Children and Families, in 8 consultation with the Commissioner of Health [and Senior 9 Services], shall establish an educational and public information 10 program to promote safe placement alternatives for newborn 11 infants, the confidentiality offered to birth parents and information 12 regarding adoption procedures. This campaign shall include the 13 establishment of a 24-hour, toll free hotline to assist in making 14 information about the safe haven procedures established by 15 P.L.2000, c.58 (C.30:4C-15.5 et al.) as widely available as possible. 16 The Department of Children and Families shall provide to b. 17 licensed general hospitals in this State and State, county, or 18 municipal police stations, fire departments, and ambulance, first 19 aid, and rescue squads, information about relevant social service 20 agencies which may be made available to any person voluntarily 21 delivering a child as provided in section 4 of P.L.2000, 22 c.58 (C.30:4C-15.7). 23 c. The Department of Children and Families shall notify 24 relevant county and municipal government agencies, agencies that 25 deliver social services administered by the Departments of Children 26 and Families, Human Services, and Health [and Senior Services], physicians, pregnancy crisis centers, adoption agencies, and 27 28 colleges and universities about the availability of information 29 concerning the "New Jersey Safe Haven Infant Protection Act," 30 including the pamphlets, posters, and other materials available on 31 the department's Internet site. 32 (cf: P.L.2009, c.255, s.1) 33 34 3. Section 7 of P.L.1991, c.275 (C.30:4C-15.1) is amended to 35 read as follows: 36 7. a. The division shall initiate a petition to terminate parental 37 rights on the grounds of the "best interests of the child" pursuant to 38 subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the 39 following standards are met: 40 (1) The child's safety, health, or development has been or will 41 continue to be endangered by the parental relationship; 42 (2) The parent is unwilling or unable to eliminate the harm 43 facing the child or is unable or unwilling to provide a safe and 44 stable home for the child and the delay of permanent placement will 45 add to the harm. Such harm may include evidence that separating 46 the child from his resource family parents would cause serious and 47 enduring emotional or psychological harm to the child;

(3) The division has made reasonable efforts to provide services
 to help the parent correct the circumstances which led to the child's
 placement outside the home and the court has considered
 alternatives to termination of parental rights; and

5 (4) Termination of parental rights will not do more harm than 6 good.

b. The division shall initiate a petition to terminate parental
rights on the ground that the "parent has abandoned the child"
pursuant to subsection (e) of section 15 of P.L.1951,
c.138 (C.30:4C-15) if the following standards are met:

(1) a court finds that for a period of six or more months:

(a) the parent, although able to have contact, has had no contact
with the child, the child's resource family parent or the division; and
(b) the parent's whereabouts are unknown, notwithstanding the
division's reasonable efforts to locate the parent; or

16 (2) where the identities of the parents are unknown and the 17 division has exhausted all reasonable methods of attempting 18 identification, the division may immediately file for termination of 19 parental rights upon the completion of the law enforcement 20 investigation; or

21 (3) where the parent voluntarily delivered the child to and left 22 the child [at] with an adult employee, or voluntarily arranged for 23 another person to deliver the child to and leave the child with an 24 adult employee, at a State, county or municipal police station, a fire 25 station of a municipal, county, fire district, or volunteer fire 26 department, the premises of a public or private ambulance, first aid, 27 or rescue squad; or [at] voluntarily delivered the child to and left 28 the child at an emergency department of a licensed general hospital 29 in this State when the child is or appears to be no more than 30 days 30 old, without expressing an intent to return for the child, as provided in section 4 of P.L.2000, c.58 (C.30:4C-15.7), the division shall file 31 32 for termination of parental rights no later than 21 days after the day 33 the division assumed care, custody and control of the child.

c. As used in this section and in section 15 of P.L.1951,
c.138 (C.30:4C-15) "reasonable efforts" mean attempts by an
agency authorized by the division to assist the parents in remedying
the circumstances and conditions that led to the placement of the
child and in reinforcing the family structure, including, but not
limited to:

40 (1) consultation and cooperation with the parent in developing a41 plan for appropriate services;

42 (2) providing services that have been agreed upon, to the family,43 in order to further the goal of family reunification;

44 (3) informing the parent at appropriate intervals of the child's
45 progress, development, and health; and

46 (4) facilitating appropriate visitation.

d. The division shall not be required to provide "reasonableefforts" as defined in subsection c. of this section prior to filing a

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1 petition for the termination of parental rights if an exception to the 2 requirement to provide reasonable efforts to reunify the family has 3 been established pursuant to section 25 of P.L.1999, c.53 (C.30:4C-4 11.3). 5 (cf: P.L.2004, c.130, s.56) 6 7 4. This act shall take effect immediately. 8 9 10 **STATEMENT** 11 This bill expands the list of sites at which newborn infants may 12 13 be left safely and anonymously by a parent, or another person 14 acting on the parent's behalf, in accordance with the provisions of 15 the "New Jersey Safe Haven Infant Protection Act," to include the 16 premises of fire stations and ambulance, first aid, and rescue squads that are staffed 24 hours a day, seven days a week. Current law 17 18 provides that an infant may be left at emergency departments of 19 licensed general hospitals and State, county, and municipal police 20 stations. 21 The bill also clarifies under the act that a child delivered to a safe 22 haven must be left with an adult employee at the safe haven, other 23 than when the child is delivered to and left at an emergency

24 department of a licensed general hospital.

STATEMENT TO

ASSEMBLY, No. 4149

STATE OF NEW JERSEY

DATED: JUNE 18, 2015

The Assembly Women and Children Committee reports favorably Assembly Bill No. 4149.

This bill expands the list of sites at which newborn infants may be left safely and anonymously by a parent, or another person acting on the parent's behalf, in accordance with the provisions of the "New Jersey Safe Haven Infant Protection Act," to include the premises of fire stations and ambulance, first aid, and rescue squads that are staffed 24 hours a day, seven days a week. Current law provides that an infant may be left at emergency departments of licensed general hospitals and State, county, and municipal police stations.

The bill also clarifies that a child delivered to a safe haven must be left with an adult employee at the safe haven, other than when the child is delivered to and left at an emergency department of a licensed general hospital.

As reported, this bill is identical to Senate Bill No. 122 (1R), which was released by the committee on the same day.

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Monday, August 10, 2015

Tags: Addiction Taskforce



Governor Christie Also Takes Action On Other Pending Legislation

Trenton, NJ – Affirming the administration's commitment to helping those impacted by drug abuse and addiction reclaim their lives, Governor Chris Christie has signed measures to further assist the treatment and recovery process.

"We remain firmly committed to confronting the stigma of drug abuse and addiction in the Garden State," said Governor Christie. "The legislation I have signed continues our efforts on these important fronts by providing a substance abuse housing recovery program for impacted students at our public colleges and universities as well as allowing medication-assisted treatment as part of our larger drug court treatment programs. These measures are another bold step to help people reclaim their lives and I want to thank Senator Vitale for his advocacy on these issues."

S-2377/A-3719 (Senators Barnes, Vitale/Assemblymembers Pinkin, Mukherji) requires four-year public colleges and universities to establish a substance abuse recovery housing program within four years. The college may designate a floor, wing, or other area within a dormitory for the program, rather than an entire dorm. The legislation applies to Rutgers New Brunswick, Ramapo College, The College of New Jersey, Montclair State University, Rowan University, and Richard Stockton College of New Jersey. The Rutgers New Brunswick campus already has implemented a similar policy. Additionally, in December, the College of New Jersey received grant funding to establish a recovery housing program.

"New Jersey created the nation's first college-based recovery housing programs and they have been a great success. Now, with the Governor's signature, many more New Jersey college students in recovery will have a much greater opportunity to maintain their sobriety and to succeed in school and in life," said Senator Joseph F. Vitale.

The second bill, S-2381/A-3723 (Senators Lesniak, Vitale/Assemblymembers Conaway, Mukherjee, Sumter, and Jimenez), allows for the completion of a special probation drug court program with use of medication-assisted treatment (MAT). The legislation further clarifies that any urine test for drug or alcohol use conducted in the course of the drug court program that shows a positive result for an individual using medication-assisted treatment would not constitute a program violation unless the positive test result is for substances unrelated to the individual's MAT. Through this bill, the treatment provider rather than a judge can now decide whether narcotic-based treatment should be permitted for convicted offenders who have been admitted to the Drug Court program for drug abuse.

"Medication assisted treatment for Drug Court attendees, like all other clinical decisions made by a provider for their patient, is a critical component in a person's treatment and recovery plan. I thank the Governor for his support of this legislation and his continued leadership and support of Drug Court programs," Vitale added.

The Governor also took the following action on other pending legislation:

BILL SIGNINGS:

S-122/A-4149 (A.R. Bucco, Addiego/Angelini, Simon, Vainieri Huttle, Wimberly) – Expands number of safe havens for leaving newborn infants

SCS for S-573/ACS for A-2443 (Smith, Sweeney/Burzichelli, Space, McHose) – Establishes apprentice firearm hunting license and apprentice bow and arrow license

9/19/2017

S-685/A-4306 (Lesniak, Whelan/Burzichelli, O'Scanlon) – Reduces number of voters for whom person can serve as messenger; limits to three number of voted mail-in ballots transmittable by bearer; modifies conviction standard under vote by mail law

S-736/ACS for A-3037, 2547, 3596, 2422 (T. Kean, Lesniak/Andrzejczak, Mukherji, Munoz, Lagana, Garcia, Jimenez, Dancer, Webber) – Establishes crimes of dog fighting and leader of a dog fighting network, and updates crime of animal fighting; amends RICO concerning dog fighting

S-756/A-3151 (Sarlo/Prieto, Jimenez) – Creates sporting facility license governing sale of alcoholic beverages under certain circumstances

S-1760/A-4212 (Allen, Ruiz, Turner/Vainieri Huttle, Angelini, Jasey) – Recognizes American Sign Language as a world language for meeting high school graduation requirements

S-1813/A-3123 (Whelan, Oroho/Burzichelli, Eustace, Andrzejczak, Mazzeo, Webber) – Requires each State agency to review permits issued by agency and make necessary changes to expedite and facilitate permitting

S-2003/ACS for A-4299 (Pou/Sumter, Mainor, Wimberly, Rodriquez-Gregg) – Makes certain reforms to juvenile justice system

S-2109/A-3344 (Oroho, O'Toole/McHose, Space) – Clarifies that county sheriff may simultaneously hold position of emergency management coordinator

S-2165/A-4374 (Cunningham, Pou/Sumter, Jasey) – Requires Secretary of Higher Education to adopt new comprehensive master plan within six months and every seven years thereafter

S-2377/A-3719 (Barnes, Vitale/Pinkin, Mukherji) – Directs certain four-year public institutions of higher education to establish substance abuse recovery housing program

SCS for S-2381/ACS for A-3723 (Lesniak, Vitale/Conaway, Mukherji, Sumter, Jimenez) – Permits successful completion of special probation drug court program notwithstanding use of medication-assisted treatment

S-2420/A-3838 (Smith, Bateman/McKeon, Eustace, Gusciora, Benson) – Increases electric power net metering capacity threshold to 2.9 percent of total annual kilowatt-hours sold in State

S-2454/A-3791 (Van Drew, Oroho/Stender, Auth, Andrzejczak, Clifton, Eustace, Garcia) – Streamlines responsibilities of Division of Local Government Services and local governments; designated as the Division of Local Government Services Modernization and Local Mandate Relief Act of 2015

S-2484/A-3845 (Codey, Turner/Jasey, Benson, Vainieri Huttle, McKeon) – Requires DOE to conduct study on options and benefits of instituting later school start time in middle school and high school

S-2508/A-3798 (Oroho, Whelan/McHose, Space) – Authorizes certain county veteran identification cards to serve as proof of status for veteran designation on driver's license or identification card

S-2559/A-4016 (Sweeney, Weinberg, O'Toole/Lagana, Mazzeo, Mosquera, Vainieri Huttle) – Removes presumption of nonimprisonment in certain assault cases involving domestic violence victims; expands criminal coercion statute; revises Pretrial Intervention procedures in certain criminal cases

SCS for S-2567/AS for A-4025 (Sweeney, Oroho, Smith, Greenstein, Thompson/Mazzeo, Andrzejczak, Space, McHose, Pinkin) – Creates "Fishing Buddy License"

S-2583/A-3836 (Allen, Bateman/Coughlin, Webber, Pinkin, Wilson, A.M. Bucco, Mukherji) – Upgrades simple assault to aggravated assault if committed against certain law enforcement officers and employees because of job status

S-2599/A-4121 (Bateman, Smith/Spencer, Schepisi) – Provides certain definitions for biofuels under "Motor Fuel Tax Act"

S-2825/A-4316 (Sweeney, Greenstein/Mazzeo) – Increases efficiency and transparency in distribution of Superstorm Sandy aid money

S-2995/A-3959 (Gordon/Eustace, Johnson, Caride, Vainieri Huttle) – Revises requirements for establishment of central municipal courts

S-3023/A-4558 (Ruiz, Oroho/McKeon, Spencer, Wimberly) – Appropriates \$4,750,000 from various Green Acres funds for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

SJR-17/AJR-79 (Beck, T. Kean/Angelini, Vainieri Huttle, McKeon, Mosquera, Pinkin, Coughlin, Wimberly) – Designates September of each year as "Hunger Action Month" in New Jersey

SJR-40/AJR-44 (Beach, Doherty/Wilson, McHose, Mazzeo, Tucker, DeAngelo) – Designates September as "Gold Star Mothers Appreciation Month"

SJR-60/AJR-83 (Beach/DeAngelo, Space) - Designates October of each year as "Lineman Appreciation Month"

A-4559/S-3022 (McKeon, Spencer, Wimberly/Codey, Doherty) – Appropriates \$88,592,361 from "Garden State Green Acres Preservation Trust Fund" and various Green Acres bond funds for local government open space acquisition and park development projects

BILLS VETOED:

S-300/A-4119 (Rice, Greenstein/Jasey, Quijano, DeCroce, Sumter, Wimberly) – CONDITIONAL – Establishes "New Jersey Out-of-School Time Advisory Commission" to review before-school, after-school, and summer programs

S-1195/A-2659 (Vitale, Allen, Weinberg/Vainieri Huttle, Gusciora, Jasey, Mosquera, McKeon) – ABSOLUTE -Revises procedure for issuance of amended birth certificate for person who has undergone change in sex

S-1593/A-213 (Turner, Ruiz/Gusciora, Eustace, Jasey, Quijano, Wimberly, Muoio) – ABSOLUTE – Establishes "Police Officer, Firefighter, Public School Teacher, Corrections Officer, and Sanitation Worker Home-buyer Assistance Act"; appropriates \$5 million

S-1621/A-2926 (Sweeney, Barnes/Lagana, Coughlin, Mosquera, Webber, Pinkin, Danielsen) – CONDITIONAL – Gives priority in training programs to long-term unemployed

S-1857/A-2699 (Codey, Turner/Vainieri Huttle, Jasey, Caputo, Wimberly) – CONDITIONAL – Establishes measures to deter steroid use among students; appropriates \$45,000 to DOE for New Jersey State Interscholastic Athletic Association testing of student-athletes for steroids and other performance enhancing substances

S-2049/A-3635 (Rice/Tucker, Caputo) – ABSOLUTE – Requires chairs of certain ward political party committees to have same rights and responsibilities as chairs of municipal political party committees; specifies certain cities not required to have municipal chairs

S-2058/A-3738 (Lesniak/Diegnan, Sumter) – CONDITIONAL – Authorizes establishment of three pilot recovery alternative high schools that provide high school education and substance dependency plan of recovery to test the effectiveness of this model

S-2360/A-3593 (Madden, Holzapfel/Johnson, Lagana, Bramnick, Danielsen, Wimberly, Jimenez) – CONDITIONAL – Requires notification of local law enforcement prior to expungement of certain mental health records of prospective firearms purchasers

S-2489/ACS for A-3859 (Sweeney, Whelan, Oroho/Greenwald, Coughlin, Bramnick, Singleton, Rible, Lagana) - CONDITIONAL – Permits public-private partnership agreements for certain building and highway infrastructure projects; provides for EDA oversight

S-2784/A-3856 (Van Drew, Whelan/Andrzejczak, Johnson) – CONDITIONAL – Provides maximum sales and use tax imposition amount for sales and uses of boats and vessels; establishes grace period for imposition of use tax on certain boats and vessels used by resident purchasers

S-2787/A-4273 (Sweeney/Singleton, Burzichelli, Giblin, Wilson, Prieto, Wimberly) – CONDITIONAL – Establishes vocational training pilot program in DOC; provides for inmate compensation for education and workforce training participation

S-3100/A-4605 (Gordon, Greenstein/Wimberly, Lagana, Singleton, Mazzeo) – ABSOLUTE – Requires State to pay its pension contributions on quarterly basis by August 1, November 1, February 1 and May1 of each year

S-3107/A-4606 (Sweeney, Greenstein/Prieto, Singleton) – ABSOLUTE – Makes FY 2015 supplemental State appropriations totaling \$300,000,000 for prepayment of portion of FY 2016 employer contributions to Stateadministered public employee defined benefit retirement systems

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