

9:3A-1 to 9:3A-14
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2006 **CHAPTER:** 47

NJSA: 9:3A-1 to 9:3A-14 (Establishes Department of Children and Families)

BILL NO: S2069 (Substituted for A3356)

SPONSOR(S) Vitale and others

DATE INTRODUCED: June 19, 2006

COMMITTEE: **ASSEMBLY:**

SENATE: Health, Human Services and Senior Citizens;
Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** July 8, 2006

SENATE: July 8, 2006

DATE OF APPROVAL: July 11, 2006

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)

S2069

[SPONSOR'S STATEMENT:](#) (Begins on page 200 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes [6-26-2006 \(H,HS &SC\)](#)
[7-7-2006 \(B & A\)](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

A3356

[SPONSOR'S STATEMENT:](#) (Begins on page 200 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

“Corzine makes child welfare a cabinet department,” 7-12-2006, New York Times, p. B1

“Advocates cheer new state child aid agency,” 7-12-2006, Star Ledger, p.11

“Corzine creates department for children, families,” 7-12-2006, Philadelphia Inquirer, p.B1

“Cabinet agency for families created,” 7-12-2006, The Record, p. A3

RWH 3/6/08

Title 9.
Chapter 3A (New)
Department of
Children and
Families
§§1-14 –
C.9:3A-1 to
9:3A-14
§15 - C.53:1-20.9f
§§127-129 - T&E
§203 - C.9:3A-7.1
§204 - Repealer
§205 - Note

P.L. 2006, CHAPTER 47, *approved July 11, 2006*
Senate, No. 2069 (*First Reprint*)

1 **AN ACT** establishing the Department of Children and Families as a
2 principal department in the Executive Branch, supplementing
3 Title 9 of the Revised Statutes, and revising various parts of the
4 statutory law.

5

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

8

9 1. (New section) Sections 2 through 15 of this act shall be
10 known and may be cited as the “Department of Children and
11 Families Act.”

12

13 2. (New section) The Legislature finds and declares that:

14 a. In 2003, New Jersey settled a class action lawsuit alleging
15 that the State’s child welfare system, which was primarily
16 administered through the Division of Youth and Family Services in
17 the Department of Human Services, failed to protect the State’s
18 most vulnerable children from child abuse and neglect. Under the
19 terms of the settlement agreement, a New Jersey Child Welfare
20 Panel was created to provide technical assistance to the State on
21 child welfare issues in order to monitor the development and
22 implementation of a State plan to reform New Jersey's child welfare
23 system;

24 b. Although the State has committed substantial financial
25 resources to the reform of the child welfare system between the date
26 of the settlement agreement and 2005, the New Jersey Child
27 Welfare Panel concluded that the department has not been able to
28 demonstrate substantial progress in the implementation of the
29 reform plan, and the Child Welfare Panel and other child advocates
30 have concluded that children continue to remain at risk;

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:

¹Senate SBA committee amendments adopted July 8, 2006.

1 c. One of the concerns about the reform is that the child
2 welfare system is administered through and is one of several large
3 units within one of the largest agencies in State government, the
4 Department of Human Services, which is responsible for so many of
5 our State's vulnerable citizens. The department consists of
6 approximately 22,000 employees and includes, in addition to the
7 Division of Youth and Family Services: the Division of Medical
8 Assistance and Health Services, which administers the State's
9 Medicaid and NJ FamilyCare programs; the Division of Family
10 Development, which administers the Temporary Assistance for
11 Needy Families program and other public assistance programs; the
12 Division of Developmental Disabilities, which provides services to
13 developmentally disabled persons in the community and operates
14 seven developmental centers; the Division of Mental Health
15 Services, which provides services to persons with mental illness in
16 the community and operates five psychiatric hospitals; the Division
17 of Addiction Services, which administers the State's substance
18 abuse programs; the Division of Disability Services, which provides
19 various services to disabled adults; and the Commission for the
20 Blind and Visually Impaired and the Division of the Deaf and Hard
21 of Hearing, which are responsible for providing services to persons
22 who are blind or visually impaired and persons with hearing
23 impairments, respectively; and

24 d. In order to facilitate aggressive reform of the child welfare
25 system and ensure that the reform effort is successful, it is,
26 therefore, in the best interest of the citizens of this State to establish
27 a principal department within the Executive Branch that focuses
28 exclusively on protecting children and strengthening families, so
29 that our State's children will have the optimum conditions in which
30 to grow and prosper to the benefit of themselves, their families, and
31 society as a whole. The department shall have the goal of ensuring
32 safety, permanency, and well-being for all children, and shall have
33 direct responsibility for child welfare and other children and family
34 services, supported by strong inter-agency partnerships among other
35 State departments also responsible for family services.

36
37 3. (New section) There is established in the Executive Branch
38 of the State Government a principal department that shall be known
39 as the Department of Children and Families.

40
41 4. (New section) As used in this act:
42 "Commissioner" means the Commissioner of Children and
43 Families.

44 "Department" means the Department of Children and Families
45 established by this act.

46
47 5. (New section) a. The head and chief administrative officer
48 of the department shall be the Commissioner of Children and

1 Families. The commissioner shall be a person qualified by training
2 and experience to perform the duties of his office. The
3 commissioner shall be appointed by the Governor, with the advice
4 and consent of the Senate, and shall serve at the pleasure of the
5 Governor during the Governor's term of office and until the
6 appointment and qualification of the commissioner's successor. He
7 shall receive such salary as shall be provided by law and shall
8 devote his entire time and attention to the duties of the office and
9 shall not engage in any other profession or occupation.

10 b. The commissioner shall delegate such of his powers as he
11 deems appropriate for the efficient administration of the
12 department, to be exercised under the commissioner's direction and
13 supervision by one or more deputy commissioners. A deputy
14 commissioner shall devote his entire time and attention to the duties
15 of that office and shall receive such salary as the commissioner
16 deems appropriate.

17

18 6. (New section) Notwithstanding any provision of P.L.1968,
19 c.410 (C.52:14B-1 et seq.) to the contrary, the commissioner may
20 designate an appropriate officer of the department to serve as the
21 final decision maker in any contested case or group of contested
22 cases filed with the Office of Administrative Law. The designation
23 shall be in writing and shall be filed with the Office of
24 Administrative Law. The designation shall remain in effect until
25 amended by the commissioner.

26

27 7. (New section) The commissioner, as administrator and chief
28 executive officer of the department, shall:

29 a. Administer the work of the department;

30 b. Appoint and remove officers and other personnel employed
31 within the department, subject to the provisions of Title 11A of the
32 New Jersey Statutes, Civil Service, and other applicable statutes,
33 except as herein otherwise specifically provided;

34 c. Appoint such deputy and assistant commissioners, directors
35 and other personnel in the unclassified service as the commissioner
36 deems appropriate to receive such compensation as may be
37 provided by law;

38 d. Perform, exercise and discharge the functions, powers and
39 duties of the department through such divisions as may be
40 established by this act or otherwise by law;

41 e. Organize the work of the department in such divisions, not
42 inconsistent with the provisions of this act, and in such other
43 organizational units as he may determine to be necessary for
44 efficient and effective operation;

45 f. Adopt, issue and promulgate, in the name of the department,
46 such rules and regulations as may be authorized by law, consistent
47 with the "Administrative Procedure Act," P.L.1968, c.410
48 (C.52:14B-1 et seq.);

- 1 g. Formulate and adopt rules and regulations for the efficient
2 conduct of the work and general administration of the department,
3 its officers and employees;
- 4 h. Institute or cause to be instituted such legal proceedings or
5 processes as may be necessary to enforce and give effect to any of
6 his powers or duties;
- 7 i. Make such reports of the department's operation as the
8 Governor or the Legislature shall from time to time request, or as
9 may be required by law;
- 10 j. Coordinate the activities of the department, and the several
11 divisions and other agencies therein, in a manner designed to
12 eliminate overlapping and duplicating functions;
- 13 k. Integrate within the department, so far as practicable, all
14 staff services of the department and of the several divisions and
15 other agencies therein;
- 16 l. Maintain suitable headquarters for the department and such
17 other quarters as are necessary to the proper functioning of the
18 department;
- 19 m. Solicit, apply for, and accept on behalf of the State any
20 contributions, donations of money, goods, services, real or personal
21 property or grants from the federal government or any agency
22 thereof, or from any foundation, corporation, association or
23 individual, and comply with the terms, conditions and limitations
24 thereof, for any of the purposes of the department;
- 25 n. Enter into contracts and agreements with public and private
26 entities, as may be appropriate to carry out the purposes of the
27 department;
- 28 o. Be the request officer for the department within the meaning
29 of such term as defined in P.L.1944, c.112 (C.52:27B-1 et seq.); and
- 30 p. Perform such other functions as may be prescribed in this act
31 or by any other law.
- 32
- 33 8. (New section) The commissioner may make, or cause to be
34 made, such investigations as he deems necessary in the
35 administration of the Department of Children and Families. For the
36 purpose of any such investigation he may cause to be examined
37 under oath any and all persons whatsoever and compel by subpoena
38 the attendance of witnesses and the production of such books,
39 records, accounts, papers and other documents as are appropriate.
40 If a witness fails without good cause to attend, testify or produce
41 such records or documents as directed in the subpoena, he shall be
42 punished in the manner provided for the punishment of any witness
43 who disobeys a summons or subpoena issued from a court of record
44 in this State.
- 45
- 46 9. (New section) All of the functions, powers and duties of the
47 Office of Children's Services in the Department of Human Services,
48 and the power to receive, allocate, expend, and authorize the

1 expenditure of federal moneys available for children and families
2 are hereby transferred and assigned to, assumed by and devolved
3 upon the Department of Children and Families. To effectuate such
4 transfer there shall also be transferred such officers and employees
5 as are necessary, all appropriations or reappropriations, to the extent
6 of remaining unexpended or unencumbered balances thereof,
7 whether allocated or unallocated and whether obligated or
8 unobligated, and all necessary books, papers, records and property.
9 All rules, regulations, acts, determinations and decisions in force at
10 the time of such transfer and proceedings or other such matters
11 undertaken, commenced or pending by or before the Office of
12 Children's Services at the time of such transfer shall continue in
13 force and effect until duly modified, abrogated or completed by the
14 Department of Children and Families.

15 As used in this section, the Office of Children's Services
16 includes, but is not limited to, the Division of Youth and Family
17 Services, the Division of Child Behavioral Health Services, the
18 Division of Prevention and Community Partnerships and the New
19 Jersey Child Welfare Training Academy in the Department of
20 Human Services.

21

22 10. (New section) a. Whenever the term "Office of Children's
23 Services" occurs or any reference is made thereto in any law,
24 regulation, contract or document, the same shall be deemed to mean
25 or refer to the Department of Children and Families.

26 b. Whenever the terms "Division of Youth and Family
27 Services," "Division of Child Behavioral Health Services,"
28 "Division of Prevention and Community Partnerships" and "New
29 Jersey Child Welfare Training Academy" occur or any reference is
30 made thereto in any law, regulation, contract or document, the same
31 shall be deemed to mean or refer to, respectively, the "Division of
32 Youth and Family Services," "Division of Child Behavioral Health
33 Services," "Division of Prevention and Community Partnerships,"
34 and "New Jersey Child Welfare Training Academy" in the
35 Department of Children and Families established herein.

36

37 11. (New section) A proportionate share of the programmatic,
38 administrative, and support staff of the Department of Human
39 Services supporting the functions, powers and duties transferred
40 under this act are transferred to the Department of Children and
41 Families.

42 The transfer of specific facilities, resources and personnel shall
43 be determined by agreement between the Commissioner of Children
44 and Families and the Commissioner of Human Services, after
45 considering the number and type of positions currently used for
46 support for the functions, powers and duties transferred and the
47 appropriateness of transferring personnel, positions, and funding.

1 12. (New section) This act shall be subject to the provisions of
2 the “State Agency Transfer Act,” P.L.1971, c.375 (C.52:14D-1 et
3 seq.), except as may otherwise be provided under this act.

4
5 13. (New section) This act shall not:

6 a. affect the tenure, compensation, and pension rights, if any,
7 of the lawful holder thereof, in any position not specifically
8 abolished herein; and

9 b. alter the term of any member of any board, commission, or
10 public body, not specifically abolished herein, lawfully in office on
11 the effective date of this act, or require the reappointment thereof.

12
13 14. (New Section) The Department of Children and Families
14 shall not employ any individual as a direct care staff member unless
15 the Commissioner of Children and Families has first determined,
16 consistent with the requirements and standards of this section, that
17 no criminal history record information exists on file in the Federal
18 Bureau of Investigation, Identification Division, or in the State
19 Bureau of Identification in the Division of State Police, which
20 would disqualify that individual from being employed at the
21 department. A criminal history record background check shall be
22 conducted at least once every two years for an individual employed
23 as a direct care staff member.

24 As used in this section, “direct care staff member” means an
25 individual employed at the department in a position which involves
26 unsupervised, regular contact with individuals receiving services
27 from the department.

28 a. An individual shall be disqualified from employment as a
29 direct care staff member if that individual's criminal history record
30 check reveals a record of conviction of any of the following crimes
31 and offenses:

32 (1) In New Jersey, any crime or disorderly persons offense:

33 (a) involving danger to the person, meaning those crimes and
34 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
35 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
36 or N.J.S.2C:15-1 et seq.; or

37 (b) against the family, children or incompetents, meaning those
38 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
39 seq.; or

40 (2) In any other state or jurisdiction, of conduct which, if
41 committed in New Jersey, would constitute any of the crimes or
42 disorderly persons offenses described in paragraph (1) of this
43 subsection.

44 b. Notwithstanding the provisions of subsection a. of this section
45 to the contrary, no individual shall be disqualified from
46 employment under this act on the basis of any conviction disclosed
47 by a criminal history record check performed pursuant to this
48 section if the individual has affirmatively demonstrated to the

1 Commissioner of Children and Families clear and convincing
2 evidence of his rehabilitation. In determining whether an individual
3 has affirmatively demonstrated rehabilitation, the following factors
4 shall be considered:

5 (1) The nature and responsibility of the position which the
6 convicted individual would hold;

7 (2) The nature and seriousness of the offense;

8 (3) The circumstances under which the offense occurred;

9 (4) The date of the offense;

10 (5) The age of the individual when the offense was committed;

11 (6) Whether the offense was an isolated or repeated incident;

12 (7) Any social conditions which may have contributed to the
13 offense; and

14 (8) Any evidence of rehabilitation, including good conduct in
15 prison or in the community, counseling or psychiatric treatment
16 received, acquisition of additional academic or vocational
17 schooling, successful participation in correctional work-release
18 programs, or the recommendation of persons who have had the
19 individual under their supervision.

20 c. If a prospective direct care staff member refuses to consent
21 to, or cooperate in, the securing of a criminal history record
22 background check, the commissioner shall not consider the
23 individual for employment as a direct care staff member. The
24 prospective staff member shall, however, retain any available right
25 of review by the Merit System Board in the Department of
26 Personnel.

27 d. If a current direct care staff member refuses to consent to, or
28 cooperate in, the securing of a criminal history record background
29 check, the commissioner shall immediately remove the individual
30 from his position as a direct care staff member and terminate the
31 individual's employment. The staff member shall, however, retain
32 any available right of review by the Merit System Board in the
33 Department of Personnel.

34 e. Notwithstanding the provisions of subsection a. of this
35 section to the contrary, the department may provisionally employ an
36 individual as a direct care staff member for a period not to exceed
37 six months if that individual's State Bureau of Identification
38 criminal history record background check does not contain any
39 information that would disqualify the individual from employment
40 at the department and if the individual submits to the commissioner
41 a sworn statement attesting that the individual has not been
42 convicted of any crime or disorderly persons offense as described in
43 this section, pending a determination that no criminal history record
44 background information which would disqualify the individual
45 exists on file in the Federal Bureau of Investigation, Identification
46 Division. An individual who is provisionally employed pursuant to
47 this subsection shall perform his duties under the direct supervision
48 of a superior who acts in a supervisory capacity over that individual

1 until the determination concerning the federal information is
2 complete.

3 f. All applicants or current direct care staff members from
4 whom criminal history record background checks are required shall
5 submit their fingerprints in a manner acceptable to the
6 commissioner. The commissioner is authorized to exchange
7 fingerprint data with and receive criminal history record
8 information from the Federal Bureau of Investigation and the
9 Division of State Police for use in making the determinations
10 required by this section. No criminal history record background
11 check shall be performed pursuant to this section unless the
12 applicant shall have furnished his written consent to the check.

13 g. (1) Upon receipt of an applicant or direct care staff member's
14 criminal history record information from the Federal Bureau of
15 Investigation or the Division of State Police, as applicable, the
16 commissioner shall notify the applicant or staff member, in writing,
17 of the applicant's or staff member's qualification or disqualification
18 for employment under this act. If the applicant or staff member is
19 disqualified, the conviction or convictions which constitute the
20 basis for the disqualification shall be identified in the written
21 notice.

22 (2) The applicant or staff member shall have 30 days from the
23 date of written notice of disqualification to petition the
24 commissioner for a hearing on the accuracy of the criminal history
25 record information or to establish his rehabilitation under
26 subsection b. of this section. The commissioner may refer any case
27 arising hereunder to the Office of Administrative Law for
28 administrative proceedings pursuant to P.L.1978, c.67 (C.52:14F-1
29 et al.).

30 (3) The commissioner shall not maintain any individual's
31 criminal history record information or evidence of rehabilitation
32 submitted under this section for more than six months from the date
33 of a final determination by the commissioner as to the individual's
34 qualification or disqualification to be a direct care staff member
35 pursuant to this section.

36 h. The commissioner shall initiate a criminal history record
37 background check on all prospective direct care staff members.
38 Current direct care staff members who have had a criminal history
39 record background check conducted and stored in a manner
40 approved by the commissioner shall have up to two years from the
41 effective date of this act until the next criminal history background
42 check is conducted.

43 i. The department shall assume the cost of all criminal history
44 record background checks conducted on current and prospective
45 direct care staff members.

46

47 15. (New section) a. The Commissioner of Children and
48 Families is authorized to exchange fingerprint data with, and to

1 receive information from, the Division of State Police in the
2 Department of Law and Public Safety and the Federal Bureau of
3 Investigation in accordance with the provisions of section 14 of
4 P.L. , c. (C.)(pending before the Legislature as this bill).

5 b. The Division of State Police shall promptly notify the
6 Department of Children and Families in the event an applicant for a
7 direct care staff member position or a direct care staff member who
8 was the subject of a criminal history record background check
9 conducted pursuant to subsection a. of this section, is convicted of a
10 crime or offense in this State after the date the background check
11 was performed. Upon receipt of such notification, the Department
12 of Children and Families shall make a determination regarding the
13 employment of the applicant or staff member.

14

15 16. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to
16 read as follows:

17 18. Place of detention or shelter. a. The Juvenile Justice
18 Commission established pursuant to section 2 of P.L.1995, c.284
19 (C.52:17B-170) shall specify the place where a juvenile may be
20 detained; and the Department of **Human Services** Children and
21 Families shall specify where a juvenile may be placed in shelter.

22 b. No juvenile shall be placed in detention or shelter care in
23 any place other than that specified by the Juvenile Justice
24 Commission or Department of **Human Services** Children and
25 Families as provided in subsection a.

26 c. A juvenile being held for a charge under this act or for a
27 violation of or contempt in connection with a violation of Title 39
28 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes
29 or N.J.S.2C:33-13, including a juvenile who has reached the age of
30 18 years after being charged, shall not be placed in any prison, jail
31 or lockup nor detained in any police station, except that if no other
32 facility is reasonably available a juvenile may be held in a police
33 station in a place other than one designed for the detention of
34 prisoners and apart from any adult charged with or convicted of a
35 crime for a brief period if such holding is necessary to allow release
36 to his parent, guardian, other suitable person, or approved facility.
37 No juvenile shall be placed in a detention facility which has reached
38 its maximum population capacity, as designated by the Juvenile
39 Justice Commission.

40 d. No juvenile charged with delinquency shall be transferred to
41 an adult county jail solely by reason of having reached age 18. The
42 following standards shall apply to any juvenile who has been placed
43 on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43)
44 and who violates the conditions of that probation after reaching the
45 age of 18; who has been placed on parole pursuant to the provisions
46 of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et
47 seq.) and who violates the conditions of that parole after reaching
48 the age of 18; or who is arrested after reaching the age of 18 on a

1 warrant emanating from the commission of an act of juvenile
2 delinquency:

3 (1) In the case of a person 18 years of age but less than 20 years
4 of age, the court, upon application by any interested party, shall
5 determine the place of detention, taking into consideration the age
6 and maturity of the person, whether the placement of the person in a
7 juvenile detention facility would present a risk to the safety of
8 juveniles residing at the facility, the likelihood that the person
9 would influence in a negative manner juveniles incarcerated at the
10 facility, whether the facility has sufficient space available for
11 juveniles and any other factor the court deems appropriate. Upon
12 application at any time by the juvenile detention facility
13 administrator or any other interested party, the court may order that
14 the person be relocated to the county jail. The denial of an
15 application shall not preclude subsequent applications based on a
16 change in circumstances or information that was not previously
17 made available to the court. The determination of the place of
18 detention shall be made in a summary manner;

19 (2) In the case of a person 20 years of age or older, the person
20 shall be incarcerated in the county jail unless good cause is shown.

21 e. (1) The Juvenile Justice Commission and the Department of
22 **【Human Services】** Children and Families shall promulgate such
23 rules and regulations from time to time as deemed necessary to
24 establish minimum physical facility and program standards for
25 juvenile detention facilities or shelters under their respective
26 supervision.

27 (2) The Juvenile Justice Commission and the Department of
28 **【Human Services】** Children and Families, in consultation with the
29 appropriate county administrator of the county facility or shelter,
30 shall assign a maximum population capacity for each juvenile
31 detention facility or shelter based on minimum standards for these
32 facilities.

33 f. (1) Where either the Juvenile Justice Commission or the
34 Department of **【Human Services】** Children and Families determines
35 that a juvenile detention facility or shelter under its control or
36 authority is regularly over the maximum population capacity or is in
37 willful and continuous disregard of the minimum standards for
38 these facilities or shelters, the commission or department may
39 restrict new admissions to the facility or shelter.

40 (2) Upon making such determination, the commission or
41 department shall notify the governing body of the appropriate
42 county of its decision to impose such a restriction, which
43 notification shall include a written statement specifying the reasons
44 therefor and corrections to be made. If the commission or
45 department shall determine that no appropriate action has been
46 initiated by the administrator of the facility or shelter within 60
47 days following such notification to correct the violations specified
48 in the notification, it shall order that such juvenile detention facility

1 or shelter shall immediately cease to admit juveniles. The county
2 shall be entitled to a hearing where such a restriction is imposed by
3 the commission or department.

4 (3) Any juvenile detention facility or shelter so restricted shall
5 continue under such order until such time as the commission or
6 department determines that the violation specified in the notice has
7 been corrected or that the facility or shelter has initiated actions
8 which will ensure the correction of said violations.

9 (4) Upon the issuance of an order to cease admissions to a
10 juvenile detention facility or shelter, the commission or department
11 shall determine whether other juvenile detention facilities or
12 shelters have adequate room for admitting juveniles and shall assign
13 the juveniles to the facilities or shelters on the basis of available
14 space; provided that the department shall not assign the juvenile to
15 a facility or shelter where such facility or shelter is at the maximum
16 population. A juvenile detention facility or shelter ordered to
17 accept a juvenile shall do so within five days following the receipt
18 of an order to accept admission of such juvenile.

19 (5) A juvenile detention facility or shelter restricted by an order
20 to cease admissions shall assume responsibility for the
21 transportation of a juvenile sent to another juvenile detention
22 facility or shelter so long as the order shall remain in effect.

23 (6) A facility or shelter receiving juveniles pursuant to
24 paragraph (4) of this subsection shall receive from the sending
25 county a reasonable and appropriate per diem allowance for each
26 juvenile sent to the facility, such allowance to be used for the
27 custody, care, maintenance, and any other services normally
28 provided by the county to juveniles in the facility or shelter and
29 which reflects all county expenditures in maintaining such juvenile,
30 including a proportionate share of all buildings and grounds costs,
31 personnel costs, including fringe benefits, administrative costs and
32 all other direct and indirect costs.

33 (7) The governing body of a county whose juvenile detention
34 facility or shelter has been prohibited from accepting new
35 admissions, and whose juveniles have been assigned to other
36 juvenile detention facilities or shelters, shall appropriate an amount
37 to pay the county receiving such juveniles for all expenses incurred
38 pursuant to paragraph (6) of this subsection.

39 (cf: P.L.2003, c.287, s.1)

40

41 17. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to
42 read as follows:

43 23. Predispositional evaluation. a. Before making a disposition,
44 the court may refer the juvenile to an appropriate individual, agency
45 or institution for examination and evaluation.

46 b. In arriving at a disposition, the court may also consult with
47 such individuals and agencies as may be appropriate to the
48 juvenile's situation, including the county probation division, the

1 Department of **【Human Services】** Children and Families, the
2 Juvenile Justice Commission established pursuant to section 2 of
3 P.L.1995, c.284 (C.52:17B-170), the county youth services
4 commission, school personnel, clergy, law enforcement authorities,
5 family members and other interested and knowledgeable parties. In
6 so doing, the court may convene a predispositional conference to
7 discuss and recommend disposition.

8 c. The predisposition report ordered pursuant to the Rules of
9 Court may include a statement by the victim of the offense for
10 which the juvenile has been adjudicated delinquent or by the nearest
11 relative of a homicide victim. The statement may include the nature
12 and extent of any physical harm or psychological or emotional harm
13 or trauma suffered by the victim, the extent of any loss to include
14 loss of earnings or ability to work suffered by the victim and the
15 effect of the crime upon the victim's family. The probation division
16 shall notify the victim or nearest relative of a homicide victim of his
17 right to make a statement for inclusion in the predisposition report
18 if the victim or relative so desires. Any statement shall be made
19 within 20 days of notification by the probation division. The report
20 shall further include information on the financial resources of the
21 juvenile. This information shall be made available on request to the
22 Victims of Crime Compensation Board established pursuant to
23 section 3 of P.L.1971, c.317 (C.52:4B-3) or to any officer
24 authorized under section 3 of P.L.1979, c.396 (C.2C:46-4) to collect
25 payment of an assessment, restitution or fine. Any predisposition
26 prepared pursuant to this section shall include an analysis of the
27 circumstances attending the commission of the act, the impact of
28 the offense on the community, the offender's history of delinquency
29 or criminality, family situation, financial resources, the financial
30 resources of the juvenile's parent or guardian, and information
31 concerning the parent or guardian's exercise of supervision and
32 control relevant to commission of the act.

33 Information concerning financial resources included in the report
34 shall be made available to any officer authorized to collect payment
35 on any assessment, restitution or fine.

36 (cf: P.L.2004, c.130, s.5)

37

38 18. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
39 read as follows:

40 24. Disposition of delinquency cases. a. In determining the
41 appropriate disposition for a juvenile adjudicated delinquent the
42 court shall weigh the following factors:

43 (1) The nature and circumstances of the offense;

44 (2) The degree of injury to persons or damage to property
45 caused by the juvenile's offense;

46 (3) The juvenile's age, previous record, prior social service
47 received and out-of-home placement history;

1 (4) Whether the disposition supports family strength,
2 responsibility and unity and the well-being and physical safety of
3 the juvenile;

4 (5) Whether the disposition provides for reasonable
5 participation by the child's parent, guardian, or custodian, provided,
6 however, that the failure of a parent or parents to cooperate in the
7 disposition shall not be weighed against the juvenile in arriving at
8 an appropriate disposition;

9 (6) Whether the disposition recognizes and treats the unique
10 physical, psychological and social characteristics and needs of the
11 child;

12 (7) Whether the disposition contributes to the developmental
13 needs of the child, including the academic and social needs of the
14 child where the child has mental retardation or learning disabilities;

15 (8) Any other circumstances related to the offense and the
16 juvenile's social history as deemed appropriate by the court;

17 (9) The impact of the offense on the victim or victims;

18 (10) The impact of the offense on the community; and

19 (11) The threat to the safety of the public or any individual posed
20 by the child.

21 b. If a juvenile is adjudged delinquent, and except to the extent
22 that an additional specific disposition is required pursuant to
23 subsection e. or f. of this section, the court may order incarceration
24 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one
25 or more of the following dispositions:

26 (1) Adjourn formal entry of disposition of the case for a period
27 not to exceed 12 months for the purpose of determining whether the
28 juvenile makes a satisfactory adjustment, and if during the period of
29 continuance the juvenile makes such an adjustment, dismiss the
30 complaint; provided that if the court adjourns formal entry of
31 disposition of delinquency for a violation of an offense defined in
32 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court
33 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but
34 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for
35 juveniles adjudicated delinquent;

36 (2) Release the juvenile to the supervision of the juvenile's
37 parent or guardian;

38 (3) Place the juvenile on probation to the chief probation officer
39 of the county or to any other suitable person who agrees to accept
40 the duty of probation supervision for a period not to exceed three
41 years upon such written conditions as the court deems will aid
42 rehabilitation of the juvenile;

43 (4) Transfer custody of the juvenile to any relative or other
44 person determined by the court to be qualified to care for the
45 juvenile;

46 (5) Place the juvenile under the care and responsibility of the
47 Department of **[Human Services]** Children and Families so that the
48 commissioner may designate a division or organizational unit in the

1 department pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the
2 purpose of providing services in or out of the home. Within 14
3 days, unless for good cause shown, but not later than 30 days, the
4 Department of **【Human Services】** Children and Families shall
5 submit to the court a service plan, which shall be presumed valid,
6 detailing the specifics of any disposition order. The plan shall be
7 developed within the limits of fiscal and other resources available to
8 the department. If the court determines that the service plan is
9 inappropriate, given existing resources, the department may request
10 a hearing on that determination;

11 (6) Place the juvenile under the care and custody of the
12 Commissioner of Human Services for the purpose of receiving the
13 services of the Division of Developmental Disabilities of that
14 department, provided that the juvenile has been determined to be
15 eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

16 (7) Commit the juvenile, pursuant to applicable laws and the
17 Rules of Court governing civil commitment, to the Department of
18 **【Human Services】** Children and Families under the responsibility
19 of the Division of Child Behavioral Health Services for the purpose
20 of placement in a suitable public or private hospital or other
21 residential facility for the treatment of persons who are mentally ill,
22 on the ground that the juvenile is in need of involuntary
23 commitment;

24 (8) Fine the juvenile an amount not to exceed the maximum
25 provided by law for such a crime or offense if committed by an
26 adult and which is consistent with the juvenile's income or ability
27 to pay and financial responsibility to the juvenile's family, provided
28 that the fine is specially adapted to the rehabilitation of the juvenile
29 or to the deterrence of the type of crime or offense. If the fine is
30 not paid due to financial limitations, the fine may be satisfied by
31 requiring the juvenile to submit to any other appropriate disposition
32 provided for in this section;

33 (9) Order the juvenile to make restitution to a person or entity
34 who has suffered loss resulting from personal injuries or damage to
35 property as a result of the offense for which the juvenile has been
36 adjudicated delinquent. The court may determine the reasonable
37 amount, terms and conditions of restitution. If the juvenile
38 participated in the offense with other persons, the participants shall
39 be jointly and severally responsible for the payment of restitution.
40 The court shall not require a juvenile to make full or partial
41 restitution if the juvenile reasonably satisfies the court that the
42 juvenile does not have the means to make restitution and could not
43 reasonably acquire the means to pay restitution;

44 (10) Order that the juvenile perform community services under
45 the supervision of a probation division or other agency or individual
46 deemed appropriate by the court. Such services shall be
47 compulsory and reasonable in terms of nature and duration. Such
48 services may be performed without compensation, provided that any

1 money earned by the juvenile from the performance of community
2 services may be applied towards any payment of restitution or fine
3 which the court has ordered the juvenile to pay;

4 (11) Order that the juvenile participate in work programs which
5 are designed to provide job skills and specific employment training
6 to enhance the employability of job participants. Such programs
7 may be without compensation, provided that any money earned by
8 the juvenile from participation in a work program may be applied
9 towards any payment of restitution or fine which the court has
10 ordered the juvenile to pay;

11 (12) Order that the juvenile participate in programs emphasizing
12 self-reliance, such as intensive outdoor programs teaching survival
13 skills, including but not limited to camping, hiking and other
14 appropriate activities;

15 (13) Order that the juvenile participate in a program of academic
16 or vocational education or counseling, such as a youth service
17 bureau, requiring attendance at sessions designed to afford access to
18 opportunities for normal growth and development. This may
19 require attendance after school, evenings and weekends;

20 (14) Place the juvenile in a suitable residential or nonresidential
21 program for the treatment of alcohol or narcotic abuse, provided
22 that the juvenile has been determined to be in need of such services;

23 (15) Order the parent or guardian of the juvenile to participate in
24 appropriate programs or services when the court has found either
25 that such person's omission or conduct was a significant
26 contributing factor towards the commission of the delinquent act,
27 or, under its authority to enforce litigant's rights, that such person's
28 omission or conduct has been a significant contributing factor
29 towards the ineffective implementation of a court order previously
30 entered in relation to the juvenile;

31 (16) (a) Place the juvenile in a nonresidential program operated
32 by a public or private agency, providing intensive services to
33 juveniles for specified hours, which may include education,
34 counseling to the juvenile and the juvenile's family if appropriate,
35 vocational training, employment counseling, work or other services;

36 (b) Place the juvenile under the custody of the Juvenile Justice
37 Commission established pursuant to section 2 of P.L.1995, c.284
38 (C.52:17B-170) for placement with any private group home or
39 private residential facility with which the commission has entered
40 into a purchase of service contract;

41 (17) Instead of or in addition to any disposition made according
42 to this section, the court may postpone, suspend, or revoke for a
43 period not to exceed two years the driver's license, registration
44 certificate, or both of any juvenile who used a motor vehicle in the
45 course of committing an act for which the juvenile was adjudicated
46 delinquent. In imposing this disposition and in deciding the duration
47 of the postponement, suspension, or revocation, the court shall
48 consider the severity of the delinquent act and the potential effect of

1 the loss of driving privileges on the juvenile's ability to be
2 rehabilitated. Any postponement, suspension, or revocation shall be
3 imposed consecutively with any custodial commitment;

4 (18) Order that the juvenile satisfy any other conditions
5 reasonably related to the rehabilitation of the juvenile;

6 (19) Order a parent or guardian who has failed or neglected to
7 exercise reasonable supervision or control of a juvenile who has
8 been adjudicated delinquent to make restitution to any person or
9 entity who has suffered a loss as a result of that offense. The court
10 may determine the reasonable amount, terms and conditions of
11 restitution; or

12 (20) Place the juvenile, if eligible, in an appropriate juvenile
13 offender program established pursuant to P.L.1997, c.81 (C.30:8-61
14 et al.).

15 c. (1) Except as otherwise provided in subsections e. and f. of
16 this section, if the county in which the juvenile has been adjudicated
17 delinquent has a juvenile detention facility meeting the physical and
18 program standards established pursuant to this subsection by the
19 Juvenile Justice Commission, the court may, in addition to any of
20 the dispositions not involving placement out of the home
21 enumerated in this section, incarcerate the juvenile in the youth
22 detention facility in that county for a term not to exceed 60
23 consecutive days. Counties which do not operate their own juvenile
24 detention facilities may contract for the use of approved
25 commitment programs with counties with which they have
26 established agreements for the use of pre-disposition juvenile
27 detention facilities. The Juvenile Justice Commission shall
28 promulgate such rules and regulations from time to time as deemed
29 necessary to establish minimum physical facility and program
30 standards for the use of juvenile detention facilities pursuant to this
31 subsection.

32 (2) No juvenile may be incarcerated in any county detention
33 facility unless the county has entered into an agreement with the
34 Juvenile Justice Commission concerning the use of the facility for
35 sentenced juveniles. Upon agreement with the county, the Juvenile
36 Justice Commission shall certify detention facilities which may
37 receive juveniles sentenced pursuant to this subsection and shall
38 specify the capacity of the facility that may be made available to
39 receive such juveniles; provided, however, that in no event shall the
40 number of juveniles incarcerated pursuant to this subsection exceed
41 50% of the maximum capacity of the facility.

42 (3) The court may fix a term of incarceration under this
43 subsection where:

44 (a) The act for which the juvenile was adjudicated delinquent, if
45 committed by an adult, would have constituted a crime or repetitive
46 disorderly persons offense;

47 (b) Incarceration of the juvenile is consistent with the goals of
48 public safety, accountability and rehabilitation and the court is

1 clearly convinced that the aggravating factors substantially
2 outweigh the mitigating factors as set forth in section 25 of
3 P.L.1982, c.77 (C.2A:4A-44); and

4 (c) The detention facility has been certified for admission of
5 adjudicated juveniles pursuant to paragraph (2).

6 (4) If as a result of incarceration of adjudicated juveniles
7 pursuant to this subsection, a county is required to transport a
8 predisposition juvenile to a juvenile detention facility in another
9 county, the costs of such transportation shall be borne by the
10 Juvenile Justice Commission.

11 d. Whenever the court imposes a disposition upon an
12 adjudicated delinquent which requires the juvenile to perform a
13 community service, restitution, or to participate in any other
14 program provided for in this section other than subsection c., the
15 duration of the juvenile's mandatory participation in such
16 alternative programs shall extend for a period consistent with the
17 program goal for the juvenile and shall in no event exceed one year
18 beyond the maximum duration permissible for the delinquent if the
19 juvenile had been committed to a term of incarceration.

20 e. In addition to any disposition the court may impose pursuant
21 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
22 following orders shall be included in dispositions of the
23 adjudications set forth below:

24 (1) An order of incarceration for a term of the duration
25 authorized pursuant to this section or section 25 of P.L.1982, c.77
26 (C.2A:4A-44) or an order to perform community service pursuant to
27 paragraph (10) of subsection b. of this section for a period of at
28 least 60 days, if the juvenile has been adjudicated delinquent for an
29 act which, if committed by an adult, would constitute the crime of
30 theft of a motor vehicle, or the crime of unlawful taking of a motor
31 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
32 degree crime of eluding in violation of subsection b. of
33 N.J.S.2C:29-2;

34 (2) An order of incarceration for a term of the duration
35 authorized pursuant to this section or section 25 of P.L.1982, c.77
36 (C.2A:4A-44) which shall include a minimum term of 60 days
37 during which the juvenile shall be ineligible for parole, if the
38 juvenile has been adjudicated delinquent for an act which, if
39 committed by an adult, would constitute the crime of aggravated
40 assault in violation of paragraph (6) of subsection b. of
41 N.J.S.2C:12-1, the second degree crime of eluding in violation of
42 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case
43 in which the juvenile has previously been adjudicated delinquent for
44 an act, which if committed by an adult, would constitute unlawful
45 taking of a motor vehicle or theft of a motor vehicle;

46 (3) An order to perform community service pursuant to
47 paragraph (10) of subsection b. of this section for a period of at
48 least 30 days, if the juvenile has been adjudicated delinquent for an

1 act which, if committed by an adult, would constitute the fourth
2 degree crime of unlawful taking of a motor vehicle in violation of
3 subsection b. of N.J.S.2C:20-10;

4 (4) An order of incarceration for a term of the duration
5 authorized pursuant to this section or section 25 of P.L.1982, c.77
6 (C.2A:4A-44) which shall include a minimum term of 30 days
7 during which the juvenile shall be ineligible for parole, if the
8 juvenile has been adjudicated delinquent for an act which, if
9 committed by an adult, would constitute the crime of unlawful
10 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third
11 degree crime of eluding in violation of subsection b. of
12 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated
13 delinquent for an act which, if committed by an adult, would
14 constitute either theft of a motor vehicle, the unlawful taking of a
15 motor vehicle or eluding.

16 f. (1) The minimum terms of incarceration required pursuant to
17 subsection e. of this section shall be imposed regardless of the
18 weight or balance of factors set forth in this section or in section 25
19 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of
20 those factors shall determine the length of the term of incarceration
21 appropriate, if any, beyond any mandatory minimum term required
22 pursuant to subsection e. of this section.

23 (2) When a court in a county that does not have a juvenile
24 detention facility or a contractual relationship permitting
25 incarceration pursuant to subsection c. of this section is required to
26 impose a term of incarceration pursuant to subsection e. of this
27 section, the court may, subject to limitations on commitment to
28 State correctional facilities of juveniles who are under the age of 11
29 or developmentally disabled, set a term of incarceration consistent
30 with subsection c. which shall be served in a State correctional
31 facility. When a juvenile who because of age or developmental
32 disability cannot be committed to a State correctional facility or
33 cannot be incarcerated in a county facility, the court shall order a
34 disposition appropriate as an alternative to any incarceration
35 required pursuant to subsection e.

36 (3) For purposes of subsection e. of this section, in the event
37 that a "boot camp" program for juvenile offenders should be
38 developed and is available, a term of commitment to such a
39 program shall be considered a term of incarceration.

40 g. Whenever the court imposes a disposition upon an
41 adjudicated delinquent which requires the juvenile to perform a
42 community service, restitution, or to participate in any other
43 program provided for in this section, the order shall include
44 provisions which provide balanced attention to the protection of the
45 community, accountability for offenses committed, fostering
46 interaction and dialogue between the offender, victim and
47 community and the development of competencies to enable the

1 child to become a responsible and productive member of the
2 community.

3 (cf: P.L.2004, c.130, s.6)

4

5 19. Section 1 of P.L.1982, c.79 (2A:4A-60) is amended to read
6 as follows:

7 1. Disclosure of juvenile information; penalties for disclosure.

8 a. Social, medical, psychological, legal and other records of the
9 court and probation division, and records of law enforcement
10 agencies, pertaining to juveniles charged as a delinquent or found to
11 be part of a juvenile-family crisis, shall be strictly safeguarded from
12 public inspection. Such records shall be made available only to:

13 (1) Any court or probation division;

14 (2) The Attorney General or county prosecutor;

15 (3) The parents or guardian and to the attorney of the juvenile;

16 (4) The Department of Human Services or Department of
17 Children and Families, if providing care or custody of the juvenile;

18 (5) Any institution or facility to which the juvenile is currently
19 committed or in which the juvenile is placed;

20 (6) Any person or agency interested in a case or in the work of
21 the agency keeping the records, by order of the court for good cause
22 shown, except that information concerning adjudications of
23 delinquency, records of custodial confinement, payments owed on
24 assessments imposed pursuant to section 2 of P.L.1979, c.396
25 (C.2C:43-3.1) or restitution ordered following conviction of a crime
26 or adjudication of delinquency, and the juvenile's financial
27 resources, shall be made available upon request to the Victims of
28 Crime Compensation Board established pursuant to section 3 of
29 P.L.1971, c.317 (C.52:4B-3), which shall keep such information
30 and records confidential;

31 (7) The Juvenile Justice Commission established pursuant to
32 section 2 of P.L.1995, c.284 (C.52:17B-170);

33 (8) Law enforcement agencies for the purpose of reviewing
34 applications for a permit to purchase a handgun or firearms
35 purchaser identification card;

36 (9) Any potential party in a subsequent civil action for damages
37 related to an act of delinquency committed by a juvenile, including
38 the victim or a member of the victim's immediate family, regardless
39 of whether the action has been filed against the juvenile; provided,
40 however, that records available under this paragraph shall be
41 limited to official court documents, such as complaints, pleadings
42 and orders, and that such records may be disclosed by the recipient
43 only in connection with asserting legal claims or obtaining
44 indemnification on behalf of the victim or the victim's family and
45 otherwise shall be safeguarded from disclosure to other members of
46 the public. Any potential party in a civil action related to the
47 juvenile offense may file a motion with the civil trial judge seeking

1 to have the juvenile's social, medical or psychological records
2 admitted into evidence in a civil proceeding for damages;

3 (10) Any potential party in a subsequent civil action for damages
4 related to an act of delinquency committed by a juvenile, including
5 the victim or a member of the victim's immediate family, regardless
6 of whether the action has been filed against the juvenile; provided,
7 however, that records available under this paragraph shall be
8 limited to police or investigation reports concerning acts of
9 delinquency, which shall be disclosed by a law enforcement agency
10 only with the approval of the County Prosecutor's Office or the
11 Division of Criminal Justice. Prior to disclosure, all personal
12 information regarding all individuals, other than the requesting
13 party and the arresting or investigating officer, shall be redacted.
14 Such records may be disclosed by the recipient only in connection
15 with asserting legal claims or obtaining indemnification on behalf
16 of the victim or the victim's family, and otherwise shall be
17 safeguarded from disclosure to other members of the public;

18 (11) The Office of the Child Advocate established pursuant to
19 P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile
20 information received by the child advocate pursuant to this
21 paragraph shall be in accordance with the provisions of section 76
22 of P.L.2005, c.155 (C.52:27EE-76); and

23 (12) Law enforcement agencies with respect to information
24 available on the juvenile central registry maintained by the courts
25 pursuant to subsection g. of this section, including, but not limited
26 to: records of official court documents, such as complaints,
27 pleadings and orders for the purpose of obtaining juvenile arrest
28 information; juvenile disposition information; juvenile pretrial
29 information; and information concerning the probation status of a
30 juvenile.

31 b. Records of law enforcement agencies may be disclosed for
32 law enforcement purposes, or for the purpose of reviewing
33 applications for a permit to purchase a handgun or a firearms
34 purchaser identification card to any law enforcement agency of this
35 State, another state or the United States, and the identity of a
36 juvenile under warrant for arrest for commission of an act that
37 would constitute a crime if committed by an adult may be disclosed
38 to the public when necessary to execution of the warrant.

39 c. At the time of charge, adjudication or disposition,
40 information as to the identity of a juvenile charged with an offense,
41 the offense charged, the adjudication and disposition shall, upon
42 request, be disclosed to:

43 (1) The victim or a member of the victim's immediate family;

44 (2) (Deleted by amendment P.L.2005, c.165).

45 (3) On a confidential basis, the principal of the school where the
46 juvenile is enrolled for use by the principal and such members of
47 the staff and faculty of the school as the principal deems
48 appropriate for maintaining order, safety or discipline in the school

1 or to planning programs relevant to the juvenile's educational and
2 social development, provided that no record of such information
3 shall be maintained except as authorized by regulation of the
4 Department of Education; or

5 (4) A party in a subsequent legal proceeding involving the
6 juvenile, upon approval by the court.

7 d. A law enforcement or prosecuting agency shall, at the time
8 of a charge, adjudication or disposition, advise the principal of the
9 school where the juvenile is enrolled of the identity of the juvenile
10 charged, the offense charged, the adjudication and the disposition
11 if:

12 (1) The offense occurred on school property or a school bus,
13 occurred at a school-sponsored function or was committed against
14 an employee or official of the school; or

15 (2) The juvenile was taken into custody as a result of
16 information or evidence provided by school officials; or

17 (3) The offense, if committed by an adult, would constitute a
18 crime, and the offense:

19 (a) resulted in death or serious bodily injury or involved an
20 attempt or conspiracy to cause death or serious bodily injury; or

21 (b) involved the unlawful use or possession of a firearm or other
22 weapon; or

23 (c) involved the unlawful manufacture, distribution or
24 possession with intent to distribute a controlled dangerous
25 substance or controlled substance analog; or

26 (d) was committed by a juvenile who acted with a purpose to
27 intimidate an individual or group of individuals because of race,
28 color, religion, sexual orientation or ethnicity; or

29 (e) would be a crime of the first or second degree.

30 Information provided to the principal pursuant to this subsection
31 shall be treated as confidential but may be made available to such
32 members of the staff and faculty of the school as the principal
33 deems appropriate for maintaining order, safety or discipline in the
34 school or for planning programs relevant to a juvenile's educational
35 and social development, and no record of such information shall be
36 maintained except as authorized by regulation of the Department of
37 Education.

38 e. Nothing in this section prohibits a law enforcement or
39 prosecuting agency from providing the principal of a school with
40 information identifying one or more juveniles who are under
41 investigation or have been taken into custody for commission of any
42 act that would constitute an offense if committed by an adult when
43 the law enforcement or prosecuting agency determines that the
44 information may be useful to the principal in maintaining order,
45 safety or discipline in the school or in planning programs relevant
46 to the juvenile's educational and social development. Information
47 provided to the principal pursuant to this subsection shall be treated
48 as confidential but may be made available to such members of the

1 staff and faculty of the school as the principal deems appropriate for
2 maintaining order, safety or discipline in the school or for planning
3 programs relevant to the juvenile's educational and social
4 development. No information provided pursuant to this section
5 shall be maintained.

6 f. Information as to the identity of a juvenile adjudicated
7 delinquent, the offense, the adjudication and the disposition shall be
8 disclosed to the public where the offense for which the juvenile has
9 been adjudicated delinquent if committed by an adult, would
10 constitute a crime of the first, second or third degree, or aggravated
11 assault, destruction or damage to property to an extent of more than
12 \$500.00, unless upon application at the time of disposition the
13 juvenile demonstrates a substantial likelihood that specific and
14 extraordinary harm would result from such disclosure in the specific
15 case. Where the court finds that disclosure would be harmful to the
16 juvenile, the reasons therefor shall be stated on the record.

17 g. (1) Nothing in this section shall prohibit the establishment
18 and maintaining of a central registry of the records of law
19 enforcement agencies relating to juveniles for the purpose of
20 exchange between State and local law enforcement agencies and
21 prosecutors of this State, another state, or the United States. These
22 records of law enforcement agencies shall be available on a 24-hour
23 basis.

24 (2) Certain information and records relating to juveniles in the
25 central registry maintained by the courts, as prescribed in paragraph
26 (12) of subsection a. of this section, shall be available to State and
27 local law enforcement agencies and prosecutors on a 24-hour basis.

28 h. Whoever, except as provided by law, knowingly discloses,
29 publishes, receives, or makes use of or knowingly permits the
30 unauthorized use of information concerning a particular juvenile
31 derived from records listed in subsection a. or acquired in the
32 course of court proceedings, probation, or police duties, shall, upon
33 conviction thereof, be guilty of a disorderly persons offense.

34 i. Juvenile delinquency proceedings.

35 (1) Except as provided in paragraph (2) of this subsection, the
36 court may, upon application by the juvenile or his parent or
37 guardian, the prosecutor or any other interested party, including the
38 victim or complainant or members of the news media, permit public
39 attendance during any court proceeding at a delinquency case,
40 where it determines that a substantial likelihood that specific harm
41 to the juvenile would not result. The court shall have the authority
42 to limit and control attendance in any manner and to the extent it
43 deems appropriate;

44 (2) The court or, in cases where the county prosecutor has
45 entered an appearance, the county prosecutor shall notify the victim
46 or a member of the victim's immediate family of any court
47 proceeding involving the juvenile and the court shall permit the
48 attendance of the victim or family member at the proceeding except

1 when, prior to completing testimony as a witness, the victim or
2 family member is properly sequestered in accordance with the law
3 or the Rules Governing the Courts of the State of New Jersey or
4 when the juvenile or the juvenile's family member shows, by clear
5 and convincing evidence, that such attendance would result in a
6 substantial likelihood that specific harm to the juvenile would result
7 from the attendance of the victim or a family member at a
8 proceeding or any portion of a proceeding and that such harm
9 substantially outweighs the interest of the victim or family member
10 to attend that portion of the proceeding;

11 (3) The court shall permit a victim, or a family member of a
12 victim to make a statement prior to ordering a disposition in any
13 delinquency proceeding involving an offense that would constitute a
14 crime if committed by an adult.

15 j. The Department of Education, in consultation with the
16 Attorney General, shall adopt, pursuant to the "Administrative
17 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
18 regulations concerning the creation, maintenance and disclosure of
19 pupil records including information acquired pursuant to this
20 section.

21 (cf: P.L. 2005, c.165, s.1)

22

23 20. Section 14 of P.L.1982, c.80 (C.2A:4A-89) is amended to
24 read as follows:

25 14. When intake has filed with the court a petition for out of
26 home placement, the court shall, within 24 hours, conduct a hearing
27 on the petition. The court shall notify the parents, the juvenile and
28 his counsel and, if indigent, have counsel appointed by the court.
29 The hearing shall be conducted in accordance with the Rules of
30 Court and shall be attended by the parents, the juvenile, and when
31 requested by the court, a representative of the **【Division of Youth
32 and Family Services】** Department of Children and Families. The
33 following procedure shall be followed for the hearing:

34 a. The court shall hold the hearing to consider the petition and
35 may approve or disapprove the temporary out of home placement.
36 The court may approve the temporary out of home placement if
37 either of the following factors exists:

38 (1) A serious conflict or other problem between the parent and
39 the juvenile which cannot be resolved by delivery of services to the
40 family during continued placement of the juvenile in the parental
41 home; or

42 (2) The physical safety and well-being of the juvenile would be
43 threatened if the juvenile were placed in the parental home.

44 b. If the court disapproves a petition for an out of home
45 placement, a written statement of reasons shall be filed, and the
46 court shall order that the juvenile is to remain at or return to the
47 parental home.

1 c. Temporary out of home placement shall continue until
2 otherwise provided by the court. The order approving the
3 temporary out of home placement shall direct the **[Division of**
4 **Youth and Family Services]** Department of Children and Families,
5 or other service or agency to submit a family service plan that is
6 designed to resolve the family crisis consistent with the well-being
7 and physical safety of the juvenile. The court shall direct such
8 **[division]** department, service or agency to make recommendations
9 as to which agency or person shall have physical custody of the
10 child, the extent of the parental powers to be awarded to such
11 agency or person and parental visitation rights.

12 d. Within 14 days of the date of the order approving the
13 petition for temporary out of home placement is entered, unless for
14 good cause shown, but no later than 30 days, the **[division]**
15 department, service or agency shall submit to the court a family
16 service plan, which shall be presumed valid, detailing the specifics
17 of the court order. The plan shall be developed within the limits of
18 fiscal and other resources available to the **[division]** department,
19 service or agency. If the court determines that the service plan is
20 inappropriate, given existing resources, the **[division]** department,
21 service or agency may request a hearing on that determination.

22 e. At the hearing held to consider the family service plan
23 presented by the **[division]** department or other service or agency,
24 the court shall consider all such recommendations included therein.
25 The court, consistent with this section, may modify such plan and
26 shall make its dispositional order for the juvenile. The court's
27 dispositional order shall specify the responsibility of the
28 Department of **[Human Services]** Children and Families or other
29 service with respect to the juvenile who shall be placed, those
30 parental powers temporarily ordered to the department or service
31 and parental visitation rights. Where placement cannot be
32 immediately made, the **[division]** department or other service or
33 agency shall report to the court every 14 days on the status of the
34 placement and progress toward implementation of the plan.

35 (cf: P.L.1982, c.80, s.14)

36

37 21. N.J.S.2A:12-6 is amended to read as follows:

38 2A:12-6. The Administrative Director of the Courts is
39 authorized to distribute or cause to be distributed any bound
40 volumes of the New Jersey Reports and the New Jersey Superior
41 Court Reports heretofore or hereafter published and delivered to
42 him, as follows:

43 To each member of the Legislature, one copy of each volume of
44 such reports.

45 To the following named, for official use, to remain the property
46 of the State, the following number of copies of each volume of such
47 reports:

- 1 a. To the Governor, four copies;
- 2 b. To the Department of Law and Public Safety, for the
3 Division of Law, four copies; and the Division of Alcoholic
4 Beverage Control, one copy;
- 5 c. To the Department of the Treasury, for the State Treasurer,
6 one copy; the Division of Taxation, three copies; and the Division
7 of Local Government Services in the Department of Community
8 Affairs, one copy;
- 9 d. To the Department of State, one copy;
- 10 e. To the Department of Personnel, one copy;
- 11 f. To the Department of Banking and Insurance, two copies;
- 12 g. To the Board of Public Utilities in the Department of the
13 Treasury, one copy;
- 14 h. To the Department of Labor and Workforce Development,
15 for the commissioner, one copy; the Division of Workers'
16 Compensation, five copies; the State Board of Mediation, one copy;
17 and the Division of Employment Security, three copies;
- 18 i. To the Department of Education, for the commissioner, one
19 copy;
- 20 j. To the Department of Transportation, one copy;
- 21 k. To the Department of Human Services, one copy; **[and]** the
22 Department of Corrections, one copy; and the Department of
23 Children and Families, one copy;
- 24 l. To each judge of the federal courts in and for the district of
25 New Jersey, one copy;
- 26 m. To each justice of the Supreme Court, one copy;
- 27 n. To each judge of the Superior Court, one copy;
- 28 o. To the Administrative Director of the Courts, one copy;
- 29 p. To each standing master of the Superior Court, one copy;
- 30 q. (Deleted by amendment, P.L.1983, c.36.)
- 31 r. To the clerk of the Supreme Court, one copy;
- 32 s. To the clerk of the Superior Court, one copy;
- 33 t. (Deleted by amendment, P.L.1983, c.36.)
- 34 u. (Deleted by amendment, P.L.1983, c.36.)
- 35 v. (Deleted by amendment, P.L.1991, c.91.)
- 36 w. (Deleted by amendment, P.L.1991, c.91.)
- 37 x. To each county prosecutor, one copy;
- 38 y. To the Central Management Unit in the Office of Legislative
39 Services, one copy;
- 40 z. To each surrogate, one copy;
- 41 aa. To each county clerk, one copy;
- 42 ab. To each sheriff, one copy;
- 43 ac. To Rutgers, The State University, two copies; and the law
44 schools, five copies each;
- 45 ad. To the law school of Seton Hall University, five copies;
- 46 ae. To Princeton University, two copies;
- 47 af. To the Library of Congress, four copies;
- 48 ag. To the New Jersey Historical Society, one copy;

1 ah. To every library provided by the board of chosen freeholders
2 of any county at the courthouse in each county, one copy;

3 ai. To the library of every county bar association in this State,
4 one copy;

5 aj. To each incorporated library association in this State, which
6 has a law library at the county seat of the county in which it is
7 located, one copy;

8 ak. To each judge of the tax court, one copy;

9 al. The State Library, 60 copies, five of which shall be
10 deposited in the Law Library, and 55 of which shall be used by the
11 State Librarian to send one copy to the state library of each state
12 and territory of the United States, the same to be in exchange for the
13 law reports of such states and territories sent to the State Library,
14 which reports shall be deposited in and become part of the
15 collection of the Law Library.

16 The remaining copies of such reports shall be retained by the
17 administrative director for the use of the State and for such further
18 distribution as he may determine upon.

19 (cf: P.L.2001, c.137, s.1)

20

21 22. Section 6 of P.L.2004, c.157 (C.2A:23C-6) is amended to
22 read as follows:

23 6. Exceptions to Privilege.

24 a. There is no privilege under section 4 of P.L.2004, c.157
25 (C.2A:23C-4) for a mediation communication that is:

26 (1) in an agreement evidenced by a record signed by all parties
27 to the agreement;

28 (2) made during a session of a mediation that is open, or is
29 required by law to be open, to the public;

30 (3) a threat or statement of a plan to inflict bodily injury or
31 commit a crime;

32 (4) intentionally used to plan a crime, attempt to commit a
33 crime, or to conceal an ongoing crime or ongoing criminal activity;

34 (5) sought or offered to prove or disprove a claim or complaint
35 filed against a mediator arising out of a mediation;

36 (6) except as otherwise provided in subsection c., sought or
37 offered to prove or disprove a claim or complaint of professional
38 misconduct or malpractice filed against a mediation party, nonparty
39 participant, or representative of a party based on conduct occurring
40 during a mediation; or

41 (7) sought or offered to prove or disprove child abuse or neglect
42 in a proceeding in which the Division of Youth and Family Services
43 in the Department of **【Human Services】** Children and Families is a
44 party, unless the Division of Youth and Family Services participates
45 in the mediation.

46 b. There is no privilege under section 4 of P.L.2004, c.157
47 (C.2A:23C-4) if a court, administrative agency, or arbitrator finds,
48 after a hearing in camera, that the party seeking discovery or the

1 proponent of the evidence has shown that the evidence is not
2 otherwise available, that there is a need for the evidence that
3 substantially outweighs the interest in protecting confidentiality,
4 and that the mediation communication is sought or offered in:

5 (1) a court proceeding involving a crime as defined in the "New
6 Jersey Code of Criminal Justice," N.J.S. 2C:1-1 et seq.; or

7 (2) except as otherwise provided in subsection c., a proceeding
8 to prove a claim to rescind or reform or a defense to avoid liability
9 on a contract arising out of the mediation.

10 c. A mediator may not be compelled to provide evidence of a
11 mediation communication referred to in paragraph (6) of subsection
12 a. or paragraph (2) of subsection b.

13 d. If a mediation communication is not privileged under
14 subsection a. or b., only the portion of the communication necessary
15 for the application of the exception from nondisclosure may be
16 admitted. Admission of evidence under subsection a. or b. does not
17 render the evidence, or any other mediation communication,
18 discoverable or admissible for any other purpose.

19 (cf: P.L.2004, c.157, s.6)

20

21 23. Section 5 of P.L.1994, c.133 (C.2C:7-5) is amended to read
22 as follows:

23 5. a. Records maintained pursuant to this act shall be open to
24 any law enforcement agency in this State, the United States or any
25 other state and may be released to the Division of Youth and Family
26 Services in the Department of **[Human Services]** Children and
27 Families for use in carrying out its responsibilities under law. Law
28 enforcement agencies in this State shall be authorized to release
29 relevant and necessary information regarding sex offenders to the
30 public when the release of the information is necessary for public
31 protection in accordance with the provisions of P.L.1994, c.128
32 (C.2C:7-6 et seq.).

33 b. An elected public official, public employee, or public
34 agency is immune from civil liability for damages for any
35 discretionary decision to release relevant and necessary
36 information, unless it is shown that the official, employee, or
37 agency acted with gross negligence or in bad faith. The immunity
38 provided under this section applies to the release of relevant
39 information to other employees or officials or to the general public.

40 c. Nothing in this act shall be deemed to impose any liability
41 upon or to give rise to a cause of action against any public official,
42 public employee, or public agency for failing to release information
43 as authorized in subsection d. of this section.

44 d. Nothing in this section shall be construed to prevent law
45 enforcement officers from notifying members of the public exposed
46 to danger of any persons that pose a danger under circumstances
47 that are not enumerated in this act.

48 (cf: P.L.2006, c.6, s.1)

1 24. N.J.S.2C:13-1 is amended to read as follows:

2 2C:13-1. Kidnapping. a. Holding for ransom, reward or as a
3 hostage. A person is guilty of kidnapping if he unlawfully removes
4 another from the place where he is found or if he unlawfully
5 confines another with the purpose of holding that person for ransom
6 or reward or as a shield or hostage.

7 b. Holding for other purposes. A person is guilty of kidnapping
8 if he unlawfully removes another from his place of residence or
9 business, or a substantial distance from the vicinity where he is
10 found, or if he unlawfully confines another for a substantial period,
11 with any of the following purposes:

12 (1) To facilitate commission of any crime or flight thereafter;

13 (2) To inflict bodily injury on or to terrorize the victim or
14 another;

15 (3) To interfere with the performance of any governmental or
16 political function; or

17 (4) To permanently deprive a parent, guardian or other lawful
18 custodian of custody of the victim.

19 c. Grading of kidnapping. (1) Except as provided in paragraph
20 (2) of this subsection, kidnapping is a crime of the first degree and
21 upon conviction thereof, a person may, notwithstanding the
22 provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, be
23 sentenced to an ordinary term of imprisonment between 15 and 30
24 years. If the actor releases the victim unharmed and in a safe place
25 prior to apprehension, it is a crime of the second degree.

26 (2) Kidnapping is a crime of the first degree and upon
27 conviction thereof, an actor shall be sentenced to a term of
28 imprisonment by the court, if the victim of the kidnapping is less
29 than 16 years of age and if during the kidnapping:

30 (a) A crime under N.J.S.2C:14-2 or subsection a. of
31 N.J.S.2C:14-3 is committed against the victim;

32 (b) A crime under subsection b. of N.J.S.2C:24-4 is committed
33 against the victim; or

34 (c) The actor sells or delivers the victim to another person for
35 pecuniary gain other than in circumstances which lead to the return
36 of the victim to a parent, guardian or other person responsible for
37 the general supervision of the victim.

38 Notwithstanding the provisions of paragraph (1) of subsection a.
39 of N.J.S.2C:43-6, the term of imprisonment imposed under this
40 paragraph shall be either a term of 25 years during which the actor
41 shall not be eligible for parole, or a specific term between 25 years
42 and life imprisonment, of which the actor shall serve 25 years
43 before being eligible for parole; provided, however, that the crime
44 of kidnapping under this paragraph and underlying aggravating
45 crimes listed in subparagraph (a), (b) or (c) of this paragraph shall
46 merge for purposes of sentencing. If the actor is convicted of the
47 criminal homicide of a victim of a kidnapping under the provisions
48 of chapter 11, any sentence imposed under provisions of this

1 paragraph shall be served consecutively to any sentence imposed
2 pursuant to the provisions of chapter 11.

3 d. “Unlawful” removal or confinement. A removal or
4 confinement is unlawful within the meaning of this section and of
5 sections 2C:13-2 and 2C:13-3, if it is accomplished by force, threat
6 or deception, or, in the case of a person who is under the age of 14
7 or is incompetent, if it is accomplished without the consent of a
8 parent, guardian or other person responsible for general supervision
9 of his welfare.

10 e. It is an affirmative defense to a prosecution under paragraph
11 (4) of subsection b. of this section, which must be proved by clear
12 and convincing evidence, that:

13 (1) The actor reasonably believed that the action was necessary
14 to preserve the victim from imminent danger to his welfare.
15 However, no defense shall be available pursuant to this subsection
16 if the actor does not, as soon as reasonably practicable but in no
17 event more than 24 hours after taking a victim under his protection,
18 give notice of the victim’s location to the police department of the
19 municipality where the victim resided, the office of the county
20 prosecutor in the county where the victim resided, or the Division
21 of Youth and Family Services in the Department of **【Human**
22 **Services】** Children and Families;

23 (2) The actor reasonably believed that the taking or detaining of
24 the victim was consented to by a parent, or by an authorized State
25 agency; or

26 (3) The victim, being at the time of the taking or concealment
27 not less than 14 years old, was taken away at his own volition by
28 his parent and without purpose to commit a criminal offense with or
29 against the victim.

30 f. It is an affirmative defense to a prosecution under paragraph
31 (4) of subsection b. of this section that a parent having the right of
32 custody reasonably believed he was fleeing from imminent physical
33 danger from the other parent, provided that the parent having
34 custody, as soon as reasonably practicable:

35 (1) Gives notice of the victim’s location to the police
36 department of the municipality where the victim resided, the office
37 of the county prosecutor in the county where the victim resided, or
38 the Division of Youth and Family Services in the Department of
39 **【Human Services】** Children and Families; or

40 (2) Commences an action affecting custody in an appropriate
41 court.

42 g. As used in subsections e. and f. of this section, “parent”
43 means a parent, guardian or other lawful custodian of a victim.

44 (cf: P.L.1999, c.190, s.1)

45

46 25. N.J.S.2C:13-4 is amended to read as follows:

47 2C:13-4. Interference with custody.

1 a. Custody of children. A person, including a parent, guardian or
2 other lawful custodian, is guilty of interference with custody if he:

3 (1) Takes or detains a minor child with the purpose of concealing
4 the minor child and thereby depriving the child's other parent of
5 custody or parenting time with the minor child; or

6 (2) After being served with process or having actual knowledge
7 of an action affecting marriage or custody but prior to the issuance
8 of a temporary or final order determining custody and parenting
9 time rights to a minor child, takes, detains, entices or conceals the
10 child within or outside the State for the purpose of depriving the
11 child's other parent of custody or parenting time, or to evade the
12 jurisdiction of the courts of this State;

13 (3) After being served with process or having actual knowledge
14 of an action affecting the protective services needs of a child
15 pursuant to Title 9 of the Revised Statutes in an action affecting
16 custody, but prior to the issuance of a temporary or final order
17 determining custody rights of a minor child, takes, detains, entices
18 or conceals the child within or outside the State for the purpose of
19 evading the jurisdiction of the courts of this State; or

20 (4) After the issuance of a temporary or final order specifying
21 custody, joint custody rights or parenting time, takes, detains,
22 entices or conceals a minor child from the other parent in violation
23 of the custody or parenting time order.

24 Interference with custody is a crime of the second degree if the
25 child is taken, detained, enticed or concealed: (i) outside the United
26 States or (ii) for more than 24 hours. Otherwise, interference with
27 custody is a crime of the third degree but the presumption of non-
28 imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first
29 offense of a crime of the third degree shall not apply.

30 b. Custody of committed persons. A person is guilty of a crime
31 of the fourth degree if he knowingly takes or entices any committed
32 person away from lawful custody when he is not privileged to do
33 so. "Committed person" means, in addition to anyone committed
34 under judicial warrant, any orphan, neglected or delinquent child,
35 mentally defective or insane person, or other dependent or
36 incompetent person entrusted to another's custody by or through a
37 recognized social agency or otherwise by authority of law.

38 c. It is an affirmative defense to a prosecution under subsection
39 a. of this section, which must be proved by clear and convincing
40 evidence, that:

41 (1) The actor reasonably believed that the action was necessary
42 to preserve the child from imminent danger to his welfare.
43 However, no defense shall be available pursuant to this subsection
44 if the actor does not, as soon as reasonably practicable but in no
45 event more than 24 hours after taking a child under his protection,
46 give notice of the child's location to the police department of the
47 municipality where the child resided, the office of the county
48 prosecutor in the county where the child resided, or the Division of

1 Youth and Family Services in the Department of **【Human Services】**
2 Children and Families;

3 (2) The actor reasonably believed that the taking or detaining of
4 the minor child was consented to by the other parent, or by an
5 authorized State agency; or

6 (3) The child, being at the time of the taking or concealment not
7 less than 14 years old, was taken away at his own volition and
8 without purpose to commit a criminal offense with or against the
9 child.

10 d. It is an affirmative defense to a prosecution under subsection
11 a. of this section that a parent having the right of custody
12 reasonably believed he was fleeing from imminent physical danger
13 from the other parent, provided that the parent having custody, as
14 soon as reasonably practicable:

15 (1) Gives notice of the child's location to the police department
16 of the municipality where the child resided, the office of the county
17 prosecutor in the county where the child resided, or the Division of
18 Youth and Family Services in the Department of **【Human Services】**
19 Children and Families; or

20 (2) Commences an action affecting custody in an appropriate
21 court.

22 e. The offenses enumerated in this section are continuous in
23 nature and continue for so long as the child is concealed or
24 detained.

25 f. (1) In addition to any other disposition provided by law, a
26 person convicted under subsection a. of this section shall make
27 restitution of all reasonable expenses and costs, including
28 reasonable counsel fees, incurred by the other parent in securing the
29 child's return.

30 (2) In imposing sentence under subsection a. of this section the
31 court shall consider, in addition to the factors enumerated in chapter
32 44 of Title 2C of the New Jersey Statutes:

33 (a) Whether the person returned the child voluntarily; and

34 (b) The length of time the child was concealed or detained.

35 g. As used in this section, "parent" means a parent, guardian or
36 other lawful custodian of a minor child.

37 (cf: P.L.1999, c.190, s.2)

38

39 26. Section 1 of P.L.1999, c.421 (C.2C:25-34) is amended to
40 read as follows:

41 1. The Administrative Office of the Courts shall establish and
42 maintain a central registry of all persons who have had domestic
43 violence restraining orders entered against them, all persons who
44 have been charged with a crime or offense involving domestic
45 violence, and all persons who have been charged with a violation of
46 a court order involving domestic violence. All records made
47 pursuant to this section shall be kept confidential and shall be
48 released only to:

- 1 a. A public agency authorized to investigate a report of
2 domestic violence;
- 3 b. A police or other law enforcement agency investigating a
4 report of domestic violence, or conducting a background
5 investigation involving a person's application for a firearm permit
6 or employment as a police or law enforcement officer or for any
7 other purpose authorized by law or the Supreme Court of the State
8 of New Jersey;
- 9 c. A court, upon its finding that access to such records may be
10 necessary for determination of an issue before the court; **[or]**
- 11 d. A surrogate, in that person's official capacity as deputy clerk
12 of the Superior Court, in order to prepare documents that may be
13 necessary for a court to determine an issue in an adoption
14 proceeding; or
- 15 e. The Division of Youth and Family Services in the
16 Department of Children and Families when the division is
17 conducting a background investigation involving:
- 18 (1) an allegation of child abuse or neglect, to include any adult
19 member of the same household as the individual who is the subject
20 of the abuse or neglect allegation; or
- 21 (2) an out-of-home placement for a child being placed by the
22 Division of Youth and Family Services, to include any adult
23 member of the prospective placement household.
- 24 Any individual, agency, surrogate or court which receives from
25 the Administrative Office of the Courts the records referred to in
26 this section shall keep such records and reports, or parts thereof,
27 confidential and shall not disseminate or disclose such records and
28 reports, or parts thereof; provided that nothing in this section shall
29 prohibit a receiving individual, agency, surrogate or court from
30 disclosing records and reports, or parts thereof, in a manner
31 consistent with and in furtherance of the purpose for which the
32 records and reports or parts thereof were received.
- 33 Any individual who disseminates or discloses a record or report,
34 or parts thereof, of the central registry, for a purpose other than
35 investigating a report of domestic violence, conducting a
36 background investigation involving a person's application for a
37 firearm permit or employment as a police or law enforcement
38 officer, making a determination of an issue before the court,
39 conducting a background investigation as specified in subsection e.
40 of this section, or for any other purpose other than that which is
41 authorized by law or the Supreme Court of the State of New Jersey,
42 shall be guilty of a crime of the fourth degree.
- 43 (cf: P.L.2003, c.286, s.1)
- 44

45 27. Section 4 of P.L.1999, c.334 (C.2C:35-5.7) is amended to
46 read as follows:

- 47 4. a. When a person is charged with a criminal offense on a
48 warrant and the person is released from custody before trial on bail

1 or personal recognizance, the court, upon application of a law
2 enforcement officer or prosecuting attorney pursuant to section 3 of
3 P.L.2001, c.365 (C.2C:35-5.9) and except as provided in subsection
4 e. of this section, shall as a condition of release issue an order
5 prohibiting the person from entering any place defined by
6 subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-5.6),
7 including a buffer zone surrounding the place or modifications as
8 provided by subsection f. of this section.

9 b. When a person is charged with a criminal offense on a
10 summons, the court, upon application of a law enforcement officer
11 or prosecuting attorney pursuant to section 3 of P.L.2001, c.365
12 (C.2C:35-5.9) and except as provided in subsection e. of this
13 section, shall, at the time of the defendant's first appearance, issue
14 an order prohibiting the person from entering any place defined by
15 subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-5.6),
16 including a buffer zone surrounding the place or modifications as
17 provided by subsection f. of this section.

18 c. When a person is charged with a criminal offense on a
19 juvenile delinquency complaint and is released from custody at a
20 detention hearing pursuant to section 19 of P.L.1982, c.77
21 (C.2A:4A-38), the court, upon application of a law enforcement
22 officer or prosecuting attorney pursuant to section 3 of P.L.2001,
23 c.365 (C.2C:35-5.9) and except as provided in subsection e. of this
24 section, shall issue an order prohibiting the person from entering
25 any place defined by subsection b. of section 3 of P.L.1999, c.334
26 (C.2C:35-5.6), including a buffer zone surrounding the place or
27 modifications as provided by subsection f. of this section.

28 d. When a person is charged with a criminal offense on a
29 juvenile delinquency complaint and is released without being
30 detained pursuant to section 15 or 16 of P.L.1982, c.77
31 ([C.2A:4A:34] C.2A:4A-34 or C.2A:4A-35), the law enforcement
32 officer or prosecuting attorney shall prepare an application pursuant
33 to section 3 of P.L.2001, c.365 (C.2C:35-5.9) for filing on the next
34 court day.

35 The law enforcement officer releasing the juvenile shall serve the
36 juvenile and his parent or guardian with written notice that an order
37 shall be issued by the Family Part of the Superior Court on the next
38 court day prohibiting the juvenile from entering any place defined
39 by subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-5.6),
40 including a buffer zone surrounding the place or modifications as
41 provided by subsection f. of this section.

42 The court shall issue such order on the first court day following
43 the release of the juvenile. If the restraints contained in the court
44 order differ from the restraints contained in the notice, the order
45 shall not be effective until the third court day following the issuance
46 of the order. The juvenile may apply to the court to stay or modify
47 the order on the grounds set forth in subsection e. of this section.

1 e. The court may forego issuing a restraining order for which
2 application has been made pursuant to section 3 of P.L.2001, c.365
3 (C.2C:35-5.9) only if the defendant establishes by clear and
4 convincing evidence that:

5 (1) the defendant lawfully resides at or has legitimate business
6 on or near the place, or otherwise legitimately needs to enter the
7 place. In such an event, the court shall not issue an order pursuant
8 to this section unless the court is clearly convinced that the need to
9 bar the person from the place in order to protect the public safety
10 and the rights, safety and health of the residents and persons
11 working in the place outweighs the person's interest in returning to
12 the place. If the balance of the interests of the person and the public
13 so warrants, the court may issue an order imposing conditions upon
14 the person's entry at, upon or near the place; or

15 (2) the issuance of an order would cause undue hardship to
16 innocent persons and would constitute a serious injustice which
17 overrides the need to protect the rights, safety and health of persons
18 residing in or having business in the place.

19 f. A restraining order issued pursuant to subsection a., b., c., d.
20 or h. of this section shall describe the place from which the person
21 has been barred and any conditions upon the person's entry into the
22 place, with sufficient specificity to enable the person to guide his
23 conduct accordingly and to enable a law enforcement officer to
24 enforce the order. The order shall also prohibit the person from
25 entering an area of up to 500 feet surrounding the place, unless the
26 court rules that a different buffer zone would better effectuate the
27 purposes of this act. In the discretion of the court, the order may
28 contain modifications to permit the person to enter the area during
29 specified times for specified purposes, such as attending school
30 during regular school hours. When appropriate, the court may
31 append to the order a map depicting the place. The person shall be
32 given a copy of the restraining order and any appended map and
33 shall acknowledge in writing the receipt thereof.

34 g. (1) The court shall provide notice of the restraining order to
35 the local law enforcement agency where the arrest occurred and to
36 the county prosecutor.

37 (2) Notwithstanding the provisions of section 1 of P.L.1982,
38 c.79 (C.2A:4A-60), prior to the person's conviction or adjudication
39 of delinquency for a criminal offense, the local law enforcement
40 agency may post a copy of any orders issued pursuant to this
41 section, or an equivalent notice containing the terms of the order,
42 upon one or more of the principal entrances of the place or in any
43 other conspicuous location. Such posting shall be for the purpose
44 of informing the public, and the failure to post a copy of the order
45 shall in no way excuse any violation of the order.

46 (3) Notwithstanding the provisions of section 1 of P.L.1982,
47 c.79 (C.2A:4A-60), prior to the person's conviction or adjudication
48 of delinquency for a criminal offense, any law enforcement agency

1 may publish a copy of any orders issued pursuant to this section, or
2 an equivalent notice containing the terms of the order, in a
3 newspaper circulating in the area of the restraining order. Such
4 publication shall be for the purpose of informing the public, and the
5 failure to publish a copy of the order shall in no way excuse any
6 violation of the order.

7 (4) Notwithstanding the provisions of section 1 of P.L.1982,
8 c.79 (C.2A:4A-60), prior to the person's conviction or adjudication
9 of delinquency for a criminal offense, any law enforcement agency
10 may distribute copies of any orders issued pursuant to this section,
11 or an equivalent notice containing the terms of the order, to
12 residents or businesses located within the area delineated in the
13 order or, in the case of a school or any government-owned property,
14 to the appropriate administrator, or to any tenant association
15 representing the residents of the affected area. Such distribution
16 shall be for the purpose of informing the public, and the failure to
17 publish a copy of the order shall in no way excuse any violation of
18 the order.

19 h. When a person is convicted of or adjudicated delinquent for
20 any criminal offense, the court, upon application of a law
21 enforcement officer or prosecuting attorney pursuant to section 3 of
22 P.L.2001, c.365 (C.2C:35-5.9) and except as provided in subsection
23 e. of this section, shall, by separate order or within the judgment of
24 conviction, issue an order prohibiting the person from entering any
25 place defined by subsection b. of section 3 of P.L.1999, c.334
26 (C.2C:35-5.6), including a buffer zone surrounding the place or
27 modifications as provided by subsection f. of this section. Upon the
28 person's conviction or adjudication of delinquency for a criminal
29 offense, a law enforcement agency, in addition to posting,
30 publishing, and distributing the order or an equivalent notice
31 pursuant to paragraphs (2), (3) and (4) of subsection g. of this
32 section, may also post, publish and distribute a photograph of the
33 person.

34 i. When a juvenile has been adjudicated delinquent for an act
35 which, if committed by an adult, would be a criminal offense, in
36 addition to an order required by subsection h. of this section or any
37 other disposition authorized by law, the court may order the
38 juvenile and any parent, guardian or any family member over whom
39 the court has jurisdiction to take such actions or obey such restraints
40 as may be necessary to facilitate the rehabilitation of the juvenile or
41 to protect public safety or to safeguard or enforce the rights of
42 residents of the place. The court may commit the juvenile to the
43 care and responsibility of the Department of **[Human Services]**
44 Children and Families until such time as the juvenile reaches the
45 age of 18 or until the order of removal and restraint expires,
46 whichever first occurs, or to such alternative residential placement
47 as is practicable.

1 j. An order issued pursuant to subsection a., b., c. or d. of this
2 section shall remain in effect until the case has been adjudicated or
3 dismissed, or for not less than two years, whichever is less. An
4 order issued pursuant to subsection h. of this section shall remain in
5 effect for such period of time as shall be fixed by the court but not
6 longer than the maximum term of imprisonment or incarceration
7 allowed by law for the underlying offense or offenses. When the
8 court issues a restraining order pursuant to subsection h. of this
9 section and the person is also sentenced to any form of probationary
10 supervision or participation in the Intensive Supervision Program,
11 the court shall make continuing compliance with the order an
12 express condition of probation or the Intensive Supervision
13 Program. When the person has been sentenced to a term of
14 incarceration, continuing compliance with the terms and conditions
15 of the order shall be made an express condition of the person's
16 release from confinement or incarceration on parole. At the time of
17 sentencing or, in the case of a juvenile, at the time of disposition of
18 the juvenile case, the court shall advise the defendant that the
19 restraining order shall include a fixed time period in accordance
20 with this subsection and shall include that provision in the judgment
21 of conviction, dispositional order, separate order or order vacating
22 an existing restraining order, to the law enforcement agency that
23 made the arrest and to the county prosecutor.

24 k. All applications to stay or modify an order issued pursuant
25 to this act, including an order originally issued in municipal court,
26 shall be made in the Superior Court. The court shall immediately
27 notify the county prosecutor in writing whenever an application is
28 made to stay or modify an order issued pursuant to this act. If the
29 court does not issue a restraining order, the sentence imposed by the
30 court for a criminal offense as defined in subsection b. of this
31 section shall not become final for ten days in order to permit the
32 appeal of the court's findings by the prosecution.

33 l. Nothing in this section shall be construed in any way to limit
34 the authority of the court to take such other actions or to issue such
35 orders as may be necessary to protect the public safety or to
36 safeguard or enforce the rights of others with respect to the place.

37 m. Notwithstanding any other provision of this section, the
38 court may permit the person to return to the place to obtain personal
39 belongings and effects and, by court order, may restrict the time and
40 duration and provide for police supervision of such a visit.

41 (cf: P.L.2004, c.130, s.14)

42

43 28. Section 1 of P.L.2003, c.301 (C.2C:44-6.2) is amended to
44 read as follows:

45 1. a. In any case in which a person has been convicted of a crime
46 for which the person will be incarcerated, the court shall order, as
47 part of the presentence investigation required pursuant to
48 N.J.S.2C:44-6, that a determination be made as to whether the

1 person is the sole caretaker of a minor child and, if so, who will
2 assume responsibility for the child's care and custody during the
3 period the person is incarcerated.

4 b. If the determination is made that the person is the sole
5 caretaker of the child, the presentence investigation shall also
6 include:

7 (1) verification that the person who will be responsible for the
8 child's care and custody during the period of incarceration has
9 agreed to assume responsibility for the child's care and custody;

10 (2) an inquiry as to the willingness of the person to assume
11 responsibility for the child's care and custody during the period of
12 incarceration; and

13 (3) a PROMIS/GAVEL network check, juvenile central registry
14 check and domestic violence central registry check on the person
15 who will be responsible for the child's care and custody during the
16 period of incarceration and on any adult and juvenile over 12 years
17 of age in the person's household.

18 c. The court shall provide the information compiled pursuant to
19 subsection b. of this section, from the presentence investigation, to
20 the Division of Youth and Family Services in the Department of
21 **【Human Services】** Children and Families.

22 (cf: P.L.2003,c.301, s.1)

23

24 29. Section 3 of P.L.2003, c.301 (C.2C:44-6.3) is amended to
25 read as follows:

26 3. a. In any case in which a person has been convicted of a
27 crime enumerated in subsection b. of this section and:

28 (1) the victim of the crime was either a person under the age of
29 18 at the time of the commission of the crime, or a person defined
30 in paragraph (9) of subsection b. of this section; and

31 (2) the person convicted of the crime resides in a household
32 with other minor children or is a parent of a minor child,
33 the court, based on an interview with the defendant, shall make a
34 referral to the Division of Youth and Family Services in the
35 Department of **【Human Services】** Children and Families and
36 provide the division with the name and address of the person
37 convicted of the crime, information on the person's criminal history
38 and the name and address of each child referred to in paragraph (2)
39 of this subsection.

40 b. For purposes of this section, "crime" includes any of the
41 following:

42 (1) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant
43 to N.J.S.2C:11-4;

44 (2) simple assault or aggravated assault pursuant to
45 N.J.S.2C:12-1;

46 (3) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

47 (4) terrorist threats pursuant to N.J.S.2C:12-3;

1 (5) kidnaping and related offenses including criminal restraint;
2 false imprisonment; interference with custody; criminal coercion; or
3 enticing a child into a motor vehicle, structure, or isolated area
4 pursuant to N.J.S.2C:13-1 through 2C:13-6;

5 (6) sexual assault, criminal sexual contact or lewdness pursuant
6 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

7 (7) arson pursuant to N.J.S.2C:17-1, or causing or risking
8 widespread injury or damage which would constitute a crime of the
9 second degree pursuant to N.J.S.2C:17-2;

10 (8) a crime against a child, including endangering the welfare of
11 a child and child pornography pursuant to N.J.S.2C:24-4; or child
12 abuse, neglect, or abandonment pursuant to R.S.9:6-3;

13 (9) endangering the welfare of an incompetent person pursuant
14 to N.J.S.2C:24-7 or endangering the welfare of an elderly or
15 disabled person pursuant to N.J.S.2C:24-8;

16 (10) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17
17 et seq.); or

18 (11) an attempt or conspiracy to commit an offense listed in
19 paragraphs (1) through (10) of this subsection.

20 (cf: P.L.2003, c.301, s.3)

21

22 30. Section 3 of P.L.1995, c.76 (C.3B:12-69) is amended to read
23 as follows:

24 3. As used in this act:

25 "Appointed standby guardian" means a person appointed
26 pursuant to section 6 of this act to assume the duties of guardian
27 over the person and, when applicable, the property of a minor child
28 upon the death or a determination of incapacity or debilitation, and
29 with the consent, of the parent or legal custodian.

30 "Attending physician" means the physician who has primary
31 responsibility for the treatment and care for the petitioning parent or
32 legal custodian. When more than one physician shares this
33 responsibility, or when a physician is acting on the primary
34 physician's behalf, any such physician may act as the attending
35 physician pursuant to this act. When no physician has this
36 responsibility, a physician who is familiar with the petitioner's
37 medical condition may act as the attending physician pursuant to
38 this act.

39 "Consent" means written consent signed by the parent or legal
40 custodian in the presence of two witnesses who shall also sign the
41 document. The written consent shall constitute the terms for the
42 commencement of the duties of the standby guardian.

43 "Debilitation" means a chronic and substantial inability, as a
44 result of a physically debilitating illness, disease, or injury, to care
45 for one's minor child.

46 "Designated standby guardian" means a person designated
47 pursuant to section 8 of this act to assume temporarily the duties of
48 guardianship over the person and, when applicable, the property of

1 a minor child upon the death or a determination of incapacity or
2 debilitation, and with the consent, of the parent or legal custodian.

3 “Designation” means a written document voluntarily executed by
4 the designator pursuant to this act.

5 “Designator” means a competent parent or legal custodian of a
6 minor child who makes a designation pursuant to this act.

7 “Determination of debilitation” means a written determination
8 made by the attending physician which contains the physician’s
9 opinion to a reasonable degree of medical certainty regarding the
10 nature, cause, extent and probable duration of the parent’s or legal
11 custodian’s debilitation.

12 “Determination of incapacity” means a written determination
13 made by the attending physician which contains the physician’s
14 opinion to a reasonable degree of medical certainty regarding the
15 nature, cause, extent and probable duration of the parent’s or legal
16 custodian’s incapacity.

17 “Incapacity” means a chronic and substantial inability, as a result
18 of mental or organic impairment, to understand the nature and
19 consequences of decisions concerning the care of one’s minor child,
20 and a consequent inability to make these decisions.

21 “Minor child” means a child under the age of eighteen years but
22 excludes a child residing in a placement funded or approved by the
23 Division of Youth and Family Services in the Department of
24 **[Human Services]** Children and Families pursuant to either a
25 voluntary placement agreement or court order.

26 “Triggering event” means an event stated in the designation,
27 petition or decree which empowers the standby guardian to assume
28 the duties of the office, which event may be the death, incapacity or
29 debilitation, with the consent, of the custodial parent or legal
30 custodian, whichever occurs first.

31 (cf: P.L.1995, c.76, s.3)

32

33 31. Section 2 of P.L.2001, c.250 (C.3B:12A-2) is amended to
34 read as follows:

35 2. As used in sections 1 through 6 of P.L.2001, c.250
36 (C.3B:12A-1 et seq.):

37 “Caregiver” means a person over 18 years of age, other than a
38 child’s parent, who has a kinship relationship with the child and has
39 been providing care and support for the child, while the child has
40 been residing in the caregiver’s home, for **[at least]** either the last
41 12 consecutive months or 15 of the last 22 months. “Caregiver”
42 includes a resource family parent as defined in section 1 of
43 P.L.1962, c.136 (C.30:4C-26.4).

44 “Child” means a person under 18 years of age, except as
45 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

46 “Commissioner” means the Commissioner of **[Human Services]**
47 Children and Families.

1 “Court” means the Superior Court, Chancery Division, Family
2 Part.

3 “Department” means the Department of **[Human Services]**
4 Children and Families.

5 “Division” means the Division of Youth and Family Services in
6 the Department of **[Human Services]** Children and Families.

7 “Family friend” means a person who is connected to a child or
8 the child’s parent by an established positive psychological or
9 emotional relationship that is not a biological or legal relationship.

10 “Home review” means the basic review of the information
11 provided by the petitioner and a visit to the petitioner’s home where
12 the child will continue to reside, in accordance with the provisions
13 of P.L.2001, c.250 (C.3B:12A-1 et al.) and pursuant to regulations
14 adopted by the commissioner.

15 “Kinship caregiver assessment” means a written report prepared
16 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1
17 et al.) and pursuant to regulations adopted by the commissioner.

18 “Kinship legal guardian” means a caregiver who is willing to
19 assume care of a child due to parental incapacity, with the intent to
20 raise the child to adulthood, and who is appointed the kinship legal
21 guardian of the child by the court pursuant to P.L.2001, c.250
22 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible
23 for the care and protection of the child and for providing for the
24 child’s health, education and maintenance.

25 “Kinship relationship” means a family friend or a person with a
26 biological or legal relationship with the child.

27 “Parental incapacity” means incapacity of such a serious nature
28 as to demonstrate that the parent is unable, unavailable or unwilling
29 to perform the regular and expected functions of care and support of
30 the child.

31 (cf: P.L.2001, c.250, s.2)

32

33 32. Section 6 of P.L.2001, c.250 (C.3B:12A-6) is amended to
34 read as follows:

35 6. a. In making its determination about whether to appoint the
36 caregiver as kinship legal guardian, the court shall consider:

37 (1) if proper notice was provided to the child's parents;

38 (2) the best interests of the child;

39 (3) the kinship caregiver assessment;

40 (4) in cases in which the division is involved with the child as
41 provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-
42 85), the recommendation of the division, including any parenting
43 time or visitation restrictions;

44 (5) the potential kinship legal guardian's ability to provide a safe
45 and permanent home for the child;

46 (6) the wishes of the child's parents, if known to the court;

1 (7) the wishes of the child if the child is 12 years of age or older,
2 unless unique circumstances exist that make the child's age
3 irrelevant;

4 (8) the suitability of the kinship caregiver and the caregiver's
5 family to raise the child;

6 (9) the ability of the kinship caregiver to assume full legal
7 responsibility for the child;

8 (10) the commitment of the kinship caregiver and the caregiver's
9 family to raise the child to adulthood;

10 (11) the results from the child abuse record check conducted
11 pursuant to section 9 of P.L.2001, c.250 (C.30:4C-86); and

12 (12) the results from the criminal history record background
13 check and domestic violence check conducted pursuant to section 9
14 of P.L.2001, c.250 (C.30:4C-86). In any case in which the caregiver
15 petitioning for kinship legal guardianship, or any adult residing in
16 the prospective caregiver's home, has a record of criminal history or
17 a record of being subjected to a final domestic violence restraining
18 order under P.L.1991, c.261 (C.2C:25-17 et seq.), the court shall
19 review the record with respect to the type and date of the criminal
20 offense or the provisions and date of the final domestic violence
21 restraining order and make a determination as to the suitability of
22 the person to become a kinship legal guardian. For the purposes of
23 this paragraph, with respect to criminal history, the court shall
24 consider convictions for offenses specified in subsections c., d. and
25 e. of section 1 of P.L.1985, c.396 (C.30:4C-26.8).

26 b. The court shall not award kinship legal guardianship of the
27 child unless proper notice was served upon the parents of the child
28 and any other party to whom the court has awarded custody or
29 parenting time for that child, in accordance with the Rules of Court.

30 c. The court shall not award kinship legal guardianship of the
31 child solely because of parental incapacity.

32 d. The court shall appoint the caregiver as a kinship legal
33 guardian if, based upon clear and convincing evidence, the court
34 finds that:

35 (1) each parent's incapacity is of such a serious nature as to
36 demonstrate that the parents are unable, unavailable or unwilling to
37 perform the regular and expected functions of care and support of
38 the child;

39 (2) the parents' inability to perform those functions is unlikely to
40 change in the foreseeable future;

41 (3) in cases in which the division is involved with the child as
42 provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-
43 85), (a) the division exercised reasonable efforts to reunify the child
44 with the birth parents and these reunification efforts have proven
45 unsuccessful or unnecessary; and (b) adoption of the child is neither
46 feasible nor likely; and

47 (4) awarding kinship legal guardianship is in the child's best
48 interests.

1 e. The court order appointing the kinship legal guardian shall
2 specify, as appropriate, that:

3 (1) a kinship legal guardian shall have the same rights,
4 responsibilities and authority relating to the child as a birth parent,
5 including, but not limited to: making decisions concerning the
6 child's care and well-being; consenting to routine and emergency
7 medical and mental health needs; arranging and consenting to
8 educational plans for the child; applying for financial assistance and
9 social services for which the child is eligible; applying for a motor
10 vehicle operator's license; applying for admission to college;
11 responsibility for activities necessary to ensure the child's safety,
12 permanency and well-being; and ensuring the maintenance and
13 protection of the child; except that a kinship legal guardian may not
14 consent to the adoption of the child or a name change for the child;

15 (2) the birth parent of the child retains the authority to consent to
16 the adoption of the child or a name change for the child;

17 (3) the birth parent of the child retains the obligation to pay child
18 support;

19 (4) the birth parent of the child retains the right to visitation or
20 parenting time with the child, as determined by the court;

21 (5) the appointment of a kinship legal guardian does not limit or
22 terminate any rights or benefits derived from the child's parents,
23 including, but not limited to, those relating to inheritance or
24 eligibility for benefits or insurance; and

25 (6) kinship legal guardianship terminates when the child reaches
26 18 years of age or when the child is no longer continuously enrolled
27 in a secondary education program, whichever event occurs later, or
28 when kinship legal guardianship is otherwise terminated.

29 f. An order or judgment awarding kinship legal guardianship
30 may be vacated by the court prior to the child's 18th birthday if the
31 court finds that the kinship legal guardianship is no longer in the
32 best interests of the child or, in cases where there is an application
33 to return the child to the parent, based upon clear and convincing
34 evidence, the court finds that the parental incapacity or inability to
35 care for the child that led to the original award of kinship legal
36 guardianship is no longer the case and termination of kinship legal
37 guardianship is in the child's best interests.

38 In cases in which the division was involved, when determining
39 whether a child should be returned to a parent, the court may refer a
40 parent for an assessment prepared by the division, in accordance
41 with regulations adopted by the commissioner.

42 g. An order or judgment awarding kinship legal guardianship
43 may be vacated by the court if, based upon clear and convincing
44 evidence, the court finds that the guardian failed or is unable,
45 unavailable or unwilling to provide proper care and custody of the
46 child, or that the guardianship is no longer in the child's best
47 interests.

48 (cf: P.L.2001, c.250, s.6)

1 33. Section 2 of P.L.1977, c.367 (C.9:3-38) is amended to read
2 as follows:

3 2. For the purposes of this act:

4 a. “Approved agency” means a nonprofit corporation,
5 association or agency, including any public agency, approved by the
6 Department of **[Human Services]** Children and Families for the
7 purpose of placing children for adoption in New Jersey;

8 b. “Child” means a person under 18 years of age;

9 c. “Custody” means the general right to exercise continuing
10 control over the person of a child derived from court order or
11 otherwise;

12 d. “Guardianship” means the right to exercise continuing
13 control over the person or property or both of a child which
14 includes any specific right of control over an aspect of the child's
15 upbringing derived from court order;

16 e. “Guardian ad litem” means a qualified person, not
17 necessarily an attorney, appointed by the court under the provisions
18 of this act or at the discretion of the court to represent the interests
19 of the child whether or not the child is a named party in the action;

20 f. “Parent” means a birth parent or parents, including the birth
21 father of a child born out of wedlock who has acknowledged the
22 child or to whom the court has ordered notice to be given, or a
23 parent or parents by adoption;

24 g. “Placement for adoption” means the transfer of custody of a
25 child to a person for the purpose of adoption by that person;

26 h. “Plaintiff” means a prospective parent or parents who have
27 filed a complaint for adoption;

28 i. “Legal services” means the provision of counseling or
29 advice related to the law and procedure for adoption of a child,
30 preparation of legal documents, or representation of any person
31 before a court or administrative agency;

32 j. “Surrender” means a voluntary relinquishment of all parental
33 rights by a birth parent, previous adoptive parent, or other person or
34 agency authorized to exercise these rights by law, court order or
35 otherwise, for purposes of allowing a child to be adopted;

36 k. “Home study” means an approved agency's formal
37 assessment of the capacity and readiness of prospective adoptive
38 parents to adopt a child, including the agency's written report and
39 recommendations conducted in accordance with rules and
40 regulations promulgated by the Director of the Division of Youth
41 and Family Services; and

42 l. “Intermediary” means any person, firm, partnership,
43 corporation, association or agency, which is not an approved agency
44 as defined in this section, who acts for or between any parent and
45 any prospective parent or acts on behalf of either in connection with
46 the placement of the parent's child for adoption in the State or in
47 any other state or country. An intermediary in any other state or
48 country shall not receive money or other valuable consideration in

1 connection with the placement of a child for adoption in this State.
2 An intermediary in this State shall not receive money or other
3 valuable consideration in connection with the placement of a child
4 for adoption in this State or in any other state or country. The
5 provisions of this subsection shall not be construed to prohibit the
6 receipt of money or other valuable consideration specifically
7 authorized in section 18 of P.L.1993, c.345 (C.9:3-39.1).
8 (cf: P.L.1999, c.53, s.2)

9
10 34. Section 18 of P.L.1993, c.345 (C.9:3-39.1) is amended to
11 read as follows:

12 18. a. A person, firm, partnership, corporation, association or
13 agency shall not place, offer to place or materially assist in the
14 placement of any child for adoption in New Jersey unless:

15 (1) the person is the parent or guardian of the child, or

16 (2) the firm, partnership, corporation, association or agency is
17 an approved agency to act as agent, finder or to otherwise
18 materially assist in the placement of any child for adoption in this
19 State, or

20 (3) the placement for adoption is with a brother, sister, aunt,
21 uncle, grandparent, birth father or stepparent of the child, or

22 (4) the placement is through an intermediary and (a) the person
23 with whom the child is to be placed has been approved for
24 placement for adoption by an approved agency home study which
25 consists of the agency's formal written assessment of the capacity
26 and readiness of the prospective adoptive parents to adopt a child,
27 conducted in accordance with rules and regulations promulgated by
28 the Director of the Division of Youth and Family Services;

29 (b) The birth parent, except one who cannot be identified or
30 located prior to the placement of the child for adoption, shall be
31 offered counseling as to his or her options other than placement of
32 the child for adoption. Such counseling shall be made available by
33 or through an approved licensed agency in New Jersey or in the
34 birth parent's state or country of residence. The fact that counseling
35 has been made available, and the name, address and telephone
36 number of the agency through which the counseling is available,
37 shall be confirmed in a written document signed by the birth parent
38 and acknowledged in this State pursuant to section 1 of P.L.1991,
39 c.308 (R.S.46:14-2.1) or acknowledged in another state or country
40 pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-6.1) a copy of
41 which shall be provided to the birth parent and the agency
42 conducting the adoption complaint investigation pursuant to section
43 12 of P.L.1977, c.367 (C.9:3-48) and shall be filed with the court
44 prior to termination of parental rights; and

45 (c) Written notice shall be given to the birth parent, except one
46 who cannot be identified or located prior to the placement of the
47 child for adoption, and the adoptive parent that the decision not to
48 place the child for adoption or the return of the child to the birth

1 parent cannot be conditioned upon reimbursement of expenses by
2 the birth parent to the adoptive parent, and that payments by the
3 adoptive parent are non-refundable. Provision of such notice shall
4 be confirmed in a written document signed by the birth parent and
5 adoptive parent in separate documents which shall be acknowledged
6 in this State pursuant to section 1 of P.L.1991, c.308 [(C.46:14-
7 2.1)] (R.S.46:14-2.1) or acknowledged in another state or country
8 pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-6.1), a copy of
9 which shall be provided to the birth parent, and the agency
10 conducting the adoption complaint investigation pursuant to section
11 12 of P.L.1977, c.367 (C.9:3-48), and shall be filed with the court
12 prior to termination of parental rights.

13 b. The Superior Court in an action by the Commissioner of
14 **[Human Services]** Children and Families may enjoin any party
15 found by the court to have violated this section from any further
16 violation of this section.

17 c. A person, firm, partnership, corporation, association, or
18 agency violating subsection a. of this section shall be guilty of a
19 crime of the third degree.

20 d. A person, firm, partnership, corporation, association,
21 intermediary or agency other than an approved agency which pays,
22 seeks to pay, receives, or seeks to receive money or other valuable
23 consideration in connection with the placement of a child for
24 adoption shall be guilty of a crime of the second degree.

25 e. It shall not be a violation of subsection d. of this section: (1)
26 to pay, provide or reimburse to a parent of the child, or for a parent
27 of the child to receive payment, provision or reimbursement for
28 medical, hospital, counseling or other similar expenses incurred in
29 connection with the birth or any illness of the child, or the
30 reasonable living expenses of the mother of the child during her
31 pregnancy including payments for reasonable food, clothing,
32 medical expenses, shelter, and religious, psychological, vocational,
33 or similar counseling services during the period of the pregnancy
34 and for a period not to exceed four weeks after the termination of
35 the pregnancy by birth or otherwise. These payments may be made
36 directly to the birth mother or on the mother's behalf to the supplier
37 of the goods or services, or

38 (2) where the child is from a foreign country, reasonable and
39 customary fees and expenses of a foreign agency or attorney for the
40 care or representation of the child during any period of foster or
41 institutional care in the child's country of origin, or

42 (3) reasonable attorney fees and costs for legal services.

43 (cf: P.L.1993, c.345, s.18)

44

45 35. Section 4 of P.L.1977, c.367 (C.9:3-40) is amended to read
46 as follows:

47 4. The Commissioner of **[Human Services]** Children and
48 Families shall promulgate rules and regulations relating to the

1 qualification of agencies for approval to make placements for
2 adoption in New Jersey. The rules and regulations shall include, but
3 shall not be limited to, standards of professional training and
4 experience of staff, requirements relating to responsibilities and the
5 character of trustees, officers or other persons supervising or
6 conducting the placement for adoption program, adequacy of
7 facilities, maintenance and confidentiality of casework records and
8 furnishing of reports. The requirements relating to the character of
9 trustees, officers or other persons supervising or conducting the
10 placement for adoption program at the agency shall include a
11 prohibition on engaging in, or the permitting of, any conduct that is
12 deemed inappropriate to the purposes of the agency. In the
13 selection of adoptive parents the standard shall be the best interests
14 of the child; and an approved agency shall not discriminate with
15 regard to the selection of adoptive parents for any child on the basis
16 of age, sex, race, national origin, religion or marital status provided,
17 however, that these factors may be considered in determining
18 whether the best interests of a child would be served by a particular
19 placement for adoption or adoption.

20 (cf: P.L.2003, c.11, s.1)

21

22 36. Section 2 of P.L.2003, c.11 (C.9:3-40.1) is amended to read
23 as follows:

24 2. The Department of **[Human Services]** Children and
25 Families may deny, suspend, revoke or refuse to renew an adoption
26 agency's certificate of approval if the agency is in violation of the
27 requirements relating to the character of trustees, officers or other
28 persons supervising or conducting a placement for adoption
29 program established pursuant to section 4 of P.L.1977, c.367
30 (C.9:3-40).

31 (cf: P.L.2003, c.11, s.2)

32

33 37. Section 1 of P.L.1979, c.292 (C.9:3-41.1) is amended to read
34 as follows:

35 1. a. An approved agency making an investigation of the facts
36 and circumstances surrounding the surrender of a child shall
37 provide a prospective parent with all available information, other
38 than information which would identify or permit the identification
39 of the birth parent of the child, relevant to the child's development,
40 including his developmental and medical history, personality and
41 temperament, the parent's complete medical histories, including
42 conditions or diseases which are believed to be hereditary, any
43 drugs or medications taken during pregnancy and any other
44 conditions of the parent's health which may be a factor influencing
45 the child's present or future health. This information shall be made
46 available to the prospective parent prior to the actual adoptive
47 placement to the extent available and supplemented upon the

1 completion of an investigation conducted by an approved agency
2 pursuant to section 12 of P.L.1977, c.367 (C.9:3-48).

3 b. The available information required of an approved agency
4 by subsection a. of this section shall be presented to the adoptive
5 parents on standardized forms prepared by the Commissioner of
6 **【Human Services】 Children and Families**.
7 (cf: P.L.1993,c.345,s.4)
8

9 38. Section 6 of P.L.1998, c.20 (C.9:3-45.1) is amended to read
10 as follows:

11 6. The Department of **【Human Services】 Children and**
12 **Families**, in consultation with the Department of Health and Senior
13 Services, pursuant to the “Administrative Procedure Act,” P.L.1968,
14 c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to
15 implement the provisions of this act and to publicize throughout the
16 State the necessity for a father, within 120 days of the birth of a
17 child or prior to the date of the preliminary hearing, whichever
18 occurs first, to acknowledge paternity by amending the original
19 birth certificate record with the local registrar's office in the
20 municipality of birth of the child who is the subject of the adoption
21 or by filing a paternity action in court in order to be entitled to
22 notice of an adoption pursuant to section 9 of P.L.1977, c.367
23 (C.9:3-45).
24 (cf: P.L.1998, c.20, s.6)
25

26 39. Section 19 of P.L.1993, c.345 (C.9:3-54.1) is amended to
27 read as follows:

28 19. The Commissioner of **【Human Services】 Children and**
29 **Families** shall, pursuant to the “Administrative Procedure Act,”
30 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations
31 necessary to implement the provisions of this act.
32 (cf: P.L.1993, c.345, s.19)
33

34 40. Section 21 of P.L.1993, c.345 (C.9:3-54.2) is amended to
35 read as follows:

36 21. a. (1) In addition to meeting the other requirements
37 established by the Department of **【Human Services】 Children and**
38 **Families**, a home study completed by an approved agency shall
39 include a recommendation regarding the suitability of the home for
40 the placement of a child based upon the results of State and federal
41 criminal history record checks for each prospective adoptive parent
42 and each adult residing in the home.

43 For the purposes of this section, the federal criminal history
44 record check conducted by the **【Immigration and Naturalization**
45 **Service in the federal Department of Justice】 U.S. Citizenship and**
46 **Immigration Services in the Department of Homeland Security** on a
47 prospective adoptive parent shall be valid for the prospective

1 adoptive parent in fulfilling the home study requirement for the
2 State.

3 (2) Each prospective adoptive parent and each member of the
4 prospective adoptive parent's household, age 18 or older, shall
5 submit to the approved agency standard fingerprint cards containing
6 his name, address and fingerprints taken by a State or municipal law
7 enforcement agency.

8 (3) The cost of all criminal history record checks conducted
9 pursuant to this section shall be paid by the prospective adoptive
10 parent or household member at the time the fingerprint cards are
11 submitted.

12 (4) The approved agency shall forward the fingerprint cards and
13 payment to the commissioner.

14 (5) The commissioner is authorized to exchange fingerprint data
15 and receive criminal history record information from the Federal
16 Bureau of Investigation and the Division of State Police for use in
17 making the recommendations provided for in this section.

18 (6) The department shall advise the approved agency of
19 information received from State and federal criminal history record
20 checks based upon the fingerprints submitted by the agency.
21 Information provided to the approved agency shall be confidential
22 and not disclosed by the approved agency to any individual or entity
23 without the written permission of the person who is the subject of
24 the record check.

25 (7) The commissioner shall adopt regulations for the use of
26 criminal history record information by approved agencies when
27 determining the suitability of a home for the placement of a child
28 for the purposes of adoption.

29 b. (1) Beginning one year after the effective date of this act, a
30 home study completed by an approved agency shall include a
31 recommendation regarding the suitability of the home for the
32 placement of the child based upon a check for any records which
33 might reveal a history of child abuse or neglect by the proposed
34 adoptive parent or member of the parent's household who is 18
35 years of age or older.

36 (2) Beginning one year after the effective date, at the request of
37 an approved agency, the commissioner or his designee shall conduct
38 a search of the records of the Division of Youth and Family
39 Services regarding referrals of dispositions of child abuse or neglect
40 matters as to the proposed adoptive parent and any member of the
41 parent's household 18 years of age or older, and, if there is
42 information that would raise a question of the suitability of the
43 proposed adoptive parent or member of the parent's household to
44 have guardianship of a child, shall provide that information to the
45 approved agency for its consideration. Information provided to the
46 approved agency pursuant to this paragraph shall be confidential.
47 The commissioner shall establish penalties for disclosure of this

1 confidential information.
2 (cf: P.L.1997, c.176, s. 1)

3

4 41. Section 7 of P.L.1987, c.341 (C.9:6-3.1) is amended to read
5 as follows:

6 7. a. A teacher, employee, volunteer or staff person of an
7 institution as defined in section 1 of P.L.1974, c.119 (C.9:6-8.21)
8 who is alleged to have committed an act of child abuse or neglect as
9 defined in R.S. 9:6-1, section 2 of P.L.1971, c.437 (C.9:6-8.9) and
10 section 1 of P.L.1974, c.119 (C.9:6-8.21) shall be temporarily
11 suspended by the appointing authority from his position at the
12 institution with pay, or reassigned to other duties which would
13 remove the risk of harm to the child under the person's custody or
14 control, if there is reasonable cause for the appointing authority to
15 believe that the life or health of the alleged victim or other children
16 at the institution is in imminent danger due to continued contact
17 between the alleged perpetrator and a child at the institution.

18 A public employee suspended pursuant to this subsection shall
19 be accorded and may exercise due process rights, including notice
20 of the proposed suspension and a presuspension opportunity to
21 respond and any other due process rights provided under the laws of
22 this State governing public employment and under any applicable
23 individual or group contractual agreement. A private employee
24 suspended pursuant to this subsection shall be accorded and may
25 exercise due process rights provided for under the laws of this State
26 governing private employment and under any applicable individual
27 or group employee contractual agreement.

28 b. If the child abuse or neglect is the result of a single act
29 occurring in an institution, within 30 days of receipt of the report of
30 child abuse or neglect, the Department of **[Human Services]**
31 Children and Families may request that the chief administrator of
32 the institution formulate a plan of remedial action. The plan may
33 include, but shall not be limited to, action to be taken with respect
34 to a teacher, employee, volunteer or staff person of the institution to
35 assure the health and safety of the alleged victim and other children
36 at the institution and to prevent future acts of abuse or neglect.
37 Within 30 days of the date the department requested the remedial
38 plan, the chief administrator shall notify the department in writing
39 of the progress in preparing the plan. The chief administrator shall
40 complete the plan within 90 days of the date the department
41 requested the plan.

42 c. If the child abuse or neglect is the result of several incidents
43 occurring in an institution, within 30 days of receipt of the report of
44 child abuse or neglect, the department may request that the chief
45 administrator of the institution make administrative, personnel or
46 structural changes at the institution. Within 30 days of the date the
47 department made its request, the chief administrator shall notify the
48 department of the progress in complying with the terms of the

1 department's request. The department and chief administrator shall
2 determine a time frame for completion of the terms of the request.

3 d. If a chief administrator of an institution does not formulate
4 or implement a remedial plan or make the changes requested by the
5 department, the department may impose appropriate sanctions or
6 actions if the department licenses, oversees, approves or authorizes
7 the operation of the institution. If the department does not license,
8 oversee, approve or authorize the operation of the institution, the
9 department may recommend to the authority which licenses,
10 oversees, approves or authorizes the operation of the institution that
11 appropriate sanctions or actions be imposed against the institution.
12 (cf: P.L.2004, c.130, s.21)

13

14 42. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to
15 read as follows:

16 1. a. All records of child abuse reports made pursuant to
17 section 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained
18 by the Department of **[Human Services]** Children and Families in
19 investigating such reports including reports received pursuant to
20 section 20 of P.L.1974, c.119 (C.9:6-8.40), and all reports of
21 findings forwarded to the child abuse registry pursuant to section 4
22 of P.L.1971, c.437 (C.9:6-8.11) shall be kept confidential and may
23 be disclosed only under the circumstances expressly authorized
24 under subsections b., c., d., e., f. and g. herein. The department
25 shall disclose information only as authorized under subsections b.,
26 c., d., e., f. and g. of this section that is relevant to the purpose for
27 which the information is required, provided, however, that nothing
28 may be disclosed which would likely endanger the life, safety, or
29 physical or emotional well-being of a child or the life or safety of
30 any other person or which may compromise the integrity of a
31 department investigation or a civil or criminal investigation or
32 judicial proceeding. If the department denies access to specific
33 information on this basis, the requesting entity may seek disclosure
34 through the Chancery Division of the Superior Court. This section
35 shall not be construed to prohibit disclosure pursuant to paragraphs
36 (2) and (7) of subsection b. of this section.

37 Nothing in this act shall be construed to permit the disclosure of
38 any information deemed confidential by federal or State law.

39 b. The department may and upon written request, shall release
40 the records and reports referred to in subsection a., or parts thereof,
41 consistent with the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.)
42 to:

43 (1) A public or private child protective agency authorized to
44 investigate a report of child abuse or neglect;

45 (2) A police or other law enforcement agency investigating a
46 report of child abuse or neglect;

47 (3) A physician who has before him a child whom he reasonably
48 suspects may be abused or neglected or an authorized member of

1 the staff of a duly designated regional child abuse diagnostic and
2 treatment center which is involved with a particular child who is the
3 subject of the request;

4 (4) A physician, a hospital director or his designate, a police
5 officer or other person authorized to place a child in protective
6 custody when such person has before him a child whom he
7 reasonably suspects may be abused or neglected and requires the
8 information in order to determine whether to place the child in
9 protective custody;

10 (5) An agency, whether public or private, including any division
11 or unit in the Department of Human Services or the Department of
12 Children and Families, authorized to care for, treat, assess, evaluate
13 or supervise a child who is the subject of a child abuse report, or a
14 parent, guardian, resource family parent or other person who is
15 responsible for the child's welfare, or both, when the information is
16 needed in connection with the provision of care, treatment,
17 assessment, evaluation or supervision to such child or such parent,
18 guardian, resource family parent or other person and the provision
19 of information is in the best interests of the child as determined by
20 the Division of Youth and Family Services;

21 (6) A court or the Office of Administrative Law, upon its
22 finding that access to such records may be necessary for
23 determination of an issue before it, and such records may be
24 disclosed by the court or the Office of Administrative Law in whole
25 or in part to the law guardian, attorney or other appropriate person
26 upon a finding that such further disclosure is necessary for
27 determination of an issue before the court or the Office of
28 Administrative Law;

29 (7) A grand jury upon its determination that access to such
30 records is necessary in the conduct of its official business;

31 (8) Any appropriate State legislative committee acting in the
32 course of its official functions, provided, however, that no names or
33 other information identifying persons named in the report shall be
34 made available to the legislative committee unless it is absolutely
35 essential to the legislative purpose;

36 (9) (Deleted by amendment, P.L.1997, c.175).

37 (10) A family day care sponsoring organization for the purpose
38 of providing information on child abuse or neglect allegations
39 involving prospective or current providers or household members
40 pursuant to P.L.1993, c.350 (C.30:5B-25.1 et seq.) and as
41 necessary, for use in administrative appeals related to information
42 obtained through a child abuse registry search;

43 (11) The Victims of Crime Compensation Board, for the purpose
44 of providing services available pursuant to the "Criminal Injuries
45 Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) to
46 a child victim who is the subject of such report;

47 (12) Any person appealing a department service or status action
48 or a substantiated finding of child abuse or neglect and his attorney

1 or authorized lay representative upon a determination by the
2 department or the presiding Administrative Law Judge that such
3 disclosure is necessary for a determination of the issue on appeal;

4 (13) Any person or entity mandated by statute to consider child
5 abuse or neglect information when conducting a background check
6 or employment-related screening of an individual employed by or
7 seeking employment with an agency or organization providing
8 services to children;

9 (14) Any person or entity conducting a disciplinary,
10 administrative or judicial proceeding to determine terms of
11 employment or continued employment of an officer, employee, or
12 volunteer with an agency or organization providing services for
13 children. The information may be disclosed in whole or in part to
14 the appellant or other appropriate person only upon a determination
15 by the person or entity conducting the proceeding that the
16 disclosure is necessary to make a determination;

17 (15) The members of a county multi-disciplinary team,
18 established in accordance with State guidelines, for the purpose of
19 coordinating the activities of agencies handling alleged cases of
20 child abuse and neglect;

21 (16) A person being evaluated by the department or the court as a
22 potential care-giver to determine whether that person is willing and
23 able to provide the care and support required by the child;

24 (17) The legal counsel of a child, parent or guardian, whether
25 court-appointed or retained, when information is needed to discuss
26 the case with the department in order to make decisions relating to
27 or concerning the child;

28 (18) A person who has filed a report of suspected child abuse or
29 neglect for the purpose of providing that person with only the
30 disposition of the investigation;

31 (19) A parent, resource family parent or legal guardian when the
32 information is needed in a department matter in which that parent,
33 resource family parent or legal guardian is directly involved. The
34 information may be released only to the extent necessary for the
35 requesting parent, resource family parent or legal guardian to
36 discuss services or the basis for the department's involvement or to
37 develop, discuss, or implement a case plan for the child;

38 (20) A federal, State or local government entity, to the extent
39 necessary for such entity to carry out its responsibilities under law
40 to protect children from abuse and neglect;

41 (21) Citizen review panels designated by the State in compliance
42 with the federal "Child Abuse Prevention and Treatment Act
43 Amendments of 1996," Pub.L.104-235;

44 (22) The Child Fatality and Near Fatality Review Board
45 established pursuant to P.L.1997, c.175 (C.9:6-8.83 et al.); or

46 (23) Members of a family team or other case planning group
47 formed by the Division of Youth and Family Services and
48 established in accordance with regulations adopted by the

1 Commissioner of **【Human Services】** Children and Families for the
2 purpose of addressing the child's safety, permanency or well-being,
3 when the provision of such information is in the best interests of the
4 child as determined by the Division of Youth and Family Services.

5 Any individual, agency, board, court, grand jury, legislative
6 committee, or other entity which receives from the department the
7 records and reports referred to in subsection a., shall keep such
8 records and reports, or parts thereof, confidential and shall not
9 disclose such records and reports or parts thereof except as
10 authorized by law.

11 c. The department may share information with a child who is
12 the subject of a child abuse or neglect report, as appropriate to the
13 child's age or condition, to enable the child to understand the basis
14 for the department's involvement and to participate in the
15 development, discussion, or implementation of a case plan for the
16 child.

17 d. The department may release the records and reports referred
18 to in subsection a. of this section to any person engaged in a bona
19 fide research purpose, provided, however, that no names or other
20 information identifying persons named in the report shall be made
21 available to the researcher unless it is absolutely essential to the
22 research purpose and provided further that the approval of the
23 Commissioner of **【Human Services】** Children and Families or his
24 designee shall first have been obtained.

25 e. For incidents determined by the department to be
26 substantiated, the department shall forward to the police or law
27 enforcement agency in whose jurisdiction the child named in the
28 report resides, the identity of persons alleged to have committed
29 child abuse or neglect and of victims of child abuse or neglect, their
30 addresses, the nature of the allegations, and other relevant
31 information, including, but not limited to, prior reports of abuse or
32 neglect and names of siblings obtained by the department during its
33 investigation of a report of child abuse or neglect. The police or
34 law enforcement agency shall keep such information confidential.

35 f. The department may disclose to the public the findings or
36 information about a case of child abuse or neglect which has
37 resulted in a child fatality or near fatality. Nothing may be
38 disclosed which would likely endanger the life, safety, or physical
39 or emotional well-being of a child or the life or safety of any other
40 person or which may compromise the integrity of a department
41 investigation or a civil or criminal investigation or judicial
42 proceeding. If the department denies access to specific information
43 on this basis, the requesting entity may seek disclosure of the
44 information through the Chancery Division of the Superior Court.
45 No information may be disclosed which is deemed confidential by
46 federal or State law. The name or any other information identifying
47 the person or entity who referred the child to the department shall
48 not be released to the public.

1 g. The department shall release the records and reports referred
2 to in subsection a. of this section to a unified child care agency
3 contracted with the department pursuant to N.J.A.C.10:15-2.1 for
4 the purpose of providing information on child abuse or neglect
5 allegations involving a prospective approved home provider or any
6 adult household member pursuant to section 2 of P.L.2003, c.185
7 (C.30:5B-32) to a child's parent when the information is necessary
8 for the parent to make a decision concerning the placement of the
9 child in an appropriate child care arrangement.

10 The department shall not release any information that would
11 likely endanger the life, safety, or physical or emotional well-being
12 of a child or the life or safety of any other person.

13 (cf: P.L.2004, c.130, s.22)

14
15 43. Section 2 of P.L.2003, c.301 (C.9:6-8.10c) is amended to
16 read as follows:

17 2. a. Upon receiving the presentencing investigation
18 information from the court pursuant to section 1 of P.L.2003, c.301
19 (C.2C:44-6.2) concerning a sole caretaker of a child who will be
20 incarcerated and the person who will assume care and custody of
21 the child during the period of incarceration, the Division of Youth
22 and Family Services in the Department of **【Human Services】**
23 Children and Families shall conduct a child abuse record
24 information check of its child abuse records to determine if an
25 incident of child abuse or neglect has been substantiated against the
26 person who will be responsible for the child's care and custody or
27 any adult and juvenile over 12 years of age in the person's
28 household.

29 b. If, based on the information provided by the court and the
30 check of its child abuse records, the division determines that the
31 incarcerated person's minor child may be at risk for abuse or neglect
32 or the child's emotional, physical, health care and educational needs
33 will not be met during the period of incarceration, the division shall
34 take appropriate action to ensure the safety of the child.

35 (cf: P.L.2003, c.301, s.2)

36
37 44. Section 4 of P.L.2003, c.301 (C.9:6-8.10d) is amended to
38 read as follows:

39 4. The Commissioner of **【Human Services】** Children and
40 Families shall adopt rules and regulations pursuant to the
41 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
42 seq.) to carry out the purposes of sections 2 and 3 of this act.

43 (cf: P.L.2003, c.301, s.4)

44
45 45. Section 9 of P.L.2005, c.370 (C.9:6-8.10e) is amended to
46 read as follows:

47 9. a. In accordance with the provisions of sections 6 and 7 of
48 P.L.2005, c.370 (C.52:27G-37 and C.52:27G-38), the Department

1 of **【Human Services】** Children and Families shall conduct a check
2 of its child abuse registry for each person seeking registration as a
3 professional guardian who is required to undergo such a check
4 pursuant to P.L.2005, c.370 (C.52:27G-32 et al.). The department
5 shall immediately forward the information obtained as a result of
6 the check to the Office of the Public Guardian for Elderly Adults.

7 b. **【The department shall promptly notify the Office of the**
8 **Public Guardian for Elderly Adults in the event a person who is**
9 **required to undergo a check of the child abuse registry pursuant to**
10 **section 6 of P.L.2005, c.370 (C.52:27G-37) is listed in the registry**
11 **after the date the child abuse registry check was performed.】**
12 Subsequent to the initial registration of an individual as a
13 professional guardian, the public guardian may submit the name of
14 a registered professional guardian for an additional child abuse
15 registry check. Upon receipt of **【such notification】** a response from
16 the department, the public guardian shall make a determination
17 regarding the continuation of the registration of the person as a
18 professional guardian.

19 (cf: P.L.2005, c.370, s.9)

20
21 46. Section 4 of P.L.1971, c.437 (C.9:6-8.11) is amended to read
22 as follows:

23 4. Upon receipt of any such report, the Division of Youth and
24 Family Services, or such another entity in the Department of
25 **【Human Services】** Children and Families as may be designated by
26 the Commissioner of **【Human Services】** Children and Families to
27 investigate child abuse or neglect, shall immediately take such
28 action as shall be necessary to insure the safety of the child and to
29 that end may request and shall receive appropriate assistance from
30 local and State law enforcement officials. A representative of the
31 division or other designated entity shall initiate an investigation
32 within 24 hours of receipt of the report, unless the division or other
33 entity authorizes a delay based upon the request of a law
34 enforcement official. The division or other entity shall also, within
35 72 hours, forward a report of such matter to the child abuse registry
36 operated by the division in Trenton.

37 The child abuse registry shall be the repository of all information
38 regarding child abuse or neglect that is accessible to the public
39 pursuant to State and federal law. No information received in the
40 child abuse registry shall be considered as a public record within
41 the meaning of P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001,
42 c.404 (C.47:1A-5 et al.).

43 (cf: P.L.2004, c.130, s.23)

44
45 47. Section 1 of P.L.1974, c.119 (C.9:6-8.21) is amended to read
46 as follows:

- 1 1. As used in this act, unless the specific context indicates
2 otherwise:
- 3 a. “Parent or guardian” means any natural parent, adoptive
4 parent, resource family parent, stepparent, paramour of a parent or
5 any person, who has assumed responsibility for the care, custody or
6 control of a child or upon whom there is a legal duty for such care.
7 Parent or guardian includes a teacher, employee or volunteer,
8 whether compensated or uncompensated, of an institution who is
9 responsible for the child's welfare and any other staff person of an
10 institution regardless of whether or not the person is responsible for
11 the care or supervision of the child. Parent or guardian also
12 includes a teaching staff member or other employee, whether
13 compensated or uncompensated, of a day school as defined in
14 section 1 of P.L.1974, c.119 (C.9:6-8.21).
- 15 b. “Child” means any child alleged to have been abused or
16 neglected.
- 17 c. “Abused or neglected child” means a child less than 18 years
18 of age whose parent or guardian, as herein defined, (1) inflicts or
19 allows to be inflicted upon such child physical injury by other than
20 accidental means which causes or creates a substantial risk of death,
21 or serious or protracted disfigurement, or protracted impairment of
22 physical or emotional health or protracted loss or impairment of the
23 function of any bodily organ; (2) creates or allows to be created a
24 substantial or ongoing risk of physical injury to such child by other
25 than accidental means which would be likely to cause death or
26 serious or protracted disfigurement, or protracted loss or
27 impairment of the function of any bodily organ; (3) commits or
28 allows to be committed an act of sexual abuse against the child; (4)
29 or a child whose physical, mental, or emotional condition has been
30 impaired or is in imminent danger of becoming impaired as the
31 result of the failure of his parent or guardian, as herein defined, to
32 exercise a minimum degree of care (a) in supplying the child with
33 adequate food, clothing, shelter, education, medical or surgical care
34 though financially able to do so or though offered financial or other
35 reasonable means to do so, or (b) in providing the child with proper
36 supervision or guardianship, by unreasonably inflicting or allowing
37 to be inflicted harm, or substantial risk thereof, including the
38 infliction of excessive corporal punishment; or by any other acts of
39 a similarly serious nature requiring the aid of the court; (5) or a
40 child who has been willfully abandoned by his parent or guardian,
41 as herein defined; (6) or a child upon whom excessive physical
42 restraint has been used under circumstances which do not indicate
43 that the child's behavior is harmful to himself, others or property;
44 (7) or a child who is in an institution and (a) has been placed there
45 inappropriately for a continued period of time with the knowledge
46 that the placement has resulted or may continue to result in harm to
47 the child's mental or physical well-being or (b) who has been

1 willfully isolated from ordinary social contact under circumstances
2 which indicate emotional or social deprivation.

3 A child shall not be considered abused or neglected pursuant to
4 paragraph (7) of subsection c. of this section if the acts or omissions
5 described therein occur in a day school as defined in this section.

6 No child who in good faith is under treatment by spiritual means
7 alone through prayer in accordance with the tenets and practices of
8 a recognized church or religious denomination by a duly accredited
9 practitioner thereof shall for this reason alone be considered to be
10 abused or neglected.

11 d. "Law guardian" means an attorney admitted to the practice
12 of law in this State, regularly employed by the Office of the Public
13 Defender or appointed by the court, and designated under this act to
14 represent minors in alleged cases of child abuse or neglect and in
15 termination of parental rights proceedings.

16 e. "Attorney" means an attorney admitted to the practice of law
17 in this State who shall be privately retained; or, in the instance of an
18 indigent parent or guardian, an attorney from the Office of the
19 Public Defender or an attorney appointed by the court who shall be
20 appointed in order to avoid conflict between the interests of the
21 child and the parent or guardian in regard to representation.

22 f. "Division" means the Division of Youth and Family
23 Services in the Department of **[Human Services]** Children and
24 Families unless otherwise specified.

25 g. "Institution" means a public or private facility in the State
26 which provides children with out of home care, supervision or
27 maintenance. Institution includes, but is not limited to, a
28 correctional facility, detention facility, treatment facility, day care
29 center, residential school, shelter and hospital.

30 h. "Day school" means a public or private school which
31 provides general or special educational services to day students in
32 grades kindergarten through 12. Day school does not include a
33 residential facility, whether public or private, which provides care
34 on a 24-hour basis.

35 (cf: P.L. 2005, c.169, s.1)

36

37 48. Section 7 of P.L.1974, c.119 (C.9:6-8.27) is amended to read
38 as follows:

39 7. a. A police officer or an agency or institution or individual
40 may temporarily remove a child from the place where he is residing
41 with the consent of his parent or other person legally responsible
42 for his care, if, there is reasonable cause to suspect that the child's
43 life or health is in imminent danger. If the child is not returned
44 within 3 working days from the date of removal, the procedure
45 required pursuant to this act shall be applied immediately.

46 b. **[**However, if the Division of Youth and Family Services
47 removes a child with the written consent of the parent or guardian,
48 the proceedings under this act shall not apply, unless the division

1 files a complaint to commence proceedings under this act.]
2 (Deleted by amendment, P.L. , c.) (pending before the
3 Legislature as this bill)
4 (cf: P.L.1977, c.209, s.6)
5

6 49. Section 10 of P.L.1974, c.119 (C.9:6-8.30) is amended to
7 read as follows:

8 10. a. The division when informed that there has been an
9 emergency removal of a child from his home without court order
10 shall make every reasonable effort to communicate immediately
11 with the child's parent or guardian that such emergency removal has
12 been made and the location of the facility to which the child has
13 been taken, and advise the parent or guardian to appear in the
14 appropriate Superior Court, Chancery Division, Family Part within
15 two court days. The division shall make a reasonable effort, at least
16 24 hours prior to the court hearing, to: notify the parent or guardian
17 of the time to appear in court; and inform the parent or guardian of
18 his right to obtain counsel, and how to obtain counsel through the
19 Office of the Public Defender if the parent or guardian is indigent.
20 The division shall also advise the party making the removal to
21 appear. If the removed child is returned to his home prior to the
22 court hearing, there shall be no court hearing to determine the
23 sufficiency of cause for the child's removal, unless the child's parent
24 or guardian makes application to the court for review. For the
25 purposes of this section, "facility" means a hospital, shelter or child
26 care institution in which a child may be placed for temporary care,
27 but does not include a resource family home.

28 b. The division shall cause a complaint to be filed under this
29 act within two court days after such removal takes place.

30 c. Whenever a child has been removed pursuant to section 7 or
31 9 of **[this act]** P.L.1974, c.119 (C.9:6-8.27 and 9:6-8.29), the
32 division shall arrange for immediate medical **[examination]**
33 screening of the child and shall have legal authority to consent to
34 such **[examination]** screening. If necessary to safeguard the child's
35 health or life, the division also is authorized to arrange for and
36 consent to medical care or treatment of the child. Consent by the
37 division pursuant to this subsection shall be deemed legal and valid
38 for all purposes with respect to any person, hospital, or other health
39 care facility screening, examining or providing care or treatment to
40 a child in accordance with and in reliance upon such consent.
41 Medical reports resulting from such screening, examination or care
42 or treatment shall be released to the division for the purpose of
43 aiding in the determination of whether the child has been abused or
44 neglected. Any person or health care facility acting in good faith in
45 the screening of, examination of or provision of care and treatment
46 to a child or in the release of medical records shall have immunity
47 from any liability, civil or criminal, that might otherwise be

1 incurred or imposed as a result of such act.
2 (cf: P.L.2004, c.130, s.29)

3

4 50. Section 1 of P.L.1977, c.210 (C.9:6-8.36a) is amended to
5 read as follows:

6 1. The Department of **【Human Services】** Children and
7 Families shall immediately report all instances of suspected child
8 abuse and neglect, as defined by regulations, to the county
9 prosecutor of the county in which the child resides. The regulations
10 shall be developed jointly by the department and the county
11 prosecutors, approved by the Attorney General, and promulgated by
12 the Commissioner of **【Human Services】** Children and Families.
13 (cf: P.L.2004, c.130, s.30)

14

15 51. Section 20 of P.L.1974, c.119 (C.9:6-8.40) is amended to
16 read as follows:

17 20. Records involving abuse or neglect. When the Department
18 of **【Human Services】** Children and Families receives a report or
19 complaint that a child may be abused or neglected; when the
20 department provides services to a child; or when the department
21 receives a request from the Superior Court, Chancery Division,
22 Family Part to investigate an allegation of abuse or neglect, the
23 department may request of any and all public or private institutions,
24 or agencies including law enforcement agencies, or any private
25 practitioners, their records past and present pertaining to that child
26 and other children under the same care, custody and control. The
27 department shall not be charged a fee for the copying of the records.
28 Records kept pursuant to the “New Jersey Code of Juvenile
29 Justice,” P.L.1982, c.77 (C.2A:4A-20 et seq.) may be obtained by
30 the department, upon issuance by a court of an order on good cause
31 shown directing these records to be released to the department for
32 the purpose of aiding in evaluation to determine if the child is
33 abused or neglected. In the release of the aforementioned records,
34 the source shall have immunity from any liability, civil or criminal.
35 (cf: P.L.2004, c.130, s.31)

36

37 52. Section 1 of P.L.1997, c.62 (C.9:6-8.40a) is amended to read
38 as follows:

39 1. a. The Division of Youth and Family Services in the
40 Department of **【Human Services】** Children and Families shall
41 expunge from its records all information relating to a report,
42 complaint or allegation of an incident of child abuse or neglect with
43 respect to which the division or other entity designated by the
44 Commissioner of **【Human Services】** Children and Families to
45 investigate allegations of child abuse or neglect has determined,
46 based upon its investigation thereof, that the report, complaint or
47 allegation of the incident was unfounded.

1 b. (Deleted by amendment, P.L.2004, c.130).

2 The definition of, and process for, making a determination of an
3 unfounded report, complaint or allegation of an incident of child
4 abuse or neglect shall be defined in regulations promulgated by the
5 department pursuant to the “Administrative Procedure Act,”
6 P.L.1968, c.410 (C.52:14B-1 et seq.).
7 (cf: P.L.2004, c.130, s.32)

8

9 53. Section 2 of P.L.1998, c.127 (C.9:6-8.58b) is amended to
10 read as follows:

11 2. The Commissioner of **[Human Services]** Children and
12 Families pursuant to the “Administrative Procedure Act,” P.L.1968,
13 c.410 (C.52:14B-1 et seq.), shall adopt regulations to effectuate the
14 purposes of this act.
15 (cf: P.L.1998, c.127, s.2)

16

17 54. Section 8 of P.L.1987, c.341 (C.9:6-8.72a) is amended to
18 read as follows:

19 8. The Commissioner of Education shall, in cooperation and
20 consultation with the Commissioner of **[Human Services]** Children
21 and Families, adopt rules and regulations, pursuant to the
22 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
23 seq.), concerning the relationship, rights and responsibilities of the
24 Department of **[Human Services]** Children and Families and local
25 school districts regarding the reporting and investigation of
26 allegations of child abuse.
27 (cf: P.L.2004, c.130, s.34)

28

29 55. Section 2 of P.L.1994, c.119 (C.9:6-8.75) is amended to read
30 as follows:

31 2. There is established the “New Jersey Task Force on Child
32 Abuse and Neglect.”

33 a. The purpose of the task force is to study and develop
34 recommendations regarding the most effective means of improving
35 the quality and scope of child protective services provided or
36 supported by State government, including a review of the practices
37 and policies utilized by the Division of Youth and Family Services
38 in the Department of **[Human Services]** Children and Families in
39 order to optimize coordination of child abuse-related services and
40 investigations, promote the safety of children at risk of abuse or
41 neglect, and ensure a timely determination with regard to reports of
42 alleged child abuse.

43 b. The task force shall receive, evaluate and approve
44 applications of public and private agencies and organizations for
45 grants from moneys annually appropriated from the “Children's
46 Trust Fund” established pursuant to section 2 of P.L.1985, c.197
47 (C.54A:9-25.4). Any portion of the moneys actually appropriated

1 which are remaining at the end of a fiscal year shall lapse to the
2 “Children's Trust Fund.”

3 Grants shall be awarded to public and private agencies for the
4 purposes of planning and establishing or improving programs and
5 services for the prevention of child abuse and neglect, including
6 activities which:

7 (1) Provide Statewide educational and public informational
8 seminars for the purpose of developing appropriate public
9 awareness regarding the problems of child abuse and neglect;

10 (2) Encourage professional persons and groups to recognize and
11 deal with problems of child abuse and neglect;

12 (3) Make information about the problems of child abuse and
13 neglect available to the public and organizations and agencies
14 which deal with problems of child abuse and neglect; and

15 (4) Encourage the development of community prevention
16 programs, including:

17 (a) community-based educational programs on parenting,
18 prenatal care, prenatal bonding, child development, basic child care,
19 care of children with special needs, coping with family stress,
20 personal safety and sexual abuse prevention training for children,
21 and self-care training for latchkey children; and

22 (b) community-based programs relating to crisis care, aid to
23 parents, child abuse counseling, peer support groups for abusive or
24 potentially abusive parents and their children, lay health visitors,
25 respite of crisis child care, and early identification of families where
26 the potential for child abuse and neglect exists.

27 The task force shall, in awarding grants, establish such priorities
28 respecting the programs or services to be funded and the amounts of
29 funding to be provided as it deems appropriate, except that the task
30 force shall place particular emphasis on community-based programs
31 and services which are designed to develop and demonstrate
32 strategies for the early identification, intervention and assistance of
33 families and children at risk in order to prevent child abuse and
34 neglect.

35 The task force shall adopt such rules and regulations pursuant to
36 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
37 et seq.) to govern the awarding of grants pursuant to this subsection
38 as may be necessary to establish adequate reporting requirements on
39 the use of grant funds by recipient agencies and organizations and
40 to permit the task force to evaluate the programs and services for
41 which grants are awarded.

42 ¹c. The task force shall establish a Staffing and Oversight
43 Review Subcommittee to review staffing levels of the Division of
44 Youth and Family Services in order to develop recommendations
45 regarding staffing levels and the most effective methods of
46 recruiting, hiring, and retaining staff within the division. In
47 addition, the subcommittee shall review the division’s performance
48 in the achievement of management and client outcomes, and shall

1 issue a preliminary report with its findings and recommendations no
2 later than January 1, 2007, and subsequent reports annually
3 thereafter with the first full report due no later than July 1, 2007.
4 The subcommittee shall directly issue its reports to the Governor
5 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
6 Legislature.¹
7 (cf: P.L.1994, c.119, s.2)

8
9 56. Section 3 of P.L.1994, c.119 (C.9:6-8.76) is amended to read
10 as follows:

11 3. The task force shall consist of **[25]** 29 members as follows:
12 the Commissioners of Human Services, Children and Families,
13 Education, Community Affairs, Corrections, and Health and Senior
14 Services, the Attorney General, the Chief Justice of the Supreme
15 Court, the Public Defender, the Child Advocate and the
16 Superintendent of State Police, or their designees, as ex officio
17 members; two members of the Senate and the General Assembly,
18 respectively, no more than one of whom in each case shall be of the
19 same political party; and a county prosecutor appointed by the
20 Attorney General. [and the remaining] The 13 public members
21 **[to]** shall be appointed by the Governor as follows: one member
22 who is a director of a regional diagnostic and treatment center for
23 child abuse and neglect; one member who represents the
24 Association for Children of New Jersey; one member who
25 represents Foster and Adoptive Family Services; one member who
26 represents a faith-based organization; one member who is a director
27 of a county department of human services; one member who is a
28 youth 21 years of age or younger who is or has been placed under
29 the care and custody of the Division of Youth and Family Services
30 because of an allegation of child abuse or neglect; two members
31 who represent service providers under contract with the Division of
32 Youth and Family Services; and five members of the public who
33 have an interest or expertise in issues concerning child welfare.
34 The public members shall reflect the diversity of the residents of the
35 State and the children and families served by the State's child
36 welfare system.

37 The task force membership shall comply with the
38 multidisciplinary requirements set forth in the "Child Abuse
39 Prevention and Treatment Act," Pub.L.93-247 (42 U.S.C. s.5101 et
40 seq.).

41 The task force shall be co-chaired, one co-chair shall be the
42 Commissioner of **[Human Services]** Children and Families and the
43 other shall be appointed by the Governor with the advice and
44 consent of the Senate. The second co-chair shall be selected from
45 among the public members and shall serve at the pleasure of the
46 Governor. The public members shall serve for a term **[not to**

1 exceed] of three years. [The second co-chair shall be allowed to
2 serve two three-year terms] .

3 (cf: P.L.2005, c.155, s.107)

4

5 57. Section 5 of P.L.1994, c.119 (C.9:6-8.78) is amended to read
6 as follows:

7 5. The Department of [Human Services] Children and
8 Families shall provide professional and clerical staff to the task
9 force as necessary to effectuate the purposes of this act.

10 (cf: P.L.1994, c.119, s.5)

11

12 58. Section 2 of P.L.1997, c.175 (C.9:6-8.84) is amended to read
13 as follows:

14 2. As used in this act:

15 “Board” means the Child Fatality and Near Fatality Review
16 Board established under P.L.1997, c.175 (C.9:6-8.83 et al.).

17 “Child” means any person under the age of 18.

18 “Commissioner” means the Commissioner of [Human Services]
19 Children and Families.

20 “Division” means the Division of Youth and Family Services in
21 the Department of [Human Services] Children and Families.

22 “Near fatality” means a case in which a child is in serious or
23 critical condition, as certified by a physician.

24 “Panel” means a citizen review panel as established under
25 P.L.1997, c.175 (C.9:6-8.83 et al.).

26 “Parent or guardian” means a person defined pursuant to section
27 1 of P.L.1974, c.119 (C.9:6-8.21) who has the responsibility for the
28 care, custody or control of a child or upon whom there is a legal
29 duty for such care.

30 “Reasonable efforts” means attempts by an agency authorized by
31 the Division of Youth and Family Services to assist the parents in
32 remedying the circumstances and conditions that led to the
33 placement of the child and in reinforcing the family structure, as
34 defined in section 7 of P.L.1991, c.275 (C.30:4C-15.1).

35 “Sexual abuse” means contacts or actions between a child and a
36 parent or caretaker for the purpose of sexual stimulation of either
37 that person or another person. Sexual abuse includes:

38 a. the employment, use, persuasion, inducement, enticement or
39 coercion of any child to engage in, or assist any other person to
40 engage in, any sexually explicit conduct or simulation of such
41 conduct;

42 b. sexual conduct including molestation, prostitution, other
43 forms of sexual exploitation of children or incest; or

44 c. sexual penetration and sexual contact as defined in
45 N.J.S.2C:14-1 and a prohibited sexual act as defined in
46 N.J.S.2C:24-4.

1 “Significant bodily injury” means a temporary loss of the
2 functioning of any bodily member or organ or temporary loss of any
3 one of the five senses.

4 “Withholding of medically indicated treatment” means the
5 failure to respond to a child's life-threatening conditions by
6 providing treatment, including appropriate nutrition, hydration, and
7 medication which, in the treating physician's reasonable judgment,
8 will most likely be effective in ameliorating or correcting all such
9 conditions. The term does not include the failure to provide
10 treatment, other than appropriate nutrition, hydration, or medication
11 to a child when, in the treating physician's reasonable medical
12 judgment:

13 a. the child is chronically and irreversibly comatose;

14 b. the provision of such treatment would merely prolong dying,
15 not be effective in ameliorating or correcting all of the child's life-
16 threatening conditions, or otherwise be futile in terms of the
17 survival of the child; or

18 c. the provision of such treatment would be virtually futile in
19 terms of the survival of the child and the treatment itself under such
20 circumstances would be inhumane.

21 (cf: P.L.1999, c.53, s.16)

22

23 59. Section 6 of P.L.1997, c.175 (C.9:6-8.88) is amended to read
24 as follows:

25 6. There is established the Child Fatality and Near Fatality
26 Review Board. For the purposes of complying with the provisions
27 of Article V, Section IV, paragraph 1 of the New Jersey
28 Constitution, the board is established within the Department of
29 **【Human Services】** Children and Families, but notwithstanding the
30 establishment, the board shall be independent of any supervision or
31 control by the department or any board or officer thereof.

32 The purpose of the board is to review fatalities and near fatalities
33 of children in New Jersey in order to identify their causes, their
34 relationship to governmental support systems, and methods of
35 prevention. The board shall describe trends and patterns of child
36 fatalities and near fatalities in New Jersey; identify risk factors and
37 their prevalence in these populations of children; evaluate the
38 responses of governmental systems to children in families who are
39 considered to be at high risk and to offer recommendations for
40 improvement in those responses; characterize risk groups in terms
41 that are compatible with the development of public policy; improve
42 the sources of data collection by developing protocols for autopsies,
43 death investigations, and complete recording of cause of death on
44 the death certificate; and provide case consultation to individuals or
45 agencies represented by the board.

46 (cf: P.L.1997, c.175, s.6)

1 60. Section 7 of P.L.1997, c.175 (C.9:6-8.89) is amended to read
2 as follows:

3 7. a. The board shall consist of 14 members as follows: the
4 Commissioner of **【Human Services】** Children and Families, the
5 Commissioner of Health and Senior Services, the Director of the
6 Division of Youth and Family Services in the Department of
7 **【Human Services】** Children and Families, the Attorney General, the
8 Child Advocate and the Superintendent of State Police, or their
9 designees, the State Medical Examiner, and the Chairperson or
10 Executive Director of the New Jersey Task Force on Child Abuse
11 and Neglect, who shall serve ex officio; and six public members
12 appointed by the Governor, one of whom shall be a representative
13 of the New Jersey Prosecutors' Association, one of whom shall be a
14 Law Guardian, one of whom shall be a pediatrician with expertise
15 in child abuse and neglect, one of whom shall be a psychologist
16 with expertise in child abuse and neglect, one of whom shall be a
17 social work educator with experience and expertise in the area of
18 child abuse or a related field and one of whom shall have expertise
19 in substance abuse.

20 b. The public members of the board shall serve for three-year
21 terms. Of the public members first appointed, three shall serve for a
22 period of two years, and three shall serve for a term of three years.
23 They shall serve without compensation but shall be eligible for
24 reimbursement for necessary and reasonable expenses incurred in
25 the performance of their official duties and within the limits of
26 funds appropriated for this purpose. Vacancies in the membership
27 of the board shall be filled in the same manner as the original
28 appointments were made.

29 c. The Governor shall appoint a public member to serve as
30 chairperson of the board who shall be responsible for the
31 coordination of all activities of the board and who shall provide the
32 technical assistance needed to execute the duties of the board.

33 d. The board is entitled to call to its assistance and avail itself
34 of the services of employees of any State, county or municipal
35 department, board, bureau, commission or agency as it may require
36 and as may be available for the purposes of reviewing a case
37 pursuant to the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.).
38 The board may also seek the advice of experts, such as persons
39 specializing in the fields of pediatric, radiological, neurological,
40 psychiatric, orthopedic and forensic medicine; nursing; psychology;
41 social work; education; law enforcement; family law; substance
42 abuse; child advocacy or other related fields, if the facts of a case
43 warrant additional expertise.

44 (cf: P.L.2005, c.155, s.108)

45

46 61. Section 19 of P.L.1997, c.175 (C.9:6-8.98) is amended to
47 read as follows:

1 19. The Department of **【Human Services】** Children and
2 Families shall adopt rules and regulations pursuant to the
3 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
4 seq.) to effectuate the purposes of this act.
5 (cf.: P.L.1997, c.175, s.19)

6
7 62. Section 1 of P.L.1998, c.19 (C.9:6-8.99) is amended to read
8 as follows:

9 1. The Commissioner of **【Human Services】** Children and
10 Families shall establish four regional diagnostic and treatment
11 centers for child abuse and neglect affiliated with medical teaching
12 institutions in the State that meet the standards adopted by the
13 commissioner, in consultation with the New Jersey Task Force on
14 Child Abuse and Neglect. The regional centers shall be located in
15 the northern, north central, south central and southern regions of the
16 State. Each center shall have experience in addressing the medical
17 and mental health diagnostic and treatment needs of abused and
18 neglected children in the region in which it is located.
19 (cf: P.L.1998, c.19, s.1)

20
21 63. Section 2 of P.L.1998, c.19 (C.9:6-8.100) is amended to read
22 as follows:

23 2. Each center shall demonstrate a multidisciplinary approach
24 to identifying and responding to child abuse and neglect. The
25 center staff shall include, at a minimum, a pediatrician, a consulting
26 psychiatrist, a psychologist and a social worker who are trained to
27 evaluate and treat children who have been abused or neglected and
28 their families. Each center shall establish a liaison with the district
29 office of the Division of Youth and Family Services in the
30 Department of **【Human Services】** Children and Families and the
31 prosecutor's office from the county in which the child who is
32 undergoing evaluation and treatment resides. At least one member
33 of the staff shall also have an appropriate professional credential or
34 significant training and experience in the identification and
35 treatment of substance abuse.

36 Each center shall develop an intake, referral and case tracking
37 process which assists the division and prosecutor's office in
38 assuring that child victims receive appropriate and timely diagnostic
39 and treatment services.

40 (cf: P.L.1998, c.19, s.2)

41
42 64. Section 4 of P.L.1998, c.19 (C.9:6-8.102) is amended to read
43 as follows:

44 4. Services provided by the center's staff shall include, but not
45 be limited to:

46 a. Providing psychological and medical evaluation and
47 treatment of the child, counseling for family members and

- 1 substance abuse assessment and mental health and substance abuse
2 counseling for the parents or guardians of the child;
- 3 b. Providing referral for appropriate social services and
4 medical care;
- 5 c. Providing testimony regarding alleged child abuse or neglect
6 at judicial proceedings;
- 7 d. Providing treatment recommendations for the child and
8 mental health and substance abuse treatment recommendations for
9 his family, and providing mental health and substance abuse
10 treatment recommendations for persons convicted of child abuse or
11 neglect;
- 12 e. Receiving referrals from the Department of **【Human**
13 **Services】** Children and Families and the county prosecutor's office
14 and assisting them in any investigation of child abuse or neglect;
- 15 f. Providing educational material and seminars on child abuse
16 and neglect and the services the center provides to children, parents,
17 teachers, law enforcement officials, the judiciary, attorneys and
18 other citizens.
- 19 (cf: P.L.2004, c.130, s.35)

20
21 65. Section 6 of P.L.1998, c.19 (C.9:6-8.104) is amended to read
22 as follows:

23 6. Regional centers shall act as a resource in the establishment
24 and maintenance of county-based multidisciplinary teams which
25 work in conjunction with the county prosecutor and the Department
26 of **【Human Services】** Children and Families in the investigation of
27 child abuse and neglect in the county in which the child who is
28 undergoing evaluation and treatment resides. The Commissioner of
29 **【Human Services】** Children and Families, in consultation with the
30 New Jersey Task Force on Child Abuse and Neglect, shall establish
31 standards for a county team. The county team shall consist of
32 representatives of the following disciplines: law enforcement; child
33 protective services; mental health; substance abuse identification
34 and treatment; and medicine; and, in those counties where a child
35 advocacy center has been established, shall include a staff
36 representative of a child advocacy center, all of whom have been
37 trained to recognize child abuse and neglect. The county team shall
38 provide: facilitation of the investigation, management and
39 disposition of cases of criminal child abuse and neglect; referral
40 services to the regional diagnostic center; appropriate referrals to
41 medical and social service agencies; information regarding the
42 identification and treatment of child abuse and neglect; and
43 appropriate follow-up care for abused children and their families.

44 As used in this section, "child advocacy center" means a county-
45 based center which meets the standards for a county team
46 established by the commissioner pursuant to this section and
47 demonstrates a multidisciplinary approach in providing
48 comprehensive, culturally competent child abuse prevention,

1 intervention and treatment services to children who are victims of
2 child abuse or neglect.

3 (cf: P.L.2004, c.130, s.36)

4

5 66. Section 8 of P.L.1998, c.19 (C.9:6-8.106) is amended to read
6 as follows:

7 8. The Commissioner of **【Human Services】** Children and
8 Families shall adopt rules and regulations pursuant to the
9 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
10 seq.) necessary to effectuate the provisions of this act.

11 (cf: P.L.1998, c.19, s.8)

12

13 67. Section 7 of P.L.1985, c.197 (C.9:6A-5) is amended to read
14 as follows:

15 7. In addition to moneys deposited into the “Children's Trust
16 Fund” pursuant to **【section 3 of this act】** P.L.1985, c.197 (C.9:6A-1
17 et al.), the Commissioner of **【the Department of Human Services】**
18 Children and Families may designate moneys to be deposited into
19 the fund which have been appropriated from the General Fund to
20 the Department of **【Human Services】** Children and Families as he
21 deems necessary to effect the establishment of the “Children's Trust
22 Fund.”

23 (cf: P.L.1985, c.197, s.7)

24

25 68. Section 8 of P.L.1985, c.197 (C.9:6A-6) is amended to read
26 as follows:

27 8. Any costs incurred for collection or administration
28 attributable to this act by the Division of Taxation may be deducted
29 from receipts collected pursuant to section **【1】** 2 of **【this act】**
30 P.L.1985, c.197 (C.54A:9-25.4), as determined by the Director of
31 the Division of Budget and Accounting.

32 (cf: P.L.1985, c.197, s.8)

33

34 69. Section 2 of P.L.1986, c.27 (C.9:6A-11) is amended to read
35 as follows:

36 The Department of **【Human Services】** Children and Families
37 shall establish a program, using county human services advisory
38 councils, to encourage each county in this State to establish a
39 special county commission on child abuse and missing children.
40 The special county commission shall address the problems of child
41 abuse and missing children in the county and its activities may
42 include, but shall not be limited to, arranging for educational
43 programs for parents and children, providing information
44 concerning the available services in the county and in the State for
45 abused children and their parents and the parents of missing
46 children, and coordinating the provision of services and programs

1 concerning child abuse and missing children that are offered in the
2 county and neighboring counties.

3 (cf: P.L.1986, c.27, s.2)

4

5 70. Section 2 of P.L.1991, c.290 (C.9:6B-2) is amended to read
6 as follows:

7 2. The Legislature finds and declares that:

8 a. A child placed outside his home by the Department of
9 Human Services, the Department of Children and Families, the
10 Department of Health and Senior Services or a board of education,
11 or an agency or organization with which the applicable department
12 contracts to provide services has certain specific rights separate
13 from and independent of the child's parents or legal guardian by
14 virtue of his placement in another residential setting;

15 b. The State has an affirmative obligation to recognize and
16 protect these rights through its articulation of a clear and specific
17 bill of rights that reflects the best interests of the child whereby the
18 safety of the child is of paramount concern and an affirmation by
19 the State of its commitment to enforce these rights in order to
20 protect and promote the welfare of the child placed outside his
21 home; and

22 c. The obligation of the State to recognize and protect the
23 rights of the child placed outside his home shall be fulfilled in the
24 context of a clear and consistent policy to promote the child's
25 eventual return to his home or placement in an alternative
26 permanent setting, which this Legislature has expressly declared to
27 be in the public interest in section 2 of the "Child Placement
28 Review Act," P.L.1977, c.424 (C.30:4C-51).

29 (cf: P.L.1999, c.53, s.18)

30

31 71. Section 3 of P.L.1991, c.290 (C.9:6B-3) is amended to read
32 as follows:

33 3. As used in this act:

34 "Child placed outside his home" means a child placed outside his
35 home by the Department of Human Services, the Department of
36 Children and Families, the Department of Health and Senior
37 Services or a board of education.

38 "Department" means the Department of Human Services, the
39 Department of Children and Families, the Department of Health and
40 Senior Services or board of education, as applicable.

41 (cf: P.L.1991, c.290, s.3)

42

43 72. Section 5 of P.L.1991, c.290 (C.9:6B-5) is amended to read
44 as follows:

45 5. The Departments of Human Services, Children and Families,
46 Health and Senior Services, and Education shall each prepare and
47 update at least every six months, and shall make available to the
48 public upon request, aggregate non-identifying data about children

- 1 under their care, custody or supervision who are placed in out-of-
2 home settings, by category as appropriate. The data shall include
3 the following:
- 4 a. The number of children placed outside their homes during
5 the six-month period and the cumulative number of children
6 residing in out-of-home settings;
 - 7 b. The age, sex and race of the children residing in out-of-home
8 settings;
 - 9 c. The reasons for placement of these children;
 - 10 d. The types of settings in which these children reside;
 - 11 e. The length of time that these children have resided in these
12 settings;
 - 13 f. The number of placements for those children who have been
14 placed in more than one setting;
 - 15 g. The number of children who have been placed in the same
16 county in which their parents or legal guardians reside and the
17 number who have been placed outside of the State;
 - 18 h. The number of children who have been permanently placed
19 or returned to their homes during the six-month period, and a
20 projection of the number of children who will be permanently
21 placed or returned to their homes during the following six-month
22 period; and
 - 23 i. The number of children who have been permanently placed
24 or returned to their homes who are subsequently returned to an out-
25 of-home setting during the six-month period.

26 (cf: P.L.1991, c.290, s.5)

27
28 73. Section 6 of P.L.1991, c.290 (C.9:6B-6) is amended to read
29 as follows:

30 6. The Commissioners of Human Services, Children and
31 Families, Health and Senior Services, and Education, pursuant to
32 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
33 et seq.), shall each adopt rules and regulations to effectuate the
34 purposes of this act.

35 (cf: P.L.1991, c.290, s.6)

36
37 74. Section 3 of P.L.1999, c.224 (C.9:12A-4) is amended to read
38 as follows:

39 3. As used in this act:

40 “Department” means the Department of **[Human Services]**
41 Children and Families.

42 “Division” means the Division of Youth and Family Services in
43 the Department of **[Human Services]** Children and Families.

44 “Homeless youth” means a person 21 years of age or younger
45 who is without shelter where appropriate care and supervision are
46 available.

47 (cf: P.L.1999, c.224, s.3)

1 75. Section 8 of P.L.1999, c.224 (C.9:12A-9) is amended to read
2 as follows:

3 8. Subject to the “Administrative Procedure Act,” P.L.1968,
4 c.410 (C.52:14B-1 et seq.), the Commissioner of **【Human Services】**
5 Children and Families shall adopt rules and regulations for the
6 licensing by the department of organizations and agencies that
7 provide street outreach or basic center shelter or transitional living
8 programs for homeless youth.
9 (cf: P.L.1999, c.224, s.8)

10

11 76. Section 2 of P.L.1989, c.284 (C.9:23-6) is amended to read
12 as follows:

13 2. As used in Article III of the compact “appropriate public
14 authorities” and as used in subsection a. of paragraph 1. of Article
15 V of the compact, “appropriate authority in the receiving state”
16 means, with reference to New Jersey, the Department of **【Human**
17 **Services】** Children and Families and the department shall receive
18 and act with reference to notices required by Article III.
19 (cf: P.L.1989, c.284, s.2)

20

21 77. Section 12 of P.L.1989, c.284 (C.9:23-16) is amended to
22 read as follows:

23 The Commissioner of **【Human Services】** Children and Families
24 shall have the power to adopt regulations for the enforcement of
25 this act pursuant to the “Administrative Procedure Act,” P.L.1968,
26 c.410 (C.52:14B-1 et seq.).
27 (cf: P.L.1989, c.284, s.12)

28

29 78. Section 19 of P.L.1999, c.53 (C.9:23-18) is amended to read
30 as follows:

31 19. a. The Commissioner of **【Human Services】** Children and
32 Families is authorized on behalf of this State to develop, negotiate
33 and enter into the Interstate Compact on Adoption and Medical
34 Assistance and other interstate compacts, as determined by the
35 commissioner to enhance protection and permanency for children.
36 When so entered into, and for so long as it shall remain in force,
37 such a compact shall have the force and effect of law.

38 b. A compact entered into pursuant to the authority conferred
39 by subsection a. of this section shall include:

- 40 (1) a provision making it available for joinder by all states;
41 (2) a provision for withdrawal from the compact upon written
42 notice to the parties, with a period of one year between the date of
43 the notice and the effective date of the withdrawal;
44 (3) a requirement that the protections afforded by or pursuant to
45 the compact be covered by a written agreement between the agency
46 providing services and the parents, adoptive parents, or other
47 caregiver for the child and that the protections continue in force for

1 the duration of the written agreement for all children who, on the
2 effective date of the withdrawal, are receiving services from a party
3 state other than the one in which they reside; and

4 (4) such other provisions as may be appropriate to implement
5 the proper administration of the compact.

6 (cf: P.L.1999, c.53, s.19)

7

8 79. Section 1 of P.L.1995, c.34 (C.18A:6-7a) is amended to read
9 as follows:

10 1. When a complaint made against a school employee alleging
11 child abuse or neglect is investigated by the Department of [Human
12 Services] Children and Families, the department shall notify the
13 school district and the employee of its findings. Upon receipt of a
14 finding by the department that such a complaint is unfounded, the
15 school district shall remove any references to the complaint and
16 investigation by the department from the employee's personnel
17 records. A complaint made against a school employee that has been
18 classified as unfounded by the department shall not be used against
19 the employee for any purpose relating to employment, including but
20 not limited to, discipline, salary, promotion, transfer, demotion,
21 retention or continuance of employment, termination of
22 employment or any right or privilege relating to employment.

23 (cf: P.L.2004, c.130, s.38)

24

25 80. Section 2 of P.L.2005, c.310 (C.18A:6-112) is amended to
26 read as follows:

27 2. The State Board of Education, in consultation with the New
28 Jersey Youth Suicide Prevention Advisory Council established in
29 the Department of [Human Services] Children and Families
30 pursuant to P.L.2003, c.214 (C.30:9A-22 et seq.), shall, as part of
31 the professional development requirement established by the State
32 board for public school teaching staff members, require each public
33 school teaching staff member to complete at least two hours of
34 instruction in suicide prevention, to be provided by a licensed
35 health care professional with training and experience in mental
36 health issues, in each professional development period.

37 (cf: P.L.2005, c.310, s.2)

38

39 81. Section 6 of P.L.1979, c.207, s.6 (C.18A:7B-2) is amended
40 to read as follows:

41 6. a. For each State-placed child who is resident in a district
42 and in a State facility on the last school day prior to October 16 of
43 the prebudget year, and for each district-placed child who is
44 resident in a district and in a State facility on the last school day
45 prior to October 16 of the budget year, the Commissioner of
46 Education shall deduct from the State aid payable to that district an
47 amount equal to the approved per pupil cost established pursuant to
48 the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24);

1 except that for a child in a county juvenile detention center, no
2 deduction shall be made until Fiscal Year 1999, in which year and
3 thereafter 50% of the per pupil cost shall be deducted.

4 b. If, for any district, the amount to be deducted pursuant to
5 subsection a. of this section is greater than State aid payable to the
6 district, the district shall pay to the Department of Education the
7 difference between the amount to be deducted and the State aid
8 payable to the district.

9 c. The amount deducted pursuant to subsection a. of this
10 section and the amount paid to the Department of Education
11 pursuant to subsection b. of this section shall be forwarded to the
12 Department of Human Services or Department of Children and
13 Families, as applicable, if the facility is operated by or under
14 contract with that department, or to the Department of Corrections
15 if the facility is operated by or under contract with that department,
16 or to the Juvenile Justice Commission established pursuant to
17 section 2 of P.L.1995, c.284 (C.52:17B-170) if the facility is
18 operated by or under contract with that commission, and shall serve
19 as payment by the district of tuition for the child. In the case of
20 county juvenile detention centers, the tuition shall be deemed to
21 supplement funds currently provided by the county for this purpose
22 under chapter 10 and chapter 11 of Title 9 of the Revised Statutes.
23 In Fiscal Year 1998, a county shall not decrease its level of
24 contribution as a result of the payment of tuition pursuant to this
25 section. In Fiscal Year 1999 and thereafter, a county shall be
26 required to pay 50% of the approved per pupil costs established
27 pursuant to the provisions of section 24 of P.L.1996, c.138
28 (C.18A:7F-24) for the purpose of implementing chapters 10 and 11
29 of Title 9 of the Revised Statutes. Amounts so deducted shall be
30 used solely for the support of educational programs and shall be
31 maintained in a separate account for that purpose. No district shall
32 be responsible for the tuition of any child admitted by the State to a
33 State facility after the last school day prior to October 16 of the
34 prebudget year.

35 (cf: P.L.1996, c.138, s.41)

36

37 82. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to
38 read as follows:

39 8. Funds received pursuant to this act by the Department of
40 Human Services, **[by the]** Department of Children and Families,
41 Department of Corrections or **[by]** the Juvenile Justice Commission
42 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
43 shall be used only for the salaries of teachers, educational
44 administrators at the program level, child study team personnel,
45 clerical staff assigned to child study teams or to educational day
46 programs, paraprofessionals assigned to educational programs in
47 State facilities, and for diagnostic services required as part of the
48 child study team evaluations and related educational services

1 personnel whose function requires an educational certificate issued
2 by the State Department of Education, and for the costs of
3 educational materials, supplies and equipment for these programs.
4 No such funds shall be used for the renovation or construction of
5 capital facilities, for the maintenance and operation of educational
6 facilities, or for custodial, habilitation or other noneducational
7 costs.

8 There are hereby authorized to be appropriated to the
9 Departments of Human Services, Children and Families and
10 Corrections such funds as may be necessary to provide for adult,
11 post-secondary and college programs.

12 (cf: P.L.1995, c.280, s.25)

13

14 83. Section 11 of P.L.1979, c.207 (C.18A:7B-7) is amended to
15 read as follows:

16 11. a. Any parent or guardian of a pupil in a State facility and
17 any pupil in a State facility between 18 and 20 years of age, may
18 request an administrative review on matters of educational
19 classification or educational program.

20 b. The administrative review process shall include the
21 following sequence:

22 (1) A conference with teaching staff members or child study
23 team personnel;

24 (2) A conference with the Director of Educational Services of the
25 Department of Human Services, the Department of Children and
26 Families, the Department of Corrections, or the Juvenile Justice
27 Commission, whichever is appropriate;

28 (3) A hearing by the Commissioner of Education pursuant to law
29 and regulation.

30 c. The due process rights available to children, parents and
31 guardians in the public schools on matters of educational
32 classification or educational program shall be available to children,
33 parents and guardians in State facilities.

34 d. The placement of a child in a particular State facility shall
35 not be subject to an administrative review or hearing pursuant to
36 this section.

37 (cf: P.L.1996, c.138, s.43)

38

39 84. Section 13 of P.L.1979, c.207 (C.18A:7B-9) is amended to
40 read as follows:

41 13. There is hereby created and established in the Department of
42 **【Human Services】** Children and Families an Office of Education to
43 be headed by a Director of Educational Services who shall
44 supervise the educational programs in all the State facilities
45 operated by or under contract with that department and shall
46 approve all personnel hired by the State for such programs.

47 The director shall hold the appropriate certificate issued by the
48 State Board of Examiners and shall be qualified by training and

1 experience for his position and shall be appointed by the
2 Commissioner of **[Human Services]** Children and Families. He
3 shall serve at the pleasure of the commissioner and shall receive
4 such salary as shall be fixed by the commissioner.

5 The director shall establish primary, secondary, and vocational
6 programs which meet the educational needs of school age persons
7 for whom the department is responsible. Appropriate credit and
8 certification shall be given for the successful completion of such
9 programs.

10 Within any available appropriation, the program of education
11 shall include adult, post-secondary and college programs offered by
12 institutions licensed by the Department of Education or the
13 Commission on Higher Education.

14 (cf: P.L.1994, c.48, s.57)

15

16 85. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
17 read as follows:

18 19. For school funding purposes, the Commissioner of
19 Education shall determine district of residence as follows:

20 a. The district of residence for children in resource family
21 homes shall be the district in which the resource family parents
22 reside. If a child in a resource family home is subsequently placed
23 in a State facility or by a State agency, the district of residence of
24 the child shall then be determined as if no such resource family
25 placement had occurred.

26 b. The district of residence for children who are in residential
27 State facilities, or who have been placed by State agencies in group
28 homes, skill development homes, private schools or out-of-State
29 facilities, shall be the present district of residence of the parent or
30 guardian with whom the child lived prior to his most recent
31 admission to a State facility or most recent placement by a State
32 agency.

33 If this cannot be determined, the district of residence shall be the
34 district in which the child resided prior to such admission or
35 placement.

36 c. The district of residence for children whose parent or
37 guardian temporarily moves from one school district to another as
38 the result of being homeless shall be the district in which the parent
39 or guardian last resided prior to becoming homeless. For the
40 purpose of this amendatory and supplementary act, "homeless"
41 shall mean an individual who temporarily lacks a fixed, regular and
42 adequate residence.

43 d. If the district of residence cannot be determined according to
44 the criteria contained herein, or if the criteria contained herein
45 identify a district of residence outside of the State, the State shall
46 assume fiscal responsibility for the tuition of the child. The tuition
47 shall equal the approved per pupil cost established pursuant to
48 P.L.1996, c.138 (C.18A:7F-1 et seq.). This amount shall be

1 appropriated in the same manner as other State aid under this act.
2 The Department of Education shall pay the amount to the
3 Department of Human Services, the Department of Children and
4 Families, the Department of Corrections or the Juvenile Justice
5 Commission established pursuant to section 2 of P.L.1995, c.284
6 (C.52:17B-170) or, in the case of a homeless child, the Department
7 of Education shall pay the appropriate T&E amount and any
8 appropriate additional cost factor for special education pursuant to
9 section 19 of P.L.1996, c.138 (C.18A:7F-19) to the school district
10 in which the child is enrolled.

11 e. If the State has assumed fiscal responsibility for the tuition
12 of a child in a private educational facility approved by the
13 Department of Education to serve children who are classified as
14 needing special education services, the department shall pay to the
15 Department of Human Services, the Department of Children and
16 Families or the Juvenile Justice Commission, as appropriate, the aid
17 specified in subsection d. of this section and in addition, such aid as
18 required to make the total amount of aid equal to the actual cost of
19 the tuition.

20 (cf: P.L.2004, c.130, s.39)

21

22 86. Section 20 of P.L.1979, c.207 (C.18A:7B-13) is amended to
23 read as follows:

24 20. Beginning in the school year 1997-98, the Commissioner of
25 Education shall annually report to the Legislature, describing the
26 condition of educational programs in State facilities, the efforts of
27 the Departments of Corrections, Children and Families, and Human
28 Services and the Juvenile Justice Commission in meeting the
29 standards of a thorough and efficient education in these facilities,
30 the steps underway to correct any deficiencies in their educational
31 programs, and the progress of the educational programs in New
32 Jersey State facilities in comparison with those in the state facilities
33 of other states. At that time the commissioner shall recommend to
34 the Legislature any necessary or desirable changes or modifications
35 in P.L.1979, c.207 (C.18A:7B-1 et al.).

36 (cf: P.L.1996, c.138, s.45)

37

38 87. Section 3 of P.L.1996, c.138 (C.18A:7F-3) is amended to
39 read as follows:

40 3. As used in this act, unless the context clearly requires a
41 different meaning:

42 "Abbott district" means one of the 28 urban districts in district
43 factor groups A and B specifically identified in the appendix to
44 Raymond Abbott, et al. v. Fred G. Burke, et al. decided by the New
45 Jersey Supreme Court on June 5, 1990 (119 N.J.287, 394) or any
46 other district classified as a special needs district under the "Quality
47 Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et al.), or
48 Salem City School District;

- 1 "Bilingual education pupil" means a pupil enrolled in a program
2 of bilingual education or in an English as a second language
3 program approved by the State Board of Education;
- 4 "Budgeted local share" means the sum of designated general
5 fund balance, miscellaneous revenues estimated consistent with
6 GAAP, and that portion of the district's local tax levy contained in
7 the T&E budget certified for taxation purposes;
- 8 "Capital outlay" means capital outlay as defined in GAAP;
- 9 "Commissioner" means the Commissioner of Education;
- 10 "Concentration of low-income pupils" shall be based on
11 prebudget year pupil data and means, for a school district or a
12 county vocational school district, the number of low-income pupils
13 among those counted in modified district enrollment, divided by
14 modified district enrollment. For a school, it means the number of
15 low-income pupils recorded in the registers at that school, divided
16 by the total number of pupils recorded in the school's registers;
- 17 "CPI" means the average annual increase, expressed as a
18 decimal, in the consumer price index for the New York City and
19 Philadelphia areas during the fiscal year preceding the prebudget
20 year as reported by the United States Department of Labor;
- 21 "County special services school district" means any entity
22 established pursuant to article 8 of chapter 46 of Title 18A of the
23 New Jersey Statutes;
- 24 "County vocational school district" means any entity established
25 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
26 Statutes;
- 27 "County vocational school, special education services pupil"
28 means a pupil who is attending a county vocational school and who
29 is receiving specific services pursuant to chapter 46 of Title 18A of
30 the New Jersey Statutes;
- 31 "Debt service" means and includes payments of principal and
32 interest upon school bonds and other obligations issued to finance
33 the purchase or construction of school facilities, additions to
34 school facilities, or the reconstruction, remodeling, alteration,
35 modernization, renovation or repair of school facilities, including
36 furnishings, equipment, architect fees and the costs of issuance of
37 such obligations and shall include payments of principal and
38 interest upon bonds heretofore issued to fund or refund such
39 obligations, and upon municipal bonds and other obligations which
40 the commissioner approves as having been issued for such
41 purposes. Debt service pursuant to the provisions of P.L.1978, c.74
42 (C.18A:58-33.22 et seq.), P.L.1971, c.10 (C.18A:58-33.6 et seq.)
43 and P.L.1968, c.177 (C.18A:58-33.2 et seq.) is excluded;
- 44 "District factor group A district" means a school district, other
45 than an Abbott district or a school district in which the equalized
46 valuation per pupil is more than twice the average Statewide
47 equalized valuation per pupil and in which resident enrollment
48 exceeds 2,000 pupils, which based on the 1990 federal census data

1 is included within the Department of Education's district factor
2 group A;

3 "District income" for the 1997-98 school year means the
4 aggregate income of the residents of the taxing district or taxing
5 districts, based upon data provided by the Bureau of the Census in
6 the United States Department of Commerce for 1989. Beginning
7 with the 1998-99 school year and thereafter, district income means
8 the aggregate income of the residents of the taxing district or taxing
9 districts, based upon data provided by the Division of Taxation in
10 the New Jersey Department of the Treasury and contained on the
11 New Jersey State Income Tax forms for the calendar year ending
12 prior to the prebudget year. The commissioner may supplement
13 data contained on the State Income Tax forms with data available
14 from other State or federal agencies in order to better correlate the
15 data to that collected on the federal census. With respect to
16 regional districts and their constituent districts, however, the district
17 income as described above shall be allocated among the regional
18 and constituent districts in proportion to the number of pupils
19 resident in each of them;

20 "Estimated minimum equalized tax rate" for a school district
21 means the district's required local share divided by its equalized
22 valuation; for the State it means the sum of the required local shares
23 of all school districts in the State, excluding county vocational and
24 county special services school districts as defined pursuant to this
25 section, divided by the sum of the equalized valuations for all the
26 school districts in the State except those for which there is no
27 required local share;

28 "Equalized valuation" means the equalized valuation of the
29 taxing district or taxing districts, as certified by the Director of the
30 Division of Taxation on October 1, or subsequently revised by the
31 tax court by January 15, of the prebudget year. With respect to
32 regional districts and their constituent districts, however, the
33 equalized valuations as described above shall be allocated among
34 the regional and constituent districts in proportion to the number of
35 pupils resident in each of them. In the event that the equalized table
36 certified by the director shall be revised by the tax court after
37 January 15 of the prebudget year, the revised valuations shall be
38 used in the recomputation of aid for an individual school district
39 filing an appeal, but shall have no effect upon the calculation of the
40 property value multiplier, Statewide equalized valuation per pupil,
41 estimated minimum equalized tax rate for the State, or Statewide
42 average equalized school tax rate;

43 "GAAP" means the generally accepted accounting principles
44 established by the Governmental Accounting Standards Board as
45 prescribed by the State board pursuant to N.J.S.18A:4-14;

46 "Household income" means income as defined in 7CFR 245.2
47 and 245.6 or any subsequent superseding federal law or regulation;

1 "Lease purchase payment" means and includes payments of
2 principal and interest for lease purchase agreements in excess of
3 five years approved pursuant to subsection f. of N.J.S.18A:20-4.2 to
4 finance the purchase or construction of school facilities, additions
5 to school facilities, or the reconstruction, remodeling, alteration,
6 modernization, renovation or repair of school facilities, including
7 furnishings, equipment, architect fees and issuance costs. Approved
8 lease purchase agreements in excess of five years shall be accorded
9 the same accounting treatment as school bonds;

10 "Low-income pupils" means those pupils from households with a
11 household income at or below the most recent federal poverty
12 guidelines available on October 15 of the prebudget year multiplied
13 by 1.30;

14 "Minimum permissible T&E budget" means the sum of a
15 district's core curriculum standards aid, and required local share
16 calculated pursuant to sections 5, 14 and 15 of this act;

17 "Modified district enrollment" means the number of pupils other
18 than preschool pupils, evening school pupils, post-graduate pupils,
19 and post-secondary vocational pupils who, on the last school day
20 prior to October 16, are enrolled in the school district or county
21 vocational school district; or are resident in the school district or
22 county vocational school district and are: (1) receiving home
23 instruction, (2) enrolled in an approved private school for the
24 handicapped, (3) enrolled in a regional day school, (4) enrolled in a
25 county special services school district, (5) enrolled in an
26 educational services commission including an alternative high
27 school program operated by an educational services commission,
28 (6) enrolled in a State college demonstration school, (7) enrolled in
29 the Marie H. Katzenbach School for the Deaf, or (8) enrolled in an
30 alternative high school program in a county vocational school.
31 Modified district enrollment shall be based on the prebudget year
32 count for the determination of concentration of low-income pupils,
33 and shall be projected to the current year and adjusted pursuant to
34 section 5 of this act when used in the calculation of aid;

35 "Net budget" unless otherwise stated in this act, means the sum
36 of the net T&E budget and the portion of the district's local levy
37 that is above the district's maximum T&E budget;

38 "Net T&E budget" means the sum of the T&E program budget,
39 early childhood program aid, demonstrably effective program aid,
40 instructional supplement aid, transportation aid, and categorical
41 program aid received pursuant to sections 19 through 22, 28, and 29
42 of this act;

43 "Prebudget year" means the school fiscal year preceding the year
44 in which the school budget is implemented;

45 "Prebudget year equalized tax rate" means the amount calculated
46 by dividing the district's general fund levy for the prebudget year by
47 its equalized valuation certified in the year prior to the prebudget
48 year;

1 "Prebudget year net budget" for the 1997-98 school year means
2 the sum of the foundation aid, transition aid, transportation aid,
3 special education aid, bilingual education aid, aid for at-risk pupils,
4 technology aid, and county vocational program aid received by a
5 school district or county vocational school district in the 1996-97
6 school year pursuant to P.L.1996, c.42, and the district's local levy
7 for the general fund;

8 "Report on the Cost of Providing a Thorough and Efficient
9 Education" or "Report" means the report issued by the Governor
10 pursuant to section 4 of this act;

11 "Resident enrollment" means the number of pupils other than
12 preschool pupils, post-graduate pupils, and post-secondary
13 vocational pupils who, on the last school day prior to October 16 of
14 the current school year, are residents of the district and are enrolled
15 in: (1) the public schools of the district, excluding evening schools,
16 (2) another school district, other than a county vocational school
17 district in the same county on a full-time basis, or a State college
18 demonstration school or private school to which the district of
19 residence pays tuition, or (3) a State facility in which they are
20 placed by the district; or are residents of the district and are: (1)
21 receiving home instruction, or (2) in a shared-time vocational
22 program and are regularly attending a school in the district and a
23 county vocational school district. In addition, resident enrollment
24 shall include the number of pupils who, on the last school day prior
25 to October 16 of the prebudget year, are residents of the district and
26 in a State facility in which they were placed by the State. Pupils in
27 a shared-time vocational program shall be counted on an equated
28 full-time basis in accordance with procedures to be established by
29 the commissioner. Resident enrollment shall include regardless of
30 nonresidence, the enrolled children of teaching staff members of the
31 school district or county vocational school district who are
32 permitted, by contract or local district policy, to enroll their
33 children in the educational program of the school district or county
34 vocational school district without payment of tuition. Handicapped
35 children between three and five years of age and receiving programs
36 and services pursuant to N.J.S.18A:46-6 shall be included in the
37 resident enrollment of the district;

38 "School district" means any local or regional school district
39 established pursuant to chapter 8 or chapter 13 of Title 18A of the
40 New Jersey Statutes;

41 "School enrollment" means the number of pupils other than
42 preschool pupils, evening school pupils, post-graduate pupils, and
43 post-secondary vocational pupils who, on the last school day prior
44 to October 16 of the current school year, are recorded in the
45 registers of the school;

46 "Special education services pupils" means a pupil receiving
47 specific services pursuant to chapter 46 of Title 18A of the New
48 Jersey Statutes;

1 "Spending growth limitation" means the annual rate of growth
2 permitted in the net budget of a school district, county vocational
3 school district or county special services school district as measured
4 between the net budget of the prebudget year and the net budget of
5 the budget year as calculated pursuant to subsection d. of section 5
6 of this act;

7 "Stabilization aid growth limit" means 10% or the rate of growth
8 in the district's projected resident enrollment over the prebudget
9 year, whichever is greater. For the 1997-98 school year, this means
10 8% or one-half the rate of growth in the district's projected resident
11 enrollment and preschool enrollment between the October 1991
12 enrollment report as contained on the district's Application for State
13 School Aid for 1992-93 and the 1997-98 school year, whichever is
14 greater. For the 1998-99 and 1999-2000 school years, this means
15 the greatest of the following: 10%, one-half the district's rate of
16 growth in projected resident enrollment and preschool enrollment
17 over the October 1991 enrollment report as contained on the
18 district's Application for State School Aid for 1992-93, or the
19 district's projected rate of growth in resident enrollment over the
20 prebudget year;

21 "State facility" means a State developmental center; a State
22 Division of Youth and Family Services' residential center; a State
23 residential mental health center; a **[DHS]** Department of Children
24 and Families Regional Day School; a State training school/Secure
25 care facility; a State juvenile community program; a juvenile
26 detention center or a boot camp under the supervisory authority of
27 the Juvenile Justice Commission pursuant to P.L.1995, c.284
28 (C.52:17B-169 et seq.); or an institution operated by or under
29 contract with the Department of Corrections, Children and Families
30 or Human Services, or the Juvenile Justice Commission;

31 "Statewide average equalized school tax rate" means the amount
32 calculated by dividing the general fund tax levy for all school
33 districts, which excludes county vocational school districts and
34 county special services school districts as defined pursuant to this
35 section, in the State for the prebudget year by the equalized
36 valuations certified in the year prior to the prebudget year of all
37 taxing districts in the State except taxing districts for which there
38 are no school tax levies;

39 "Statewide equalized valuation per pupil" means the equalized
40 valuations of all taxing districts having resident enrollment in the
41 State, divided by the resident enrollment for the State;

42 "T&E amount" means the cost per elementary pupil of delivering
43 the core curriculum content standards and extracurricular and
44 cocurricular activities necessary for a thorough regular education
45 under the assumptions of reasonableness and efficiency contained in
46 the Report on the Cost of Providing a Thorough and Efficient
47 Education;

1 "T&E flexible amount" means the dollar amount which shall be
2 applied to the T&E amount to determine the T&E range;

3 "T&E program budget" means the sum of core curriculum
4 standards aid, supplemental core curriculum standards aid,
5 stabilization aid, designated general fund balance, miscellaneous
6 local general fund revenue and that portion of the district's local
7 levy that supports the district's T&E budget;

8 "T&E range" means the range of regular education spending
9 which shall be considered thorough and efficient. The range shall
10 be expressed in terms of T&E budget spending per elementary
11 pupil, and shall be delineated by alternatively adding to and
12 subtracting from the T&E amount the T&E flexible amount;

13 "Total Statewide income" means the sum of the district incomes
14 of all taxing districts in the State.
15 (cf: P.L.2004, c.61, s.1).

16

17 88. Section 19 of P.L.1996, c.138 (C.18A:7F-19) is amended to
18 read as follows:

19 19. a. Special education categorical aid for each school district
20 and county vocational school district shall be calculated for the
21 1997-98 school year as follows:

22 Tier I is the number of pupils classified for other than speech
23 correction services resident in the district which receive related
24 services including, but not limited to, occupational therapy,
25 physical therapy, speech and counseling. Aid shall equal 0.0223 of
26 the T&E amount rounded to the nearest whole dollar for each of the
27 four service categories provided per classified pupil.

28 Tier II is the number of pupils resident in the district meeting the
29 classification definitions for perceptually impaired, neurologically
30 impaired, educable mentally retarded and preschool handicapped;
31 all classified pupils in shared time county vocational programs in a
32 county vocational school which does not have a child study team
33 receiving services pursuant to chapter 46 of Title 18A of the New
34 Jersey Statutes; and nonclassified pupils in State training schools or
35 secure care facilities. For the purpose of calculating State aid for
36 1997-98, each district, other than a county vocational school
37 district, shall have its pupil count for perceptually impaired reduced
38 by perceptually impaired classifications in excess of one standard
39 deviation above the State average classification rate at December
40 1995 or 9.8 percent of the district's resident enrollment. The
41 perceptually impaired limitation shall be phased down to the State
42 average of the prebudget year over a five-year period by adjusting
43 the standard deviation as follows: 75 percent in 1998-99, 50
44 percent in 1999-2000, 25 percent in 2000-2001 and the State
45 average in year five. No reduction in aid shall be assessed against
46 any district in which the perceptually impaired classification rate is
47 6.5% or less of resident enrollment. Aid shall equal 0.4382 of the

1 T&E amount rounded to the nearest whole dollar for each student
2 meeting the Tier II criteria.

3 The commissioner shall develop a system to provide that each
4 school district submits data to the department on the number of the
5 district's pupils with a classification definition of perceptually
6 impaired who are enrolled in a county vocational school. Such
7 pupils shall be counted in the district of residence's resident
8 enrollment for the purpose of calculating the limit on perceptually
9 impaired classifications for Tier II State aid.

10 Tier III is the number of classified pupils resident in the district
11 in categories other than speech correction services, perceptually
12 impaired, neurologically impaired, educable mentally retarded,
13 socially maladjusted, preschool handicapped, and who do not meet
14 the criteria of Tier IV, intensive services; and nonclassified pupils
15 in juvenile community programs. Aid shall equal 0.8847 of the
16 T&E amount for each pupil meeting the Tier III criteria.

17 Tier IV is the number of classified pupils resident in the district
18 receiving intensive services. For 1997-98, intensive services are
19 defined as those provided in a county special services school district
20 and services provided for pupils who meet the classification
21 definitions for autistic, chronically ill, day training eligible, or
22 visually handicapped, or are provided for pupils who meet the
23 classification definition for multiply handicapped and are in a
24 private school for the handicapped, educational services
25 commission, or jointure commission placement in the 1996-97
26 school year. The commissioner shall collect data and conduct a
27 study to determine intensive service criteria and the appropriate per
28 pupil cost factor to be universally applied to all service settings,
29 beginning in the 1998-99 school year. Aid shall equal 1.2277 of the
30 T&E amount for each pupil meeting the Tier IV criteria.

31 Classified pupils in Tiers II through IV shall be eligible for Tier I
32 aid. Classified pupils shall be eligible to receive aid for up to four
33 services under Tier I.

34 For the 1998-99 school year, these cost factors shall remain in
35 effect and special education aid growth shall be limited by the CPI
36 growth rate applied to the T&E amount and changes in classified
37 pupil counts. For subsequent years, the additional cost factors shall
38 be established biennially in the Report on the Cost of Providing a
39 Thorough and Efficient Education.

40 For the purposes of this section, classified pupil counts shall
41 include pupils attending State developmental centers, Department of
42 **【Human Services】** Children and Families Regional Day Schools,
43 Department of **【Human Services】** Children and Families residential
44 centers, State residential mental health centers, and institutions
45 operated by or under contract with the Department of Human
46 Services or the Department of Children and Families. Classified
47 pupils of elementary equivalent age shall include classified
48 preschool handicapped and kindergarten pupils.

1 b. In those instances in which the cost of providing education
2 for an individual classified pupil exceeds \$40,000:

3 (1) For costs in excess of \$40,000 incurred in the 2002-2003
4 through 2004-2005 school years, the district of residence shall, in
5 addition to any special education State aid to which the district is
6 entitled on behalf of the pupil pursuant to subsection a. of this
7 section, receive additional special education State aid as follows:

8 (a) with respect to the amount of any costs in excess of \$40,000 but
9 less than or equal to \$60,000, the additional State aid for the
10 classified pupil shall equal 60% of that amount; (b) with respect to
11 the amount of any costs in excess of \$60,000 but less than or equal
12 to \$80,000, the additional State aid for the classified pupil shall
13 equal 70% of that amount; and (c) with respect to the amount of any
14 costs in excess of \$80,000, the additional State aid for the classified
15 pupil shall equal 80% of that amount; provided that in the case of
16 an individual classified pupil for whom additional special education
17 State aid was awarded to a district for the 2001-2002 school year,
18 the amount of such aid awarded annually to the district for that
19 pupil for the 2002-2003, 2003-2004 or 2004-2005 school year shall
20 not be less than the amount for the 2001-2002 school year, except
21 that if the district's actual special education costs incurred for the
22 pupil in the 2002-2003, 2003-2004 or 2004-2005 school year are
23 reduced below the amount of such costs for the pupil in the 2001-
24 2002 school year, the amount of aid shall be decreased by the
25 amount of that reduction; and

26 (2) For costs in excess of \$40,000 incurred in the 2005-2006
27 school year and thereafter, a district shall receive additional special
28 education State aid equal to 100% of the amount of that excess.

29 A district, in order to receive funding pursuant to this subsection,
30 shall file an application with the department that details the
31 expenses incurred on behalf of the particular classified pupil for
32 which the district is seeking reimbursement. Additional State aid
33 awarded for extraordinary special education costs shall be recorded
34 by the district as revenue in the current school year and paid to the
35 district in the subsequent school year.

36 c. A school district may apply to the commissioner to receive
37 emergency special education aid for any classified pupil who
38 enrolls in the district prior to March of the budget year and who is
39 in a placement with a cost in excess of \$40,000. The commissioner
40 may debit from the student's former district of residence any special
41 education aid which was paid to that district on behalf of the
42 student.

43 d. The department shall review expenditures of federal and
44 State special education aid by a district in every instance in which
45 special education monitoring identifies a failure on the part of the
46 district to provide services consistent with a pupil's individualized
47 education program.

48 (cf: P.L.2004, c.130, s.40)

1 89. Section 24 of P.L.1996, c.138 (C.18A:7F-24) is amended to
2 read as follows:

3 24. Annually by December 15, the Department of Corrections,
4 the Department of Human Services, the Department of Children and
5 Families and the Juvenile Justice Commission shall each submit to
6 the commissioner for approval, with respect to the facilities under
7 their operational or supervisory authority, a budget for educational
8 programs as set forth in section 8 of P.L.1979, c.207 (C.18A:7B-4)
9 for the subsequent year, together with enrollments and per pupil
10 costs. For the purposes of calculating a per pupil cost, enrollment
11 shall be based on the number of pupils in the State facility on the
12 last school day prior to October 16 of the prebudget year. In the
13 subsequent year, pursuant to P.L.1979, c.207 (C.18A:7B-1 et seq.)
14 for students resident in a district, approved per pupil amounts shall
15 be deducted from each school district's State aid and remitted to the
16 appropriate agency, except that for county juvenile detention
17 centers, no deduction shall be made until Fiscal Year 1999; in that
18 year and thereafter, 50% of approved per pupil amounts shall be
19 deducted and remitted to the Juvenile Justice Commission.
20 (cf: P.L.1996, c.138, s.24)

21
22 90. Section 3 of P.L.2000, c.72 (C.18A:7G-3) is amended to
23 read as follows:

24 3. As used in sections 1 through 30 and 57 through 71 of this
25 act, unless the context clearly requires a different meaning:

26 "Abbott district" means an Abbott district as defined in section 3
27 of P.L.1996, c.138 (C.18A:7F-3);

28 "Area cost allowance" means \$138 per square foot for the school
29 year 2000-2001 and shall be inflated by an appropriate cost index
30 for the 2001-2002 school year. For the 2002-2003 school year and
31 subsequent school years, the area cost allowance shall be as
32 established in the biennial Report on the Cost of Providing a
33 Thorough and Efficient Education and inflated by an appropriate
34 cost index for the second year to which the report applies. The area
35 cost allowance used in determining preliminary eligible costs of
36 school facilities projects shall be that of the year of application for
37 approval of the project;

38 "Authority" means the New Jersey Economic Development
39 Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et
40 seq.);

41 "Community provider" means a private entity which has
42 contracted to provide early childhood education programs for an
43 ECPA district and which (a) is licensed by the Department of
44 **[Human Services]** Children and Families to provide day care
45 services pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.); and (b) is
46 a tax exempt nonprofit organization;

47 "Community early childhood education facilities project" means
48 a school facilities project consisting of facilities in which early

1 childhood education programs are provided to 3 or 4-year old
2 children under contract with the ECPA district but which are owned
3 and operated by a community provider;

4 "Commissioner" means the Commissioner of Education;

5 "Core curriculum content standards" means the standards
6 established pursuant to the provisions of subsection a. of section 4
7 of P.L.1996, c.138 (C.18A:7F-4);

8 "Cost index" means the average annual increase, expressed as a
9 decimal, in actual construction cost factors for the New York City
10 and Philadelphia areas during the second fiscal year preceding the
11 budget year as determined pursuant to regulations promulgated by
12 the authority pursuant to section 26 of this act;

13 "Debt service" means and includes payments of principal and
14 interest upon school bonds issued to finance the acquisition of
15 school sites and the purchase or construction of school facilities,
16 additions to school facilities, or the reconstruction, remodeling,
17 alteration, modernization, renovation or repair of school facilities,
18 including furnishings, equipment, architect fees and the costs of
19 issuance of such obligations and shall include payments of principal
20 and interest upon school bonds heretofore issued to fund or refund
21 such obligations, and upon municipal bonds and other obligations
22 which the commissioner approves as having been issued for such
23 purposes. Debt service pursuant to the provisions of P.L.1978, c.74
24 (C.18A:58-33.22 et seq.), P.L.1971, c.10 (C.18A:58-33.6 et seq.)
25 and P.L.1968, c.177 (C.18A:58-33.2 et seq.) is excluded;

26 "Demonstration project" means a school facilities project
27 selected by the State Treasurer for construction by a redevelopment
28 entity pursuant to section 6 of this act;

29 "District" means a local or regional school district established
30 pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey
31 Statutes, a county special services school district established
32 pursuant to article 8 of chapter 46 of Title 18A of the New Jersey
33 Statutes, a county vocational school district established pursuant to
34 article 3 of chapter 54 of Title 18A of the New Jersey Statutes, and
35 a State-operated school district established pursuant to P.L.1987,
36 c.399 (C.18A:7A-34 et seq.);

37 "District aid percentage" means the number expressed as a
38 percentage derived from dividing the district's core curriculum
39 standards aid calculated pursuant to section 15 of P.L.1996, c.138
40 (C.18A:7F-15) as of the date of the commissioner's determination
41 of preliminary eligible costs by the district's T & E budget
42 calculated pursuant to subsection d. of section 13 of P.L.1996,
43 c.138 (C.18A:7F-13) as of the date of the commissioner's
44 determination of preliminary eligible costs;

45 "ECPA district" means a district that qualifies for early
46 childhood program aid pursuant to section 16 of P.L.1996, c.138
47 (C.18A:7F-16);

1 "Excess costs" means the additional costs, if any, which shall be
2 borne by the district, of a school facilities project which result from
3 design factors that are not required to meet the facilities efficiency
4 standards and not approved pursuant to paragraph (1) of subsection
5 g. of section 5 of this act or are not authorized as community design
6 features included in final eligible costs pursuant to subsection c. of
7 section 6 of this act;

8 "Facilities efficiency standards" means the standards developed
9 by the commissioner pursuant to subsection h. of section 4 of this
10 act;

11 "Final eligible costs" means for school facilities projects to be
12 constructed by the authority, the final eligible costs of the school
13 facilities project as determined by the commissioner, in consultation
14 with the authority, pursuant to section 5 of this act; for
15 demonstration projects, the final eligible costs of the project as
16 determined by the commissioner and reviewed by the authority
17 which may include the cost of community design features
18 determined by the commissioner to be an integral part of the school
19 facility and which do not exceed the facilities efficiency standards,
20 and which were reviewed by the authority and approved by the
21 State Treasurer pursuant to section 6 of this act; and for districts
22 whose district aid percentage is less than 55% and which elect not
23 to have the authority construct a school facilities project, final
24 eligible costs as determined pursuant to paragraph (1) of subsection
25 h. of section 5 of this act;

26 "FTE" means a full-time equivalent student which shall be
27 calculated as follows: in districts that qualify for early childhood
28 program aid pursuant to section 16 of P.L.1996, c.138 (C.18A:7F-
29 16), each student in grades kindergarten through 12 shall be counted
30 at 100% of the actual count of students, and each preschool student
31 approved by the commissioner to be served in the district shall be
32 counted at 50% or 100% of the actual count of preschool students
33 for an approved half-day or full-day program, respectively; in
34 districts that do not qualify for early childhood program aid
35 pursuant to section 16 of P.L.1996, c.138 (C.18A:7F-16), each
36 student in grades 1 through 12 shall be counted at 100% of the
37 actual count of students, in the case of districts which operate a
38 half-day kindergarten program each kindergarten student shall be
39 counted at 50% of the actual count of kindergarten students, in the
40 case of districts which operate a full-day kindergarten program or
41 which currently operate a half-day kindergarten program but
42 propose to build facilities to house a full-day kindergarten program
43 each kindergarten student shall be counted at 100% of the actual
44 count of kindergarten students, and preschool students shall not be
45 counted. In addition, each preschool handicapped child who is
46 entitled to receive a full-time program pursuant to N.J.S.18A:46-6
47 shall be counted at 100% of the actual count of these students in the
48 district;

1 "Functional capacity" means the number of students that can be
2 housed in a building in order to have sufficient space for it to be
3 educationally adequate for the delivery of programs and services
4 necessary for student achievement of the core curriculum content
5 standards. Functional capacity is determined by dividing the
6 existing gross square footage of a school building by the minimum
7 area allowance per FTE student pursuant to subsection b. of section
8 8 of this act for the grade level students contained therein. The
9 difference between the projected enrollment determined pursuant to
10 subsection a. of section 8 of this act and the functional capacity is
11 the unhoused students that are the basis upon which the additional
12 costs of space to provide educationally adequate facilities for the
13 entire projected enrollment are determined. The existing gross
14 square footage for the purposes of defining functional capacity is
15 exclusive of existing spaces that are not contained in the facilities
16 efficiency standards but which are used to deliver programs and
17 services aligned to the core curriculum content standards, used to
18 provide support services directly to students, or other existing
19 spaces that the district can demonstrate would be structurally or
20 fiscally impractical to convert to other uses contained in the
21 facilities efficiency standards;

22 "Lease purchase payment" means and includes payment of
23 principal and interest for lease purchase agreements in excess of
24 five years approved pursuant to subsection f. of N.J.S.18A:20-4.2
25 prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) to
26 finance the purchase or construction of school facilities, additions
27 to school facilities, or the reconstruction, remodeling, alteration,
28 modernization, renovation or repair of school facilities, including
29 furnishings, equipment, architect fees and issuance costs. Approved
30 lease purchase agreements in excess of five years shall be accorded
31 the same accounting treatment as school bonds;

32 "Local share" means, in the case of a school facilities project to
33 be constructed by the authority, the total costs less the State share
34 as determined pursuant to section 5 of this act; in the case of a
35 demonstration project, the total costs less the State share as
36 determined pursuant to sections 5 and 6 of this act; and in the case
37 of a school facilities project not to be constructed by the authority,
38 but which shall be financed pursuant to section 15 of this act, the
39 total costs less the State share as determined pursuant to that
40 section;

41 "Local unit" means a county, municipality, board of education or
42 any other political subdivision or instrumentality authorized to
43 construct, operate and maintain a school facilities project and to
44 borrow money for those purposes pursuant to law;

45 "Local unit obligations" means bonds, notes, refunding bonds,
46 refunding notes, lease obligations and all other obligations of a
47 local unit which are issued or entered into for the purpose of paying

1 for all or a portion of the costs of a school facilities project,
2 including moneys payable to the authority;

3 "Long-range facilities plan" means the plan required to be
4 submitted to the commissioner by a district pursuant to section 4 of
5 this act;

6 "Maintenance" means expenditures which are approved for
7 repairs and replacements for the purpose of keeping a school
8 facility open and safe for use or in its original condition, including
9 repairs and replacements to a school facility's heating, lighting,
10 ventilation, security and other fixtures to keep the facility or
11 fixtures in effective working condition. Maintenance shall not
12 include contracted custodial or janitorial services, expenditures for
13 the cleaning of a school facility or its fixtures, the care and upkeep
14 of grounds or parking lots, and the cleaning of, or repairs and
15 replacements to, movable furnishings or equipment, or other
16 expenditures which are not required to maintain the original
17 condition over the school facility's useful life. Approved
18 maintenance expenditures shall be as determined by the
19 commissioner pursuant to regulations to be adopted by the
20 commissioner pursuant to section 26 of this act;

21 "Other allowable costs" means the costs of site development,
22 acquisition of land or other real property interests necessary to
23 effectuate the school facilities project, fees for the services of
24 design professionals, including architects, engineers, construction
25 managers and other design professionals, legal fees, financing costs
26 and the administrative costs of the authority or the district incurred
27 in connection with the school facilities project;

28 "Preliminary eligible costs" means the initial eligible costs of a
29 school facilities project as calculated pursuant to the formulas set
30 forth in section 7 of this act which shall be deemed to include the
31 costs of construction and other allowable costs;

32 "Redevelopment entity" means a redevelopment entity
33 authorized by a municipal governing body to implement plans and
34 carry out redevelopment projects in the municipality pursuant to the
35 "Local Redevelopment and Housing Law," P.L.1992, c.79
36 (C.40A:12A-1 et seq.);

37 "Report on the Cost of Providing a Thorough and Efficient
38 Education" or "Report" means the report issued by the
39 commissioner pursuant to section 4 of P.L.1996, c.138 (C.18A:7F-
40 4);

41 "School bonds" means, in the case of a school facilities project
42 which is to be constructed by the authority, a redevelopment entity,
43 or a district under section 15 of this act, bonds, notes or other
44 obligations issued by a district to finance the local share; and, in the
45 case of a school facilities project which is not to be constructed by
46 the authority or a redevelopment entity, or financed under section
47 15 of this act, bonds, notes or other obligations issued by a district
48 to finance the total costs;

1 "School enrollment" means the number of FTE students other
2 than evening school students, including post-graduate students and
3 post-secondary vocational students, who, on the last school day
4 prior to October 16 of the current school year, are recorded in the
5 registers of the school;

6 "School facility" means and includes any structure, building or
7 facility used wholly or in part for academic purposes by a district,
8 but shall exclude athletic stadiums, grandstands, and any structure,
9 building or facility used solely for school administration;

10 "School facilities project" means the acquisition, demolition,
11 construction, improvement, repair, alteration, modernization,
12 renovation, reconstruction or maintenance of all or any part of a
13 school facility or of any other personal property necessary for, or
14 ancillary to, any school facility, and shall include fixtures,
15 furnishings and equipment, and shall also include, but is not limited
16 to, site acquisition, site development, the services of design
17 professionals, such as engineers and architects, construction
18 management, legal services, financing costs and administrative
19 costs and expenses incurred in connection with the project;

20 "Special education services pupil" means a pupil receiving
21 specific services pursuant to chapter 46 of Title 18A of the New
22 Jersey Statutes;

23 "State aid" means State municipal aid and State school aid;

24 "State debt service aid" means for school bonds issued for school
25 facilities projects approved by the commissioner after the effective
26 date of P.L.2000, c.72 (C.18A:7G-1 et al.) of districts which elect
27 not to have the authority or a redevelopment entity construct the
28 project or which elect not to finance the project under section 15 of
29 this act, the amount of State aid determined pursuant to section 9 of
30 this act; and for school bonds or certificates of participation issued
31 for school facilities projects approved by the commissioner prior to
32 the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) the amount
33 of State aid determined pursuant to section 10 of this act;

34 "State municipal aid" means business personal property tax
35 replacement revenues, State urban aid and State revenue sharing, as
36 these terms are defined in section 2 of P.L.1976, c.38 (C.40A:3-3),
37 or other similar forms of State aid payable to the local unit and to
38 the extent permitted by federal law, federal moneys appropriated or
39 apportioned to the municipality or county by the State;

40 "State school aid" means the funds made available to school
41 districts pursuant to sections 15 and 17 of P.L.1996, c.138
42 (C.18A:7F-15 and 17);

43 "State share" means the State's proportionate share of the final
44 eligible costs of a school facilities project to be constructed by the
45 authority as determined pursuant to section 5 of this act; in the case
46 of a demonstration project, the State's proportionate share of the
47 final eligible costs of the project as determined pursuant to sections
48 5 and 6 of this act; and in the case of a school facilities project to be

1 financed pursuant to section 15 of this act, the State share as
2 determined pursuant to that section;

3 "Total costs" means, in the case of a school facilities project
4 which is to be constructed by the authority or a redevelopment
5 entity or financed pursuant to section 15 of this act, the final
6 eligible costs plus excess costs if any; and in the case of a school
7 facilities project which is not to be constructed by the authority or a
8 redevelopment entity or financed pursuant to section 15 of this act,
9 the total cost of the project as determined by the district.
10 (cf: P.L.2005, c.235, s.31)

11

12 91. Section 5 of P.L.2000, c.72 (C.18A:7G-5) is amended to
13 read as follows:

14 5. a. The authority shall construct and finance the school
15 facilities projects of Abbott districts, districts in level II monitoring
16 pursuant to section 14 of P.L.1975, c.212 (C.18A:7A-14) as of the
17 effective date of P.L.2000, c.72 (C.18A:7G-1 et al.), and districts
18 with a district aid percentage equal to or greater than 55%.

19 b. Any district whose district aid percentage is less than 55%
20 may elect to have the authority undertake the construction of a
21 school facilities project in the district and the State share shall be
22 determined pursuant to this section. In the event that the district
23 elects not to have the authority undertake the construction of the
24 project, State support for the project shall be determined pursuant to
25 section 9 or section 15 of this act, as applicable.

26 c. Notwithstanding any provision of N.J.S.18A:18A-16 to the
27 contrary, the procedures for obtaining approval of a school facilities
28 project shall be as set forth in this act; provided that any district
29 whose district aid percentage is less than 55%, which elects not to
30 have the authority or a redevelopment entity undertake the
31 construction of the project, shall also be required to comply with the
32 provisions of N.J.S.18A:18A-16.

33 d. Any district seeking to initiate a school facilities project
34 shall apply to the commissioner for approval of the project. The
35 application shall, at a minimum, contain the following information:
36 a description of the school facilities project; a schematic drawing of
37 the project or, at the option of the district, preliminary plans and
38 specifications; a delineation and description of each of the
39 functional components of the project; the number of unhoused
40 students to be housed in the project; the area allowances per FTE
41 student as calculated pursuant to section 8 of this act; and the
42 estimated cost to complete the project as determined by the district.

43 e. The commissioner shall review each proposed school
44 facilities project to determine whether it is consistent with the
45 district's long-range facilities plan and whether it complies with the
46 facilities efficiency standards and the area allowances per FTE
47 student derived from those standards. The commissioner shall
48 make a decision on a district's application within 90 days from the

1 date he determines that the application is fully and accurately
2 completed and that all information necessary for a decision has
3 been filed by the district, or from the date of the last revision made
4 by the district. If the commissioner is not able to make a decision
5 within 90 days, he shall notify the district in writing explaining the
6 reason for the delay and indicating the date on which a decision on
7 the project will be made, provided that the date shall not be later
8 than 60 days from the expiration of the original 90 days set forth in
9 this subsection. If the decision is not made by the subsequent date
10 indicated by the commissioner, then the project shall be deemed
11 approved and the preliminary eligible costs for new construction
12 shall be calculated by using the proposed square footage of the
13 building as the approved area for unhoused students.

14 f. If the commissioner determines that the school facilities
15 project complies with the facilities efficiency standards and the
16 district's long-range facilities plan and does not exceed the area
17 allowance per FTE student derived from those standards, the
18 commissioner shall calculate the preliminary eligible costs of the
19 project pursuant to the formulas set forth in section 7 of this act;
20 except that in the case of a county special services school district or
21 a county vocational school district, the commissioner shall calculate
22 the preliminary eligible costs to equal the amount determined by the
23 board of school estimate and approved by the board of chosen
24 freeholders pursuant to section 14 of P.L.1971, c.271 (C.18A:46-
25 42) or N.J.S.18A:54-31 as appropriate.

26 g. If the commissioner determines that the school facilities
27 project is inconsistent with the facilities efficiency standards or
28 exceeds the area allowances per FTE student derived from those
29 standards, the commissioner shall notify the district.

30 (1) The commissioner shall approve area allowances in excess
31 of the area allowances per FTE student derived from the facilities
32 efficiency standards if the board of education or State district
33 superintendent, as appropriate, demonstrates that school facilities
34 needs related to required programs cannot be addressed within the
35 facilities efficiency standards and that all other proposed spaces are
36 consistent with those standards. The commissioner shall approve
37 area allowances in excess of the area allowances per FTE student
38 derived from the facilities efficiency standards if the additional area
39 allowances are necessary to accommodate centralized facilities to
40 be shared among two or more school buildings within the district
41 and the centralized facilities represent a more cost effective
42 alternative.

43 (2) The commissioner may waive a facilities efficiency standard
44 if the board of education or State district superintendent, as
45 appropriate, demonstrates to the commissioner's satisfaction that the
46 waiver will not adversely affect the educational adequacy of the
47 school facility, including the ability to deliver the programs and

1 services necessary to enable all students to achieve the core
2 curriculum content standards.

3 (3) To house the district's central administration, a district may
4 request an adjustment to the approved areas for unhoused students
5 of 2.17 square feet for each FTE student in the projected total
6 district school enrollment if the proposed administrative offices will
7 be housed in a school facility and the district demonstrates either
8 that the existing central administrative offices are obsolete or that it
9 is more practical to convert those offices to instructional space. To
10 the extent that existing administrative space will continue to be used
11 for administrative purposes, the space shall be included in the
12 formulas set forth in section 7 of this act.

13 If the commissioner approves excess facilities efficiency
14 standards or additional area allowances pursuant to paragraph (1),
15 (2), or (3) of this subsection, the commissioner shall calculate the
16 preliminary eligible costs based upon the additional area allowances
17 or excess facilities efficiency standards pursuant to the formulas set
18 forth in section 7 of this act. In the event that the commissioner
19 does not approve the excess facilities efficiency standards or
20 additional area allowances, the district may either: modify its
21 submission so that the school facilities project meets the facilities
22 efficiency standards; or pay for the excess costs.

23 (4) The commissioner shall approve spaces in excess of, or
24 inconsistent with, the facilities efficiency standards, hereinafter
25 referred to as nonconforming spaces, upon a determination by the
26 district that the spaces are necessary to comply with State or federal
27 law concerning individuals with disabilities. A district may apply
28 for additional State aid for nonconforming spaces that will permit
29 pupils with disabilities to be educated to the greatest extent possible
30 in the same buildings or classes with their nondisabled peers. The
31 nonconforming spaces may: (a) allow for the return of pupils with
32 disabilities from private facilities; (b) permit the retention of pupils
33 with disabilities who would otherwise be placed in private facilities;
34 (c) provide space for regional programs in a host school building
35 that houses both disabled and nondisabled pupils; and (d) provide
36 space for the coordination of regional programs by a county special
37 services school district, educational services commission, jointure
38 commission, or other agency authorized by law to provide regional
39 educational services in a school building that houses both disabled
40 and nondisabled pupils. A district's State support ratio shall be
41 adjusted to equal the lesser of the sum of its district aid percentage
42 as defined in section 3 of this act plus 0.25, or 100% for any
43 nonconforming spaces approved by the commissioner pursuant to
44 this paragraph.

45 h. Upon approval of a school facilities project and
46 determination of the preliminary eligible costs:

47 (1) In the case of a district whose district aid percentage is less
48 than 55% and which has elected not to have the authority undertake

1 the construction of the school facilities project, the commissioner
2 shall notify the district whether the school facilities project is
3 approved and, if so approved, the preliminary eligible costs and the
4 excess costs, if any. Following the determination of preliminary
5 eligible costs and the notification of project approval, the district
6 may appeal to the commissioner for an increase in those costs if the
7 detailed plans and specifications completed by a design professional
8 for the school facilities project indicate that the cost of constructing
9 that portion of the project which is consistent with the facilities
10 efficiency standards and does not exceed the area allowances per
11 FTE student exceeds the preliminary eligible costs as determined by
12 the commissioner for the project by 10% or more. The district shall
13 file its appeal within 30 days of the preparation of the plans and
14 specifications. If the district chooses not to file an appeal, then the
15 final eligible costs shall equal the preliminary eligible costs.

16 The appeal shall outline the reasons why the preliminary eligible
17 costs calculated for the project are inadequate and estimate the
18 amount of the adjustment which needs to be made to the
19 preliminary eligible costs. The commissioner shall forward the
20 appeal information to the authority for its review and
21 recommendation. If the additional costs are the result of factors
22 that are within the control of the district or are the result of design
23 factors that are not required to meet the facilities efficiency
24 standards, the authority shall recommend to the commissioner that
25 the preliminary eligible costs be accepted as the final eligible costs.
26 If the authority determines the additional costs are not within the
27 control of the district or are the result of design factors required to
28 meet the facilities efficiency standards, the authority shall
29 recommend to the commissioner a final eligible cost based on its
30 experience for districts with similar characteristics, provided that,
31 notwithstanding anything to the contrary, the commissioner shall
32 not approve an adjustment to the preliminary eligible costs which
33 exceeds 10% of the preliminary eligible costs. The commissioner
34 shall make a determination on the appeal within 30 days of its
35 receipt. If the commissioner does not approve an adjustment to the
36 school facilities project's preliminary eligible costs, the
37 commissioner shall issue his findings in writing on the reasons for
38 the denial and on why the preliminary eligible costs as originally
39 calculated are sufficient.

40 (2) In all other cases, the commissioner shall promptly prepare
41 and submit to the authority a preliminary project report which shall
42 consist, at a minimum, of the following information: a complete
43 description of the school facilities project; the actual location of the
44 project; the total square footage of the project together with a
45 breakdown of total square footage by functional component; the
46 preliminary eligible costs of the project; the project's priority
47 ranking determined pursuant to subsection m. of this section; any
48 other factors to be considered by the authority in undertaking the

1 project; and the name and address of the person from the district to
2 contact in regard to the project.

3 i. Upon receipt by the authority of the preliminary project
4 report, the authority, upon consultation with the district, shall
5 prepare detailed plans and specifications and schedules which
6 contain the authority's estimated cost and schedule to complete the
7 school facilities project. The authority shall transmit to the
8 commissioner the authority's recommendations in regard to the
9 project which shall, at a minimum, contain the detailed plans and
10 specifications; whether the school facilities project can be
11 completed within the preliminary eligible costs; and any other
12 factors which the authority determines should be considered by the
13 commissioner.

14 (1) In the event that the authority determines that the school
15 facilities project can be completed within the preliminary eligible
16 costs: the final eligible costs shall be deemed to equal the
17 preliminary eligible costs; the commissioner shall be deemed to
18 have given final approval to the project; and the preliminary project
19 report shall be deemed to be the final project report delivered to the
20 authority pursuant to subsection j. of this section.

21 (2) In the event that the authority determines that the school
22 facilities project cannot be completed within the preliminary
23 eligible costs, prior to the submission of the authority's
24 recommendations to the commissioner, the authority shall, in
25 consultation with the district and the commissioner, determine
26 whether changes can be made in the project which will result in a
27 reduction in costs while at the same time meeting the facilities
28 efficiency standards approved by the commissioner.

29 (a) If the authority determines that changes in the school
30 facilities project are possible so that the project can be
31 accomplished within the scope of the preliminary eligible costs
32 while still meeting the facilities efficiency standards, the authority
33 shall so advise the commissioner, whereupon the commissioner
34 shall: calculate the final eligible costs to equal the preliminary
35 eligible costs; give final approval to the project with the changes
36 noted; and issue a final project report to the authority pursuant to
37 subsection j. of this section.

38 (b) If the authority determines that it is not possible to make
39 changes in the school facilities project so that it can be completed
40 within the preliminary eligible costs either because the additional
41 costs are the result of factors outside the control of the district or
42 the additional costs are required to meet the facilities efficiency
43 standards, the authority shall recommend to the commissioner that
44 the preliminary eligible costs be increased accordingly, whereupon
45 the commissioner shall: calculate the final eligible costs to equal the
46 sum of the preliminary eligible costs plus the increase
47 recommended by the authority; give final approval to the project;

1 and issue a final project report to the authority pursuant to
2 subsection j. of this section.

3 (c) If the additional costs are the result of factors that are within
4 the control of the district or are the result of design factors that are
5 not required to meet the facilities efficiency standards or approved
6 pursuant to paragraph (1) of subsection g. of this section, the
7 authority shall recommend to the commissioner that the preliminary
8 eligible costs be accepted, whereupon the commissioner shall:
9 calculate the final eligible costs to equal the preliminary eligible
10 costs and specify the excess costs which are to be borne by the
11 district; give final approval to the school facilities project; and issue
12 a final project report to the authority pursuant to subsection j. of
13 this section; provided that the commissioner may approve final
14 eligible costs which are in excess of the preliminary eligible costs
15 if, in his judgment, the action is necessary to meet the educational
16 needs of the district.

17 (d) For a school facilities project constructed by the authority,
18 the authority shall be responsible for any costs of construction, but
19 only from the proceeds of bonds issued by the authority pursuant to
20 this act, which exceed the amount originally projected by the
21 authority and approved for financing by the authority, provided that
22 the excess is the result of an underestimate of labor or materials
23 costs by the authority. After receipt by the authority of the final
24 project report, the district shall be responsible only for the costs
25 associated with changes, if any, made at the request of the district to
26 the scope of the school facilities project.

27 j. The authority shall not commence the acquisition or
28 construction of a school facilities project unless the commissioner
29 transmits to the authority a final project report and the district
30 complies with the approval requirements for the local share, if any,
31 pursuant to section 11 of this act. The final project report shall
32 contain all of the information contained in the preliminary project
33 report and, in addition, shall contain: the final eligible costs; the
34 excess costs, if any; the total costs which equals the final eligible
35 costs plus excess costs, if any; the State share; and the local share.

36 k. For the Abbott districts, the State share shall be 100% of the
37 final eligible costs. For all other districts, the State share shall be
38 an amount equal to 115% of the district aid percentage; except that
39 the State share shall not be less than 40% of the final eligible costs.

40 If any district which is included in district factor group A or B,
41 other than an Abbott district, is having difficulty financing the local
42 share of a school facilities project, the district may apply to the
43 commissioner to receive 100% State support for the project and the
44 commissioner may request the approval of the Legislature to
45 increase the State share of the project to 100%.

46 l. The local share for school facilities projects constructed by
47 the authority or a redevelopment entity shall equal the final eligible
48 costs plus any excess costs less the State share.

1 m. The commissioner shall establish, in consultation with the
2 Abbott districts, a priority ranking of all school facilities projects in
3 the Abbott districts based upon his determination of critical need,
4 and shall establish priority categories for all school facilities
5 projects in non-Abbott districts. The commissioner shall rank
6 projects from Tier I to Tier IV in terms of critical need according to
7 the following prioritization:

8 Tier I: health and safety, including electrical system upgrades;
9 required early childhood education programs; unhoused
10 students/class size reduction as required to meet the standards of the
11 "Comprehensive Educational Improvement and Financing Act of
12 1996," P.L.1996, c.138 (C.18A:7F-1 et seq.);

13 Tier II: educational adequacy - specialized instructional spaces,
14 media centers, cafeteriums, and other non-general classroom spaces
15 contained in the facilities efficiency standards; special education
16 spaces to achieve the least restrictive environment;

17 Tier III: technology projects; regionalization or consolidation
18 projects;

19 Tier IV: other local objectives.

20 n. The provisions of the "Public School Contracts Law,"
21 N.J.S.18A:18A-1 et seq., shall be applicable to any school facilities
22 project constructed by a district but shall not be applicable to
23 projects constructed by the authority or a redevelopment entity
24 pursuant to the provisions of this act.

25 o. In the event that a district whose district aid percentage is
26 less than 55% elects not to have the authority undertake
27 construction of a school facilities project, any proceeds of school
28 bonds issued by the district for the purpose of funding the project
29 which remain unspent upon completion of the project shall be used
30 by the district to reduce the outstanding principal amount of the
31 school bonds.

32 p. Upon completion by the authority of a school facilities
33 project, if the cost of construction and completion of the project is
34 less than the total costs, the district shall be entitled to receive a
35 portion of the local share based on a pro rata share of the difference
36 based on the ratio of the State share to the local share.

37 q. The authority shall determine the cause of any costs of
38 construction which exceed the amount originally projected by the
39 authority and approved for financing by the authority.

40 r. In the event that a district has engaged architectural services
41 to prepare the documents required for initial proposal of a school
42 facilities project, the district shall, if permitted by the terms of the
43 district's contract for architectural services, and at the option of the
44 authority assign the contract for architectural services to the
45 authority if the authority determines that the assignment would be
46 in the best interest of the school facilities project.

47 s. Notwithstanding anything to the contrary contained in
48 P.L.2000, c.72 (C.18A:7G-1 et al.), an ECPA district, at its option,

1 may provide in its long-range facilities plan submitted pursuant to
2 section 4 of this act, for one or more community early childhood
3 education facilities projects. If the district has requested
4 designation of a demonstration project pursuant to section 6 of this
5 act and is eligible to submit a plan for a community early childhood
6 education facilities project pursuant to this section, the district shall
7 be permitted to include the community early childhood education
8 facilities project as part of the demonstration project.

9 (1) An ECPA district seeking to initiate a community early
10 childhood education facilities project shall apply to the
11 commissioner for approval of the project. The application shall, at
12 a minimum, contain the following information: the name of the
13 community provider; evidence that the community provider is
14 licensed by the Department of **[Human Services]** Children and
15 Families pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.) and is a
16 tax exempt nonprofit organization; evidence that the community
17 provider is or shall provide early childhood education programs for
18 the district; a description of the community early childhood
19 education facilities project; a schematic drawing of the project, or at
20 the option of the district, preliminary plans and specifications; a
21 delineation and description of each of the functional components of
22 the project; identification of those portions of the proposed project
23 which shall be devoted in whole or in part to the provision of early
24 childhood education programs to 3 or 4-year old children from the
25 ECPA district; the estimated cost to complete the project as
26 determined by the district in consultation with the community
27 provider; and whether the facility provides services other than early
28 childhood education programs for 3 and 4-year old children,
29 pursuant to a contract with the ECPA district.

30 (2) The commissioner shall review the proposed early childhood
31 education facilities project to determine whether it is consistent
32 with the district's long-range facilities plan, whether it will provide
33 a facility which is structurally adequate and safe and capable of
34 providing a program which will enable preschool children being
35 served pursuant to the ECPA district's approved early childhood
36 education operational plan to meet the standards for early childhood
37 education programs established by the department and whether
38 there is a need for increased capacity or to rehabilitate existing
39 space to meet these standards. Only those facilities which are used
40 for 3 or 4-year old children pursuant to a contract with the ECPA
41 district shall be eligible for approval, provided that facilities which
42 are jointly used by 3 or 4-year old children from the ECPA district
43 and from other districts shall also be eligible for approval.

44 (3) If the commissioner approves the project, the commissioner
45 shall determine, in consultation with the authority, the cost to
46 complete the approved project, which shall be the reasonable,
47 estimated cost of the renovation or new construction necessary to
48 provide a facility which is structurally adequate and safe and

1 capable of providing a program which will enable preschool
2 children being served pursuant to the ECPA district's approved
3 early childhood education operation plan to meet the standards for
4 early childhood education programs established by the department.
5 For projects initiated by an Abbott district, the State support shall
6 be 100% of such reasonable, estimated cost. For projects initiated
7 by an ECPA district that is not an Abbott district, the State support
8 shall be an amount equal to 115% of the district aid percentage of
9 that ECPA district, of such reasonable, estimated cost, except that
10 the State support shall not be less than 40% of such reasonable,
11 estimated cost. The commissioner shall issue a final project report
12 to the authority which shall contain a complete description of the
13 project, the actual location of the project, the total square footage of
14 the project together with a breakdown of total square footage by
15 functional component; any other factors to be considered by the
16 authority in undertaking the project; the names and addresses of the
17 people to contact from the district and the community provider; the
18 amount of State support for the project; and the amount of local
19 support required from the community provider to pay for costs, if
20 any, of the project which have not been approved by the
21 commissioner for State support.

22 (4) Upon submission to the authority of a final project report,
23 the authority shall undertake the financing, acquisition, construction
24 and all other appropriate actions necessary to complete the
25 community early childhood education facilities project, provided,
26 that if there is local support required for the project, such actions
27 shall not commence until the authority receives the local support
28 from the community provider. The authority may, in its discretion,
29 and upon consultation with the commissioner, authorize a
30 community provider to undertake the acquisition, construction and
31 all other appropriate action necessary to complete the project, in
32 which case the authority shall not provide State support until the
33 community provider provides the local support, if any.

34 (5) In order to implement the arrangements established for
35 community early childhood education facilities projects, the
36 authority shall enter into an agreement with the district, the
37 commissioner and the community provider containing the terms and
38 conditions determined by the parties to be necessary to effectuate
39 the project.

40 (6) The authority shall require as a condition of providing State
41 support for any community early childhood education facilities
42 project that the State support must be repaid by the community
43 provider in the event that (a) the commissioner determines that the
44 project is no longer being used for the purposes for which it was
45 intended; or (b) the project is sold, leased or otherwise conveyed to
46 an individual or organization that does not have tax exempt
47 nonprofit or government status.

48 (cf: P.L.2005, c.235, s.32)

1 92. Section 1 of P.L.1979, c.391 (C.18A:16-12) is amended to
2 read as follows:

3 1. As used in this act:

4 a. “Dependents” means an employee’s spouse and the
5 employee’s unmarried children, including stepchildren, legally
6 adopted children, and, at the option of the local board of education
7 and the carrier, children placed by the Department of [Human
8 Services] Children and Families with a resource family, under the
9 age of 19 who live with the employee in a regular parent-child
10 relationship, and may also include, at the option of the local board
11 of education and the carrier, other unmarried children of the
12 employee under the age of 23 who are dependent upon the
13 employee for support and maintenance, but shall not include a
14 spouse or child while serving in the military service. At the option
15 of the local board of education, “dependent” may include an
16 employee’s domestic partner as defined in section 3 of P.L.2003,
17 c.246 (C.26:8A-3);

18 b. “Employees” may, at the option of the local board of
19 education, include elected officials, but shall not include persons
20 employed on a short-term, seasonal, intermittent or emergency
21 basis, persons compensated on a fee basis, or persons whose
22 compensation from the local board of education is limited to
23 reimbursement of necessary expenses actually incurred in the
24 discharge of their duties;

25 c. “Federal Medicare Program” means the coverage provided
26 under Title XVIII of the Social Security Act as amended in 1965, or
27 its successor plan or plans.

28 (cf: P.L.2005, c.334, s.1)

29

30 93. Section 1 of P.L.1986, c.73 (C.18A:18A-3.2) is amended to
31 read as follows:

32 1. Any school district, hereinafter referred to as an employer,
33 may enter into contracts of group legal insurance with an insurer
34 authorized, pursuant to P.L.1981, c. 160 (C. 17:46C-1 et seq.), to
35 engage in the business of legal insurance in this State or may
36 contract with a duly recognized prepaid legal services plan with
37 respect to the benefits which they are authorized to provide. The
38 contract or contracts shall provide coverage for the employees of
39 the employer and may include their dependents. “Dependents”
40 shall include an employee’s spouse and the employee’s unmarried
41 children, including stepchildren and legally adopted children, and,
42 at the option of the employer and the carrier, children placed by the
43 Department of [Human Services] Children and Families with a
44 resource family, under the age of 19 who live with the employee in
45 a regular parent-child relationship, and may also include, at the
46 option of the employer and the carrier, other unmarried children of
47 the employee under the age of 23 who are dependent upon the
48 employee for support and maintenance. A spouse or child enlisting

1 or inducted into military service shall not be considered a dependent
2 during the military service.

3 "Employees" shall not include persons employed on a short-
4 term, seasonal, intermittent or emergency basis, persons
5 compensated on a fee basis, or persons whose compensation from
6 the public employer is limited to reimbursement of necessary
7 expenses actually incurred in the discharge of their duties.

8 The contract shall include provisions to prevent duplication of
9 benefits and shall condition the eligibility of an employee for
10 coverage upon satisfying a waiting period stated in the contract.

11 The coverage of an employee, and of his dependents, if any, shall
12 cease upon the discontinuance of his employment or upon cessation
13 of active full-time employment in the classes eligible for coverage,
14 subject to the provision as may be made in a contract by his
15 employer for limited continuance of coverage during disability,
16 part-time employment, leave of absence other than leave for
17 military service or layoff, or for continuance of coverage after
18 retirement.

19 A contract for group legal insurance entered into pursuant to this
20 act shall not include any legal services attendant to a claim brought
21 by a teaching staff member against a board of education or legal
22 services for the defense of a teaching staff member facing
23 disciplinary action pursuant to subarticle B of article 2 of chapter 6
24 of Title 18A of the New Jersey Statutes (N.J.S.18A:6-9 et seq.).
25 (cf: P.L.2004, c.130, s.42)

26

27 94. N.J.S.18A:38-1 is amended to read as follows:

28 18A:38-1. Public schools shall be free to the following persons
29 over five and under 20 years of age:

30 a. Any person who is domiciled within the school district;

31 b. (1) Any person who is kept in the home of another person
32 domiciled within the school district and is supported by such other
33 person gratis as if he were such other person's own child, upon
34 filing by such other person with the secretary of the board of
35 education of the district, if so required by the board, a sworn
36 statement that he is domiciled within the district and is supporting
37 the child gratis and will assume all personal obligations for the
38 child relative to school requirements and that he intends so to keep
39 and support the child gratuitously for a longer time than merely
40 through the school term, and a copy of his lease if a tenant, or a
41 sworn statement by his landlord acknowledging his tenancy if
42 residing as a tenant without a written lease, and upon filing by the
43 child's parent or guardian with the secretary of the board of
44 education a sworn statement that he is not capable of supporting or
45 providing care for the child due to a family or economic hardship
46 and that the child is not residing with the resident of the district
47 solely for the purpose of receiving a free public education within
48 the district. The statement shall be accompanied by documentation

1 to support the validity of the sworn statements, information from or
2 about which shall be supplied only to the board and only to the
3 extent that it directly pertains to the support or nonsupport of the
4 child. If in the judgment of the board of education the evidence
5 does not support the validity of the claim by the resident, the board
6 may deny admission to the child. The resident may contest the
7 board's decision to the commissioner within 21 days of the date of
8 the decision and shall be entitled to an expedited hearing before the
9 commissioner on the validity of the claim and shall have the burden
10 of proof by a preponderance of the evidence that the child is eligible
11 for a free education under the criteria listed in this subsection. The
12 board of education shall, at the time of its decision, notify the
13 resident in writing of his right to contest the board's decision to the
14 commissioner within 21 days. No child shall be denied admission
15 during the pendency of the proceedings before the commissioner.
16 In the event the child is currently enrolled in the district, the student
17 shall not be removed from school during the 21-day period in which
18 the resident may contest the board's decision nor during the
19 pendency of the proceedings before the commissioner. If in the
20 judgment of the commissioner the evidence does not support the
21 claim of the resident, he shall assess the resident tuition for the
22 student prorated to the time of the student's ineligible attendance in
23 the school district. Tuition shall be computed on the basis of 1/180
24 of the total annual per pupil cost to the local district multiplied by
25 the number of days of ineligible attendance and shall be collected in
26 the manner in which orders of the commissioner are enforced.
27 Nothing shall preclude a board from collecting tuition from the
28 resident, parent or guardian for a student's period of ineligible
29 attendance in the schools of the district where the issue is not
30 appealed to the commissioner;

31 (2) If the superintendent or administrative principal of a school
32 district finds that the parent or guardian of a child who is attending
33 the schools of the district is not domiciled within the district and the
34 child is not kept in the home of another person domiciled within the
35 school district and supported by him gratis as if the child was the
36 person's own child as provided for in paragraph (1) of this
37 subsection, the superintendent or administrative principal may
38 apply to the board of education for the removal of the child. The
39 parent or guardian shall be entitled to a hearing before the board
40 and if in the judgment of the board the parent or guardian is not
41 domiciled within the district or the child is not kept in the home of
42 another person domiciled within the school district and supported
43 by him gratis as if the child was the person's own child as provided
44 for in paragraph (1) of this subsection, the board may order the
45 transfer or removal of the child from school. The parent or
46 guardian may contest the board's decision before the commissioner
47 within 21 days of the date of the decision and shall be entitled to an
48 expedited hearing before the commissioner and shall have the

1 burden of proof by a preponderance of the evidence that the child is
2 eligible for a free education under the criteria listed in this
3 subsection. The board of education shall, at the time of its decision,
4 notify the parent or guardian in writing of his right to contest the
5 decision within 21 days. No child shall be removed from school
6 during the 21-day period in which the parent may contest the
7 board's decision or during the pendency of the proceedings before
8 the commissioner. If in the judgment of the commissioner the
9 evidence does not support the claim of the parent or guardian, the
10 commissioner shall assess the parent or guardian tuition for the
11 student prorated to the time of the student's ineligible attendance in
12 the schools of the district. Tuition shall be computed on the basis
13 of 1/180 of the total annual per pupil cost to the local district
14 multiplied by the number of days of ineligible attendance and shall
15 be collected in the manner in which orders of the commissioner are
16 enforced. Nothing shall preclude a board from collecting tuition
17 from the parent or guardian for a student's period of ineligible
18 attendance in the schools of the district where the issue is not
19 appealed to the commissioner;

20 The provisions of this section requiring proof of support, custody
21 or tenancy shall not apply to a person keeping a child in his home
22 whose parent or guardian is a member of the New Jersey National
23 Guard or a member of the reserve component of the armed forces of
24 the United States and who has been ordered into active military
25 service in any of the armed forces of the United States in time of
26 war or national emergency. In such a situation, the child shall be
27 eligible to enroll in the district in which he is being kept, and no
28 tuition shall be charged by the district. Following the return of the
29 child's parent or guardian from active military service, the child's
30 eligibility for enrollment without tuition in the district in which he
31 or she is being kept shall cease at the end of the current school year;

32 c. Any person who fraudulently allows a child of another
33 person to use his residence and is not the primary financial
34 supporter of that child and any person who fraudulently claims to
35 have given up custody of his child to a person in another district
36 commits a disorderly persons offense;

37 d. Any person whose parent or guardian, even though not
38 domiciled within the district, is residing temporarily therein, but
39 any person who has had or shall have his all-year-round dwelling
40 place within the district for one year or longer shall be deemed to be
41 domiciled within the district for the purposes of this section;

42 e. Any person for whom the Division of Youth and Family
43 Services in the Department of **【Human Services】** Children and
44 Families is acting as guardian and who is placed in the district by
45 **【said bureau】** the division;

46 f. Any person whose parent or guardian moves from one
47 school district to another school district as a result of being

1 homeless and whose district of residence is determined pursuant to
2 section 19 of P.L.1979, c.207 (C.18A:7B-12).
3 (cf: P.L. 1994, c.169 ,s.1).

4

5 95. Section 1 of P.L.2000, c.138 (C.18A:44-5) is amended to
6 read as follows:

7 1. a. There is established a Commission on Early Childhood
8 Education in, but not of, the Department of Education. The
9 commission shall consist of ~~23~~ 24 members, including the
10 Commissioners of Education ~~[and]~~, Human Services and Children
11 and Families and the State Treasurer, or their designees, who shall
12 serve as ex officio members, and 20 public members who shall be
13 appointed by the Governor, including two representatives of higher
14 education and one representative of each of the following
15 organizations: the New Jersey Child Care Advisory Council; the
16 Association for Children of New Jersey; the Center for Early
17 Education at Rutgers, the State University; the New Jersey
18 Association for the Education of Young Children; the New Jersey
19 Association of Child Care Resources and Referral Agencies; the
20 New Jersey Association of Early Childhood Teacher Educators; the
21 New Jersey Association of School Administrators; the New Jersey
22 Child Care Association; the New Jersey Congress of Parents and
23 Teachers; the Statewide Parent Advocacy Network; the New Jersey
24 Education Association; the New Jersey State Federation of
25 Teachers; the New Jersey School Boards Association; the New
26 Jersey Head Start Association; the New Jersey Policy Development
27 Board; the New Jersey Principals and Supervisors Association; the
28 Advisory Committee for Nonpublic Schools of the Department of
29 Education; and the New Jersey Professional Development Center of
30 New Jersey.

31 Within 60 days of the effective date of this act, and at least one
32 month prior to the expiration of the term of a member nominated by
33 an organization listed above, that organization shall submit to the
34 Governor three nominees for consideration, from which the
35 Governor may choose. If any organization does not submit three
36 nominees for consideration at any time required, the Governor may
37 appoint a member of her choice.

38 Of the 20 public members appointed by the Governor, no more
39 than 10 shall be of the same political party. Of the 20 public
40 members appointed by the Governor, at least six shall represent the
41 northern region of the State and reside in one of the following
42 counties: Bergen, Essex, Hudson, Morris, Passaic, Sussex, Union or
43 Warren. Of the 20 public members appointed by the Governor, at
44 least six shall represent the central region of the State and reside in
45 one of the following counties: Hunterdon, Somerset, Middlesex,
46 Mercer, Monmouth or Ocean. Of the 20 public members appointed
47 by the Governor, at least six shall represent the southern region of

1 the State and reside in one of the following counties: Atlantic,
2 Burlington, Camden, Cape May, Cumberland, Gloucester or Salem.

3 The public members shall serve for three-year terms, but of the
4 members first appointed, six shall be appointed for a term of one
5 year, seven shall be appointed for a term of two years and seven
6 shall be appointed for a term of three years. A member shall hold
7 office for the term of his appointment and until his successor has
8 been appointed.

9 Vacancies in the membership of the commission shall be filled in
10 the same manner as the original appointments are made and a
11 member may be eligible for reappointment. Vacancies occurring
12 other than by expiration of a term shall be filled for the unexpired
13 term.

14 The members of the commission shall serve without
15 compensation but shall be reimbursed for the reasonable expenses
16 necessarily incurred in the performance of their duties within the
17 limits of funds appropriated or otherwise made available to the
18 commission for its purposes.

19 b. The commission shall organize no later than 30 days after
20 the appointment of all the members and shall select a chairman
21 from among its members and a secretary who need not be a member
22 of the commission.

23 c. The department shall provide such stenographic, clerical and
24 other administrative assistants, and such professional staff, as the
25 commission requires to carry out its work.

26 d. It shall be the responsibility of the commission to provide
27 advice on early childhood education issues, including, but not
28 limited to:

29 (1) the appropriate staff credentials for pre-school educators;

30 (2) appropriate Statewide standards for early childhood
31 education program design, implementation and assessment;

32 (3) the development of standards for appropriate facilities for
33 early childhood education programs;

34 (4) coordination of early childhood programs and services
35 across State agencies;

36 (5) the identification and dissemination of information on model
37 early childhood programs;

38 (6) the funding levels necessary to support high quality early
39 childhood education programs, including funding for certified, well-
40 trained teachers, developmentally appropriate curriculum and
41 materials, appropriate facilities and particularized needs.

42 (cf: P.L.2000, c.138, s.1)

43

44 96. N.J.S.18A:46-13 is amended to read as follows:

45 18A:46-13. It shall be the duty of each board of education to
46 provide suitable facilities and programs of education for all the
47 children who are classified as handicapped under this chapter. The
48 absence or unavailability of a special class facility in any district

1 shall not be construed as relieving a board of education of the
2 responsibility for providing education for any child who qualifies
3 under this chapter.

4 The Department of Human Services, and the Department of
5 Children and Families, as applicable, shall provide transportation
6 for all children who attend day training centers operated by the
7 department.

8 A board of education is not required to provide any further
9 educational program for children who have been admitted to the
10 Marie H. Katzenbach School for the Deaf but shall be required to
11 furnish necessary daily transportation Monday through Friday to
12 and from the school for nonboarding pupils when such
13 transportation is approved by the county superintendent of schools
14 in accordance with such rules and regulations as the State board
15 shall promulgate for such transportation. Any special education
16 facility or program authorized and provided for a child attaining age
17 20 during a school year shall be continued for the remainder of that
18 school year.

19 (cf: P.L.1992, c.129, s.1)

20

21 97. Section 2 of P.L.1986, c.32 (C.18A:46-18.3) is amended to
22 read as follows:

23 2. a. The multidisciplinary treatment team at a State facility
24 shall provide written notice to the parent or legal guardian of a child
25 who is placed in the facility, when the child attains the age of 18,
26 or, if the child is over the age of 18 when placed in the facility, at
27 the time of placement, that the child is not entitled to receive tuition
28 free educational services after the age of 21.

29 b. Written notice given pursuant to this section shall describe
30 in detail the parent's or guardian's opportunity to consent to having
31 the child's name or other relevant information forwarded in a report
32 to the Commissioner of **【the Department of】** Human Services, the
33 Commissioner of Children and Families, or the Commissioner of
34 **【the Department of】** Corrections, as appropriate, for the purposes of
35 determining whether the child will likely need services after the age
36 of 21 and, if so, recommending possible adult educational services.
37 For the purposes of this subsection, "relevant information" means
38 that information in the possession of and used by the
39 multidisciplinary treatment team to ascertain the physical, mental,
40 emotional and cultural-educational factors which contribute to the
41 child's handicapping condition, including but not limited to: (1)
42 results of physical and psychological examinations performed by
43 private and school district physicians and psychologists; (2)
44 relevant information presented by the parent or legal guardian and
45 teacher; (3) school data which bear on the child's progress,
46 including the child's most recent individualized educational
47 program; (4) results of the most recent examinations and
48 evaluations performed; and (5) results of other suitable evaluations

1 and examinations possessed by the team. Nothing in this subsection
2 shall be construed to require a multidisciplinary treatment team to
3 perform any examination or evaluation not otherwise required by
4 law.

5 c. Upon the written consent of the parent or legal guardian, the
6 multidisciplinary treatment team shall forward the child's name and
7 other relevant information in a report to the Commissioner of
8 Human Services, the Commissioner of Children and Families, or the
9 Commissioner of Corrections, as appropriate, for the development
10 of a recommendation for adult educational services. A copy of the
11 report shall also be submitted to the Commissioner of Education at
12 the same time that the report is submitted to the Commissioner of
13 Human Services, the Commissioner of Children and Families or the
14 Commissioner of Corrections, as applicable.

15 (cf: P.L.1986, c.32, s.2)

16

17 98. Section 3 of P.L.1986, c.32 (C.18A:46-18.4) is amended to
18 read as follows:

19 3. a. The Commissioner of Human Services, the Commissioner
20 of Children and Families, or the Commissioner of Corrections, as
21 appropriate, or their designees, in consultation with the
22 Commissioner of Education, or his designee, shall determine
23 whether a child, whose report is submitted to the Department of
24 Human Services, Department of Children and Families, or the
25 Department of Corrections, as appropriate, pursuant to subsection c.
26 of section 2 of this act, will likely need adult educational services
27 and, if the need will likely exist, develop a recommendation of all
28 appropriate educational programs operated or approved by the
29 Department of Human Services, Department of Children and
30 Families, Department of Corrections or Department of Education
31 which may be available when the child attains the age of 21. If
32 necessary and appropriate, the Commissioner of Human Services,
33 the Commissioner of Children and Families, or the Commissioner
34 of Corrections, as appropriate, may conduct an evaluation of the
35 child to determine if adult educational services will be needed. The
36 recommendation of all programs shall be made available to the
37 parent or guardian of the child as soon as practicable but not later
38 than six months before the child attains the age of 21.

39 b. If the Commissioner of Human Services, Commissioner of
40 Children and Families, or Commissioner of Corrections, as
41 appropriate, determines, pursuant to subsection a. of this section,
42 that the child will not require adult educational services, the
43 commissioner shall notify the child's parent or guardian in writing
44 of the determination. The notice shall be given as soon as
45 practicable but no later than six months before the child attains the
46 age of 21.

47 (cf: P.L.1986, c.32, s.3)

1 99. Section 4 of P.L.1986, c.32 (C.18A:46-18.5) is amended to
2 read as follows:

3 5. The multidisciplinary treatment team shall prepare and
4 submit an annual report to the Departments of Education,
5 Corrections, Children and Families, and Human Services on
6 October 1, 1986 and thereafter on or before October 1 of each year.
7 The annual report shall contain the number of cases submitted to the
8 Commissioner of Human Services, the Commissioner of Children
9 and Families, and the Commissioner of Corrections pursuant to
10 subsection c. of section 2 of this act, the type and severity of the
11 handicapping condition involved with each case, and other
12 necessary information. The annual report shall not contain
13 individually identifying information.

14 (cf: P.L.1986, c.32, s.4)

15

16 100. Section 5 of P.L.1986, c.32 (C.18A:46-18.6) is amended to
17 read as follows:

18 5. The Commissioner of Human Services, the Commissioner of
19 Children and Families, and the Commissioner of Corrections shall
20 adopt, within six months from the date that this act takes effect,
21 rules and regulations in accordance with the "Administrative
22 Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) that are
23 appropriate to implement this act.

24 (cf: P.L.1986, c.32, s.5)

25

26 101. N.J.S.18A:60-1 is amended to read as follows:

27 18A:60-1. The services of all professors, associate professors,
28 assistant professors, instructors, supervisors, registrars, teachers,
29 and other persons employed in a teaching capacity, who are or shall
30 hereafter be employed by the commissioner in the Marie H.
31 Katzenbach School for the Deaf or in any other educational
32 institution, or employed in any State college or in any county
33 college, and teachers and other certified persons employed in State
34 institutions within the Department of Corrections, the Department
35 of Children and Families, or the Department of Human Services,
36 with the exception of the Director of Educational Services, shall be
37 under tenure during good behavior and efficiency:

38 a. after the expiration of a period of employment of three
39 consecutive calendar years in any such institution or institutions; or

40 b. after employment for three consecutive academic years
41 together with employment at the beginning of the next succeeding
42 academic year in any such institution or institutions; or

43 c. after employment in any such institution or institutions,
44 within a period of any four consecutive academic years, for the
45 equivalent of more than three academic years.

46 An academic year, for the purpose of this section, means the
47 period between the time school opens in the institution after the

1 general summer vacation until the next succeeding summer
2 vacation.

3 The provisions of this section shall not apply to any faculty
4 member employed by a State or county college who begins
5 employment after the 1973-74 school year.

6 (cf: P.L.1999, c.46, s.33)
7

8 102. Section 1 of P.L.1986, c.158 (C.18A:60-1.1) is amended to
9 read as follows:

10 1. The Legislature hereby finds that it is in the best interests of
11 the State of New Jersey to provide job security during good
12 behavior and efficiency for the teachers and other certified
13 professional educators employed in State institutions within the
14 Department of Corrections, the Department of Children and
15 Families, and the Department of Human Services. To accomplish
16 this goal it is appropriate to provide tenure protection for such
17 professionals teaching in such State institutions, subject to the
18 provisions set forth in this act.

19 (cf: P.L.1986, c.158, s.1)
20

21 103. Section 3 of P.L.1986, c.158 (C.18A:60-1.2) is amended to
22 read as follows:

23 3. Any teacher or other certified individual serving in a teaching
24 capacity in a State institution within the Department of Corrections,
25 the Department of Children and Families, or the Department of
26 Human Services as of July 1, 1986, who has completed at least two
27 academic years of teaching service or its equivalent within three
28 calendar years with satisfactory evaluations, shall acquire tenure
29 under this act upon the completion of one additional calendar year
30 of satisfactory service in such capacity.

31 (cf: P.L.1986, c.158, s.3)
32

33 104. N.J.S.18A:60-3 is amended to read as follows:

34 18A:60-3. Nothing contained in this chapter shall be held to
35 limit the right of the commissioner, in the case of any educational
36 institution conducted under his jurisdiction, supervision or control;
37 or the Commissioner of Corrections, the Commissioner of Children
38 and Families, or the Commissioner of Human Services, in the case
39 of any State institution conducted under their jurisdiction,
40 supervision or control; or of the board of trustees of a college, in the
41 case of a college, to reduce the number of professors, associate
42 professors, assistant professors, instructors, supervisors, registrars,
43 teachers, or other persons employed in a teaching capacity in any
44 such institution or institutions when the reduction is due to natural
45 diminution of the number of students or pupils in the institution or
46 institutions. Dismissals resulting from such reduction shall not be
47 by reason of residence, age, sex, marriage, race, religion, or
48 political affiliation. When such professors, associate professors,

1 assistant professors, instructors, supervisors, registrars, teachers, or
2 other persons employed in a teaching capacity under tenure are
3 dismissed by reason of such reduction, those professors, associate
4 professors, assistant professors, instructors, supervisors, registrars,
5 teachers, or other persons employed in a teaching capacity having
6 the least number of years of service to their credit shall be
7 dismissed in preference to those having longer terms of service.
8 Should any such professor, associate professor, assistant professor,
9 instructor, supervisor, registrar, teacher, or other person employed
10 in a teaching capacity under tenure be dismissed as a result of such
11 reduction, such person shall be and remain upon a preferred eligible
12 list in the order of years of service for reemployment, whenever
13 vacancies occur, and shall be reemployed by the commissioner in
14 such order, when, and if, a vacancy in a position for which such
15 professor, associate professor, assistant professor, instructor,
16 supervisor, registrar, teacher, or other person employed in a
17 teaching capacity shall be qualified. Such reemployment shall give
18 full recognition to previous years of service.
19 (cf: P.L.1986, c.158, s. 4)

20

21 105. Section 4 of P.L.1987, c.370 (C.26:2-151) is amended to
22 read as follows:

23 4. There is established in, but not of, the State Department of
24 Human Services the Catastrophic Illness in Children Relief Fund
25 Commission. The commission shall consist of the Commissioner of
26 **the State Department of** Health and Senior Services, the
27 Commissioner of **the Department of** Human Services, the
28 Commissioner of Children and Families, the Commissioner of **the**
29 **Department of** Banking and Insurance, and the State Treasurer,
30 who shall be members ex officio, and seven public members who
31 are residents of this State, appointed by the Governor with the
32 advice and consent of the Senate for terms of five years, two of
33 whom are appointed upon the recommendation of the President of
34 the Senate, one of whom is a provider of health care services to
35 children in this State and two of whom are appointed upon the
36 recommendation of the Speaker of the General Assembly, one of
37 whom is a provider of health care services to children in this State.
38 The five public members first appointed by the Governor shall serve
39 for terms of one, two, three, four and five years, respectively.

40 Each member shall hold office for the term of his appointment
41 and until his successor has been appointed and qualified. A
42 member of the commission is eligible for reappointment.

43 Each ex officio member of the commission may designate an
44 officer or employee of his department to represent him at meetings
45 of the commission, and each designee may lawfully vote and
46 otherwise act on behalf of the member for whom he constitutes the
47 designee. Any designation shall be in writing delivered to the
48 commission and filed with the office of the Secretary of State and

1 shall continue in effect until revoked or amended in the same
2 manner as provided for designation.

3 (cf: P.L.1998, c.143, s.2)

4

5 106. Section 2 of P.L.1997, c.229 (C.26:2-171) is amended to
6 read as follows:

7 2. a. There is established in the Executive Branch of the State
8 Government an Advisory Council on Adolescent Pregnancy. For
9 the purposes of complying with the provisions of Article V, Section
10 IV, paragraph 1 of the New Jersey Constitution, the advisory
11 council is allocated within the Department of Health and Senior
12 Services, but notwithstanding that allocation, the advisory council
13 shall be independent of any supervision or control by the
14 department or by any board or officer thereof.

15 b. The advisory council shall consist of ~~23~~ 24 members as
16 follows: the Commissioners of the Departments of Health and
17 Senior Services, Human Services, Children and Families,
18 Education, Community Affairs, and Labor and Workforce
19 Development, who shall serve as ex officio members, and 18 public
20 members, four of whom shall be teenagers, including two teenage
21 parents and two teenagers who are not parents, and fourteen of
22 whom shall be representatives of community based religious, health
23 and social service organizations which serve adolescents and health
24 professionals and educators with recognized expertise in the field of
25 adolescent pregnancy. Of the public members, three shall be
26 appointed by the President of the Senate, no more than two of
27 whom shall be of the same political party; three shall be appointed
28 by the Speaker of the General Assembly, no more than two of
29 whom shall be of the same political party; and 12 shall be appointed
30 by the Governor with the advice and consent of the Senate, no more
31 than six of whom shall be of the same political party. The advisory
32 council shall organize within 30 days after the appointment of its
33 members. The members shall select one person from among them
34 to serve as the chairperson and the members shall select a secretary,
35 who need not be a member of the advisory council.

36 c. Each ex officio member may designate an employee of the
37 member's department to represent the member at hearings of the
38 advisory council. All designees may lawfully vote and otherwise
39 act on behalf of the member for whom they constitute the designee.

40 d. Each public member shall be appointed for a term of three
41 years, but of the members first appointed, six shall serve for a term
42 of one year, six for a term of two years and six for a term of three
43 years. Members shall serve until their successors are appointed and
44 qualified. Vacancies shall be filled in the same manner as the
45 original appointments were made.

46 e. Members of the advisory council shall serve without
47 compensation but, within the limits of funds appropriated or

1 otherwise made available to it, shall be eligible for reimbursement
2 of necessary expenses incurred in the performance of their duties.

3 f. The Department of Health and Senior Services shall provide
4 such staff as the advisory council requests to carry out the purposes
5 of this act.

6 (cf: P.L.1997, c.229, s.2)

7

8 107. Section 2 of P.L.1989, c.51 (C.26:2BB-2) is amended to
9 read as follows:

10 2. There is created a ~~25-member~~ 26-member council in, but
11 not of, the Department of the Treasury which shall be designated as
12 the Governor's Council on Alcoholism and Drug Abuse. For the
13 purposes of complying with the provisions of Article V, Section IV,
14 paragraph 1 of the New Jersey Constitution, the Governor's Council
15 on Alcoholism and Drug Abuse is allocated to the Department of
16 the Treasury, but, notwithstanding the allocation, the office shall be
17 independent of any supervision or control by the department or by
18 any board or officer thereof.

19 The council shall consist of ~~11~~ 12 ex officio members and 14
20 public members.

21 a. The ex officio members of the council shall be: the Attorney
22 General, the Commissioners of the Departments of Labor and
23 Workforce Development, Education, Human Services, Health and
24 Senior Services, Children and Families, Community Affairs,
25 Personnel and Corrections, the chair of the executive board of the
26 New Jersey Presidents' Council, the Administrative Director of the
27 Administrative Office of the Courts and the Adjutant General. An
28 ex officio member may designate an officer or employee of the
29 department or office which he heads to serve as his alternate and
30 exercise his functions and duties as a member of the Governor's
31 Council on Alcoholism and Drug Abuse.

32 b. The 14 public members shall be residents of the State who are
33 selected for their knowledge, competence, experience or interest in
34 connection with alcoholism or drug abuse. They shall be appointed
35 as follows: two shall be appointed by the President of the Senate,
36 two shall be appointed by the Speaker of the General Assembly and
37 10 shall be appointed by the Governor, with the advice and consent
38 of the Senate. At least two of the public members appointed by the
39 Governor shall be rehabilitated alcoholics and at least two of the
40 public members appointed by the Governor shall be rehabilitated
41 drug abusers.

42 c. The term of office of each public member shall be three years;
43 except that of the first members appointed, four shall be appointed
44 for a term of one year, five shall be appointed for a term of two
45 years and five shall be appointed for a term of three years. Each
46 member shall serve until his successor has been appointed and
47 qualified, and vacancies shall be filled in the same manner as the

1 original appointments for the remainder of the unexpired term. A
2 public member is eligible for reappointment to the council.

3 d. The chairman of the council shall be appointed by the
4 Governor from among the public members of the council and shall
5 serve at the pleasure of the Governor during the Governor's term of
6 office and until the appointment and qualification of the chairman's
7 successor. The members of the council shall elect a vice-chairman
8 from among the members of the council. The Governor may
9 remove any public member for cause, upon notice and opportunity
10 to be heard.

11 e. The council shall meet at least monthly and at such other
12 times as designated by the chairman. Fourteen members of the
13 council shall constitute a quorum. The council may establish any
14 advisory committees it deems advisable and feasible.

15 f. The chairman shall be the request officer for the council
16 within the meaning of such term as defined in section 6 of article 3
17 of P.L.1944, c.112 (C.52:27B-15).

18 g. The public members of the council shall receive no
19 compensation for their services, but shall be reimbursed for their
20 expenses incurred in the discharge of their duties within the limits
21 of funds appropriated or otherwise made available for this purpose.
22 (cf: P.L. 1996, c.5,s.1)

23

24 108. Section 33 of P.L.1991, c.187 (C.26:2H-5.7) is amended to
25 read as follows:

26 33. There is established in the Department of Health and Senior
27 Services a State Health Planning Board. The members of the board
28 shall include: the Commissioners of Health and Senior Services,
29 Children and Families and Human Services, or their designees, who
30 shall serve as ex officio, nonvoting members; the chairmen of the
31 Health Care Administration Board and the Public Health Council,
32 or their designees, who shall serve as ex officio members; and nine
33 public members appointed by the Governor with the advice and
34 consent of the Senate, five of whom are consumers of health care
35 services who are neither providers of health care services or persons
36 with a fiduciary interest in a health care service.

37 Of the additional public members first appointed pursuant to
38 P.L.1998, c.43, two shall serve for a term of two years and two shall
39 serve for a term of three years. Following the expiration of the
40 original terms, the public members shall serve for a term of four
41 years and are eligible for reappointment. Public members serving
42 on the board on the effective date of P.L.1998, c.43 shall continue
43 to serve for the term of their appointment. Any vacancy shall be
44 filled in the same manner as the original appointment, for the
45 unexpired term. Public members shall continue to serve until their
46 successors are appointed. The public members shall serve without
47 compensation but may be reimbursed for reasonable expenses

1 incurred in the performance of their duties, within the limits of
2 funds available to the board.

3 a. A member or employee of the State Health Planning Board
4 shall not, by reason of his performance of any duty, function or
5 activity required of, or authorized to be undertaken by the board, be
6 held civilly or criminally liable if that person acted within the scope
7 of his duty, function or activity as a member or employee of the
8 board, without gross negligence or malice toward any person
9 affected thereby.

10 b. A member of the State Health Planning Board shall not vote
11 on any matter before the board concerning an individual or entity
12 with which the member has, or within the last 12 months has had,
13 any substantial ownership, employment, medical staff, fiduciary,
14 contractual, creditor or consultative relationship. A member who
15 has or has had such a relationship with an individual or entity
16 involved in any matter before the board shall make a written
17 disclosure of the relationship before any action is taken by the
18 board with respect to the matter and shall make the relationship
19 public in any meeting in which action on the matter is to be taken.

20 (cf: P.L.1998, c.43, s.4)

21

22 109. Section 1 of P.L.1998, c.136 (C.26:2H-12.6a) is amended
23 to read as follows:

24 1. a. The Department of **【Human Services】** Children and
25 Families, in consultation with the Department of Health and Senior
26 Services, shall prepare a pamphlet which provides information on
27 child abuse and neglect to all parents of newborn infants born in
28 this State. The pamphlet shall be distributed to each parent present
29 during the infant's birth, by the personnel at a hospital or birthing
30 facility at the time of the mother's discharge, as part of the hospital
31 or birthing facility's discharge procedures.

32 b. The pamphlet shall include information on the signs of child
33 abuse and neglect, the services provided by the State which help in
34 preventing child abuse and neglect and the legal ramifications of
35 abusing or neglecting a child.

36 c. The department shall distribute the pamphlet, at no charge,
37 to all the hospitals and birthing facilities in the State. The
38 department shall update the pamphlet as necessary, and shall make
39 additional copies of the pamphlet available to health care providers
40 upon request.

41 (cf: P.L.1998, c.136, s.1)

42

43 110. R.S.26:3-31 is amended to read as follows:

44 26:3-31. The local board of health shall have power to pass,
45 alter or amend ordinances and make rules and regulations in regard
46 to the public health within its jurisdiction, for the following
47 purposes:

1 a. To protect the public water supply and prevent the pollution
2 of any stream of water or well, the water of which is used for
3 domestic purposes, and to prevent the use of or to close any well,
4 the water of which is polluted or detrimental to the public health.

5 b. (1) To prohibit the cutting, sale or delivery of ice in any
6 municipality without obtaining a permit from the local board. No
7 person shall cut, sell or deliver ice in any municipality without
8 obtaining such permit.

9 (2) To refuse such permit or revoke any permit granted by it
10 when in its judgment the use of any ice cut, sold or delivered under
11 the permit would be detrimental to the public health. Upon the
12 refusal or revocation of a permit by the local board, an appeal may
13 be taken to the State department. Upon order of the State
14 department a permit shall be granted or the revocation set aside.

15 (3) To prohibit the importation, distribution or sale of any
16 impure ice which would be detrimental to the public health.

17 c. To license and regulate the sanitary conditions of hotels,
18 restaurants, cafes, and other public eating houses and to provide for
19 the posting of ratings or score cards setting forth the sanitary
20 condition of any public eating house after inspection of the same
21 and to post the rating or score card in some conspicuous or public
22 place in such eating house.

23 d. To compel any owner of property along the line of any
24 sewer to connect his house or other building therewith. This
25 paragraph shall be enforced by the local board within its jurisdiction
26 and it shall by ordinance provide a fine of \$25 to be imposed upon
27 any person who shall not comply with any order issued under the
28 authority of this paragraph, within 30 days after notice by the
29 proper officer of the board to make the required connections. An
30 additional fine of \$10 shall be provided for each day of delay, after
31 the expiration of the 30 days, in which the provisions of the order or
32 notice are not complied with. Such notice may be served upon the
33 owner personally or by leaving it at his usual place of abode with a
34 member of his family above the age of 18 years.

35 e. (Deleted by amendment, P.L.1987, c.442.)

36 f. To regulate, control, and prohibit the accumulation of offal
37 and any decaying or vegetable substance.

38 g. (1) To regulate the location, construction, maintenance,
39 method of emptying or cleaning, and the frequency of cleaning of
40 any privy or other place used for the reception or storage of human
41 excrement, and to prohibit the construction or maintenance of any
42 privy or other such place until a license therefor shall have been
43 issued by the board, which license shall continue in force for one
44 year from the date of issue.

45 (2) To fix the fee, not exceeding \$5, for such license, and to use
46 the fees so collected in supervising and maintaining said privies or
47 other places and in removing and disposing of the excrement
48 therefrom.

- 1 (3) To revoke such license at any time if the owner or tenant of
2 the property on which any privy or other such place is located,
3 maintains the same in violation of law, or of the State sanitary code,
4 or any ordinance or rule of the board.
- 5 h. To regulate, control, or prohibit the cleaning of any sewer,
6 the dumping of garbage, the filling of any sunken lot or marsh land,
7 and to provide for the filling up of any such lot or land, which has
8 become filled with stagnant water and is located in any built-up
9 area.
- 10 i. (1) To license and regulate the business of cleaning cesspools
11 and privies, which license shall continue for the term of one year
12 from the date of granting, and to fix the fee that shall be charged for
13 such license, not exceeding \$20 for each vehicle or conveyance.
- 14 (2) To prohibit unlicensed persons from engaging in such
15 business.
- 16 (3) To require any vehicle or conveyance used in such business
17 within its jurisdiction to be approved by it.
- 18 (4) To revoke such license if any licensee or his employee or
19 agent shall violate any ordinance or rule of the board in cleaning
20 any cesspool or privy, or in removing the contents thereof.
- 21 j. To aid in the enforcement of laws as to the adulteration of all
22 kinds of food and drink, and to prevent the sale or exposure for sale
23 of any meat or vegetable that is unwholesome or unfit for food.
- 24 k. To regulate, control, or prohibit the keeping or slaughtering
25 of animals.
- 26 l. To license and regulate the keeping of boarding houses for
27 infants and children and to fix a license fee for the same and to
28 prevent unlicensed persons from keeping such boarding houses.
29 This paragraph shall not apply to:
- 30 (1) The Department of **[Human Services]** Children and
31 Families.
- 32 (2) Any children's home, orphan asylum, or children's aid
33 society incorporated under the laws of this State.
- 34 (3) Any aid society of a properly organized and accredited
35 church or fraternal society organized for aid and relief to its
36 members.
- 37 (4) Any charitable society incorporated under the laws of this
38 State having as one of its objects the prevention of cruelty to
39 children or the care and protection of children.
- 40 m. To require in buildings, designed to be occupied, or
41 occupied, as residences by more than two families and when the
42 owners have agreed to supply heat, that from October 1 of each year
43 to the next succeeding May 1, every unit of dwelling space and
44 every habitable room therein shall be maintained at least at 68
45 degrees F. whenever the outside temperature falls below 55 degrees
46 during daytime hours from 6 a.m. to 11 p.m. At times other than
47 those specified interiors of units of dwelling space shall be

1 maintained at least at 55 degrees F. whenever the outside
2 temperature falls below 40 degrees.

3 In meeting the aforesaid standards, the owner shall not be
4 responsible for heat loss and the consequent drop in the interior
5 temperature arising out of action by the occupants in leaving
6 windows or doors open to the exterior of the building. The owner
7 shall be obligated to supply required fuel or energy and maintain
8 the heating system in good operating condition so that it can supply
9 heat as required herein notwithstanding any contractual provision
10 seeking to delegate or shift responsibility to the occupant or third
11 person, except that the owner shall not be required to supply fuel or
12 energy for heating purposes to any unit where the occupant thereof
13 agrees in writing to supply heat to his own unit of dwelling space
14 and the said unit is served by its own exclusive heating equipment
15 for which the source of heat can be separately computed and billed.

16 n. To regulate the practice of midwifery, but the exercise of
17 such authority shall not conflict with the provisions of chapter 10 of
18 Title 45 of the Revised Statutes (R.S.45:10-1 et seq.).

19 o. To enforce the making of returns or reports to the local
20 board on the part of any person charged with such duty under any
21 law and to take cognizance of any failure to make such returns and
22 deal with the same in an effective manner.

23 p. To act as the agent for a landlord in the engaging of
24 repairmen and the ordering of any parts necessary to restore to
25 operating condition the furnace, boiler or other equipment essential
26 to the proper heating of any residential unit rented by said landlord,
27 provided, however, that at least 24 hours have elapsed since the
28 tenant has lodged a complaint with the local board of health, prior
29 to which a bona fide attempt has been made by the tenant to notify
30 the landlord of the failure of the heating equipment, and the
31 landlord has failed to take appropriate action, and the outside air
32 temperature is less than 55 degrees F.

33 Any person who supplies material or services in accordance with
34 this section shall bill the landlord directly and by filing a notice
35 approved by the local board of health, with the county clerk, shall
36 have a lien on the premises where the materials were used or
37 services supplied.

38 (cf: P.L.2004, c.130, s.43)

39

40 111. Section 1 of P.L.1991, c.524 (C.30:1-1.1) is amended to
41 read as follows:

42 1. a. The Commissioner of Human Services, in consultation
43 with the Commissioners of Community Affairs, Health and Senior
44 Services, Children and Families and Labor and Workforce
45 Development, shall establish and maintain on a 24-hour daily basis
46 a comprehensive social services information toll-free telephone
47 hotline service, operating through one of the existing telephone
48 hotline services of the department. The hotline service shall use a

1 computerized Statewide social services data bank to be developed
2 by the Department of Human Services and shall include among its
3 staff persons who speak English and Spanish. The hotline service
4 shall receive and respond to calls from persons seeking information
5 and referrals concerning agencies and programs which provide
6 various social services, including but not limited to: child care,
7 child abuse emergency response job skills training, services for
8 victims of domestic violence, alcohol and drug abuse, home health
9 care, senior citizen programs, rental assistance, services for persons
10 with developmental disabilities, mental health programs, emergency
11 shelter assistance, family planning, legal services, assistance for
12 runaways and services for the deaf and hearing impaired, as well as
13 information about public assistance, Medicaid, Pharmaceutical
14 Assistance to the Aged and Disabled, Lifeline, Hearing Aid
15 Assistance for the Aged and Disabled, food stamps and home
16 energy assistance.

17 b. The Commissioner of Human Services, in conjunction with
18 the Commissioners of Community Affairs, Health and Senior
19 Services, Children and Families and Labor and Workforce
20 Development, shall take such actions as are necessary to
21 consolidate existing State telephone hotline services into the
22 comprehensive social services information toll-free telephone
23 hotline service, and thereby eliminate duplicative telephone hotline
24 services.

25 c. Notwithstanding the provisions of subsection b. of this
26 section to the contrary, the Commissioner of Human Services shall
27 also establish and maintain a toll-free telephone hotline service for
28 persons who are receiving institutional or community-based
29 services from, or through an agency contracting with, the Division
30 of Mental Health **[and Hospitals]** Services or the Division of
31 Developmental Disabilities, or their parents, guardians or other
32 responsible persons, to register complaints, request information or
33 assistance, or discuss issues and problems, regarding those services
34 in a confidential manner.

35 (cf: P.L.1995, c.85, s.1)

36

37 112. Section 1 of P.L.2004, c.130 (C.30:4C-1.1) is amended to
38 read as follows:

39 1. The Legislature finds and declares that:

40 a. New Jersey must improve the ability of its child welfare
41 system to protect children from abuse and neglect, and to provide
42 services to at-risk children and families in order to prevent harm to
43 their children;

44 b. Recent data and assessments of the child welfare system in
45 this State demonstrate the need for a new approach to delivering
46 services to this vulnerable population, and the system must
47 therefore be reformed;

- 1 c. Because the safety of children must always be paramount,
2 allegations of child abuse and neglect must be investigated quickly
3 and thoroughly and protective actions must be taken immediately if
4 necessary;
- 5 d. Concerns about the safety, permanency and well-being of
6 children require significant changes in: the organization of the
7 child welfare system, the ability to implement best practices within
8 the system; the development of effective services to meet the needs
9 of children and families; and the elimination of impediments to the
10 quick and efficient management of abuse and neglect cases;
- 11 e. Children need safe, stable and positive relationships with
12 caring adults in order to thrive; and, if their parents are incapable of
13 providing such a caring relationship, the State must look to other
14 families to provide this kind of relationship;
- 15 f. To ensure the best outcomes for children and their families,
16 these substitute families must be viewed and treated as “resource
17 families” and provided with appropriate support, training and
18 responsibilities, which will include: expedited licensure for this
19 purpose, equalized payment rates for care among the various types
20 of resource families, and enhanced access to necessary support
21 services tailored to their respective needs;
- 22 g. Youths must be provided with supports and services in their
23 communities that will enable them to grow into healthy and
24 productive adults; and those youths who previously received child
25 welfare services must continue to receive those services beyond the
26 age of 18, up to age 21, as appropriate; and
- 27 h. **【This act is necessary in order to make the initial statutory
28 changes required under a comprehensive child welfare reform plan
29 issued by the Department of Human Services as part of a federal
30 class action settlement, which is designed to address the
31 deficiencies identified in the child welfare system in this State over
32 a five-year period;】** (Deleted by amendment, P.L. , c.)(pending
33 before the Legislature as this bill)
- 34 i. **【The comprehensive child welfare reform plan calls for
35 changes in the approach taken by the State to case practice,
36 recruitment and support of resource families, partnering with the
37 community, creating and delivering services to children and
38 families, providing support and training to the child welfare system
39 workforce, and ensuring accountability and continuous quality
40 improvement within the system;】** (Deleted by amendment, P.L. ,
41 c.)(pending before the Legislature as this bill)
- 42 j. **【This act is designed to allow the Division of Youth and
43 Family Services to focus its mission on abused and neglected
44 children by creating the Division of Child Behavioral Health
45 Services and the Division of Prevention and Community
46 Partnerships in order to build the capacity to meet the needs of
47 children and families in those respective areas of the child welfare**

1 system, with all three divisions operating under a deputy
2 commissioner who is responsible for the Office of Children's
3 Services established under this act;] (Deleted by amendment,
4 P.L. , c.)(pending before the Legislature as this bill)

5 k. **【**This act is also designed to enable the Division of Youth
6 and Family Services to better focus on issues relating to abused and
7 neglected children by transferring its responsibilities for licensure
8 and investigating institutional abuse to the Department of Human
9 Services, as well as transferring other responsibilities to the
10 department that will be assigned to the new Division of Child
11 Behavioral Health Services and the new Division of Prevention and
12 Community Partnerships; and**】** (Deleted by amendment, P.L. ,
13 c.)(pending before the Legislature as this bill)

14 l. This act will otherwise enhance the quality of the child
15 welfare system in New Jersey by facilitating the transition to other
16 needed long-term systemic changes with regard to out-of-home
17 placements and permanency options for children who cannot live
18 with their birth families.

19 (cf: P.L.2004, c.130, s.1)

20

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

23 2. For the purposes of this act the following words and terms
24 shall, unless otherwise indicated, be deemed and taken to have the
25 meanings herein given to them:

26 (a) The term "Division of Youth and Family Services," or
27 "division," successor to the "Bureau of Children's Services" means
28 the State agency for the care, custody, guardianship, maintenance
29 and protection of children, as more specifically described by the
30 provisions of this act, and succeeding the agency heretofore
31 variously designated by the laws of this State as the State Board of
32 Child Welfare or the State Board of Children's Guardians.

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

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

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

41 (e) The term "guardianship" means control over the person and
42 property of a child as established by the order of a court of
43 competent jurisdiction, and as more specifically defined by the
44 provisions of this act. Guardianship by the Division of Youth and
45 Family Services shall be treated as guardianship by the
46 Commissioner of **【Human Services】** Children and Families
47 exercised on his behalf wholly by and in the name of the Division
48 of Youth and Family Services, acting through the chief executive

1 officer of the division or his authorized representative. Such
2 exercise of guardianship by the division shall be at all times and in
3 all respects subject to the supervision of the commissioner.

4 (f) The term “maintenance” means moneys expended by the
5 Division of Youth and Family Services to procure board, lodging,
6 clothing, medical, dental, and hospital care, or any other similar or
7 specialized commodity or service furnished to, on behalf of, or for a
8 child pursuant to the provisions of this act; maintenance also
9 includes but is not limited to moneys expended for shelter, utilities,
10 food, repairs, essential household equipment, and other
11 expenditures to remedy situations of an emergent nature to permit,
12 as far as practicable, children to continue to live with their families.

13 (g) The term “welfare services” means consultation, counseling,
14 and referral to or utilization of available resources, for the purpose
15 of determining and correcting or adjusting matters and
16 circumstances which are endangering the welfare of a child, and for
17 the purpose of promoting his proper development and adjustment in
18 the family and the community.

19 (h) The term “resource family parent” means any person other
20 than a natural or adoptive parent with whom a child in the care,
21 custody or guardianship of the Department of **[Human Services]**
22 Children and Families is placed by the department, or with its
23 approval, for care, and shall include any person with whom a child
24 is placed by the division for the purpose of adoption until the
25 adoption is finalized.

26 (i) The term “resource family home” means and includes
27 private residences wherein any child in the care, custody or
28 guardianship of the Department of **[Human Services]** Children and
29 Families may be placed by the department, or with its approval, for
30 care, and shall include any private residence maintained by persons
31 with whom any such child is placed by the division for the purpose
32 of adoption until the adoption is finalized.

33 (j) The singular includes the plural form.

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

35 (l) The word “may” shall be construed to be permissive.

36 (m) The term “group home” means and includes any single
37 family dwelling used in the placement of 12 children or less
38 pursuant to law, recognized as a group home by the Department of
39 **[Human Services]** Children and Families in accordance with rules
40 and regulations adopted by the Commissioner of **[Human Services]**
41 Children and Families; provided, however, that no group home shall
42 contain more than 12 children.

43 (n) The term “youth facility” means a facility within this State
44 used to house or provide services to children under this act,
45 including but not limited to group homes, residential facilities, day
46 care centers, and day treatment centers.

47 (o) The term “youth facility aid” means aid provided by the
48 Division of Youth and Family Services to public, private or

1 voluntary agencies to purchase, construct, renovate, repair, upgrade
2 or otherwise improve a youth facility in consideration for an
3 agreement for the agency to provide residential care, day treatment
4 or other youth services for children in need of such services.

5 (p) The term “day treatment center” means a facility used to
6 provide counseling, supplemental educational services, therapy, and
7 other related services to children for whom it has been determined
8 that such services are necessary, but is not used to house these
9 children in a residential setting.

10 (q) The term “residential facility” means a facility used to house
11 and provide treatment and other related services on a 24-hour basis
12 to children determined to be in need of such housing and services.

13 (r) The term “legally responsible person” means the natural or
14 adoptive parent, or the spouse of a child receiving maintenance
15 from or through the Division of Youth and Family Services.

16 (s) “Commissioner” means the Commissioner of **[Human**
17 **Services]** Children and Families.

18 (t) “Department” means the Department of **[Human Services]**
19 Children and Families.

20 (cf: P.L. 2005, c.169, s.4)

21

22 114. Section 3 of P.L.2004, c.130 (C.30:4C-2.3) is amended to
23 read as follows:

24 3. Notwithstanding any provision of law to the contrary, the
25 Department of **[Human Services, through the Office of Children's**
26 **Services or as otherwise designated by the Commissioner of Human**
27 **Services,]** Children and Families shall provide services to
28 individuals who are between 18 and 21 years of age and meet the
29 following conditions:

30 a. The individual was receiving services from the **[Office of**
31 **Children's Services, or otherwise from the]** department **[as**
32 **designated by the commissioner]**, on or after the individual's 16th
33 birthday;

34 b. The individual, on or after the individual's 18th birthday, has
35 not refused or requested that these services be terminated, as
36 applicable; and

37 c. The **[Office of Children's Services or another entity**
38 **designated by the]** commissioner determines that a continuation of
39 services would be in the individual's best interest and would assist
40 the individual to become an independent and productive adult.

41 (cf: P.L.2004, c.130, s.3)

42

43 115. Section 4 of P.L.2004, c.130 (C.30:4C-2.4) is amended to
44 read as follows:

45 4. a. There is established the New Jersey Child Welfare
46 Training Academy in the Department of **[Human Services]**
47 Children and Families for the purpose of providing a training

1 program to meet the needs of the child welfare system Statewide.

2 The training program shall provide:

3 (1) pre-service and in-service training for public employees of
4 the child welfare system;

5 (2) training opportunities for community-based entities and
6 other child welfare system stakeholders as designated by the
7 commissioner; and

8 (3) pre-service and in-service training for resource families.

9 b. The academy shall be responsible for developing and
10 managing the training activities provided under this program, for
11 which purpose it shall:

12 (1) administer, coordinate and evaluate all training activities
13 under the program;

14 (2) seek to partner with social work and other professionals to
15 ensure that the training provided under the program reflects best
16 practices;

17 (3) develop training curricula, resources and products;

18 (4) schedule and provide notice of training events and provide
19 training materials for those events;

20 (5) employ and compensate training event instructors as
21 necessary;

22 (6) create mechanisms and processes to assess, identify and
23 monitor training needs for public employees of the child welfare
24 system, including competency-based training;

25 (7) create mechanisms and processes to evaluate the
26 effectiveness of the training provided under the program;

27 (8) provide for the development of multimedia training tools to
28 inform, educate and train public agency staff, resource families and
29 others in the child welfare system;

30 (9) determine the minimum number of pre-service and in-
31 service training hours required of, and ensure the availability of
32 sufficient training opportunities for, public agency staff Statewide;
33 and

34 (10) conduct any other activities necessary to develop,
35 implement and manage the training program.

36 c. The training provided to resource families pursuant to this
37 section shall include courses in the role of caregivers as part of the
38 care and treatment of children requiring out-of-home placement. A
39 resource family parent shall be required to complete the number of
40 hours of pre-service and in-service training prescribed under the
41 training program as a condition of licensure under P.L.2001, c.419
42 (C.30:4C-27.3 et seq.).

43 (cf: P.L.2004, c.130, s.4)

44

45 116. Section 126 of P.L.2004, c.130 (30:4C-2.5) is amended to
46 read as follows:

47 126. The Commissioner of **【Human Services】** Children and
48 Families, pursuant to the “Administrative Procedure Act,”

1 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
2 regulations necessary to carry out the provisions of this act.

3 (cf: P.L.2004, c.130, s.126)

4

5 117. Section 1 of P.L.2003, c.40 (C.30:4C-3.7) is amended to
6 read as follows:

7 1. a. The Division of Youth and Family Services in the
8 Department of **【Human Services】** Children and Families shall
9 provide for the photographing of each child under its custody no
10 later than two months after the division assumes custody of the
11 child. A child who is under the custody of the division on the
12 effective date of this act shall be photographed for the purposes of
13 this act no later than one year after its effective date.

14 The division shall, in addition, provide for the fingerprinting of
15 any child under its custody with respect to whom the division
16 determines, in accordance with criteria as the Commissioner of
17 **【Human Services】** Children and Families shall establish by
18 regulation, that the availability of a fingerprint record would be
19 appropriate; the fingerprints of any child with respect to whom such
20 a determination is made shall be taken no later than two months
21 after the division has made that determination.

22 b. The division shall update the photograph of each child taken
23 pursuant to subsection a. of this section at least every two years. In
24 addition, the division shall retain the fingerprint information and
25 photograph of each child for whom such records are taken for at
26 least one year after the date that the child is no longer under the
27 custody of the division.

28 c. The division shall be entitled to receive the assistance of any
29 other State department, division or agency as it may deem necessary
30 and may receive the assistance of any county or municipal
31 government agency, as may be available, in carrying out the
32 provisions of this act.

33 (cf: P.L.2003, c.40, s.1)

34

35 118. Section 2 of P.L.2003, c.40 (C.30:4C-3.8) is amended to
36 read as follows:

37 2. The Commissioner of **【Human Services】** Children and
38 Families, pursuant to the “Administrative Procedure Act,”
39 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
40 regulations to effectuate the purposes of this act.

41 (cf: P.L.2003, c.40, s.2)

42

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

45 4. The **【Office of Children's Services or other entity designated**
46 **by the commissioner】** Department of Children and Families shall
47 have the requisite powers to:

- 1 (a) Exercise general supervision over children for whom care,
2 custody or guardianship is provided in accordance with Article II of
3 this act;
- 4 (b) Administer **【for the Department of Human Services】** the
5 powers and duties provided in chapter 3 of Title 9 of the Revised
6 Statutes (Adoption), as amended and supplemented, as the same
7 may be delegated and assigned by the department;
- 8 (c) Administer **【for the Commissioner of Human Services】** the
9 powers and duties as provided in chapter 7 of Title 9 of the Revised
10 Statutes (dependent children; bringing into State), as amended and
11 supplemented, as the same may be delegated and assigned by the
12 commissioner;
- 13 (d) Administer **【for the State Board of Institutional Trustees】**
14 the powers and duties provided in R.S.30:1-14 through 30:1-17 of
15 chapter 1 of Title 30 of the Revised Statutes (visitation and
16 inspection), as amended and supplemented**【, so far as the same may**
17 **be delegated and assigned by the State Board of Institutional**
18 **Trustees】** with respect to institutions, organizations and
19 noninstitutional agencies for the care, custody and welfare of
20 children;
- 21 (e) Provide care and exercise supervision over children paroled
22 or released from State correctional institutions for juveniles in
23 accordance with rules and regulations established by the State
24 Board of Control;
- 25 (f) Make investigations or provide supervision of any child in
26 this State at the request and on behalf of a public or private agency
27 or institution of any other State;
- 28 (g) Meet and confer, as the unmet needs of New Jersey's
29 children may require, with representatives of the public welfare
30 boards and the private agencies and institutions for the care of
31 children in this State in order that the programs of such boards,
32 agencies and institutions may be developed and fully utilized and
33 that there may be a coordination of all public and private facilities
34 for the protection and care of children;
- 35 (h) Issue such reasonable rules and regulations as may be
36 necessary for the purpose of carrying into effect the meaning of this
37 act, which rules and regulations shall be binding so far as they are
38 consistent with such purpose;
- 39 (i) Promulgate **【and file with the Secretary of State, subject to**
40 **the approval of the Board of Public Welfare,】** rules and regulations
41 as may be necessary as a basis for the provision for payment for
42 services rendered by privately sponsored agencies or institutions to
43 children under the care, custody or guardianship of the division.
44 Such rules and regulations shall include, but shall not be limited to,
45 standards of professional training, experience and practices, and
46 requirements relating to the moral responsibility of the trustees,
47 officers or other persons supervising or conducting the program, the

1 adequacy of the facilities, the maintenance of adequate casework
2 records, and the furnishing of comprehensive reports;

3 (j) Enter into written agreements with public, private or
4 voluntary agencies to provide maintenance, related services, and
5 youth facility aid to such agencies, subject to a preaward
6 qualification review of the agency's fiscal and programmatic
7 abilities and periodic reviews.

8 (cf: P.L. 2004, c.130, s.49)

9

10 120. Section 1 of P.L.1962, c.140 (C.30:4C-4.1) is amended to
11 read as follows:

12 1. Notwithstanding the provisions of any other law, no action or
13 proceeding, including an application for a writ of habeas corpus, in
14 any court which the **【Bureau of Childrens】** Division of Youth and
15 Family is authorized by law to commence or maintain shall be
16 commenced or maintained by the **【said bureau】** division, without
17 the consent and approval of the **【State Board of Control of**
18 **Institutions and Agencies or】** the Commissioner of **【the Department**
19 **of Institutions and Agencies】** Children and Families, as hereinafter
20 provided.

21 (cf: P.L.1964, c.102, s.18)

22

23 121. Section 2 of P.L.1962, c.140 (C.30:4C-4.2) is amended to
24 read as follows:

25 2. **【The said State Board of Control, by departmental rule or**
26 **regulation, may, as to the commencement or maintenance of certain**
27 **specified actions or proceedings in any court, grant its consent and**
28 **approval generally, and as to others, require the consent and**
29 **approval of the Commissioner of the Department of Institutions**
30 **and Agencies as the duly authorized agent of the State Board of**
31 **Control, but in】** In no case shall the **【Bureau of Childrens】** Division
32 of Youth and Family Services, defend against any action or
33 proceeding or make or oppose any application for a writ of habeas
34 corpus without the express consent and approval of the **【State**
35 **Board of Control of Institutions and Agencies thereto or the consent**
36 **and approval of the】** Commissioner of **【the Department of**
37 **Institutions and Agencies as the duly authorized agent of the State**
38 **Board of Control】** Children and Families.

39 (cf: P.L.1964, c.102, s.19)

40

41 122. Section 12 of P.L.1951, c.138, (C.30:4C-12) is amended to
42 read as follows:

43 12. Whenever it shall appear that the parent or parents, guardian,
44 or person having custody and control of any child within this State
45 is unfit to be entrusted with the care and education of such child, or
46 shall fail to provide such child with proper protection, maintenance
47 and education, or shall fail to ensure the health and safety of the

1 child, or is endangering the welfare of such child, a written or oral
2 complaint may be filed with the division, or other entity designated
3 by the commissioner, by any person or by any public or private
4 agency or institution interested in such child. When such a
5 complaint is filed by a public or private agency or institution, it
6 shall be accompanied by a summary setting forth the reason for
7 such complaint and other social history of the child and his family's
8 situation which justifies such complaint; or, if this is not feasible,
9 such summary shall be made available to the division, or other
10 entity within the department that is investigating the complaint, as
11 soon thereafter as possible. Upon receipt of a complaint as
12 provided in this section, the division, or other entity designated by
13 the commissioner, shall investigate, or shall cause to be
14 investigated, the statements set forth in such complaint. If the
15 circumstances so warrant, the parent, parents, guardian, or person
16 having custody and control of the child may be afforded an
17 opportunity to file an application for care, as provided in section 11
18 of P.L.1951, c.138 (C.30:4C-11). If the parent, parents, guardian,
19 or person having custody and control of the child refuses to permit
20 or in any way impedes an investigation, and the department
21 determines that further investigation is necessary in the best
22 interests of the child, the division may thereupon apply to the
23 Family Part of the Chancery Division of the Superior Court in the
24 county where the child resides, for an order directing the parent,
25 parents, guardian, or person having custody and control of the child
26 to permit immediate investigation. The court, upon such
27 application, may proceed to hear the matter in a summary manner
28 and if satisfied that the best interests of the child so require may
29 issue an order as requested.

30 If, after such investigation has been completed, it appears that
31 the child requires care and supervision by the division or other
32 action to ensure the health and safety of the child, the division may
33 apply to the Family Part of the Chancery Division of the Superior
34 Court in the county where the child resides for an order making the
35 child a ward of the court and placing the child under the care and
36 supervision or custody of the division.

37 The court, at a summary hearing held upon notice to the division,
38 and to the parent, parents, guardian, or person having custody and
39 control of the child, if satisfied that the best interests of the child so
40 require, may issue an order as requested, which order shall have the
41 same force and effect as the acceptance of a child for care by the
42 division as provided in section 11 of P.L.1951, c.138 (C.30:4C-11);
43 provided, however, that such order shall not be effective beyond a
44 period of six months from the date of entry unless the court, upon
45 application by the division, at a summary hearing held upon notice
46 to the parent, parents, guardian, or person having custody of the
47 child, extends the time of the order.

1 Immediately after the court's order and while the child is in the
2 division's care, the division shall initiate a search for the child's
3 mother or father, if they are not known to the division. The search
4 shall be initiated within 30 days of the court order. The search will
5 be completed when all sources contacted have either responded to
6 the inquiry or failed to respond within 45 days. The results shall be
7 valid for six months after the date it was completed.

8 (cf: P.L.2004, c.130, s.52)

9

10 123. Section 6 of P.L.1991, c.275 (C.30:4C-12.1) is amended to
11 read as follows:

12 6. a. In any case in which the **【Division of Youth and Family**
13 **Services】** Department of Children and Families accepts a child in
14 its care or custody, including placement, the **【division】** department
15 shall initiate a search for relatives who may be willing and able to
16 provide the care and support required by the child. The search shall
17 be initiated within 30 days of the **【division's】** department's
18 acceptance of the child in its care or custody. The search will be
19 completed when all sources contacted have either responded to the
20 inquiry or failed to respond within 45 days. The **【division】**
21 department shall complete an assessment of each interested
22 relative's ability to provide the care and support, including
23 placement, required by the child.

24 b. If the **【division】** department determines that the relative is
25 unwilling or unable to assume the care of the child, the **【division】**
26 department shall not be required to re-evaluate the relative. The
27 **【division】** department shall inform the relative in writing of:

28 (1) the reasons for the **【division's】** department's determination;

29 (2) the responsibility of the relative to inform the **【division】**
30 department if there is a change in the circumstances upon which the
31 determination was made;

32 (3) the possibility that termination of parental rights may occur if
33 the child remains in resource family care for more than six months;
34 and

35 (4) the right to seek review by the **【division】** department of such
36 determination.

37 c. The **【division】** department may decide to pursue the
38 termination of parental rights if the **【division】** department
39 determines that termination of parental rights is in the child's best
40 interests.

41 (cf: P.L.2004, c.130, s.53)

42

43 124. Section 4 of P.L.2000, c.58 (C.30:4C-15.7) is amended to
44 read as follows:

45 4. a. If a person voluntarily delivers a child who is or appears
46 to be no more than 30 days old to, and leaves the child at a State,
47 county or municipal police station and does not express an intent to

1 return for the child, a State, county or municipal police officer shall
2 take the child to the emergency department of a licensed general
3 hospital in this State and the hospital shall proceed as specified in
4 subsection b. of this section.

5 b. If a person voluntarily delivers a child who is or appears to
6 be no more than 30 days old to, and leaves the child at an
7 emergency department of a licensed general hospital in this State
8 and does not express an intent to return for the child, or, if a State,
9 county or municipal police officer brings a child to a licensed
10 general hospital under the circumstances set forth in subsection a.
11 of this section, the hospital shall:

12 (1) take possession of the child without a court order;

13 (2) take any action or provide any treatment necessary to protect
14 the child's physical health and safety; and

15 (3) no later than the first business day after taking possession of
16 the child, notify the Division of Youth and Family Services in the
17 Department of **[Human Services]** Children and Families that the
18 hospital has taken possession of the child.

19 c. The Division of Youth and Family Services shall assume the
20 care, custody and control of the child immediately upon receipt of
21 notice from a licensed general hospital pursuant to paragraph (3) of
22 subsection b. of this section. The division shall commence a
23 thorough search of all listings of missing children to ensure that the
24 relinquished child has not been reported missing.

25 d. A child for whom the Division of Youth and Family
26 Services assumes care, custody and control pursuant to subsection
27 c. of this section shall be treated as a child taken into possession
28 without a court order.

29 e. It shall be an affirmative defense to prosecution for
30 abandonment of a child that the parent voluntarily delivered the
31 child to and left the child at, or voluntarily arranged for another
32 person to deliver the child to and leave the child at, a State, county
33 or municipal police station as provided in subsection a. of this
34 section or the emergency department of a licensed general hospital
35 in this State as provided in subsection b. of this section. Nothing in
36 this subsection shall be construed to create a defense to any
37 prosecution arising from any conduct other than the act of
38 delivering the child as described herein, and this subsection
39 specifically shall not constitute a defense to any prosecution arising
40 from an act of abuse or neglect committed prior to the delivery of
41 the child to a State, county or municipal police station as provided
42 in subsection a. of this section or the emergency department of a
43 licensed general hospital in this State as provided in subsection b.
44 of this section.

45 f. A State, county or municipal police officer and the
46 governmental jurisdiction employing that officer or an employee of
47 an emergency department of a licensed general hospital in this State
48 and the hospital employing that person shall incur no civil or

1 criminal liability for any good faith acts or omissions performed
2 pursuant to this section.

3 g. Any person who voluntarily delivers a child who is or
4 appears to be no more than 30 days old to a licensed general
5 hospital or a police station in accordance with this section shall not
6 be required to disclose that person's name or other identifying
7 information or that of the child or the child's parent, if different
8 from the person who delivers the child to the hospital or police
9 station, or provide background or medical information about the
10 child, but may voluntarily do so.

11 (cf: P.L.2000, c.58, s.4)

12

13 125. Section 6 of P.L.2000, c.58 (C.30:4C-15.9) is amended to
14 read as follows:

15 6. a. The Commissioner of **[Human Services]** Children and
16 Families, in consultation with the Commissioner of Health and
17 Senior Services, shall establish an educational and public
18 information program to promote safe placement alternatives for
19 newborn infants, the confidentiality offered to birth parents and
20 information regarding adoption procedures. This campaign shall
21 include the establishment of a 24-hour, toll free hotline to assist in
22 making information about the safe haven procedures established by
23 P.L.2000, c.58 (C.30:4C-15.5 et al.) as widely available as possible.

24 b. The Department of **[Human Services]** Children and
25 Families shall provide to licensed general hospitals in this State and
26 State, county or municipal police stations information about
27 relevant social service agencies which may be made available to
28 any person voluntarily delivering a child as provided in section 4 of
29 P.L.2000, c.58 (C.30:4C-15.7).

30 (cf: P.L.2000, c.58, s.6)

31

32 126. Section 9 of P.L.2000, c.58 (C.30:4C-15.10) is amended to
33 read as follows:

34 9. The Commissioner of **[Human Services]** Children and
35 Families, in consultation with the Commissioner of Health and
36 Senior Services and pursuant to the "Administrative Procedure
37 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
38 regulations to effectuate the purposes of this act.

39 (cf: P.L.2000, c.58, s.9)

40

41 127. Section 1 of P.L.2005, c.294 is amended to read as follows:

42 1. The Legislature finds and declares that:

43 a. The "New Jersey Safe Haven Infant Protection Act,"
44 P.L.2000, c.58 (C.30:4C-15.5 et seq.) is intended to provide for the
45 emergency possession of certain abandoned newborn infants in such
46 a manner as to ensure the anonymity, confidentiality and freedom
47 from prosecution that may encourage a parent who may be under
48 severe emotional stress to leave an infant at a safe haven and

1 thereby save that infant's life;

2 b. This statute requires the Commissioner of **【Human**
3 **Services】** Children and Families to establish an educational and
4 public information program to promote safe placement alternatives
5 for newborn infants, the confidentiality offered to birth parents and
6 information regarding adoption procedures;

7 c. Pursuant to the Safe Haven law, the Department of **【Human**
8 **Services】** Children and Families established a multifaceted media
9 campaign to inform the public about its provisions, and this effort
10 has included: a 24-hour toll-free telephone hotline; public service
11 announcements on radio and cable television; posters for display in
12 social service agencies, high schools, stores and churches; pocket
13 cards and brochures in both English and Spanish; and advertising in
14 local and college newspapers and on billboards and buses;

15 d. Despite these efforts to promote public awareness of the Safe
16 Haven law, unlawful abandonment of newborn infants continues to
17 be a problem in New Jersey, as evidenced by the finding of three
18 newborn infants who were unlawfully abandoned during a three-
19 week period in January 2004, instead of being dropped off safely as
20 provided under P.L.2000, c.58, with the consequent loss of life for
21 one of those infants; and

22 e. The indications of this continuing problem raise questions
23 about whether the existing efforts to disseminate information about
24 the provisions of the Safe Haven law can create sufficient public
25 awareness to alleviate the problem of unlawful baby abandonment
26 and thereby achieve the intent of the “New Jersey Safe Haven
27 Infant Protection Act.”

28 (cf: P.L.2005, c.294, s.1)

29

30 128. Section 2 of P.L.2005, c.294 is amended to read as follows:

31 2. There is established the Safe Haven Awareness Promotion
32 Task Force in the Department of **【Human Services】** Children and
33 Families. The purpose of the task force shall be to study and
34 evaluate the efficacy of existing efforts to promote awareness
35 among the general public of the provisions of the “New Jersey Safe
36 Haven Infant Protection Act,” P.L.2000, c.58 (C.30:4C-15.5 et
37 seq.), and develop recommendations relating to specific actionable
38 measures to support and enhance efforts that would improve the
39 effectiveness of the campaign to promote public awareness of the
40 Safe Haven law.

41 (cf: P.L.2005, c.294, s.2)

42

43 129. Section 3 of P.L.2005, c.294 is amended to read as follows:

44 3. a. The task force shall consist of 19 members as follows:

45 (1) the Commissioners of Health and Senior Services, **【Human**
46 **Services】** Children and Families and Education, the Director of the
47 Division on Women in the Department of Community Affairs and

1 the Child Advocate, or their designees, who shall serve ex officio;
2 and

3 (2) 14 public members, who shall be appointed by the Governor
4 no later than the 30th day after the effective date of this act, as
5 follows: one person upon the recommendation of the Association
6 for Children of New Jersey; one person upon the recommendation
7 of the New Jersey Chapter of the National Association of Social
8 Workers; one person upon the recommendation of the School of
9 Social Work at Rutgers, The State University of New Jersey; one
10 person upon the recommendation of Foster and Adoptive Family
11 Services; one person upon the recommendation of the American
12 Academy of Pediatrics-New Jersey Chapter; one person upon the
13 recommendation of the New Jersey Education Association; one
14 person upon the recommendation of the New Jersey State School
15 Nurses Association; one person upon the recommendation of the
16 New Jersey Hospital Association; one person upon the
17 recommendation of the Mental Health Association in New Jersey;
18 one person upon the recommendation of the New Jersey Task Force
19 on Child Abuse and Neglect, one person upon the recommendation
20 of the New Jersey Catholic Conference; one person upon the
21 recommendation of New Jersey Right to Life; and two members of
22 the public with a demonstrated expertise in issues relating to the
23 work of the task force.

24 Vacancies in the membership of the task force shall be filled in
25 the same manner provided for the original appointments.

26 b. The Commissioner of **【Human Services】** Children and
27 Families or the commissioner's designee shall serve as chairperson
28 of the task force. The task force shall organize as soon as
29 practicable following the appointment of its members and shall
30 select a vice-chairperson from among the members. The chairperson
31 shall appoint a secretary who need not be a member of the task
32 force.

33 c. The public members shall serve without compensation, but
34 shall be reimbursed for necessary expenses incurred in the
35 performance of their duties and within the limits of funds available
36 to the task force.

37 d. The task force shall be entitled to call to its assistance and
38 avail itself of the services of the employees of any State, county or
39 municipal department, board, bureau, commission or agency as it
40 may require and as may be available to it for its purposes.

41 e. The task force may meet and hold hearings at the places it
42 designates during the sessions or recesses of the Legislature.

43 f. The Department of **【Human Services】** Children and
44 Families shall provide staff support to the task force.

45 (cf: P.L.2005, c.294, s.3)

46

47 130. Section 26 of P.L.1951, c.138 (C.30:4C-26) is amended to
48 read as follows:

1 26. a. Whenever the circumstances of a child are such that his
2 needs cannot be adequately met in his own home, the division may
3 effect his placement in a resource family home, with or without
4 payment of board, in a group home, or in an appropriate institution
5 if such care is deemed essential for him. The division shall make
6 every reasonable effort to select a resource family home, a group
7 home or an institution of the same religious faith as the parent or
8 parents of such child.

9 b. Whenever the division shall place any child, as provided by
10 this section, in any municipality and county of this State, the child
11 shall be deemed a resident of such municipality and county for all
12 purposes except school funding, and he shall be entitled to the use
13 and benefit of all health, recreational, vocational and other
14 facilities of such municipality and county in the same manner and
15 extent as any other child living in such municipality and county.

16 c. Whenever the division shall place any child, as provided by
17 this section, in any school district, the child shall be entitled to the
18 educational benefits of such district; provided, however, that the
19 district of residence, as determined by the Commissioner of
20 Education pursuant to law, shall be responsible for paying tuition
21 for such child to the district in which he is placed.

22 d. No municipality shall enact a planning or zoning ordinance
23 governing the use of land by, or for, single family dwellings which
24 shall, by any of its terms or provisions or by any rule or regulation
25 adopted in accordance therewith, discriminate between children
26 who are members of such single families by reason of their
27 relationship by blood, marriage or adoption, children placed with
28 such families in such dwellings by the division[, Office of
29 Children's Services] or other entity designated by the
30 Commissioner of [Human Services] Children and Families, and
31 children placed pursuant to law with families in single family
32 dwellings known as group homes.

33 Any planning or zoning ordinance, heretofore or hereafter
34 enacted by a municipality, which violates the provisions of this
35 section, shall be invalid and inoperative.

36 (cf: P.L. 2004, c.130, s.58)

37
38 131. Section 1 of P.L.1962, c.137 (C.30:4C-26.1) is amended to
39 read as follows:

40 1. As used in this act "resource family home" means and
41 includes private residences wherein any child in the care, custody or
42 guardianship of the Department of [Human Services] Children and
43 Families may be placed by the department, or with its approval, for
44 care, and shall include any private residence maintained by persons
45 with whom any such child is placed by the Division of Youth and
46 Family Services for the purpose of adoption until the adoption is
47 finalized.

48 (cf: P.L. 2005, c.169, s.5)

1 132. Section 2 of P.L.1962, c.137 (C.30:4C-26.2) is amended to
2 read as follows:

3 2. The **【Bureau of Childrens】** Division of Youth and Family
4 Services, shall establish and maintain, within the limits of available
5 appropriations, child care shelters in such numbers and at such
6 locations throughout the State as the Commissioner of **【the**
7 Department of Institutions and Agencies with the approval of the
8 State Board of Control**】** Children and Families shall deem to be
9 necessary.

10 (cf: P.L.1964, c.102, s.12)

11

12 133. Section 1 of P.L.1962, c.136 (C.30:4C-26.4) is amended to
13 read as follows:

14 1. As used in this act “resource family parent” shall mean any
15 person with whom a child in the care, custody or guardianship of
16 the Department of **【Human Services】** Children and Families is
17 placed by the department, or with its approval, for care and shall
18 include any person with whom a child is placed by the Division of
19 Youth and Family Services for the purpose of adoption until the
20 adoption is finalized.

21 (cf: P.L.2005, c.169, s.6)

22

23 134. Section 1 of P.L.1962, c.139 (C.30:4C-26.6) is amended to
24 read as follows:

25 1. As used in this act "resource family parent" shall mean any
26 person with whom a child in the care, custody or guardianship of
27 the Department of **【Human Services】** Children and Families is
28 placed by the department, or with its approval, for care and shall
29 include any person with whom a child is placed by the Division of
30 Youth and Family Services for the purpose of adoption until the
31 adoption is finalized.

32 (cf: P.L.2005, c.169, s.7)

33

34 135. Section 1 of P.L.1985, c.396 (C30:4C-26.8) is amended to
35 read as follows:

36 1. a. A person, in addition to meeting other requirements as
37 may be established by the Department of **【Human Services】**
38 Children and Families, shall become a resource family parent or
39 eligible to adopt a child only upon the completion of an
40 investigation to ascertain if there is a State or federal record of
41 criminal history for the prospective adoptive or resource family
42 parent or any other adult residing in the prospective parent's home.
43 The investigation shall be conducted by the Division of State Police
44 in the Department of Law and Public Safety and shall include an
45 examination of its own files and the obtaining of a similar
46 examination by federal authorities.

1 b. If the prospective resource family parent or any adult
2 residing in the prospective parent's home has a record of criminal
3 history, the Department of **【Human Services】** Children and
4 Families shall review the record with respect to the type and date of
5 the criminal offense and make a determination as to the suitability
6 of the person to become a resource family parent or the suitability
7 of placing a child in that person's home, as the case may be.

8 c. For the purposes of this section, a conviction for one of the
9 offenses enumerated in subsection d. or e. of this section has
10 occurred if the person has been convicted under the laws of this
11 State or any other state or jurisdiction for an offense that is
12 substantially equivalent to the offenses enumerated in these
13 subsections.

14 d. A person shall be disqualified from being a resource family
15 parent or shall not be eligible to adopt a child if that person or any
16 adult residing in that person's household ever committed a crime
17 which resulted in a conviction for:

18 (1) a crime against a child, including endangering the welfare of
19 a child and child pornography pursuant to N.J.S.2C:24-4; or child
20 abuse, neglect, or abandonment pursuant to R.S.9:6-3;

21 (2) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant
22 to N.J.S.2C:11-4;

23 (3) aggravated assault which would constitute a crime of the
24 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

25 (4) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

26 (5) kidnapping and related offenses including criminal restraint;
27 false imprisonment; interference with custody; criminal coercion; or
28 enticing a child into a motor vehicle, structure, or isolated area
29 pursuant to N.J.S.2C:13-1 through 2C:13-6;

30 (6) sexual assault, criminal sexual contact or lewdness pursuant
31 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

32 (7) robbery which would constitute a crime of the first degree
33 pursuant to N.J.S.2C:15-1;

34 (8) burglary which would constitute a crime of the second
35 degree pursuant to N.J.S.2C:18-2;

36 (9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17
37 et seq.);

38 (10) endangering the welfare of an incompetent person pursuant
39 to N.J.S.2C:24-7 or endangering the welfare of an elderly or
40 disabled person pursuant to N.J.S.2C:24-8;

41 (11) terrorist threats pursuant to N.J.S.2C:12-3;

42 (12) arson pursuant to N.J.S.2C:17-1, or causing or risking
43 widespread injury or damage which would constitute a crime of the
44 second degree pursuant to N.J.S.2C:17-2; or

45 (13) an attempt or conspiracy to commit an offense listed in
46 paragraphs (1) through (12) of this subsection.

47 e. A person shall be disqualified from being a resource family
48 parent if that person or any adult residing in that person's household

1 was convicted of one of the following crimes and the date of release
2 from confinement occurred during the preceding five years:

- 3 (1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;
- 4 (2) aggravated assault which would constitute a crime of the
5 fourth degree pursuant to subsection b. of N.J.S.2C:12-1;
- 6 (3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1
7 et seq.);
- 8 (4) robbery which would constitute a crime of the second degree
9 pursuant to N.J.S.2C:15-1;
- 10 (5) burglary which would constitute a crime of the third degree
11 pursuant to N.J.S.2C:18-2; or
- 12 (6) an attempt or conspiracy to commit an offense listed in
13 paragraphs (1) through (5) of this subsection.

14 For the purposes of this subsection, the “date of release from
15 confinement” means the date of termination of court-ordered
16 supervision through probation, parole, or residence in a correctional
17 facility, whichever date occurs last.

18 For purposes of this section, “resource family parent” means any
19 person with whom a child in the care, custody or guardianship of
20 the Department of **【Human Services】** Children and Families is
21 placed by the department, or with its approval, for care and shall
22 include any person with whom a child is placed by the Division of
23 Youth and Family Services for the purpose of adoption until the
24 adoption is finalized.

25 (cf: P.L.2005, c.169, s.8)

26

27 136. Section 1 of P.L.1989, c.21 (C.30:4C-26.9) is amended to
28 read as follows:

29 1. The Department of **【Human Services】** Children and
30 Families may grant approval to a prospective resource family parent
31 for a period not to exceed six months, upon completion of the State
32 portion of the criminal history record investigation required
33 pursuant to P.L.1985, c.396 (C.30:4C-26.8), pending completion
34 and review of the federal portion of the criminal history record
35 investigation required pursuant to that act, if (1) the State portion of
36 the criminal history record investigation indicates no information
37 which would disqualify the person, (2) the prospective resource
38 family parent and any adult residing in the prospective resource
39 family parent's home submit a sworn statement to the Department of
40 **【Human Services】** Children and Families attesting that the person
41 does not have a record of criminal history which would disqualify
42 the person and (3) there is substantial compliance with department
43 standards for resource family homes indicating there is no risk to a
44 child's health or safety.

45 For purposes of this section, “resource family parent” means any
46 person with whom a child in the care, custody or guardianship of
47 the Department of **【Human Services】** Children and Families is
48 placed by the department, or with its approval, for care and shall

1 include any person with whom a child is placed by the Division of
2 Youth and Family Services for the purpose of adoption until the
3 adoption is finalized.

4 (cf: P.L. 2005, c.169, s.9)

5

6 137. Section 1 of P.L.1962, c.135 (C.30:4C-27.1) is amended to
7 read as follows:

8 1. As used in this act “resource family parent” shall mean any
9 person with whom a child in the care, custody or guardianship of
10 the Department of **[Human Services]** Children and Families is
11 placed by the department, or with its approval, for care and shall
12 include any person with whom a child is placed by the Division of
13 Youth and Family Services for the purpose of adoption until the
14 adoption is finalized.

15 (cf: P.L.2005, c.169, s.10)

16

17 138. Section 3 of P.L.2001, c.419 (C.30:4C-27.5) is amended to
18 read as follows:

19 3. As used in this act:

20 “Child” means a person who: is either under the age of 18 or
21 meets the criteria set forth in subsection f. of section 2 of P.L.1972,
22 c.81 (C.9:17B-2); and is under the care or custody of the division or
23 another public or private agency authorized to place children in
24 New Jersey.

25 “Commissioner” means the Commissioner of **[Human Services]**
26 Children and Families.

27 “Department” means the Department of **[Human Services]**
28 Children and Families.

29 “Division” means the Division of Youth and Family Services in
30 the Department of **[Human Services]** Children and Families.

31 “Resource family home” or “home” means a private residence,
32 other than a children's group home or shelter home, in which board,
33 lodging, care and temporary out-of-home placement services are
34 provided by a resource family parent on a 24-hour basis to a child
35 under the auspices of the division or any public or private agency
36 authorized to place children in New Jersey.

37 “Resource family parent” means a person who has been licensed
38 pursuant to this act to provide resource family care to five or fewer
39 children, including a child who has been placed by the division with
40 the person for the purpose of adoption, except that the department
41 may license a resource family parent to provide care for more than
42 five children, if necessary, to keep sibling groups intact or to serve
43 the best interests of the children in the home.

44 “License” means a document issued by the department to a
45 person who meets the requirements of this act to provide resource
46 family care to children in the person's home.

47 (cf: P.L.2005, c.169, s.11)

1 139. Section 1 of P.L.2003, c.186 (C.30:4C-27.16) is amended
2 to read as follows:

3 1. As used in sections 1 through 6 and 8 through 11 of this act:

4 “Department” means the Department of **[Human Services]**
5 Children and Families.

6 “Division” means the Division of Youth and Family Services in
7 the Department of **[Human Services]** Children and Families.

8 “Residential child care facility” or “facility” means any public or
9 private establishment subject to the regulatory authority of the
10 department that provides room, board, care, shelter or treatment
11 services for children on a 24-hour-a-day basis. The term shall
12 include: residential facilities operated by or under contract or
13 agreement with the division to serve 13 or more children with
14 emotional or behavioral problems as defined pursuant to section 2
15 of P.L.1951, c.138 (C.30:4C-2); State-operated children's
16 psychiatric facilities providing inpatient treatment; group homes,
17 treatment homes, teaching family homes, alternative care homes
18 and supervised transitional living homes operated by or under
19 contract or agreement with the division to serve 12 or fewer
20 children with emotional or behavioral problems as defined pursuant
21 to N.J.A.C.10:128-1.2; and shelter care facilities and homes,
22 including shelters serving children in juvenile-family crisis and in
23 need of temporary shelter care, as defined pursuant to section 3 of
24 P.L.1982, c.77 (C.2A:4A-22).

25 “Staff member” means an individual 18 years of age or older
26 who is an administrator of, employed by, or works in a facility on a
27 regularly scheduled basis during the facility's operating hours,
28 including full-time, part-time, voluntary, contract, consulting and
29 substitute staff, whether compensated or not.

30 (cf: P.L. 2004, c.130, s.125)

31

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

34 1. a. In any case in which the Department of **[Human Services]**
35 Children and Families, through the Division of Youth and Family
36 Services, is providing care or custody for any child when the child
37 is in a resource family home, any legally responsible person of the
38 child, if of sufficient financial ability, is liable for the full costs of
39 maintenance of the child incurred by the division. If the legally
40 responsible person is of insufficient financial ability, the person is
41 liable in an amount which a court of competent jurisdiction directs
42 according to a scheduled rate approved by the division. Nothing
43 contained herein shall prevent the legally responsible person from
44 voluntarily executing an agreement for payment to the division for
45 the costs of maintenance of the child receiving care or custody
46 when the child is in a resource family home.

47 b. The division shall have a lien against the property of the
48 legally responsible person in an amount equal to the amount to be

1 paid, which lien shall have priority over all unrecorded
2 encumbrances.

3 c. If the legally responsible person fails to reimburse the
4 department, through the division, for the costs of maintenance of a
5 child incurred by the division when the child is in a resource family
6 home, a court of competent jurisdiction, upon the complaint of the
7 Commissioner of **【Human Services】** Children and Families, may
8 summon the legally responsible person and other witnesses, and
9 may order the legally responsible person to pay an amount to the
10 department, according to a scheduled rate approved by the division.

11 d. In any case in which the department, through the division,
12 has agreed to provide youth facilities aid to a public, private or
13 voluntary agency pursuant to this act, the division shall have a lien
14 against the property of any person, persons or agency so
15 contracting, in an amount equal to the amount or amounts so
16 contracted to be paid, which lien shall have priority over all
17 unrecorded encumbrances. Such lien shall be reduced for each year
18 of service provided by the agency at a rate to be negotiated by the
19 division and the agency, but in no case more than 20% a year;
20 provided, however, that annual reductions shall not exceed \$10,000.
21 (cf: P.L.2004, c.130, s.80)

22

23 141. Section 3 of P.L.1977, c.424 (C.30:4C-52) is amended to
24 read as follows:

25 3. As used in this act, unless the context indicates otherwise:

26 a. “Child” means any person less than 18 years of age;

27 b. “Child placed outside his home” means a child under the
28 care, custody or guardianship of the division who resides in a
29 resource family home, group home, residential treatment facility,
30 shelter for the care of abused or neglected children or juveniles
31 considered as juvenile-family crisis cases, or independent living
32 arrangement operated by or approved for payment by the division,
33 or a child who has been placed by the division in the home of a
34 person who is not related to the child and does not receive any
35 payment for the care of the child from the division, or a child placed
36 by the court in juvenile-family crisis cases pursuant to P.L.1982,
37 c.77 (C.2A:4A-20 et seq.), but does not include a child placed by
38 the court in the home of a person related to the child who does not
39 receive any payment from the division for the care of the child;

40 c. “County of supervision” means the county in which the
41 division has established responsibility for supervision of the child;

42 d. “Division” means the Division of Youth and Family
43 Services in the Department of **【Human Services】** Children and
44 Families;

45 e. “Temporary caretaker” means a resource family parent as
46 defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4) or a director
47 of a group home or residential treatment facility;

1 f. "Designated agency" means an agency designated by
2 the court pursuant to P.L.1982, c.80 (C.2A:4A-76 et seq.) to develop
3 a family services plan.
4 (cf: P.L. 2005, c.169, s.13)
5

6 142. Section 1 of P.L.1991, c.448 (C.30:4C-53.1) is amended to
7 read as follows:

8 1. The Legislature finds and declares that it is in the public
9 interest, whereby the safety of children shall be of paramount
10 concern, to afford every child placed outside his home by the
11 Division of Youth and Family Services in the Department of
12 **[Human Services]** Children and Families with permanency through
13 return to his own home, if the child can be returned home without
14 endangering the child's health or safety; through adoption, if family
15 reunification is not possible; or through an alternative permanent
16 placement, if termination of parental rights is not appropriate:

17 a. Due to the severity of health and social problems such as
18 AIDS, drug abuse and homelessness, the division often works with
19 families over a period of many years, and the children of these
20 families often spend a majority of their young lives in resource
21 family care; and

22 b. Research has shown that the longer children remain in the
23 resource family care system, the greater number of placements they
24 experience. As a result of these multiple placements, from birth
25 family to resource family home and from one resource family home
26 to another resource family home, children develop emotional and
27 psychological problems, making it more difficult for them to
28 develop a positive self-image; and

29 c. (Deleted by amendment, P.L.2004, c.130).

30 d. The obligation of the State to recognize and protect the
31 rights of children in the child welfare system should be fulfilled in
32 the context of a clear and consistent policy which limits the
33 repeated placement of children in resource family care and
34 promotes the eventual placement of these children in stable and safe
35 permanent homes.

36 (cf: P.L.2004, c.130, s.84)
37

38 143. Section 5 of P.L.1991, c.448 (C.30:4C-53.5) is amended to
39 read as follows:

40 5. Pursuant to the "Administrative Procedure Act," P.L.1968,
41 c.410 (C.52:14B-1 et seq.), the Commissioner of **[Human Services]**
42 Children and Families shall adopt all rules and regulations
43 necessary to effectuate the purposes of this act.

44 (cf: P.L.1991, c.448, s.5)
45

46 144. Section 4 of P.L.1992, c.111 (C.30:4C-69) is amended to
47 read as follows:

1 4. The Commissioner of **【Human Services】** Children and
2 Families shall develop an interdepartmental plan for the
3 implementation of an individualized, appropriate child and family
4 driven care system for children with special emotional needs and
5 for the reduction of inappropriate use of out-of-home placements of
6 these children. The plan shall first address children ready to be
7 returned from **【institutions such as the Arthur Brisbane Child**
8 **Treatment Center and other】** in-State and out-of-State residential
9 facilities, and those at imminent risk of extended out-of-home
10 placement. The commissioner shall consult with appropriate
11 representatives from the State departments of Education, Human
12 Services, Corrections, Health and Senior Services, Community
13 Affairs and the Public Advocate, the Child Advocate, the private
14 entity, if any, designated by the Governor as the State's mental
15 health protection and advocacy agency, the Statewide Children's
16 Coordinating Council in the Department of **【Human Services】**
17 Children and Families, the Administrative Office of the Courts, and
18 Statewide family advocacy groups, in the development of the plan.
19 (cf: P.L. 2005, c.155, s.90)

20

21 145. Section 5 of P.L.1992, c.111 (C.30:4C-70) is amended to
22 read as follows:

23 5. A county may establish a CART and CIACC in accordance
24 with the provisions of this act. In the event that a county does not
25 establish a CART or CIACC, the Department of **【Human Services】**
26 Children and Families may establish a CART or CIACC for that
27 county.

28 (cf: P.L.1992, c.111, s.5)

29

30 146. Section 6 of P.L.1992, c.111 (C.30:4C-71) is amended to
31 read as follows:

32 6. The plan shall:

33 a. Assess current policies and activities of all divisions in the
34 Department of **【Human Services】** Children and Families in the
35 implementation of the individualized, appropriate child and family
36 driven care system;

37 b. Assess the implementation of the policies and procedures of
38 the Case Assessment Resource Teams (CARTs) and the County
39 Inter-Agency Coordinating Councils (CIACCs) sanctioned by the
40 Department of **【Human Services】** Children and Families to be
41 certain, among other things, that a family using the services is a full
42 participant in the CART/CIACC process;

43 c. Be consistent with principles set forth in section 7 of this
44 act;

45 d. Set forth specific timelines and procedures for the
46 implementation of new policies and practices that shall be

- 1 undertaken to develop a system of care which is integrated across
2 divisional and departmental lines;
- 3 e. Specify the role and function of the CARTs and CIACCs in
4 developing the individualized, appropriate child and family driven
5 care system;
- 6 f. Recommend departmental or divisional organizational
7 changes required to execute the system of care;
- 8 g. Specify the interdepartmental amounts and sources of
9 financial resources required to implement and maintain a
10 coordinated system of care;
- 11 h. Develop a mechanism to guarantee that savings accrued
12 through implementation of this plan be applied to community-based
13 children's services;
- 14 i. Identify funding mechanisms compatible with individual
15 county needs to carry out the purposes of this act;
- 16 j. Develop a system to monitor and evaluate the outcomes for
17 children with special emotional needs who have received
18 community-based services as a result of the implementation of an
19 individualized, appropriate child and family driven care system;
- 20 k. Develop an independent evaluation mechanism to report at
21 least quarterly, which is designed to enhance and evaluate the
22 CART/CIACC inter-agency system at both the local and Statewide
23 levels;
- 24 l. Describe all services, both public and private, including
25 rehabilitation services, vocational services, substance abuse
26 services, housing services, educational services, medical and dental
27 care to be provided by local school systems under the "Education of
28 the Handicapped Act," (20 U.S.C. s.1401 et seq.); and
- 29 m. Describe how parents will be involved in the development of
30 the plan and how the plan will insure their full participation in the
31 CART/CIAAC process.
- 32 (cf: P.L.1992, c.111, s.6)

33

34 147. Section 8 of P.L.1992, c.111 (C.30:4C-73) is amended to
35 read as follows:

- 36 8. Any monies saved by the Department of **[Human Services]**
37 Children and Families in preventing the out-of-home placement of
38 children pursuant to this act shall be used by the department to
39 provide services pursuant to the interdepartmental plan developed
40 pursuant to this act.
- 41 (cf: P.L.1992, c.111, s.8)

42

43 148. Section 3 of P.L.1993, c.157 (C.30:4C-76) is amended to
44 read as follows:

- 45 3. a. The Department of **[Human Services]** Children and
46 Families may establish, through purchase of service contracts with
47 community-based organizations, at least one family preservation
48 services program in each county in the State. The program shall

1 provide services to families whose children are at imminent risk of
2 placement as determined by agencies authorized to place children,
3 or whose children are being prepared for reunification.

4 b. The family preservation services program shall be based on
5 the following objectives:

6 (1) The prevention of out-of-home placement by enhancing
7 family functioning and problem solving;

8 (2) The development of appropriate crisis management and
9 parenting skills;

10 (3) The provision of services to families, as needed, including
11 transportation, emergency financial assistance for food, clothing
12 and housing, family counseling and substance abuse treatment; and

13 (4) The development of linkages with service networks and
14 community resources.

15 (cf: P.L.1993, c.157, s.3)

16

17 149. Section 6 of P.L.1993, c.157 (C.30:4C-79) is amended to
18 read as follows:

19 6. The Department of **【Human Services】** Children and
20 Families shall develop a manual of standards on the operation and
21 programmatic aspects of family preservation services.

22 (cf: P.L.1993,c.157,s.6)

23

24 150. Section 7 of P.L.1993, c.157 (C.30:4C-80) is amended to
25 read as follows:

26 7. There is established a Family Preservation Services
27 Coordinating Unit in the Department of **【Human Services】**
28 Children and Families. The unit shall consist of persons with
29 knowledge of and experience with the family preservation services
30 program in the State and in all facets of the operation of the
31 program. The coordinating unit personnel shall be appointed by the
32 Commissioner of **【Human Services】** Children and Families. The
33 coordinating unit shall develop, monitor and implement all phases
34 of the family preservation services initiative and its activities will
35 include the provision of technical support and the establishment and
36 the monitoring of all family preservation services programs
37 throughout the State.

38 (cf: P.L.1993, c.157, s.7)

39

40 151. Section 8 of P.L.1993, c.157 (C.30:4C-81) is amended to
41 read as follows:

42 8. The Commissioner of **【Human Services】** Children and
43 Families shall report to the Governor and, pursuant to section 2 of
44 P.L.1991, c.164 (C.52:14-19.1), to the Legislature by December 31
45 of each year, on the family preservation services program. The
46 annual report shall contain, but not be limited to:

47 a. The number of families receiving services through the
48 program;

- 1 b. The number of children placed in resource family care,
2 group homes and residential treatment facilities, both in-State and
3 out-of-State;
- 4 c. The average cost of providing services to a family through
5 the program;
- 6 d. The number of children who remain with their families for
7 one year after receiving services through the program; and
- 8 e. Any recommendations needed to improve the delivery of
9 family preservation services in the State.
10 (cf: P.L.2004, c.130, s.92)

11
12 152. Section 9 of P.L.1993, c.157 (C.30:4C-82) is amended to
13 read as follows:

14 9. The Department of **[Human Services]** Children and
15 Families shall seek to maximize any available federal funding
16 which may be used for the purposes of administering or providing
17 family preservation services. Any federal funding made available
18 under this section shall be used to supplement and shall not
19 supplant State funds used to carry out the purposes of this act.
20 (cf: P.L.1993, c.157, s.9)

21
22 153. Section 10 of P.L.1993, c.157 (C.30:4C-83) is amended to
23 read as follows:

24 10. The Commissioner of **[Human Services]** Children and
25 Families, following prior review and approval from the Office of
26 Management and Budget, may transfer funds appropriated for
27 substitute care services to purchase family preservation services
28 established pursuant to this act.
29 (cf: P.L.1993, c.157, s.10)

30
31 154. Section 7 of P.L.2001, c.250 (C.30:4C-84) is amended to
32 read as follows:

33 7. As used in sections 7 through 10 of P.L.2001, c.250
34 (C.30:4C-84 et seq.):

35 “Caregiver” means a person over 18 years of age, other than a
36 child's parent, who has a kinship relationship with the child and has
37 been providing care and support for the child, while the child has
38 been residing in the caregiver's home, for either the last 12
39 consecutive months or 15 of the last 22 months. “Caregiver”
40 includes a resource family parent as defined in section 1 of
41 P.L.1962, c.136 (C.30:4C-26.4).

42 “Child” means a person under 18 years of age, except as
43 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

44 “Commissioner” means the Commissioner of **[Human Services]**
45 Children and Families.

46 “Court” means the Superior Court, Chancery Division, Family
47 Part.

1 “Division” means the Division of Youth and Family Services in
2 the Department of **【Human Services】** Children and Families.

3 “Family friend” means a person who is connected to a child or
4 the child’s parent by an established, positive psychological or
5 emotional relationship that is not a biological or legal relationship.

6 “Kinship caregiver assessment” means a written report prepared
7 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1
8 et al.) and pursuant to regulations adopted by the commissioner.

9 “Kinship legal guardian” means a caregiver who is willing to
10 assume care of a child due to parental incapacity, with the intent to
11 raise the child to adulthood, and who is appointed the kinship legal
12 guardian of the child by the court pursuant to P.L.2001, c.250
13 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible
14 for the care and protection of the child and for providing for the
15 child's health, education and maintenance.

16 “Kinship relationship” means a family friend or a person with a
17 biological or legal relationship with the child.

18 (cf: P.L.2005, c.169, s.15)

19
20 155. Section 11 of P.L.2001 c.250 (C.30:4C-88) is amended to
21 read as follows:

22 11. The Commissioner of **【Human Services】** Children and
23 Families, pursuant to the “Administrative Procedure Act,”
24 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
25 regulations to effectuate the purposes of this act.

26 (cf: P.L.2001, c.250, s.11)

27
28 156. Section 2 of P.L.2003, c.132 (C.30:4C-102) is amended to
29 read as follows:

30 2. There is created in the Department of **【Human Services】**
31 Children and Families the “Statewide Tuition Waiver Program.”
32 The purpose of the program is to provide State-paid tuition to
33 children who have been under the care and custody of the Division
34 of Youth and Family Services pursuant to section 11 of P.L.1951,
35 c.138 (C.30:4C-11), and who are interested in pursuing a college or
36 post-secondary vocational education at a public institution of higher
37 education or county vocational school in this State.

38 (cf: P.L.2003, c.132, s.2)

39
40 157. Section 3 of P.L.2003, c.132 (C.30:4C-103) is amended to
41 read as follows:

42 3. a. A child shall be eligible to qualify for the program if the
43 child meets the following requirements at the time of the initial
44 application to the Commissioner of **【Human Services】** Children and
45 Families for a tuition waiver pursuant to subsection b. of this
46 section:

47 (1) the child is 16 to 23 years of age;

48 (2) the child:

1 (a) has been in the care and custody of the Division of Youth
2 and Family Services in the Department of **[Human Services]**
3 Children and Families for a period of nine months or more
4 following the child's sixteenth birthday;

5 (b) is or has been residing in an independent living arrangement,
6 or a transitional living program established pursuant to P.L.1999,
7 c.224 (C.9:12A-2 et seq.), operated or approved for payment by the
8 division; or

9 (c) is or has been residing in a transitional living program
10 located in the State of New Jersey and approved for payment by the
11 federal government pursuant to the federal "Runaway and Homeless
12 Youth Act," Title III of Pub.L.93-415 (42 U.S.C.A. s.5701 et seq.);

13 (3) the child has received a high school diploma or a certificate
14 of high school equivalency; and

15 (4) the child has been granted admission to a New Jersey public
16 institution of higher education or county vocational school.

17 b. A child who meets the eligibility requirements listed in this
18 section may apply to the Commissioner of **[Human Services]**
19 Children and Families for a tuition waiver in a form and manner
20 prescribed by the commissioner.

21 c. Upon receipt of an application, the Commissioner of
22 **[Human Services]** Children and Families shall review the
23 application and if the child meets the program eligibility
24 requirements, the commissioner shall approve the application and
25 notify the appropriate New Jersey public institution of higher
26 education or county vocational school that the child qualifies for a
27 tuition waiver.

28 d. Eligibility for the program shall be limited to five years from
29 the date the child applied to the Commissioner of **[Human]**
30 **Services]** Children and Families for a tuition waiver pursuant to
31 subsection b. of this section.

32 e. Each child approved for the program shall be required to
33 enroll in a full-time degree, diploma or certificate program or
34 course of undergraduate study and retain satisfactory academic
35 progress during the time the child qualifies for a tuition waiver.

36 (cf: P.L.2003, c.132, s.3)

37
38 158. Section 5 of P.L.2003, c.132 (C.30:4C-105) is amended to
39 read as follows:

40 5. Subject to the "Administrative Procedure Act," P.L.1968,
41 c.410 (C.52:14B-1 et seq.), the Commissioner of **[Human Services]**
42 Children and Families, in consultation with the Higher Education
43 Student Assistance Authority shall adopt rules and regulations to
44 effectuate the purposes of this act.

45 (cf: P.L.2003, c.132, s.5)

1 159. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to
2 read as follows: .

3 3. Definitions. As used in this act, and unless the context
4 otherwise requires:

5 a. "Applicant" means any person who has made application for
6 purposes of becoming a "qualified applicant."

7 b. "Commissioner" means the Commissioner of Human
8 Services.

9 c. "Department" means the Department of Human Services,
10 which is herein designated as the single State agency to administer
11 the provisions of this act.

12 d. "Director" means the Director of the Division of Medical
13 Assistance and Health Services.

14 e. "Division" means the Division of Medical Assistance and
15 Health Services.

16 f. "Medicaid" means the New Jersey Medical Assistance and
17 Health Services Program.

18 g. "Medical assistance" means payments on behalf of recipients
19 to providers for medical care and services authorized under this act.

20 h. "Provider" means any person, public or private institution,
21 agency or business concern approved by the division lawfully
22 providing medical care, services, goods and supplies authorized
23 under this act, holding, where applicable, a current valid license to
24 provide such services or to dispense such goods or supplies.

25 i. "Qualified applicant" means a person who is a resident of
26 this State, and either a citizen of the United States or an eligible
27 alien, and is determined to need medical care and services as
28 provided under this act, with respect to whom the period for which
29 eligibility to be a recipient is determined shall be the maximum
30 period permitted under federal law, and who:

31 (1) Is a dependent child or parent or caretaker relative of a
32 dependent child who would be, except for resources, eligible for the
33 aid to families with dependent children program under the State
34 Plan for Title IV-A of the federal Social Security Act as of July 16,
35 1996;

36 (2) Is a recipient of Supplemental Security Income for the Aged,
37 Blind and Disabled under Title XVI of the Social Security Act;

38 (3) Is an "ineligible spouse" of a recipient of Supplemental
39 Security Income for the Aged, Blind and Disabled under Title XVI
40 of the Social Security Act, as defined by the federal Social Security
41 Administration;

42 (4) Would be eligible to receive Supplemental Security Income
43 under Title XVI of the federal Social Security Act or, without
44 regard to resources, would be eligible for the aid to families with
45 dependent children program under the State Plan for Title IV-A of
46 the federal Social Security Act as of July 16, 1996, except for
47 failure to meet an eligibility condition or requirement imposed
48 under such State program which is prohibited under Title XIX of

- 1 the federal Social Security Act such as a durational residency
2 requirement, relative responsibility, consent to imposition of a lien;
- 3 (5) (Deleted by amendment, P.L.2000, c.71).
- 4 (6) Is an individual under 21 years of age who, without regard to
5 resources, would be, except for dependent child requirements,
6 eligible for the aid to families with dependent children program
7 under the State Plan for Title IV-A of the federal Social Security
8 Act as of July 16, 1996, or groups of such individuals, including but
9 not limited to, children in resource family placement under
10 supervision of the Division of Youth and Family Services in the
11 Department of Children and Families whose maintenance is being
12 paid in whole or in part from public funds, children placed in a
13 resource family home or institution by a private adoption agency in
14 New Jersey or children in intermediate care facilities, including
15 developmental centers for the developmentally disabled, or in
16 psychiatric hospitals;
- 17 (7) Would be eligible for the Supplemental Security Income
18 program, but is not receiving such assistance and applies for
19 medical assistance only;
- 20 (8) Is determined to be medically needy and meets all the
21 eligibility requirements described below:
- 22 (a) The following individuals are eligible for services, if they
23 are determined to be medically needy:
- 24 (i) Pregnant women;
- 25 (ii) Dependent children under the age of 21;
- 26 (iii) Individuals who are 65 years of age and older; and
- 27 (iv) Individuals who are blind or disabled pursuant to either 42
28 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.
- 29 (b) The following income standard shall be used to determine
30 medically needy eligibility:
- 31 (i) For one person and two person households, the income
32 standard shall be the maximum allowable under federal law, but
33 shall not exceed 133 1/3% of the State's payment level to two
34 person households under the aid to families with dependent children
35 program under the State Plan for Title IV-A of the federal Social
36 Security Act in effect as of July 16, 1996; and
- 37 (ii) For households of three or more persons, the income standard
38 shall be set at 133 1/3% of the State's payment level to similar size
39 households under the aid to families with dependent children
40 program under the State Plan for Title IV-A of the federal Social
41 Security Act in effect as of July 16, 1996.
- 42 (c) The following resource standard shall be used to determine
43 medically needy eligibility:
- 44 (i) For one person households, the resource standard shall be
45 200% of the resource standard for recipients of Supplemental
46 Security Income pursuant to 42 U.S.C. s.1382(1)(B);

1 (ii) For two person households, the resource standard shall be
2 200% of the resource standard for recipients of Supplemental
3 Security Income pursuant to 42 U.S.C. s.1382(2)(B);

4 (iii) For households of three or more persons, the resource
5 standard in subparagraph (c)(ii) above shall be increased by
6 \$100.00 for each additional person; and

7 (iv) The resource standards established in (i), (ii), and (iii) are
8 subject to federal approval and the resource standard may be lower
9 if required by the federal Department of Health and Human
10 Services.

11 (d) Individuals whose income exceeds those established in
12 subparagraph (b) of paragraph (8) of this subsection may become
13 medically needy by incurring medical expenses as defined in 42
14 C.F.R.435.831(c) which will reduce their income to the applicable
15 medically needy income established in subparagraph (b) of
16 paragraph (8) of this subsection.

17 (e) A six-month period shall be used to determine whether an
18 individual is medically needy.

19 (f) Eligibility determinations for the medically needy program
20 shall be administered as follows:

21 (i) County welfare agencies and other entities designated by the
22 commissioner are responsible for determining and certifying the
23 eligibility of pregnant women and dependent children. The division
24 shall reimburse county welfare agencies for 100% of the reasonable
25 costs of administration which are not reimbursed by the federal
26 government for the first 12 months of this program's operation.
27 Thereafter, 75% of the administrative costs incurred by county
28 welfare

29 agencies which are not reimbursed by the federal government shall
30 be reimbursed by the division;

31 (ii) The division is responsible for certifying the eligibility of
32 individuals who are 65 years of age and older and individuals who
33 are blind or disabled. The division may enter into contracts with
34 county welfare agencies to determine certain aspects of eligibility.
35 In such instances the division shall provide county welfare agencies
36 with all information the division may have available on the
37 individual.

38 The division shall notify all eligible recipients of the
39 Pharmaceutical Assistance to the Aged and Disabled program,
40 P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the
41 medically needy program and the program's general requirements.
42 The division shall take all reasonable administrative actions to
43 ensure that Pharmaceutical Assistance to the Aged and Disabled
44 recipients, who notify the division that they may be eligible for the
45 program, have their applications processed expeditiously, at times
46 and locations convenient to the recipients; and

47 (iii) The division is responsible for certifying incurred medical
48 expenses for all eligible persons who attempt to qualify for the

1 program pursuant to subparagraph (d) of paragraph (8) of this
2 subsection;

3 (9) (a) Is a child who is at least one year of age and under 19
4 years of age and, if older than six years of age but under 19 years of
5 age, is uninsured; and

6 (b) Is a member of a family whose income does not exceed
7 133% of the poverty level and who meets the federal Medicaid
8 eligibility requirements set forth in section 9401 of Pub.L.99-509
9 (42 U.S.C. s.1396a);

10 (10) Is a pregnant woman who is determined by a provider to be
11 presumptively eligible for medical assistance based on criteria
12 established by the commissioner, pursuant to section 9407 of
13 Pub.L.99-509 (42 U.S.C. s.1396a(a));

14 (11) Is an individual 65 years of age and older, or an individual
15 who is blind or disabled pursuant to section 301 of Pub.L.92-603
16 (42 U.S.C. s.1382c), whose income does not exceed 100% of the
17 poverty level, adjusted for family size, and whose resources do not
18 exceed 100% of the resource standard used to determine medically
19 needy eligibility pursuant to paragraph (8) of this subsection;

20 (12) Is a qualified disabled and working individual pursuant to
21 section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d) whose income
22 does not exceed 200% of the poverty level and whose resources do
23 not exceed 200% of the resource standard used to determine
24 eligibility under the Supplemental Security Income Program,
25 P.L.1973, c.256 (C.44:7-85 et seq.);

26 (13) Is a pregnant woman or is a child who is under one year of
27 age and is a member of a family whose income does not exceed
28 185% of the poverty level and who meets the federal Medicaid
29 eligibility requirements set forth in section 9401 of Pub.L.99-509
30 (42 U.S.C. s.1396a), except that a pregnant woman who is
31 determined to be a qualified applicant shall, notwithstanding any
32 change in the income of the family of which she is a member,
33 continue to be deemed a qualified applicant until the end of the 60-
34 day period beginning on the last day of her pregnancy;

35 (14) (Deleted by amendment, P.L.1997, c.272).

36 (15) (a) Is a specified low-income Medicare beneficiary pursuant
37 to 42 U.S.C. s.1396a(a)10(E)iii whose resources beginning January
38 1, 1993 do not exceed 200% of the resource standard used to
39 determine eligibility under the Supplemental Security Income
40 program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income
41 beginning January 1, 1993 does not exceed 110% of the poverty
42 level, and beginning January 1, 1995 does not exceed 120% of the
43 poverty level.

44 (b) An individual who has, within 36 months, or within 60
45 months in the case of funds transferred into a trust, of applying to
46 be a qualified applicant for Medicaid services in a nursing facility
47 or a medical institution, or for home or community-based services
48 under section 1915(c) of the federal Social Security Act (42 U.S.C.

1 s.1396n(c)), disposed of resources or income for less than fair
2 market value shall be ineligible for assistance for nursing facility
3 services, an equivalent level of services in a medical institution, or
4 home or community-based services under section 1915(c) of the
5 federal Social Security Act (42 U.S.C. s.1396n(c)). The period of
6 the ineligibility shall be the number of months resulting from
7 dividing the uncompensated value of the transferred resources or
8 income by the average monthly private payment rate for nursing
9 facility services in the State as determined annually by the
10 commissioner. In the case of multiple resource or income transfers,
11 the resulting penalty periods shall be imposed sequentially.
12 Application of this requirement shall be governed by 42 U.S.C.
13 s.1396p(c). In accordance with federal law, this provision is
14 effective for all transfers of resources or income made on or after
15 August 11, 1993. Notwithstanding the provisions of this subsection
16 to the contrary, the State eligibility requirements concerning
17 resource or income transfers shall not be more restrictive than those
18 enacted pursuant to 42 U.S.C. s.1396p(c).

19 (c) An individual seeking nursing facility services or home or
20 community-based services and who has a community spouse shall
21 be required to expend those resources which are not protected for
22 the needs of the community spouse in accordance with section
23 1924(c) of the federal Social Security Act (42 U.S.C. s.1396r-5(c))
24 on the costs of long-term care, burial arrangements, and any other
25 expense deemed appropriate and authorized by the commissioner.
26 An individual shall be ineligible for Medicaid services in a nursing
27 facility or for home or community-based services under section
28 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)) if
29 the individual expends funds in violation of this subparagraph. The
30 period of ineligibility shall be the number of months resulting from
31 dividing the uncompensated value of transferred resources and
32 income by the average monthly private payment rate for nursing
33 facility services in the State as determined by the commissioner.
34 The period of ineligibility shall begin with the month that the
35 individual would otherwise be eligible for Medicaid coverage for
36 nursing facility services or home or community-based services.

37 This subparagraph shall be operative only if all necessary
38 approvals are received from the federal government including, but
39 not limited to, approval of necessary State plan amendments and
40 approval of any waivers;

41 (16) Subject to federal approval under Title XIX of the federal
42 Social Security Act, is a dependent child, parent or specified
43 caretaker relative of a child who is a qualified applicant, who would
44 be eligible, without regard to resources, for the aid to families with
45 dependent children program under the State Plan for Title IV-A of
46 the federal Social Security Act as of July 16, 1996, except for the
47 income eligibility requirements of that program, and whose family
48 earned income,

1 (a) if a dependent child, does not exceed 133% of the poverty
2 level; and

3 (b) if a parent or specified caretaker relative, beginning
4 September 1, 2005 does not exceed 100% of the poverty level,
5 beginning September 1, 2006 does not exceed 115% of the poverty
6 level and beginning September 1, 2007 does not exceed 133% of
7 the poverty level,
8 plus such earned income disregards as shall be determined
9 according to a methodology to be established by regulation of the
10 commissioner;

11 The commissioner may increase the income eligibility limits for
12 children and parents and specified caretaker relatives, as funding
13 permits;

14 (17) Is an individual from 18 through 20 years of age who is not
15 a dependent child and would be eligible for medical assistance
16 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to
17 income or resources, who, on the individual's 18th birthday was in
18 resource family care under the care and custody of the Division of
19 Youth and Family Services in the Department of Children and
20 Families and whose maintenance was being paid in whole or in part
21 from public funds;

22 (18) Is a person between the ages of 16 and 65 who is
23 permanently disabled and working, and:

24 (a) whose income is at or below 250% of the poverty level, plus
25 other established disregards;

26 (b) who pays the premium contribution and other cost sharing as
27 established by the commissioner, subject to the limits and
28 conditions of federal law; and

29 (c) whose assets, resources and unearned income do not exceed
30 limitations as established by the commissioner;

31 (19) Is an uninsured individual under 65 years of age who:

32 (a) has been screened for breast or cervical cancer under the
33 federal Centers for Disease Control and Prevention breast and
34 cervical cancer early detection program;

35 (b) requires treatment for breast or cervical cancer based upon
36 criteria established by the commissioner;

37 (c) has an income that does not exceed the income standard
38 established by the commissioner pursuant to federal guidelines;

39 (d) meets all other Medicaid eligibility requirements; and

40 (e) in accordance with Pub.L.106-354, is determined by a
41 qualified entity to be presumptively eligible for medical assistance
42 pursuant to 42 U.S.C. s.1396a(aa), based upon criteria established
43 by the commissioner pursuant to section 1920B of the federal Social
44 Security Act (42 U.S.C. s.1396r-1b); or

45 (20) Subject to federal approval under Title XIX of the federal
46 Social Security Act, is a single adult or couple, without dependent
47 children, whose income in 2006 does not exceed 50% of the poverty
48 level, in 2007 does not exceed 75% of the poverty level and in 2008

1 and each year thereafter does not exceed 100% of the poverty level;
2 except that a person who is a recipient of Work First New Jersey
3 general public assistance, pursuant to P.L.1947, c.156 (C.44:8-107
4 et seq.), shall not be a qualified applicant.

5 j. "Recipient" means any qualified applicant receiving benefits
6 under this act.

7 k. "Resident" means a person who is living in the State
8 voluntarily with the intention of making his home here and not for a
9 temporary purpose. Temporary absences from the State, with
10 subsequent returns to the State or intent to return when the purposes
11 of the absences have been accomplished, do not interrupt continuity
12 of residence.

13 l. "State Medicaid Commission" means the Governor, the
14 Commissioner of Human Services, the President of the Senate and
15 the Speaker of the General Assembly, hereby constituted a
16 commission to approve and direct the means and method for the
17 payment of claims pursuant to this act.

18 m. "Third party" means any person, institution, corporation,
19 insurance company, group health plan as defined in section 607(1)
20 of the federal "Employee Retirement and Income Security Act of
21 1974," 29 U.S.C. s.1167(1), service benefit plan, health
22 maintenance organization, or other prepaid health plan, or public,
23 private or governmental entity who is or may be liable in contract,
24 tort, or otherwise by law or equity to pay all or part of the medical
25 cost of injury, disease or disability of an applicant for or recipient
26 of medical assistance payable under this act.

27 n. "Governmental peer grouping system" means a separate
28 class of skilled nursing and intermediate care facilities administered
29 by the State or county governments, established for the purpose of
30 screening their reported costs and setting reimbursement rates under
31 the Medicaid program that are reasonable and adequate to meet the
32 costs that must be incurred by efficiently and economically operated
33 State or county skilled nursing and intermediate care facilities.

34 o. "Comprehensive maternity or pediatric care provider" means
35 any person or public or private health care facility that is a provider
36 and that is approved by the commissioner to provide comprehensive
37 maternity care or comprehensive pediatric care as defined in
38 subsection b. (18) and (19) of section 6 of P.L.1968, c.413
39 (C.30:4D-6).

40 p. "Poverty level" means the official poverty level based on
41 family size established and adjusted under Section 673(2) of
42 Subtitle B, the "Community Services Block Grant Act," of
43 Pub.L.97-35 (42 U.S.C. s.9902(2)).

44 q. "Eligible alien" means one of the following:

45 (1) an alien present in the United States prior to August 22,
46 1996, who is:

47 (a) a lawful permanent resident;

1 (b) a refugee pursuant to section 207 of the federal "Immigration
2 and Nationality Act" (8 U.S.C. s.1157);

3 (c) an asylee pursuant to section 208 of the federal
4 "Immigration and Nationality Act" (8 U.S.C. s.1158);

5 (d) an alien who has had deportation withheld pursuant to
6 section 243(h) of the federal "Immigration and Nationality Act" (8
7 U.S.C. s.1253 (h));

8 (e) an alien who has been granted parole for less than one year
9 by the U.S. Citizenship and Immigration Services pursuant to
10 section 212(d)(5) of the federal "Immigration and Nationality Act"
11 (8 U.S.C. s.1182(d)(5));

12 (f) an alien granted conditional entry pursuant to section
13 203(a)(7) of the federal "Immigration and Nationality Act" (8
14 U.S.C. s.1153(a)(7)) in effect prior to April 1, 1980; or

15 (g) an alien who is honorably discharged from or on active duty
16 in the United States armed forces and the alien's spouse and
17 unmarried dependent child.

18 (2) An alien who entered the United States on or after August
19 22, 1996, who is:

20 (a) an alien as described in paragraph (1)(b), (c), (d) or (g) of
21 this subsection; or

22 (b) an alien as described in paragraph (1)(a), (e) or (f) of this
23 subsection who entered the United States at least five years ago.

24 (3) A legal alien who is a victim of domestic violence in
25 accordance with criteria specified for eligibility for public benefits
26 as provided in Title V of the federal "Illegal Immigration Reform
27 and Immigrant Responsibility Act of 1996" (8 U.S.C. s.1641).

28 (cf: P.L.2005, c.169, s.17)

29

30 160. Section 10 of P.L.1985, c.307 (C.30:4G-10) is amended to
31 read as follows:

32 a. There is established in the department an Advisory Council
33 on Personal Attendant Services which consists of 19 members as
34 follows: the Commissioner of Health and Senior Services, the
35 Director of the Division of Youth and Family Services in the
36 Department of Children and Families, the Director of the Division
37 of Developmental Disabilities, and the Director of the Division of
38 Medical Assistance and Health Services **[and the Director of the**
39 **Division of Veterans' Programs and Special Services]** in the
40 Department of Human Services, the Director of the Division of
41 Veterans Services in the Department of Military and Veterans
42 Affairs, and the Director of the Division of Vocational
43 Rehabilitation Services in the Department of Labor and Workforce
44 Development, or their designees, who shall serve ex officio, and 13
45 members appointed by the commissioner who are residents of this
46 State, one of whom is a member of the New Jersey Association of
47 County Representatives of Disabled Persons, four of whom
48 represent providers of personal attendant services, five of whom

1 represent consumers of personal attendant services and three of
2 whom represent advocacy groups or agencies for the physically
3 disabled.

4 A vacancy in the membership of the council shall be filled in the
5 same manner as the original appointment.

6 The members of the council shall serve without compensation,
7 but the department shall reimburse the members for the reasonable
8 expenses incurred in the performance of their duties.

9 b. The council shall hold an organizational meeting within 30
10 days after the appointment of its members. The members of the
11 council shall elect from among them a chairman, who shall be the
12 chief executive officer of the council and the members shall elect a
13 secretary, who need not be a member of the council.

14 c. The council shall:

15 (1) Advise the commissioner on matters pertaining to personal
16 attendant services and the development of the personal attendant
17 program, upon the request of the commissioner;

18 (2) Review the rules and regulations promulgated for the
19 implementation of the personal attendant program and make
20 recommendations to the commissioner, as appropriate;

21 (3) Evaluate the effectiveness of the personal attendant program
22 in achieving the purposes of this act; and

23 (4) Assess the Statewide need for personal attendant services
24 and the projected cost for providing these services Statewide.

25 (cf: P.L.1985, c.524, s.7)

26

27 161. Section 3 of P.L.1983, c.492 (C.30:5B-3) is amended to
28 read as follows:

29 3. As used in this act:

30 a. "Child" means any person under the age of 13.

31 b. "Child care center" or "center" means any facility which is
32 maintained for the care, development or supervision of six or more
33 children who attend the facility for less than 24 hours a day. In the
34 case of a center operating in a sponsor's home, children who reside
35 in the home shall not be included when counting the number of
36 children being served. This term shall include, but shall not be
37 limited to, day care centers, drop-in centers, nighttime centers,
38 recreation centers sponsored and operated by a county or municipal
39 government recreation or park department or agency, day nurseries,
40 nursery and play schools, cooperative child centers, centers for
41 children with special needs, centers serving sick children, infant-
42 toddler programs, school age child care programs, employer
43 supported centers, centers that had been licensed by the Department
44 of Human Services prior to the enactment of the "Child Care Center
45 Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.) and
46 kindergartens that are not an integral part of a private educational
47 institution or system offering elementary education in grades

1 kindergarten through sixth, seventh or eighth. This term shall not
2 include:

3 (1) (Deleted by amendment, P.L.1992, c.95).

4 (2) A program operated by a private school which is run
5 solely for educational purposes. This exclusion shall include
6 kindergartens, prekindergarten programs or child care centers that
7 are an integral part of a private educational institution or system
8 offering elementary education in grades kindergarten through sixth,
9 seventh or eighth;

10 (3) Centers or special classes operated primarily for religious
11 instruction or for the temporary care of children while persons
12 responsible for such children are attending religious services;

13 (4) A program of specialized activity or instruction for children
14 that is not designed or intended for child care purposes, including,
15 but not limited to, Boy Scouts, Girl Scouts, 4-H clubs, and Junior
16 Achievement, and single activity programs such as athletics,
17 gymnastics, hobbies, art, music, and dance and craft instruction,
18 which are supervised by an adult, agency or institution;

19 (5) Youth camps required to be licensed under the "New Jersey
20 Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.). To
21 qualify for an exemption from licensing under this provision, a
22 program must have a valid and current license as a youth camp
23 issued by the Department of Health and Senior Services. A youth
24 camp sponsor who also operates a child care center shall secure a
25 license from the Department of **【Human Services】** Children and
26 Families for the center;

27 (6) Day training centers operated by or under contract with the
28 Division of Developmental Disabilities within the Department of
29 Human Services;

30 (7) Programs operated by the board of education of the local
31 public school district that is responsible for their implementation
32 and management;

33 (8) A program such as that located in a bowling alley, health spa
34 or other facility in which each child attends for a limited time
35 period while the parent is present and using the facility;

36 (9) A child care program operating within a geographical area,
37 enclave or facility that is owned or operated by the federal
38 government;

39 (10) A family day care home that is registered pursuant to the
40 "Family Day Care Provider Registration Act," P.L.1987, c.27
41 (C.30:5B-16 et seq.); and

42 (11) Privately operated infant and preschool programs that are
43 approved by the Department of Education to provide services
44 exclusively to local school districts for handicapped children,
45 pursuant to N.J.S.18A:46-1 et seq.

46 c. "Commissioner" means the Commissioner of **【the**
47 **Department of Human Services】** Children and Families.

- 1 d. "Department" means the Department of **【Human Services】**
2 Children and Families.
3 e. "Parent" means a natural or adoptive parent, guardian, or any
4 other person having responsibility for, or custody of, a child.
5 f. "Person" means any individual, corporation, company,
6 association, organization, society, firm, partnership, joint stock
7 company, the State or any political subdivision thereof.
8 g. "Sponsor" means any person owning or operating a child
9 care center.
10 (cf: P.L.1992, c.95, s.2)

11
12 162. Section 5 of P.L.1999, c.171 (C.30:5B-5.4) is amended to
13 read as follows:

- 14 5. The Commissioner of **【Human Services】** Children and
15 Families, pursuant to the "Administrative Procedure Act," P.L.1968,
16 c.410 (C.52:14B-1 et seq.), shall adopt regulations to provide for
17 the implementation by licensed child care centers , registered family
18 day care homes, and unified child care agencies of such procedures
19 as the commissioner deems necessary to effectuate the purposes of
20 subsection f. of section 4 of P.L.1997, c.272 (C.30:4I-4).
21 (cf: P.L.1999, c.171, s.5)

22
23 163. Section 1 of P.L.1997, c.254 (C.30:5B-6.1) is amended to
24 read as follows:

- 25 1. As used in this act:
26 "Department" means the Department of **【Human Services】**
27 Children and Families.
28 "Division" means the Division of Youth and Family Services in
29 the Department of **【Human Services】** Children and Families.
30 "Staff member" means any owner, sponsor, director or person
31 employed by or working at a child care center on a regularly
32 scheduled basis during the center's operating hours, including full-
33 time, part-time, voluntary, contract, consulting, and substitute staff,
34 whether compensated or not.
35 "Child care center" or "Center" means any facility which is
36 maintained for the care, development or supervision of six or more
37 children under 13 years of age who attend the facility for less than
38 24 hours a day, and which is subject to State licensure or life-safety
39 approval, pursuant to the provisions of the "Child Care Licensing
40 Act," P.L. 1983, c.492 (C.30:5B-1 to 30:5B-15) .
41 (cf: P.L.1997, c.254, s.1)

42
43 164. Section 1 of P.L.2000, c.77 (C30:5B-6.10) is amended to
44 read as follows:

- 45 1. As used in sections 1 through 7 and 9 through 12 of
46 P.L.2000, c.77 (C.30:5B-6.10 et seq.):
47 "Child care center" or "center" means any facility which is
48 maintained for the care, development or supervision of six or more

1 children under 13 years of age who attend the facility for less than
2 24 hours a day, and which is subject to State licensure or life-safety
3 approval pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

4 “Department” means the Department of **【Human Services】**
5 Children and Families.

6 “Division” means the Division of Youth and Family Services in
7 the Department of **【Human Services】** Children and Families.

8 “Staff member” means a person 18 years of age or older who
9 owns, sponsors, or directs a child care center, or who is employed
10 by or works in a child care center on a regularly scheduled basis
11 during the center's operating hours, including full-time, part-time,
12 voluntary, contract, consulting, and substitute staff, whether
13 compensated or not.

14 (cf: P.L.2000, c.77, s.1)

15

16 165. Section 14 of P.L.1983, c.492 (C.30:5B-14) is amended to
17 read as follows:

18 14. a. The Director of the Division of **【Youth and Family**
19 **Services】** Family Development in the Department of Human
20 Services, a designee of the Commissioner of Children and Families,
21 and the Director of the Division on Women in the Department of
22 Community Affairs shall establish a Child Care Advisory Council
23 which shall consist of at least 15 individuals who have experience,
24 training or other interests in child care issues. To the extent
25 possible, the directors shall designate members of existing councils
26 or task forces heretofore established on child care in New Jersey as
27 the advisory council.

28 b. The advisory council shall:

29 (1) Review rules and regulations or proposed revisions to
30 existing rules and regulations governing the licensing of child care
31 centers;

32 (2) Review proposed statutory amendments governing the
33 licensing of child care centers and make recommendations to the
34 commissioner;

35 (3) Advise the commissioner on the administration of the
36 licensing responsibilities under this act;

37 (4) Advise the Commissioners of Human Services, Children and
38 Families, and Community Affairs and other appropriate units of
39 State government on the needs, priorities, programs, and policies
40 relating to child care throughout the State;

41 (5) Study and recommend alternative resources for child care;
42 and

43 (6) Facilitate employer supported child care through information
44 and technical assistance.

45 c. The advisory council may accept from any governmental
46 department or agency, public or private body or any other
47 sourcegrants or contributions to be used in carrying out its

1 responsibilities under this act.

2 (cf: P.L.1992, c.95, s.4)

3

4 166. Section 3 of P.L.1987, c.27 (C.30:5B-18) is amended to
5 read as follows:

6 3. As used in this act:

7 a. "Certificate of registration" means a certificate issued by the
8 department to a family day care provider, acknowledging that the
9 provider is registered pursuant to the provisions of this act.

10 b. "Department" means the Department of **【Human Services】**
11 Children and Families.

12 c. "Family day care home" means a private residence in which
13 child care services are provided for a fee to no less than three and
14 no more than five children at any one time for no less than 15 hours
15 per week; except that the department shall not exclude a family day
16 care home with less than three children from voluntary registration.
17 A child being cared for under the following circumstances is not
18 included in the total number of children receiving child care
19 services:

20 (1) The child being cared for is legally related to the provider;
21 or

22 (2) Care is being provided as part of an employment agreement
23 between the family day care provider and an assistant or substitute
24 provider where no payment for the care is being provided.

25 d. "Family day care provider" means a person at least 18 years
26 of age who is responsible for the operation and management of a
27 family day care home.

28 e. "Family day care sponsoring organization" means an agency
29 or organization which contracts with the department to assist in the
30 registration of family day care providers in a specific geographical
31 area.

32 f. "Monitor" means to visit a family day care provider to
33 review the provider's compliance with the standards established
34 pursuant to this act.

35 (cf; P.L.2004, c.130, s.103)

36

37 167. Section 10 of P.L.1987, c.27 (C.30:5B-25) is amended to
38 read as follows:

39 The Commissioner of **【Human Services】** Children and Families
40 shall, pursuant to the "Administrative Procedure Act," P.L. 1968, c.
41 410 (C. 52:14B-1 et seq.), adopt regulations necessary to implement
42 the provisions of this act.

43 (cf: P.L.1987, c.27, s.10)

44

45 168. Section 2 of P.L.1993, c.350 (C.30:5B-25.2) is amended to
46 read as follows:

47 2. As used in sections 1 through 4 of P.L.1993, c.350
48 (C.30:5B-25.1 through C.30:5B-25.4):

1 “Child abuse registry” means the child abuse registry of the
2 Division of Youth and Family Services in the Department of
3 **【Human Services】** Children and Families established pursuant to
4 section 4 of P.L.1971, c.437 (C.9:6-8.11).

5 “Provider” means a family day care provider as defined by
6 section 3 of P.L.1987, c.27 (C.30:5B-18) and includes, but is not
7 limited to, a family day care provider's assistant and a substitute
8 family day care provider.

9 “Family day care sponsoring organization” means an agency or
10 organization which contracts with the Department of Human
11 Services to assist in the registration of family day care providers in
12 a specific geographic area pursuant to P.L.1987, c.27 (C.30:5B-16
13 et seq.).

14 “Household member” means an individual over 14 years of age
15 who resides in a family day care provider's home.
16 (cf: P.L.2004, c.130, s.107)

17

18 169. Section 3 of P.L.1993, c.350 (C.30:5B-25.3) is amended to
19 read as follows:

20 3. a. The Division of Youth and Family Services in the
21 Department of **【Human Services】** Children and Families shall
22 conduct a search of its child abuse registry to determine if a report
23 of child abuse or neglect has been filed, pursuant to section 3 of
24 P.L.1971, c.437 (C.9:6-8.10), involving a person registering as a
25 prospective provider or a household member of the prospective
26 provider or as a current provider or household member of the
27 current provider.

28 b. The division shall conduct the search only upon receipt of
29 the prospective or current provider or household member's written
30 consent to the search. If the person refuses to provide his consent,
31 the family day care sponsoring organization shall deny the
32 prospective or current provider's application for a certificate or
33 renewal of registration.

34 c. The division shall advise the sponsoring organization of the
35 results of the child abuse registry search within a time period to be
36 determined by the Department of **【Human Services】** Children and
37 Families.

38 d. The department shall not issue a certificate or renewal of
39 registration to a prospective or current provider unless the
40 department has first determined that no substantiated charge of
41 child abuse or neglect against the prospective or current provider or
42 household member is found during the child abuse registry search.
43 (cf: P.L.2004, c.130, s.108)

44

45 170. Section 4 of P.L.1993, c.350 (C.30:5B-25.4) is amended to
46 read as follows:

47 4. In accordance with the “Administrative Procedure Act,”
48 P.L.1968, c.410 (C.52:14B-1 et seq.), the Department of **【Human**

1 Services] Children and Families shall adopt rules and regulations
2 necessary to implement the provisions of sections 1 through 4 of
3 P.L.1993, c.350 (C.30:5B-25.1 through C.30:5B-25.4) including,
4 but not limited to:

5 a. Implementation of an appeals process to be used in the case
6 of the denial of an application for a certificate or for renewal of
7 registration based upon information obtained during a child abuse
8 registry search; and

9 b. Establishment of time limits for conducting a child abuse
10 registry search and providing a family day care sponsoring
11 organization with the results of the search.

12 (cf: P.L.2004, c.130, s.109)

13

14 171. Section 2 of P.L.2003, c.185 (C.30:5B-32) is amended to
15 read as follows:

16 2. a. A unified child care agency contracted with the
17 Department of Human Services pursuant to N.J.A.C.10:15-2.1, shall
18 request that the Division of Youth and Family Services in the
19 Department of [Human Services] Children and Families conduct a
20 child abuse record information check of the division's child abuse
21 records, as promptly as possible, to determine if an incident of child
22 abuse or neglect has been substantiated, pursuant to section 4 of
23 P.L.1971, c.437 (C.9:6-8.11), against:

24 (1) a prospective approved home provider as defined in
25 N.J.A.C.10:15-1.2 providing child care services under the "New
26 Jersey Cares for Kids Program" established pursuant to
27 N.J.A.C.10:15-5.1, or to a child whose parent is receiving
28 assistance under the Work First New Jersey program established
29 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) or is employed but
30 continues to receive supportive services pursuant to the provisions
31 of section 5 of P.L.1997, c.13 (C.44:10-38); or

32 (2) any adult member of the prospective provider's household.

33 b. The division shall conduct the child abuse record
34 information check only upon receipt of the prospective approved
35 home provider's or any adult household member's written consent to
36 the check. If the person refuses to provide his consent, the unified
37 child care agency shall deny the prospective approved home
38 provider's application to provide child care services.

39 c. If the division determines that an incident of child abuse or
40 neglect by the prospective approved home provider or any adult
41 member of the household has been substantiated, the division shall
42 release the results of the child abuse record information check to the
43 unified child care agency pursuant to subsection g. of section 1 of
44 P.L.1977, c.102 (C.9:6-8.10a) and the agency shall deny the
45 prospective approved home provider's application to provide child
46 care services.

47 d. Before denying the prospective approved home provider's
48 application to provide child care services, the unified child care

1 agency shall give notice personally or by certified or registered mail
2 to the last known address of the prospective approved home
3 provider with return receipt requested, of the reasons why the
4 application will be denied. The notice shall afford the prospective
5 approved home provider the opportunity to be heard and to contest
6 the agency's action. The hearing shall be conducted in accordance
7 with the "Administrative Procedure Act," P.L.1968, c.410
8 (C.52:14B-1 et seq.).

9 e. If a prospective approved home provider's application to
10 provide child care services is denied, the unified child care agency
11 shall notify the parent of the child who would be eligible to receive
12 such services, personally and in writing, of the reasons why the
13 application was denied and the parent's right to select another
14 provider. The parent shall keep such information confidential and
15 shall not disclose the information except as authorized by law.

16 (cf: P.L.2003, c.185, s.2)

17

18 172. Section 2 of P.L.1995, c.321 (C.30:9A-19) is amended to
19 read as follows:

20 2. a. A person shall not conduct, maintain or operate a mental
21 health program unless: (1) the commissioner or the Commissioner
22 of Children and Families, as applicable, has issued a license to that
23 person, in accordance with rules and regulations adopted by the
24 commissioner or the Commissioner of Children and Families, as
25 applicable, which prescribe standards for the provision of services
26 by a mental health program; and (2) that person has a purchase of
27 service contract or an affiliation agreement with the Division of
28 Mental Health Services in the Department of Human Services or the
29 Department of Children and Families, including, but not limited to,
30 the Division of Child Behavioral Health Services, as applicable.

31 b. Application for a license to conduct, maintain or operate a
32 mental health program shall be made upon forms prescribed by the
33 commissioner or the Commissioner of Children and Families, as
34 applicable. The commissioner or the Commissioner of Children
35 and Families, as applicable, shall charge such nonrefundable fees
36 for the filing of an application for a license, and for any renewal
37 thereof, as the commissioner or the Commissioner of Children and
38 Families, as applicable, shall from time to time fix by regulation.

39 (cf: P.L.2003, c.117, s.37)

40

41 173. Section 3 of P.L.1995, c.321 (C.30:9A-20) is amended to
42 read as follows:

43 3. Nothing in this act shall be construed to:

44 a. limit the authority of the Department of Health and Senior
45 Services with respect to the licensure of a health care facility
46 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), regardless of
47 whether the facility operates a separate psychiatric unit or service,
48 or limit the authority of the Department of Human Services with

1 respect to the licensure of an alcohol treatment facility pursuant to
2 P.L.1975, c.305 (C.26:2B-7 et seq.), or the issuance of a certificate
3 of approval to a narcotic and drug abuse treatment center pursuant
4 to P.L.1970, c.334 (C.26:2G-21 et seq.);

5 b. require the licensure of any facility or center referenced in
6 subsection a. of this section by the Department of Human Services;
7 or

8 c. require licensure of a mental health agency which does not
9 provide a mental health program that is subject to regulations
10 adopted by the commissioner or the Commissioner of Children and
11 Families, as applicable.

12 (cf: P.L.1995, c.321, s.3)

13

14 174. Section 4 of P.L.1995, c.321 (C.30:9A-21) is amended to
15 read as follows:

16 4. The commissioner or the Commissioner of Children and
17 Families, as applicable, pursuant to the "Administrative Procedure
18 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
19 regulations to effectuate the purposes of this act.

20 (cf: P.L.1995, c.321, s.4)

21

22 175. Section 4 of P.L.2003, c.214 (C.30:9A-25) is amended to
23 read as follows:

24 4. There is established in the Department of **[Human Services]**
25 Children and Families the New Jersey Youth Suicide Prevention
26 Advisory Council.

27 a. The purpose of the council shall be to: examine existing
28 needs and services and make recommendations to the division for
29 youth suicide reporting, prevention and intervention; advise the
30 division on the content of informational materials to be made
31 available to persons who report attempted or completed suicides;
32 and advise the division in the development of regulations required
33 pursuant to this act.

34 b. The council shall consist of **[17]** 18 members as follows:

35 (1) the Commissioners of Human Services, Children and
36 Families, Health and Senior Services, and Education, the executive
37 director of the Juvenile Justice Commission established pursuant to
38 P.L.1995, c.284 (C.52:17B-169 et seq.) and the chairman of the
39 Community Mental Health Citizens Advisory Board established
40 pursuant to P.L.1957, c.146 (C.30:9A-1 et seq.), or their designees,
41 who shall serve ex officio;

42 (2) six public members appointed by the Governor, as follows:
43 one person who is a current member of a county mental health
44 advisory board, one person with personal or family experience with
45 suicide, one person who is a current or retired primary or secondary
46 school teacher, one person who is a current or former member of a
47 local board of education, one psychiatrist and one person with

1 professional experience in the collection and reporting of social
2 science data;

3 (3) three public members appointed by the President of the
4 Senate, no more than two of whom are members of the same
5 political party, one of whom has volunteer or paid experience in the
6 provision of services to survivors of suicide or youth at risk of
7 attempting suicide, one of whom is an alcohol and drug counselor,
8 and one of whom is a representative of the New Jersey Traumatic
9 Loss Coalition; and

10 (4) three public members appointed by the Speaker of the
11 General Assembly, no more than two of whom are members of the
12 same political party, one of whom has knowledge of and interest in
13 the prevention of youth suicide and the provision of education about
14 suicide to high-risk populations, including religious, racial, ethnic
15 or sexual minorities, one of whom is a pediatrician, and one of
16 whom is a school-based counselor.

17 c. The public members shall be appointed no later than 60 days
18 after the date of enactment of this act.

19 d. The public members shall serve for a term of five years; but,
20 of the members first appointed, three shall serve for a term of two
21 years, three for a term of three years, three for a term of four years
22 and three for a term of five years. Members are eligible for
23 reappointment upon the expiration of their terms. Vacancies in the
24 membership of the council shall be filled in the same manner
25 provided for the original appointments.

26 e. The council shall organize as soon as practicable following
27 the appointment of its members and shall select a chairperson and
28 vice-chairperson from among the members. The chairperson shall
29 appoint a secretary who need not be a member of the council.

30 f. The public members shall serve without compensation, but
31 shall be reimbursed for necessary expenses incurred in the
32 performance of their duties and within the limits of funds available
33 to the council.

34 g. The council shall be entitled to call to its assistance and avail
35 itself of the services of the employees of any State, county or
36 municipal department, board, bureau, commission or agency as it
37 may require and as may be available to it for its purposes.

38 h. The Department of **【Human Services】** Children and
39 Families shall provide staff support to the council.

40 (cf: P.L.2003, c.214, s.4)

41

42 176. Section 1 of P.L.1977, c.448, (C.30:11B-1) is amended to
43 read as follows:

44 1. The Legislature finds that many developmentally disabled
45 persons who are now housed in large institutions can be better cared
46 for and given training for independent living in small community
47 residences. Such persons have a right to the fuller, more normal life
48 that care in such residences brings, and it is, therefore, the intention

1 of the Legislature, through this act, to encourage the development
2 of community residences for the developmentally disabled and to
3 provide for the licensing and regulation of such residences by the
4 Department of Human Services.

5 The Legislature further finds that there are many persons who
6 have been hospitalized due to mental illness and are recovered to
7 the extent that they no longer require such hospitalization, but
8 would benefit from the specialized independent-living training
9 available to residents of small community residences for the
10 mentally ill. These community residences for the mentally ill may
11 also be utilized by persons who have not been hospitalized for
12 mental illness but who are participating in community mental health
13 counseling or training programs provided by a State-affiliated
14 community mental health agency. These persons have a right to the
15 fuller, more normal life that care in community residences brings,
16 and it is, therefore, the intention of the Legislature through this act,
17 to encourage the development of community residences for the
18 mentally ill and to provide for the licensing and regulation of the
19 residences by the Department of Human Services or the Department
20 of Children and Families, as applicable.

21 In addition, the Legislature finds that many persons who have
22 sustained head injuries which impair their cognitive, behavioral,
23 social or physical functioning, and who are now housed in large
24 institutions can be better cared for and given training for
25 independent living in small community residences. These persons
26 have a right to the fuller, more normal life that care in these
27 residences brings, and it is, therefore, the intention of the
28 Legislature, through this act, to encourage the development of
29 community residences for persons with head injuries and to provide
30 for the licensing and regulation of these residences by the
31 Department of Human Services.

32 (cf: P.L.1993, c.329, s.1)

33

34 177. Section 2 of P.L.1977, c.448, (C.30:11B-2) is amended to
35 read as follows:

36 2. "Community residence for the developmentally disabled"
37 means any community residential facility housing up to 16
38 developmentally disabled persons which provides food, shelter and
39 personal guidance for developmentally disabled persons who
40 require assistance, temporarily or permanently, in order to live
41 independently in the community. Such residences shall not be
42 considered health care facilities within the meaning of the "Health
43 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)
44 and shall include, but not be limited to, group homes, halfway
45 houses, supervised apartment living arrangements and hostels.

46 "Community residence for the mentally ill" means any
47 community residential facility which provides food, shelter and
48 personal guidance, under such supervision as required, to not more

1 than 15 mentally ill persons who require assistance temporarily or
2 permanently, in order to live independently in the community.
3 These residences shall be approved for a purchase of service
4 contract or an affiliation agreement pursuant to procedures
5 established by the Division of Mental Health Services in the
6 Department of Human Services or the Division of Child Behavioral
7 Health Services in the Department of Children and Families, as
8 applicable. These residences shall not house persons who have been
9 assigned to a State psychiatric hospital after having been found not
10 guilty of a criminal offense by reason of insanity or unfit to be tried
11 on a criminal charge. These residences shall not be considered
12 health care facilities within the meaning of the "Health Care
13 Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) and
14 shall include, but not be limited to, group homes, halfway houses,
15 supervised apartment living arrangements, family care homes and
16 hostels.

17 "Community residence for persons with head injuries" means a
18 community residential facility providing food, shelter and personal
19 guidance, under such supervision as required, to not more than 15
20 persons with head injuries, who require assistance, temporarily or
21 permanently, in order to live in the community, and shall include,
22 but not be limited to: group homes, halfway houses, supervised
23 apartment living arrangements, and hostels. Such a residence shall
24 not be considered a health care facility within the meaning of the
25 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1
26 et seq.).

27 "Developmental disability" or "developmentally disabled" means
28 a severe, chronic disability of a person which: a. is attributable to a
29 mental or physical impairment or combination of mental or physical
30 impairments; b. is manifest before age 22; c. is likely to continue
31 indefinitely; d. results in substantial functional limitations in three
32 or more of the following areas of major life activity, that is, self-
33 care, receptive and expressive language, learning, mobility, self-
34 direction and capacity for independent living or economic self-
35 sufficiency; and e. reflects the need for a combination and sequence
36 of special interdisciplinary or generic care, treatment or other
37 services which are of lifelong or extended duration and are
38 individually planned and coordinated. Developmental disability
39 includes, but is not limited to, severe disabilities attributable to
40 mental retardation, autism, cerebral palsy, epilepsy, spina bifida and
41 other neurological impairments where the above criteria are met.

42 "Mentally ill" means any psychiatric disorder which has required
43 an individual to receive either inpatient psychiatric care or
44 outpatient psychiatric care on an extended basis.

45 "Person with head injury" means a person who has sustained an
46 injury, illness or traumatic changes to the skull, the brain contents
47 or its coverings which results in a temporary or permanent

1 physiobiological decrease of cognitive, behavioral, social or
2 physical functioning which causes partial or total disability.

3 (cf: P.L.1995, c.4, s.9)

4

5 178. Section 4 of P.L.1977, c.448, (C.30:11B-4) is amended to
6 read as follows:

7 4. All such residences which are operated by any individual or
8 individuals, corporation, partnership, society or association,
9 whether public or private, whether incorporated or unincorporated,
10 whether for profit or nonprofit, shall be licensed by the Department
11 of Human Services or Department of Children and Families, as
12 applicable, under appropriate regulations promulgated by the
13 commissioner or the Commissioner of Children and Families, as
14 applicable. Such regulations shall govern the operation and
15 maintenance of residences, and prescribe conditions for admission
16 and discharge of residents. The regulations shall assure that
17 essential life-safety, health and comfort conditions exist in a home-
18 like atmosphere.

19 (cf: P.L.1977, c.448, s.4)

20

21 179. Section 10 of P.L.1987, c.112 (C.30:11B-4.2) is amended
22 to read as follows:

23 10. a. Within six months of the effective date of this act, the
24 Director of the Division of Mental Health Services in the
25 Department of Human Services or the Division of Child Behavioral
26 Health Services in the Department of Children and Families, as
27 applicable shall develop program standards which include criteria
28 for educational and professional experience of employees of a
29 community residence for the mentally ill and staffing ratios
30 appropriate to the needs of the residents of the community
31 residences for the mentally ill.

32 b. Within six months after the effective date of P.L.1993,
33 c.329, the Commissioner of Human Services or the Commissioner
34 of Children and Families, as applicable, shall develop program
35 standards which include criteria for educational and professional
36 experience of employees of a community residence for persons with
37 head injuries and staffing ratios appropriate to the needs of the
38 residents of these community residences.

39 (cf: P.L.1995, c.4, s.10)

40

41 180. Section 5 of P.L.1977, c.448 (C.30:11B-5) is amended to
42 read as follows:

43 5. The geographic location of community residences for the
44 developmentally disabled, community residences for the mentally
45 ill and community residences for persons with head injuries shall be
46 monitored by the Department of Human Services or Department of
47 Children and Families, as applicable. Through the granting or
48 withholding of licenses, the respective department shall insure that

1 these residences are available throughout the State, without
2 unnecessary concentration in any area.

3 (cf: P.L.1993, c.329, s.5)

4

5 181. Section 4 of P.L.1979, c.337 (C.30:14-4) is amended to
6 read as follows:

7 4. a. There is created an Advisory Council on Domestic
8 Violence which shall consist of 20 members: the Director of the
9 Division on Women in the Department of Community Affairs, the
10 Director of the Division of Youth and Family Services in the
11 Department of Children and Families and the Director of the
12 Division of Family Development in the Department of Human
13 Services, the Director of the Administrative Office of the Courts,
14 the Commissioner of the Department of Education, the
15 Commissioner of Labor and Workforce Development, the Attorney
16 General, or their designees, and one representative of Legal
17 Services of New Jersey, one former domestic violence shelter
18 resident, one representative of the Police Chiefs Association, one
19 representative of the County Prosecutors Association, one
20 representative of the New Jersey State Nurses Association, one
21 representative of the Mental Health Association in New Jersey, one
22 representative of the New Jersey Crime Prevention Officers
23 Association, one representative of the New Jersey Hospital
24 Association, one representative of the Violent Crimes
25 Compensation Board, and four representatives of the New Jersey
26 Coalition for Battered Women to be appointed by the Governor.

27 b. The advisory council shall:

28 (1) Monitor the effectiveness of the laws concerning domestic
29 violence and make recommendations for their improvement;

30 (2) Review proposed legislation governing domestic violence
31 and make recommendations to the Governor and the Legislature;

32 (3) Study the needs, priorities, programs, and policies relating to
33 domestic violence throughout the State; and

34 (4) Ensure that all service providers and citizens are aware of
35 the needs of and services available to victims of domestic violence
36 and make recommendations for community education and training
37 programs.

38 c. The advisory council shall periodically advise the Director
39 of the Division of Youth and Family Services in the Department of
40 **[Human Services]** Children and Families and the Director of the
41 Division on Women in the Department of Community Affairs on its
42 activities, findings and recommendations.

43 (cf: P.L.2005, c.309, s.4)

44

45 182. Section 3 of P.L.2001, c.195 (C.30:14-15) is amended to
46 read as follows:

47 3. a. There is hereby established the “Domestic Violence
48 Victims' Fund,” a dedicated fund within the General Fund and

1 administered by the Division of Youth and Family Services in the
2 Department of ~~Human Services~~ Children and Families. The fund
3 shall be the depository of moneys realized from the civil penalty
4 imposed pursuant to section 1 of P.L.2001, c.195 (C.2C:25-29.1)
5 and any other moneys made available for the purposes of the fund.

6 b. All moneys deposited in the "Domestic Violence Victims'
7 Fund" shall be used for direct services to victims of domestic
8 violence, including, but not limited to, shelter services, legal
9 advocacy services and legal assistance services, and for related
10 administrative costs of the Division of Youth and Family Services.

11 (cf: P.L.2001, c.195, s.3)

12

13 183. Section 5 of P.L.1997, c.364 (C.34:5A-10.5) is amended to
14 read as follows:

15 5. The Department of Health and Senior Services, in
16 consultation with the Departments of Education, Human Services,
17 Children and Families and Environmental Protection, and within
18 180 days of the enactment of P.L.1997, c.364 (C.34:5A-10.1 et
19 seq.), shall adopt, pursuant to the "Administrative Procedure Act,"
20 P.L.1968, c.410 (C.52:14B-1 et seq.), regulations necessary to
21 implement the provisions of this act which are consistent with
22 federal and State indoor air quality standards and standards
23 governing the exposure of children to hazardous substances as they
24 are adopted by the federal government.

25 (cf: P.L.1997, c.364, s.5)

26

27 184. Section 3 of P.L.1999, c.279 (C.34:15F-3) is amended to
28 read as follows:

29 3. There is established in the Department of Labor and
30 Workforce Development an At-Risk Youth Mentoring Program to
31 be administered by the Commissioner of Labor and Workforce
32 Development pursuant to the provisions of this act. The
33 commissioner shall consult with the Department of Human
34 Services, the Department of Children and Families, and the
35 Department of Education and other appropriate State agencies
36 regarding the development, operation and administration of the
37 program. The commissioner shall also consult with the Community
38 Agencies Corporation of New Jersey and other public and private
39 nonprofit organizations providing youth mentoring services. The
40 program shall provide for the training of volunteer mentors through
41 local collaborative partnerships between the school district, the
42 educational foundation and other community based organizations
43 and for the assignment of mentors to at-risk students enrolled within
44 a participating school district. The program shall also provide for
45 collaboration with public and private organizations that provide
46 comprehensive health, employment, and social services to youth.
47 The purpose of the program shall be to enable at-risk students to
48 develop a relationship with a caring and responsible adult to

1 provide the personal and emotional support necessary for school
2 success and future successful functioning in society.

3 (cf: P.L.1999, c.279, s.3)

4

5 185. Section 53 of P.L.1975, c.291 (C.40:55D-66) is amended to
6 read as follows:

7 53. a. For purposes of this act, model homes or sales offices
8 within a subdivision and only during the period necessary for the
9 sale of new homes within such subdivision shall not be considered a
10 business use.

11 b. No zoning ordinance governing the use of land by or for
12 schools shall, by any of its provisions or by any regulation adopted
13 in accordance therewith, discriminate between public and private
14 nonprofit day schools of elementary or high school grade accredited
15 by the State Department of Education.

16 c. No zoning ordinance shall, by any of its provisions or by any
17 regulation adopted in accordance therewith, discriminate between
18 children who are members of families by reason of their
19 relationship by blood, marriage or adoption, and resource family
20 children placed with such families in a dwelling by the Division of
21 Youth and Family Services in the Department of **【Human Services】**
22 Children and Families or a duly incorporated child care agency and
23 children placed pursuant to law in single family dwellings known as
24 group homes. As used in this section, the term “group home”
25 means and includes any single family dwelling used in the
26 placement of children pursuant to law recognized as a group home
27 by the Department of **【Human Services】** Children and Families in
28 accordance with rules and regulations adopted by the Commissioner
29 of **【Human Services】** Children and Families provided, however,
30 that no group home shall contain more than 12 children.

31 (cf: P.L.2004, c.130, s.113)

32

33 186. Section 1 of P.L.1983, c.191 (C.40A:10-34.1) is amended
34 to read as follows:

35 1. Any municipality or county, or agency thereof, hereinafter
36 referred to as employers, may enter into contracts of group legal
37 insurance with any insurer authorized, pursuant to P.L.1981, c.160
38 (C.17:46C-1 et seq.), to engage in the business of legal insurance in
39 this State or may contract with a duly recognized prepaid legal
40 services plan with respect to the benefits which they are authorized
41 to provide. Such contract or contracts shall provide such coverage
42 for the employees of such employer and may include their
43 dependents. “Dependents” shall include an employee's spouse and
44 the employee's unmarried children, including stepchildren and
45 legally adopted children, and, at the option of the employer and the
46 carrier, children placed by the Division of Youth and Family
47 Services in the Department of **【Human Services】** Children and
48 Families, under the age of 19 who live with the employee in a

1 regular parent-child relationship, and may also include, at the
2 option of the employer and the carrier, other unmarried children of
3 the employee under the age of 23 who are dependent upon the
4 employee for support and maintenance. A spouse or child enlisting
5 or inducted into military service shall not be considered a dependent
6 during such military service.

7 Elected officials may be considered, at the option of the
8 employer, to be "employees" for the purposes hereof, but
9 "employees" shall not otherwise include persons employed on a
10 short-term, seasonal, intermittent or emergency basis, persons
11 compensated on a fee basis, or persons whose compensation from
12 the public employer is limited to reimbursement of necessary
13 expenses actually incurred in the discharge of their duties.

14 The contract shall include provisions to prevent duplication of
15 benefits and shall condition the eligibility of any employee for
16 coverage upon satisfying a waiting period stated in the contract.

17 The coverage of any employee, and of his dependents, if any,
18 shall cease upon the discontinuance of his employment or upon
19 cessation of active full-time employment in the classes eligible for
20 coverage, subject to such provision as may be made in any contract
21 by his employer for limited continuance of coverage during
22 disability, part-time employment, leave of absence other than leave
23 for military service or layoff, or for continuance of coverage after
24 retirement.

25 (cf: P.L.2004, c.130, s.115)

26

27 187. R.S. 43:21-4 is amended to read as follows:

28 43:21-4. Benefit eligibility conditions. An unemployed
29 individual shall be eligible to receive benefits with respect to any
30 week only if:

31 (a) The individual has filed a claim at an unemployment
32 insurance claims office and thereafter continues to report at an
33 employment service office or unemployment insurance claims
34 office, as directed by the division in accordance with such
35 regulations as the division may prescribe, except that the division
36 may, by regulation, waive or alter either or both of the requirements
37 of this subsection as to individuals attached to regular jobs, and as
38 to such other types of cases or situations with respect to which the
39 division finds that compliance with such requirements would be
40 oppressive, or would be inconsistent with the purpose of this act;
41 provided that no such regulation shall conflict with subsection (a) of
42 R.S.43:21-3.

43 (b) The individual has made a claim for benefits in accordance
44 with the provisions of subsection (a) of R.S.43:21-6.

45 (c) (1) The individual is able to work, and is available for work,
46 and has demonstrated to be actively seeking work, except as
47 hereinafter provided in this subsection or in subsection (f) of this
48 section.

1 (2) The director may modify the requirement of actively seeking
2 work if such modification of this requirement is warranted by
3 economic conditions.

4 (3) No individual, who is otherwise eligible, shall be deemed
5 ineligible, or unavailable for work, because the individual is on
6 vacation, without pay, during said week, if said vacation is not the
7 result of the individual's own action as distinguished from any
8 collective action of a collective bargaining agent or other action
9 beyond the individual's control.

10 (4) (A) Subject to such limitations and conditions as the division
11 may prescribe, an individual, who is otherwise eligible, shall not be
12 deemed unavailable for work or ineligible because the individual is
13 attending a training program approved for the individual by the
14 division to enhance the individual's employment opportunities or
15 because the individual failed or refused to accept work while
16 attending such program.

17 (B) For the purpose of this paragraph (4), any training program
18 shall be regarded as approved by the division for the individual if
19 the program and the individual meet the following requirements:

20 (i) The training is for a labor demand occupation and is likely to
21 enhance the individual's marketable skills and earning power;

22 (ii) The training is provided by a competent and reliable private
23 or public entity approved by the Commissioner of Labor and
24 Workforce Development pursuant to the provisions of section 8 of
25 the "1992 New Jersey Employment and Workforce Development
26 Act," P.L.1992, c.43 (C.34:15D-8);

27 (iii) The individual can reasonably be expected to complete the
28 program, either during or after the period of benefits;

29 (iv) The training does not include on the job training or other
30 training under which the individual is paid by an employer for work
31 performed by the individual during the time that the individual
32 receives benefits; and

33 (v) The individual enrolls in vocational training, remedial
34 education or a combination of both on a full-time basis.

35 (C) If the requirements of subparagraph (B) of this paragraph (4)
36 are met, the division shall not withhold approval of the training
37 program for the individual for any of the following reasons:

38 (i) The training includes remedial basic skills education
39 necessary for the individual to successfully complete the vocational
40 component of the training;

41 (ii) The training is provided in connection with a program under
42 which the individual may obtain a college degree, including a post-
43 graduate degree;

44 (iii) The length of the training period under the program; or

45 (iv) The lack of a prior guarantee of employment upon
46 completion of the training.

47 (D) For the purpose of this paragraph (4), "labor demand
48 occupation" means an occupation for which there is or is likely to

1 be an excess of demand over supply for adequately trained workers,
2 including, but not limited to, an occupation designated as a labor
3 demand occupation by the New Jersey Occupational Information
4 Coordinating Committee pursuant to the provisions of subsection h.
5 of section 1 of P.L.1987, c.457 (C.34:1A-76) or section 12 of
6 P.L.1992, c.43 (C.34:1A-78).

7 (5) An unemployed individual, who is otherwise eligible, shall
8 not be deemed unavailable for work or ineligible solely by reason of
9 the individual's attendance before a court in response to a summons
10 for service on a jury.

11 (6) An unemployed individual, who is otherwise eligible, shall
12 not be deemed unavailable for work or ineligible solely by reason of
13 the individual's attendance at the funeral of an immediate family
14 member, provided that the duration of the attendance does not
15 extend beyond a two-day period.

16 For purposes of this paragraph, "immediate family member"
17 includes any of the following individuals: father, mother, mother-
18 in-law, father-in-law, grandmother, grandfather, grandchild, spouse,
19 child, child placed by the Division of Youth and Family Services in
20 the Department of [Human Services] Children and Families, sister
21 or brother of the unemployed individual and any relatives of the
22 unemployed individual residing in the unemployed individual's
23 household.

24 (7) No individual, who is otherwise eligible, shall be deemed
25 ineligible or unavailable for work with respect to any week because,
26 during that week, the individual fails or refuses to accept work
27 while the individual is participating on a full-time basis in self-
28 employment assistance activities authorized by the division,
29 whether or not the individual is receiving a self-employment
30 allowance during that week.

31 (8) Any individual who is determined to be likely to exhaust
32 regular benefits and need reemployment services based on
33 information obtained by the worker profiling system shall not be
34 eligible to receive benefits if the individual fails to participate in
35 available reemployment services to which the individual is referred
36 by the division or in similar services, unless the division determines
37 that:

38 (A) The individual has completed the reemployment services; or
39 (B) There is justifiable cause for the failure to participate, which
40 shall include participation in employment and training, self-
41 employment assistance activities or other activities authorized by
42 the division to assist reemployment or enhance the marketable skills
43 and earning power of the individual and which shall include any
44 other circumstance indicated pursuant to this section in which an
45 individual is not required to be available for and actively seeking
46 work to receive benefits.

47 (9) An unemployed individual, who is otherwise eligible, shall
48 not be deemed unavailable for work or ineligible solely by reason of

1 the individual's work as a board worker for a county board of
2 elections on an election day.

3 (d) With respect to any benefit year commencing before January
4 1, 2002, the individual has been totally or partially unemployed for
5 a waiting period of one week in the benefit year which includes that
6 week. When benefits become payable with respect to the third
7 consecutive week next following the waiting period, the individual
8 shall be eligible to receive benefits as appropriate with respect to
9 the waiting period. No week shall be counted as a week of
10 unemployment for the purposes of this subsection:

11 (1) If benefits have been paid, or are payable with respect
12 thereto; provided that the requirements of this paragraph shall be
13 waived with respect to any benefits paid or payable for a waiting
14 period as provided in this subsection;

15 (2) If it has constituted a waiting period week under the
16 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
17 et seq.);

18 (3) Unless the individual fulfills the requirements of subsections
19 (a) and of this section;

20 (4) If with respect thereto, claimant was disqualified for benefits
21 in accordance with the provisions of subsection (d) of R.S.43:21-5.

22 The waiting period provided by this subsection shall not apply to
23 benefit years commencing on or after January 1, 2002. An
24 individual whose total benefit amount was reduced by the
25 application of the waiting period to a claim which occurred on or
26 after January 1, 2002 and before the effective date of P.L.2002,
27 c.13, shall be permitted to file a claim for the additional benefits
28 attributable to the waiting period in the form and manner prescribed
29 by the division, but not later than the 180th day following the
30 effective date of P.L.2002, c.13 unless the division determines that
31 there is good cause for a later filing.

32 (e) (1) (Deleted by amendment, P.L.2001, c.17).

33 (2) With respect to benefit years commencing on or after
34 January 1, 1996 and before January 7, 2001, except as otherwise
35 provided in paragraph (3) of this subsection, the individual has,
36 during his base year as defined in subsection of R.S.43:21-19:

37 (A) Established at least 20 base weeks as defined in paragraph
38 (2) of subsection (t) of R.S.43:21-19; or

39 (B) If the individual has not met the requirements of
40 subparagraph (A) of this paragraph (2), earned remuneration not
41 less than an amount 12 times the Statewide average weekly
42 remuneration paid to workers, as determined under R.S.43:21-3(c),
43 which amount shall be adjusted to the next higher multiple of \$100
44 if not already a multiple thereof; or

45 If the individual has not met the requirements of subparagraph
46 (A) or (B) of this paragraph (2), earned remuneration not less than
47 an amount 1,000 times the minimum wage in effect pursuant to
48 section 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the

1 calendar year preceding the calendar year in which the benefit year
2 commences, which amount shall be adjusted to the next higher
3 multiple of \$100 if not already a multiple thereof.

4 (3) With respect to benefit years commencing before January 7,
5 2001, notwithstanding the provisions of paragraph (2) of this
6 subsection, an unemployed individual claiming benefits on the basis
7 of service performed in the production and harvesting of
8 agricultural crops shall, subject to the limitations of subsection (i)
9 of R.S.43:21-19, be eligible to receive benefits if during his base
10 year, as defined in subsection of R.S.43:21-19, the individual:

11 (A) Has established at least 20 base weeks as defined in
12 paragraph (2) of subsection (t) of R.S.43:21-19; or

13 (B) Has earned 12 times the Statewide average weekly
14 remuneration paid to workers, as determined under R.S.43:21-3(c),
15 raised to the next higher multiple of \$100.00 if not already a
16 multiple thereof, or more; or

17 (C) Has performed at least 770 hours of service in the
18 production and harvesting of agricultural crops.

19 (4) With respect to benefit years commencing on or after
20 January 7, 2001, except as otherwise provided in paragraph (5) of
21 this subsection, the individual has, during his base year as defined
22 in subsection of R.S.43:21-19:

23 (A) Established at least 20 base weeks as defined in paragraphs
24 (2) and (3) of subsection (t) of R.S.43:21-19; or

25 (B) If the individual has not met the requirements of
26 subparagraph (A) of this paragraph (4), earned remuneration not
27 less than an amount 1,000 times the minimum wage in effect
28 pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October
29 1 of the calendar year preceding the calendar year in which the
30 benefit year commences, which amount shall be adjusted to the next
31 higher multiple of \$100 if not already a multiple thereof.

32 (5) With respect to benefit years commencing on or after
33 January 7, 2001, notwithstanding the provisions of paragraph (4) of
34 this subsection, an unemployed individual claiming benefits on the
35 basis of service performed in the production and harvesting of
36 agricultural crops shall, subject to the limitations of subsection (i)
37 of R.S.43:21-19, be eligible to receive benefits if during his base
38 year, as defined in subsection of R.S.43:21-19, the individual:

39 (A) Has established at least 20 base weeks as defined in
40 paragraphs (2) and (3) of subsection (t) of R.S.43:21-19; or

41 (B) Has earned remuneration not less than an amount 1,000
42 times the minimum wage in effect pursuant to section 5 of
43 P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year
44 preceding the calendar year in which the benefit year commences,
45 which amount shall be adjusted to the next higher multiple of \$100
46 if not already a multiple thereof; or

47 (C) Has performed at least 770 hours of service in the
48 production and harvesting of agricultural crops.

1 (6) The individual applying for benefits in any successive
2 benefit year has earned at least six times his previous weekly
3 benefit amount and has had four weeks of employment since the
4 beginning of the immediately preceding benefit year. This
5 provision shall be in addition to the earnings requirements specified
6 in paragraph (2), (3), (4) or (5) of this subsection, as applicable.

7 (f) (1) The individual has suffered any accident or sickness not
8 compensable under the workers' compensation law, R.S.34:15-1 et
9 seq. and resulting in the individual's total disability to perform any
10 work for remuneration, and would be eligible to receive benefits
11 under this chapter (R.S.43:21-1 et seq.) (without regard to the
12 maximum amount of benefits payable during any benefit year)
13 except for the inability to work and has furnished notice and proof
14 of claim to the division, in accordance with its rules and
15 regulations, and payment is not precluded by the provisions of
16 R.S.43:21-3(d); provided, however, that benefits paid under this
17 subsection (f) shall be computed on the basis of only those base
18 year wages earned by the claimant as a "covered individual," as
19 defined in R.S.43:21-27(b); provided further that no benefits shall
20 be payable under this subsection to any individual:

21 (A) For any period during which such individual is not under the
22 care of a legally licensed physician, dentist, optometrist, podiatrist,
23 practicing psychologist or chiropractor;

24 (B) (Deleted by amendment, P.L.1980, c.90.)

25 (C) For any period of disability due to willfully or intentionally
26 self-inflicted injury, or to injuries sustained in the perpetration by
27 the individual of a crime of the first, second or third degree;

28 (D) For any week with respect to which or a part of which the
29 individual has received or is seeking benefits under any
30 unemployment compensation or disability benefits law of any other
31 state or of the United States; provided that if the appropriate agency
32 of such other state or the United States finally determines that the
33 individual is not entitled to such benefits, this disqualification shall
34 not apply;

35 (E) For any week with respect to which or part of which the
36 individual has received or is seeking disability benefits under the
37 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
38 et seq.);

39 (F) For any period of disability commencing while such
40 individual is a "covered individual," as defined in subsection (b) of
41 section 3 of the "Temporary Disability Benefits Law," P.L.1948,
42 c.110 (C.43:21-27).

43 (2) Benefit payments under this subsection (f) shall be charged
44 to and paid from the State disability benefits fund established by the
45 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
46 et seq.), and shall not be charged to any employer account in
47 computing any employer's experience rate for contributions payable
48 under this chapter.

1 (g) Benefits based on service in employment defined in
2 subparagraphs (B) and of R.S.43:21-19 (i)(1) shall be payable in the
3 same amount and on the terms and subject to the same conditions as
4 benefits payable on the basis of other service subject to the
5 “unemployment compensation law”; except that, notwithstanding
6 any other provisions of the “unemployment compensation law”:

7 (1) With respect to service performed after December 31, 1977,
8 in an instructional research, or principal administrative capacity for
9 an educational institution, benefits shall not be paid based on such
10 services for any week of unemployment commencing during the
11 period between two successive academic years, or during a similar
12 period between two regular terms, whether or not successive, or
13 during a period of paid sabbatical leave provided for in the
14 individual’s contract, to any individual if such individual performs
15 such services in the first of such academic years (or terms) and if
16 there is a contract or a reasonable assurance that such individual
17 will perform services in any such capacity for any educational
18 institution in the second of such academic years or terms;

19 (2) With respect to weeks of unemployment beginning after
20 September 3, 1982, on the basis of service performed in any other
21 capacity for an educational institution, benefits shall not be paid on
22 the basis of such services to any individual for any week which
23 commences during a period between two successive academic years
24 or terms if such individual performs such services in the first of
25 such academic years or terms and there is a reasonable assurance
26 that such individual will perform such services in the second of
27 such academic years or terms, except that if benefits are denied to
28 any individual under this paragraph (2) and the individual was not
29 offered an opportunity to perform these services for the educational
30 institution for the second of any academic years or terms, the
31 individual shall be entitled to a retroactive payment of benefits for
32 each week for which the individual filed a timely claim for benefits
33 and for which benefits were denied solely by reason of this clause;

34 (3) With respect to those services described in paragraphs (1)
35 and (2) above, benefits shall not be paid on the basis of such
36 services to any individual for any week which commences during
37 an established and customary vacation period or holiday recess if
38 such individual performs such services in the period immediately
39 before such vacation period or holiday recess, and there is a
40 reasonable assurance that such individual will perform such
41 services in the period immediately following such period or holiday
42 recess;

43 (4) With respect to any services described in paragraphs (1) and
44 (2) above, benefits shall not be paid as specified in paragraphs (1),
45 (2), and (3) above to any individual who performed those services
46 in an educational institution while in the employ of an educational
47 service agency, and for this purpose the term “educational service
48 agency” means a governmental agency or governmental entity

1 which is established and operated exclusively for the purpose of
2 providing those services to one or more educational institutions.

3 (h) Benefits shall not be paid to any individual on the basis of
4 any services, substantially all of which consist of participating in
5 sports or athletic events or training or preparing to so participate,
6 for any week which commences during the period between two
7 successive sports seasons (or similar periods) if such individual
8 performed such services in the first of such seasons (or similar
9 periods) and there is a reasonable assurance that such individual
10 will perform such services in the later of such seasons (or similar
11 periods).

12 (i) (1) Benefits shall not be paid on the basis of services
13 performed by an alien unless such alien is an individual who was
14 lawfully admitted for permanent residence at the time the services
15 were performed and was lawfully present for the purpose of
16 performing the services or otherwise was permanently residing in
17 the United States under color of law at the time the services were
18 performed (including an alien who is lawfully present in the United
19 States as a result of the application of the provisions of section
20 212(d)(5) (8 U.S.C. s.1182 (d)(5)) of the Immigration and
21 Nationality Act (8 U.S.C. s.1101 et seq.)); provided that any
22 modifications of the provisions of section 3304(a)(14) of the
23 Federal Unemployment Tax Act (26 U.S.C. s.3304 (a)(14)), as
24 provided by Pub.L.94-566, which specify other conditions or other
25 effective dates than stated herein for the denial of benefits based on
26 services performed by aliens and which modifications are required
27 to be implemented under State law as a condition for full tax credit
28 against the tax imposed by the Federal Unemployment Tax Act,
29 shall be deemed applicable under the provisions of this section.

30 (2) Any data or information required of individuals applying for
31 benefits to determine whether benefits are not payable to them
32 because of their alien status shall be uniformly required from all
33 applicants for benefits.

34 (3) In the case of an individual whose application for benefits
35 would otherwise be approved, no determination that benefits to such
36 individual are not payable because of alien status shall be made
37 except upon a preponderance of the evidence.

38 (j) Notwithstanding any other provision of this chapter, the
39 director may, to the extent that it may be deemed efficient and
40 economical, provide for consolidated administration by one or more
41 representatives or deputies of claims made pursuant to subsection
42 (f) of this section with those made pursuant to Article III (State
43 plan) of the "Temporary Disability Benefits Law," P.L.1948, c.110
44 (C.43:21-25 et seq.).

45 (cf: P.L.2004, c.130, s.116)

46

47 188. Section 13 of P.L.1971, c.182 (C.52:13D-24) is amended to
48 read as follows:

1 13. a. No State officer or employee, special State officer or
2 employee, or member of the Legislature shall solicit, receive or
3 agree to receive, whether directly or indirectly, any compensation,
4 reward, employment, gift, honorarium, out-of-State travel or
5 subsistence expense or other thing of value from any source other
6 than the State of New Jersey, for any service, advice, assistance,
7 appearance, speech or other matter related to the officer, employee,
8 or member's official duties, except as authorized in this section.

9 b. A State officer or employee, special State officer or
10 employee, or member of the Legislature may, in connection with
11 any service, advice, assistance, appearance, speech or other matter
12 related to the officer, employee, or member's official duties, solicit,
13 receive or agree to receive, whether directly or indirectly, from
14 sources other than the State, the following:

15 (1) reasonable fees for published books on matters within the
16 officer, employee, or member's official duties;

17 (2) reimbursement or payment of actual and reasonable
18 expenditures for travel or subsistence and allowable entertainment
19 expenses associated with attending an event in New Jersey if
20 expenditures for travel or subsistence and entertainment expenses
21 are not paid for by the State of New Jersey;

22 (3) reimbursement or payment of actual and reasonable
23 expenditures for travel or subsistence outside New Jersey, not to
24 exceed \$500.00 per trip, if expenditures for travel or subsistence
25 and entertainment expenses are not paid for by the State of New
26 Jersey. The \$500 per trip limitation shall not apply if the
27 reimbursement or payment is made by (a) a nonprofit organization
28 of which the officer, employee, or member is, at the time of
29 reimbursement or payment, an active member as a result of the
30 payment of a fee or charge for membership to the organization by
31 the State or the Legislature in the case of a member of the
32 Legislature; (b) a nonprofit organization that does not contract with
33 the State to provide goods, materials, equipment, or services; or (c)
34 any agency of the federal government, any agency of another state
35 or of two or more states, or any political subdivision of another
36 state.

37 Members of the Legislature shall obtain the approval of the
38 presiding officer of the member's House before accepting any
39 reimbursement or payment of expenditures for travel or subsistence
40 outside New Jersey.

41 As used in this subsection, "reasonable expenditures for travel or
42 subsistence" means commercial travel rates directly to and from an
43 event and food and lodging expenses which are moderate and
44 neither elaborate nor excessive; and "allowable entertainment
45 expenses" means the costs for a guest speaker, incidental music and
46 other ancillary entertainment at any meal at an event, provided they
47 are moderate and not elaborate or excessive, but does not include
48 the costs of personal recreation, such as being a spectator at or

1 engaging in a sporting or athletic activity which may occur as part
2 of that event.

3 c. This section shall not apply to the solicitation or acceptance
4 of contributions to the campaign of an announced candidate for
5 elective public office, except that campaign contributions may not
6 be accepted if they are known to be given in lieu of a payment
7 prohibited pursuant to this section.

8 d. (1) Notwithstanding any other provision of law, a designated
9 State officer as defined in paragraph (2) of this subsection shall not
10 solicit, receive or agree to receive, whether directly or indirectly,
11 any compensation, salary, honorarium, fee, or other form of income
12 from any source, other than the compensation paid or reimbursed to
13 him or her by the State for the performance of official duties, for
14 any service, advice, assistance, appearance, speech or other matter,
15 except for investment income from stocks, mutual funds, bonds,
16 bank accounts, notes, a beneficial interest in a trust, financial
17 compensation received as a result of prior employment or
18 contractual relationships, and income from the disposition or rental
19 of real property, or any other similar financial instrument and
20 except for reimbursement for travel as authorized in subsections (2)
21 and (3) of paragraph b. of this section. To receive such income, a
22 designated State officer shall first seek review and approval by the
23 State Ethics Commission to ensure that the receipt of such income
24 does not violate the "New Jersey Conflicts of Interest Law,"
25 P.L.1971, c.182 (C.52:13D-12 et seq.) or any applicable code of
26 ethics, and does not undermine the full and diligent performance of
27 the designated State officer's duties.

28 (2) For the purposes of this subsection, "designated State
29 officer" shall include: the Governor, the Adjutant General, the
30 Secretary of Agriculture, the Attorney General, the Commissioner
31 of Banking and Insurance, the Secretary and Chief Executive
32 Officer of the Commerce and Economic Growth Commission, the
33 Commissioner of Community Affairs, the Commissioner of
34 Corrections, the Commissioner of Education, the Commissioner of
35 Environmental Protection, the Commissioner of Health and Senior
36 Services, the Commissioner of Human Services, the Commissioner
37 of Children and Families, the Commissioner of Labor and
38 Workforce Development, the Commissioner of Personnel, the
39 President of the State Board of Public Utilities, the Secretary of
40 State, the Superintendent of State Police, the Commissioner of
41 Transportation, the State Treasurer, the head of any other
42 department in the Executive Branch, and the following members of
43 the staff of the Office of the Governor: Chief of Staff, Chief of
44 Management and Operations, Chief of Policy and Communications,
45 Chief Counsel to the Governor, Director of Communications, Policy
46 Counselor to the Governor, and any deputy or principal
47 administrative assistant to any of the aforementioned members of
48 the staff of the Office of the Governor listed in this subsection.

1 e. A violation of this section shall not constitute a crime or
2 offense under the laws of this State.

3 (cf: P.L.2005, c.382, s.11)

4

5 189. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to
6 read as follows:

7 1. Notwithstanding the provisions of the annual appropriations
8 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor
9 shall fix and establish the annual salary, not to exceed \$133,330 in
10 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000
11 in calendar year 2002 and thereafter, for each of the following
12 officers:

13 Title

14 Agriculture Department

15 Secretary of Agriculture

16 Children and Families Department

17 Commissioner of Children and Families

18 Community Affairs Department

19 Commissioner of Community Affairs

20 Corrections Department

21 Commissioner of Corrections

22 Education Department

23 Commissioner of Education

24 Environmental Protection Department

25 Commissioner of Environmental Protection

26 Health and Senior Services Department

27 Commissioner of Health and Senior

28 Services

29 Human Services Department

30 Commissioner of Human Services

31 Banking and Insurance Department

32 Commissioner of Banking and Insurance

33 Labor and Workforce Development Department

34 Commissioner of Labor and Workforce Development

35 Law and Public Safety Department

36 Attorney General

37 Military and Veterans' Affairs Department

38 Adjutant General

39 Personnel Department

40 Commissioner of Personnel

41 State Department

42 Secretary of State

43 Transportation Department

44 Commissioner of Transportation

45 Treasury Department

46 State Treasurer

47 Members, Board of Public Utilities

48 Public Advocate Department

1 Public Advocate

2 Notwithstanding the provisions of this section to the contrary,
3 the Chief Executive Officer and Secretary of the New Jersey
4 Commerce and Economic Growth Commission shall receive such
5 salary as shall be fixed by the Governor pursuant to subsection b. of
6 section 8 of P.L.1998, c.44 (C.52:27C-68).
7 (cf: P.L. 2005, c.155, s.93)

8

9 190. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to
10 read as follows:

11 2. As used in this act:

12 (a) The term "State" means the State of New Jersey.

13 (b) The term "commission" means the State Health Benefits
14 Commission, created by section 3 of this act.

15 (c) The term "employee" means an appointive or elective officer
16 or full-time employee of the State of New Jersey. For the purposes
17 of this act an employee of Rutgers, The State University of New
18 Jersey, shall be deemed to be an employee of the State, and an
19 employee of the New Jersey Institute of Technology shall be
20 considered to be an employee of the State during such time as the
21 Trustees of the Institute are party to a contractual agreement with
22 the State Treasurer for the provision of educational services. The
23 term "employee" shall further mean, for purposes of this act, a
24 former employee of the South Jersey Port Corporation, who is
25 employed by a subsidiary corporation or other corporation, which
26 has been established by the Delaware River Port Authority pursuant
27 to subdivision (m) of Article I of the compact creating the Delaware
28 River Port Authority (R.S.32:3-2), as defined in section 3 of
29 P.L.1997, c.150 (C.34:1B-146), and who is eligible for continued
30 membership in the Public Employees' Retirement System pursuant
31 to subsection j. of section 7 of P.L.1954, c.84 (C.43:15A-7).

32 For the purposes of this act the term "employee" shall not
33 include persons employed on a short-term, seasonal, intermittent or
34 emergency basis, persons compensated on a fee basis, persons
35 having less than two months of continuous service or persons whose
36 compensation from the State is limited to reimbursement of
37 necessary expenses actually incurred in the discharge of their
38 official duties. An employee paid on a 10-month basis, pursuant to
39 an annual contract, will be deemed to have satisfied the two-month
40 waiting period if the employee begins employment at the beginning
41 of the contract year. The term "employee" shall also not include
42 retired persons who are otherwise eligible for benefits under this act
43 but who, although they meet the age eligibility requirement of
44 Medicare, are not covered by the complete federal program. A
45 determination by the commission that a person is an eligible
46 employee within the meaning of this act shall be final and shall be
47 binding on all parties.

1 (d) (1) The term "dependents" means an employee's spouse, or an
2 employee's domestic partner as defined in section 3 of P.L.2003,
3 c.246 (C.26:8A-3), and the employee's unmarried children under the
4 age of 23 years who live with the employee in a regular parent-child
5 relationship. "Children" shall include stepchildren, legally adopted
6 children and children placed by the Division of Youth and Family
7 Services in the Department of Children and Families, provided they
8 are reported for coverage and are wholly dependent upon the
9 employee for support and maintenance. A spouse, domestic partner
10 or child enlisting or inducted into military service shall not be
11 considered a dependent during the military service. The term
12 "dependents" shall not include spouses or domestic partners of
13 retired persons who are otherwise eligible for the benefits under this
14 act but who, although they meet the age eligibility requirement of
15 Medicare, are not covered by the complete federal program.

16 (2) Notwithstanding the provisions of paragraph (1) of this
17 subsection to the contrary and subject to the provisions of paragraph
18 (3) of this subsection, for the purposes of an employer other than
19 the State that is participating in the State Health Benefits Program
20 pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term
21 "dependents" means an employee's spouse and the employee's
22 unmarried children under the age of 23 years who live with the
23 employee in a regular parent-child relationship. "Children" shall
24 include stepchildren, legally adopted children and children placed
25 by the Division of Youth and Family Services in the Department of
26 **[Human Services]** Children and Families provided they are
27 reported for coverage and are wholly dependent upon the employee
28 for support and maintenance. A spouse or child enlisting or
29 inducted into military service shall not be considered a dependent
30 during the military service. The term "dependents" shall not
31 include spouses of retired persons who are otherwise eligible for
32 benefits under P.L.1961, c.49 (C.52:14-17.25 et seq.) but who,
33 although they meet the age eligibility requirement of Medicare, are
34 not covered by the complete federal program.

35 (3) An employer other than the State that is participating in the
36 State Health Benefits Program pursuant to section 3 of P.L.1964,
37 c.125 (C.52:14-17.34) may adopt a resolution providing that the
38 term "dependents" as defined in paragraph (2) of this subsection
39 shall include domestic partners as provided in paragraph (1) of this
40 subsection.

41 (e) The term "carrier" means a voluntary association, corporation
42 or other organization, including a health maintenance organization
43 as defined in section 2 of the "Health Maintenance Organizations
44 Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully engaged in
45 providing or paying for or reimbursing the cost of, personal health
46 services, including hospitalization, medical and surgical services,
47 under insurance policies or contracts, membership or subscription

1 contracts, or the like, in consideration of premiums or other periodic
2 charges payable to the carrier.

3 (f) The term "hospital" means (1) an institution operated
4 pursuant to law which is primarily engaged in providing on its own
5 premises, for compensation from its patients, medical diagnostic
6 and major surgical facilities for the care and treatment of sick and
7 injured persons on an inpatient basis, and which provides such
8 facilities under the supervision of a staff of physicians and with 24
9 hour a day nursing service by registered graduate nurses, or (2) an
10 institution not meeting all of the requirements of (1) but which is
11 accredited as a hospital by the Joint Commission on Accreditation
12 of Hospitals. In no event shall the term "hospital" include a
13 convalescent nursing home or any institution or part thereof which
14 is used principally as a convalescent facility, residential center for
15 the treatment and education of children with mental disorders, rest
16 facility, nursing facility or facility for the aged or for the care of
17 drug addicts or alcoholics.

18 (g) The term "State managed care plan" means a health care
19 plan under which comprehensive health care services and supplies
20 are provided to eligible employees, retirees, and dependents: (1)
21 through a group of doctors and other providers employed by the
22 plan; or (2) through an individual practice association, preferred
23 provider organization, or point of service plan under which services
24 and supplies are furnished to plan participants through a network of
25 doctors and other providers under contracts or agreements with the
26 plan on a prepayment or reimbursement basis and which may
27 provide for payment or reimbursement for services and supplies
28 obtained outside the network. The plan may be provided on an
29 insured basis through contracts with carriers or on a self-insured
30 basis, and may be operated and administered by the State or by
31 carriers under contracts with the State.

32 (h) The term "Medicare" means the program established by the
33 "Health Insurance for the Aged Act," Title XVIII of the "Social
34 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,
35 or its successor plan or plans.

36 (i) The term "traditional plan" means a health care plan which
37 provides basic benefits, extended basic benefits and major medical
38 expense benefits as set forth in section 5 of P.L.1961, c.49
39 (C.52:14-17.29) by indemnifying eligible employees, retirees, and
40 dependents for expenses for covered health care services and
41 supplies through payments to providers or reimbursements to
42 participants.

43 (cf: P.L.2004, c.130, s.118)

44

45 191. Section 2 of P.L.2000, c.24 (C.52:17B-88.10) is amended
46 to read as follows:

47 2. a. The State Medical Examiner, in consultation with the
48 Commissioner of Health and Senior Services, shall develop

1 standardized protocols for autopsies performed in those cases in
2 which the suspected cause of death of a child under one year of age
3 is sudden infant death syndrome and in which the child is between
4 one and three years of age and the death is sudden and unexpected.

5 b. The State Medical Examiner shall establish a Sudden Child
6 Death Autopsy Protocol Committee to assist in developing and
7 reviewing the protocol. The committee shall include, but shall not
8 be limited to, the State Medical Examiner or his designee, the
9 Assistant Commissioner of the Division of Family Health Services
10 in the Department of Health and Senior Services or his designee,
11 the Director of the Division of Youth and Family Services in the
12 Department of **【Human Services】** Children and Families or his
13 designee, the director of the SIDS Resource Center established
14 pursuant to P.L.1987, c.331 (C.26:5D-4), an epidemiologist, a
15 forensic pathologist, a pediatric pathologist, a county medical
16 examiner, a pediatrician who is knowledgeable about sudden infant
17 death syndrome and child abuse, a law enforcement officer, an
18 emergency medical technician or a paramedic, a family member of
19 a sudden infant death syndrome victim and a family member of a
20 sudden unexpected death victim who was between one and three
21 years of age at the time of death.

22 The committee shall annually review the protocol and make
23 recommendations to the State Medical Examiner to revise the
24 protocol, as appropriate.

25 c. The protocols shall include requirements and standards for
26 scene investigation, criteria for ascertaining the cause of death
27 based on autopsy, criteria for specific tissue sampling, and such
28 other requirements as the committee deems appropriate. The
29 protocols shall take into account nationally recognized standards for
30 pediatric autopsies.

31 The State Medical Examiner shall be responsible for ensuring
32 that the protocols are followed by all medical examiners and other
33 persons authorized to conduct autopsies in those cases in which the
34 suspected cause of death is sudden infant death syndrome or in
35 which the child is between one and three years of age and the death
36 is sudden and unexpected.

37 d. The protocols shall authorize the State Medical Examiner,
38 county medical examiner or other authorized person to take tissue
39 samples for research purposes, as provided in section 2 of P.L.2005,
40 c.227 (C.52:17B-88.11).

41 e. The sudden infant death syndrome autopsy protocol shall
42 provide that if the findings in the autopsy are consistent with the
43 definition of sudden infant death syndrome specified in the
44 protocol, the person who conducts the autopsy shall state on the
45 death certificate that sudden infant death syndrome is the cause of
46 death.

47 (cf: P.L.2005, c.227, s.1)

1 192. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to
2 read as follows:

3 2. a. A Juvenile Justice Commission is established in, but not
4 of, the Department of Law and Public Safety. The commission is
5 allocated to the Department of Law and Public Safety for the
6 purpose of complying with Article V, Section IV, paragraph 1 of
7 the New Jersey Constitution. The Attorney General shall be the
8 request officer for the commission within the meaning of section 6
9 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall exercise that
10 authority and other administrative functions, powers and duties
11 consistent with the provisions of this act.

12 b. The commission shall consist of an executive director, an
13 executive board, an advisory council and such facilities, officers,
14 employees and organizational units as provided herein or as
15 otherwise necessary to performance of the commission's duties and
16 responsibilities.

17 c. The executive director shall be appointed by the Governor
18 with the advice and consent of the Senate and shall serve at the
19 pleasure of the Governor during the Governor's term of office and
20 until a successor is appointed and qualified.

21 d. The executive board shall consist of the following members:
22 The Attorney General, who shall serve as chair of the executive
23 board; the Commissioner of Corrections and the Commissioner of
24 **[Human Services] Children and Families**, who shall serve as vice-
25 chairs of the executive board; the Commissioner of Education; the
26 chair of the Juvenile Justice Commission advisory council,
27 established pursuant to section 4 of P.L.1995, c.284 (C.52:17B-
28 172); and two members who serve as chairs of a county youth
29 services commission, established pursuant to P.L.1995, c.282
30 (C.52:17B-180), to be appointed by the Governor to serve at the
31 Governor's pleasure. The Administrative Director of the
32 Administrative Office of the Courts is invited to participate on the
33 executive board, subject to the approval of the Supreme Court. A
34 member of the executive board may name a designee who shall
35 have the authority to act for the member. Members of the executive
36 board shall serve without compensation for their services to the
37 commission. The executive board shall meet at least quarterly and
38 at such other times as designated by the chair. Except with respect
39 to matters concerning distribution of funds to counties, four
40 members of the executive board shall constitute a quorum to
41 transact business of the executive board and action of the executive
42 board shall require an affirmative vote of four members. A member
43 of the executive board who is also a member of a county youth
44 services commission shall not participate in matters concerning
45 distribution of funds to counties; in these matters, three members of
46 the executive board shall constitute a quorum to transact business
47 and an action of the executive board shall require an affirmative
48 vote of three members.

1 e. The commission shall have the following powers, duties and
2 responsibilities:

3 (1) To specify qualifications for and to employ, within the limits
4 of available appropriations and subject to the provisions of
5 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New
6 Jersey Statutes, such staff as are necessary to accomplish the work
7 of the commission or as are needed for the proper performance of
8 the functions and duties of the commission, including but not
9 limited to:

10 (a) The number of deputy directors, assistant directors,
11 superintendents, assistant superintendents and other assistants who
12 shall be in the unclassified service and shall be deemed confidential
13 employees for the purposes of the "New Jersey Employer-Employee
14 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

15 (b) Juvenile corrections officers;

16 (2) To utilize such staff of the Department of Law and Public
17 Safety as the Attorney General, within the limits of available
18 appropriations, may make available to the commission;

19 (3) To organize the work of the commission in appropriate
20 bureaus and other organization units;

21 (4) To enter into contracts and agreements with State, county
22 and municipal governmental agencies and with private entities for
23 the purpose of providing services and sanctions for juveniles
24 adjudicated or charged as delinquent and programs for prevention
25 of juvenile delinquency;

26 (5) To contract for the services of professional and technical
27 personnel and consultants as necessary to fulfill the statutory
28 responsibilities of the commission;

29 (6) To establish minimum standards for the care, treatment,
30 government and discipline of juveniles confined pending, or as a
31 result of, an adjudication of delinquency;

32 (7) To assume the custody and care of all juveniles committed
33 by court order, law, classification, regulation or contract to the
34 custody of the commission or transferred to the custody of the
35 commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-
36 176);

37 (8) To manage and operate all State secure juvenile facilities
38 which shall include the New Jersey Training School for Boys
39 created pursuant to R.S.30:1-7 and transferred to the Commissioner
40 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)
41 and the Juvenile Medium Security Facility created pursuant to
42 R.S.30:1-7 and both transferred to the commission pursuant to
43 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any
44 other secure juvenile facility established by the commission in the
45 future;

46 (9) To manage and operate all State juvenile facilities or
47 juvenile programs for juveniles adjudicated delinquent which shall
48 include facilities and programs transferred to the commission

- 1 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or
2 established or contracted for in the future by the commission;
- 3 (10) To prepare a State Juvenile Justice Master Plan every third
4 year which identifies facilities, sanctions and services available for
5 juveniles adjudicated or charged as delinquent and juvenile
6 delinquency prevention programs and which identifies additional
7 needs based upon the extent and nature of juvenile delinquency and
8 the adequacy and effectiveness of available facilities, services,
9 sanctions and programs;
- 10 (11) To approve plans for each county submitted by the county
11 youth services commission pursuant to P.L.1995, c.282 (C.52:17B-
12 180);
- 13 (12) To administer the State/Community Partnership Grant
14 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);
- 15 (13) To accept from any governmental department or agency,
16 public or private body or any other source, grants or contributions
17 to be used in exercising its power, and in meeting its duties and
18 responsibilities;
- 19 (14) To formulate and adopt standards and rules for the efficient
20 conduct of the work of the commission, the facilities, services,
21 sanctions and programs within its jurisdiction, and its officers and
22 employees;
- 23 (15) To provide for the development of the facilities, services,
24 sanctions and programs within its jurisdiction and to promote the
25 integration of State, county and local facilities, sanctions, services
26 and programs, including probation and parole;
- 27 (16) To institute, or cause to be instituted, such legal proceedings
28 or processes as may be necessary to enforce properly and give
29 effect to any of its powers or duties including the authority to
30 compel by subpoena, subject to the sanction for contempt of
31 subpoena issued by a court, attendance and production of records;
- 32 (17) To provide for the timely and efficient collection and
33 analysis of data regarding the juvenile justice system to insure the
34 continuing review and evaluation of services, policies and
35 procedures;
- 36 (18) To receive and classify juveniles committed to the custody
37 of the commission;
- 38 (19) To supervise compliance with conditions of parole;
- 39 (20) To establish appropriate dispositions of juveniles for whom
40 parole has been revoked;
- 41 (21) To perform such other functions as may be prescribed by
42 law; and
- 43 (22) To promulgate, pursuant to the "Administrative Procedure
44 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
45 necessary to implement and effectuate the purposes of this act.
46 (cf: P.L.2005, c.164, s.1)

1 193. Section 7 of P.L.1995, c.284 (C.52:17B-175) is amended to
2 read as follows:

3 7. a. Notwithstanding the Juvenile Justice Commission's
4 responsibility for State secure juvenile facilities and State juvenile
5 facilities and programs, the Department of Corrections, through
6 agreement with the commission, shall provide central
7 transportation, communication and other services required by the
8 commission in connection with the operation of these facilities and
9 the custody and care of juveniles confined in the facilities.

10 b. Notwithstanding the commission's responsibility for State
11 secure juvenile facilities and State juvenile facilities, the
12 Department of **【Human Services】** Children and Families shall
13 provide care and custody for juveniles placed under the care and
14 custody or committed to the department pursuant to paragraphs (5),
15 (6) and (7) of subsection b. of section 24 of P.L.1982, c.77
16 (C.2A:4A-43).

17 c. The commission and the Commissioner of **【the Department**
18 **of Human Services】** Children and Families shall formulate a plan to
19 provide adequate and appropriate mental health services to
20 juveniles in secure juvenile facilities and juvenile facilities operated
21 by the commission. The commission and the Commissioner of **【the**
22 **Department of Human Services】** Children and Families shall jointly
23 adopt regulations pursuant to the "Administrative Procedure Act,"
24 P.L.1968, c.410 (C.52:14B-1 et seq.), establishing the procedures
25 included in the plan. The plan shall include the following:

26 (1) Procedures for identifying juveniles in need of such services
27 upon admission to and while in a facility, including procedures for
28 evaluation;

29 (2) Procedures for providing appropriate and adequate treatment
30 and for terminating treatment when it is no longer needed;

31 (3) Procedures for ensuring cooperation between employees of
32 the commission and the Department of **【Human Services】** Children
33 and Families; and

34 (4) Procedures for review and revision of the plan.

35 d. The commission, through agreement with the Attorney
36 General, the Commissioner of Corrections or the Commissioner of
37 **【Human Services】** Children and Families as appropriate, shall
38 arrange to provide such other services as may be required by the
39 commission and may enter into other agreements as authorized
40 pursuant to R.S.52:14-1 et seq. or any other law of this State.

41 e. The commission and the Commissioner of the Department of
42 Corrections shall, consistent with applicable State and federal
43 standards, formulate a plan setting forth procedures for transferring
44 custody of any juvenile incarcerated in a juvenile facility who has
45 reached the age of 16 during confinement and whose continued
46 presence in the juvenile facility threatens the public safety, the
47 safety of juvenile offenders, or the ability of the commission to

1 operate the program in the manner intended. The commission and
2 the Commissioner of the Department of Corrections shall jointly
3 adopt regulations pursuant to the “Administrative Procedure Act,”
4 P.L.1968, c.410 (C.52:14B-1 et seq.), establishing the procedures
5 included in the plan.

6 (cf: P.L.1995, c.284, s.7)

7
8 194. Section 69 of P.L.2005, c.155 (C.52:27EE-69) is amended
9 to read as follows:

10 69. Office of the Child Advocate; duties.

11 a. The child advocate shall:

12 (1) administer the work of the Office of the Child Advocate;

13 (2) appoint and remove such officers, investigators,
14 stenographic and clerical assistants and other personnel, in the
15 career or unclassified service, as may be required for the conduct of
16 the office, subject to the provisions of Title 11A of the New Jersey
17 Statutes (Civil Service), and other applicable statutes, except as
18 provided otherwise herein;

19 (3) formulate and adopt rules and regulations for the efficient
20 conduct of the work and general administration of the office, its
21 officers and employees, in accordance with the “Administrative
22 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.); and

23 (4) institute or cause to be instituted such legal proceedings or
24 processes consistent with the Rules Governing the Courts of New
25 Jersey as may be necessary to properly enforce and give effect to
26 any of the child advocate’s powers or duties.

27 b. Consistent with the provisions of federal and State law,

28 (1) the child advocate shall have access to, and the right to
29 inspect and copy, any records, including pupil records in
30 accordance with the provisions of N.J.S.18A:36-19, necessary to
31 carry out the responsibilities under this act; and

32 (2) the child advocate shall have reasonable access to, and the
33 right to copy any records from, the Division of Youth and Family
34 Services’ Service Information System, or its successor, necessary to
35 carry out its responsibilities under this act, and only with regard to
36 individuals who are or may be the subject of an investigation by the
37 child advocate, or to assess the status of an individual complaint or
38 inquiry to determine whether further action by the child advocate is
39 appropriate; except that, access provided to the successor system,
40 including the Statewide Automated Child Welfare Information
41 System, shall be limited to information available through the
42 Service Information System, unless otherwise agreed to by the child
43 advocate and the Department of **[Human Services]** Children and
44 Families.

45 c. The child advocate may issue subpoenas to compel the
46 attendance and testimony of witnesses or the production of books,
47 papers and other documents, and administer oaths to witnesses in
48 any matter under the investigation of the office.

1 If any person to whom such subpoena is issued fails to appear or,
2 having appeared, refuses to give testimony, or fails to produce the
3 books, papers or other documents required, the child advocate may
4 apply to the Superior Court, which may order the person to appear
5 and give testimony or produce the books, papers or other
6 documents, as applicable.

7 d. The child advocate shall disseminate information to the
8 public on the objectives of the office, the services the office
9 provides and the methods by which the office may be contacted.

10 e. The child advocate shall aid the Governor in proposing
11 methods of achieving increased coordination and collaboration
12 among State agencies to ensure maximum effectiveness and
13 efficiency in the provision of services to children.

14 (cf: P.L.2005, c.155, s.69)

15
16 195. Section 70 of P.L.2005, c.155 (C.52:27EE-70) is amended
17 to read as follows:

18 70. Office of the Child Advocate; powers.

19 The child advocate may:

20 a. investigate, review, monitor or evaluate any State agency
21 response to, or disposition of, an allegation of child abuse or neglect
22 in this State;

23 b. inspect and review the operations, policies and procedures
24 of:

25 (1) juvenile detention centers operated by the counties and all
26 juvenile justice facilities operated by or under contract with the
27 Juvenile Justice Commission, including, but not limited to, secure
28 correctional facilities and residential and day treatment programs;

29 (2) resource family homes, group homes, residential treatment
30 facilities, shelters for the care of abused or neglected children,
31 shelters for the care of juveniles considered as juvenile-family crisis
32 cases, shelters for the care of homeless youth, or independent living
33 arrangements operated, licensed, or approved for payment, by the
34 Department of Human Services, Department of Children and
35 Families, Department of Community Affairs or Department of
36 Health and Senior Services; and

37 (3) any other public or private setting in which a child has been
38 placed by a State or county agency or department;

39 c. review, evaluate, report on and make recommendations
40 concerning the procedures established by any State agency
41 providing services to children who are at risk of abuse or neglect,
42 children in State or institutional custody, or children who receive
43 child protective or permanency services;

44 d. review, monitor and report on the performance of State-
45 funded private entities charged with the care and supervision of
46 children due to abuse or neglect by conducting research audits or
47 other studies of case records, policies, procedures and protocols, as

- 1 deemed necessary by the child advocate to assess the performance
2 of the entities;
- 3 e. receive, investigate and make referrals to other agencies or
4 take other appropriate actions with respect to a complaint received
5 by the office regarding the actions of a State, county or municipal
6 agency or a State-funded private entity providing services to
7 children who are at risk of abuse or neglect;
- 8 f. hold a public hearing on the subject of an investigation or
9 study underway by the office, and receive testimony from agency
10 and program representatives, the public and other interested parties,
11 as the child advocate deems appropriate;
- 12 g. establish and maintain a 24-hour toll-free telephone hotline
13 to receive and respond to calls from citizens referring problems to
14 the child advocate, both individual and systemic, in how the State,
15 through its agencies or contract services, protects children;
- 16 h. in exercising the authority provided in subsection a. of this
17 section, the child advocate may conduct unannounced site visits to
18 any institution or facility to which children are committed, placed
19 or otherwise disposed if the child advocate, prior to conducting an
20 unannounced site visit, has initiated a project or investigation into
21 the response or disposition of an allegation of abuse or neglect and
22 there is a reasonable basis to believe that an unannounced site visit
23 is necessary to carry out the child advocate's responsibilities under
24 this act, provided, however, that any unannounced site visit shall be
25 conducted at a reasonable time and in a reasonable manner;
- 26 i. in exercising the authority provided under subsections a.
27 through e. of this section, the child advocate shall consult with any
28 appropriate State, county or municipal agency or a State-funded
29 private entity providing services to children, and may request from
30 any such entity, and the entity is hereby authorized and directed to
31 provide, such cooperation and assistance as will enable the child
32 advocate to properly perform its responsibilities under this act; and
- 33 j. notwithstanding the provisions of section 11 of P.L.1944,
34 c.20 (C.52:17A-11) to the contrary, hire independent counsel on a
35 case-by-case basis to provide competent representation in light of
36 the nature of the case, the services to be performed, the experience
37 of the particular attorney and other relevant factors.
38 (cf: P.L.2005, c.155, s.70)

39

40 196. Section 75 of P.L.2005, c.155 (C.52:27EE-75) is amended
41 to read as follows:

42 75. Office of the Child Advocate; reports.

43 The child advocate shall report annually to the Governor, the
44 Public Advocate, the **Commissioner** Commissioners of Human
45 Services and Children and Families, and, pursuant to section 2 of
46 P.L.1991, c.164 (C.52:14-19.1), the Legislature on: the activities of
47 the office; priorities for children's services that have been identified
48 by the child advocate; and recommendations for improvement or

1 needed changes concerning the provision of services to children
2 who are at risk of abuse or neglect, and are in State or institutional
3 custody or receive child protective or permanency services by State
4 agencies and State-funded private entities.

5 The annual report shall be made available to the public.

6 (cf: P.L.2005, c.155, s.75)

7

8 197. Section 76 of P.L.2005, c.155 (C.52:27EE-76) is amended
9 to read as follows:

10 76. Office of the Child Advocate; disclosure; confidentiality.

11 a. The child advocate shall make public its findings of
12 investigation reports or other studies undertaken by the office,
13 including its investigatory findings to complaints received pursuant
14 to section 70 of this act, and shall forward any publicly reported
15 findings to the Governor, the Legislature, the Public Advocate, the
16 **【Commissioner】** Commissioners of Human Services and Children
17 and Families, the affected public agencies and the Governor's
18 Cabinet for Children.

19 b. The child advocate shall not disclose:

20 (1) any information that would likely endanger the life, safety,
21 or physical or emotional well-being of a child or the life or safety of
22 a person who filed a complaint or which may compromise the
23 integrity of a State or county department or agency investigation,
24 civil or criminal investigation or judicial or administrative
25 proceeding; and

26 (2) the name of or any other information identifying the person
27 who filed a complaint with, or otherwise provided information to,
28 the office without the written consent of that person.

29 The information subject to the provisions of this subsection shall
30 not be considered a public record pursuant to the provisions of
31 P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5
32 et al.).

33 c. The child advocate shall not disclose any information that
34 may be deemed confidential by federal or State law, except when
35 necessary to allow the Department of the Public Advocate,
36 Department of Human Services, Department of Children and
37 Families, Attorney General, Juvenile Justice Commission and other
38 State or county department or agency to perform its duties and
39 obligations under the law.

40 (cf: P.L.2005, c.155, s.76)

41

42 198. Section 6 of P.L.2005, c.370 (C.52:27G-37) is amended to
43 read as follows:

44 6. a. Upon receipt of an application for registration as a
45 professional guardian, the Office of the Public Guardian for Elderly
46 Adults is authorized to determine whether criminal history record
47 information exists on file in the Federal Bureau of Investigation,
48 Identification Division or in the State Bureau of Identification in the

1 Division of State Police that would disqualify the person from being
2 registered as a professional guardian.

3 The Office of the Public Guardian for Elderly Adults is
4 authorized to access the child abuse registry in the Department of
5 **[Human Services]** Children and Families and the domestic violence
6 central registry in the Administrative Office of the Courts.

7 A person shall be disqualified from registration if the person's
8 criminal history record background check reveals a record of
9 conviction of any of the following crimes and offenses:

10 (1) In New Jersey, any crime or disorderly persons offense:

11 (a) involving danger to the person, meaning those crimes and
12 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
13 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
14 or N.J.S.2C:15-1 et seq.;

15 (b) against the family, children or incompetents, meaning those
16 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
17 seq.;

18 (c) involving theft as set forth in chapter 20 of Title 2C of the
19 New Jersey Statutes, or fraud relating to any health care plan or
20 program as set forth in section 15 of P.L.1989, c.300 (C.2C:21-4.1),
21 sections 2 and 3 of P.L.1997, c.353 (C.2C:21-4.2 and 2C:21-4.3),
22 P.L.1999, c.162 (C.2C:21-22.1) or section 17 of P.L.1968, c.413
23 (C.30:4D-17); or

24 (d) involving any controlled dangerous substance or controlled
25 substance analog as set forth in chapter 35 of Title 2C of the New
26 Jersey Statutes except paragraph (4) of subsection a. of
27 N.J.S.2C:35-10.

28 (2) In any other state or jurisdiction, of conduct which, if
29 committed in New Jersey, would constitute any of the crimes or
30 disorderly persons offenses described in paragraph (1) of this
31 subsection.

32 A person shall also be disqualified from registration if a check of
33 the child abuse registry reveals that the person has a history of child
34 abuse.

35 In a case in which a check of the domestic violence central
36 registry reveals that the person has a history of domestic violence,
37 the public guardian shall review the record with respect to the type
38 and date of the criminal offense or the provisions and date of the
39 final domestic violence restraining order and make a determination
40 as to the suitability of the person to be a registered professional
41 guardian.

42 b. Notwithstanding the provisions of subsection a. of this
43 section to the contrary, no person shall be disqualified from
44 registration on the basis of any conviction disclosed by a criminal
45 history record background check performed pursuant to this act if
46 the person has affirmatively demonstrated to the public guardian
47 clear and convincing evidence of the applicant's rehabilitation. In

1 determining whether a person has affirmatively demonstrated
2 rehabilitation, the following factors shall be considered:

3 (1) the nature and responsibility of the position which the
4 person would hold, has held or currently holds, as the case may be;

5 (2) the nature and seriousness of the offense;

6 (3) the circumstances under which the offense occurred;

7 (4) the date of the offense;

8 (5) the age of the person when the offense was committed;

9 (6) whether the offense was an isolated or repeated incident;

10 (7) any social conditions which may have contributed to the
11 offense; and

12 (8) any evidence of rehabilitation, including good conduct in
13 prison or in the community, counseling or psychiatric treatment
14 received, acquisition of additional academic or vocational
15 schooling, work history, or the recommendation of those who have
16 had the person under their supervision.

17 c. If a person refuses to consent to, or cooperate in, the
18 securing of a criminal history record background check, the public
19 guardian shall not register that person as a professional guardian
20 and shall notify the person of that denial.

21 (cf: P.L.2005, c.370, s.6)

22

23 199. Section 7 of P.L.2005, c.370 (C.52:27G-38) is amended to
24 read as follows:

25 7. a. A person who is required to undergo a criminal history
26 record background, child abuse registry and domestic violence
27 central registry check pursuant to section 6 of this act shall submit
28 to the public guardian his name, address and fingerprints, in
29 accordance with the applicable State and federal laws, rules and
30 regulations. The Office of the Public Guardian is authorized to
31 exchange fingerprint data with and receive criminal history record
32 information from the Federal Bureau of Investigation and the
33 Division of State Police for use in making the determinations
34 required pursuant to this act.

35 b. Upon receipt of the criminal history record information for a
36 person from the Federal Bureau of Investigation or the Division of
37 State Police, the public guardian shall, within a reasonable time,
38 notify the person in writing of his qualification or disqualification
39 for registration under this act. If the person is disqualified, the
40 conviction or convictions which constitute the basis for the
41 disqualification shall be identified in the notice to the person.

42 c. Upon receipt of the information for a person from the child
43 abuse registry in the Department of **【Human Services】** Children and
44 Families or the domestic violence central registry in the
45 Administrative Office of the Courts, the public guardian shall,
46 within a reasonable time, notify the person in writing of his
47 qualification or disqualification for registration under this act. If
48 the person is disqualified, the incident or incidents which constitute

1 the basis for the disqualification shall be identified in the notice to
2 the person.

3 d. The person has a right to be heard by the Office of the Public
4 Guardian for Elderly Adults, within 30 days from the date of the
5 written notice of disqualification, on the accuracy of his criminal
6 history record, child abuse registry or domestic violence central
7 registry information or to establish his rehabilitation under
8 subsection b. of section 6 of this act. Upon the issuance of a final
9 decision by the public guardian, pursuant to this subsection, the
10 Office of the Public Guardian for Elderly Adults shall notify the
11 person as to whether he remains disqualified. A person disputing
12 an adverse determination by the Office of the Public Guardian for
13 Elderly Adults may file with the Office of Administrative Law for
14 an administrative hearing.
15 (cf: P.L.2005, c.370, s.7)

16

17 200. Section 2 of P.L.1985, c.69 (C.53:1-20.6) is amended to
18 read as follows:

19 2. a. The Superintendent of State Police, with the approval of
20 the Attorney General, shall, pursuant to the "Administrative
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules
22 and regulations authorizing the dissemination, by the State Bureau
23 of Identification, of criminal history record background information
24 requested by State, county and local government agencies,
25 including the Division of State Police, in noncriminal matters, or
26 requested by individuals, nongovernmental entities or other
27 governmental entities whose access to such criminal history record
28 background information is not prohibited by law. A fee not to
29 exceed \$30 shall be imposed for processing fingerprint
30 identification checks; a fee not to exceed \$18 shall be imposed for
31 processing criminal history name search identification checks.
32 These fees shall be in addition to any other fees required by law. In
33 addition to any fee specified herein, a nonrefundable fee, the
34 amount of which shall be determined by the Superintendent of State
35 Police, with the approval of the Attorney General, shall be collected
36 to cover the cost of securing and processing a federal criminal
37 records check for each applicant.

38 b. State, county and local government agencies, including the
39 Division of State Police, and nongovernmental entities are
40 authorized to impose and collect the processing fee established
41 pursuant to subsection a. of this section from the person for whom
42 the criminal history record background check is being processed or
43 from the party requesting the criminal history record background
44 check. The Superintendent of State Police shall provide this
45 processing service without the collection of fees from the applicants
46 in processing background checks of prospective resource family
47 parents or members of their immediate families. In such cases, the
48 Department of **[Human Services]** Children and Families shall be

1 responsible for paying the fees imposed pursuant to subsection a.
2 of this section. Nothing in this section shall prohibit the
3 Superintendent of State Police, with the approval of the Attorney
4 General, from providing this processing service without the
5 collection of fees from the applicant in other circumstances which
6 in his sole discretion he deems appropriate, if the applicants would
7 not receive a wage or salary for the time and services they provide
8 to an organization or who are considered volunteers. In those
9 circumstances where the Superintendent of State Police, with the
10 approval of the Attorney General, determines to provide this
11 processing service without the collection of fees to the individual
12 applicants, the superintendent may assess the fees for providing this
13 service on behalf of the applicants to any department of State,
14 county or municipal government which is responsible for operating
15 or overseeing that volunteer program. The agencies shall transfer
16 all moneys collected for the processing fee to the Division of State
17 Police.

18 (cf: P.L.2004, c.130, s.121)

19

20 201. Section 8 of P.L.2000 , c.77 (C.53:1-20.9b) is amended to
21 read as follows:

22 8. a. The Commissioner of **【Human Services】** Children and
23 Families is authorized to exchange fingerprint data with, and to
24 receive information from, the Division of State Police in the
25 Department of Law and Public Safety and the Federal Bureau of
26 Investigation.

27 Upon receipt of the criminal history record information for an
28 applicant or staff member of a child care center from the Federal
29 Bureau of Investigation and the Division of State Police, the
30 Department of **【Human Services】** Children and Families shall
31 notify the applicant or staff member, as applicable, and the child
32 care center, in writing, of the applicant's or staff member's
33 qualification or disqualification for employment or service under
34 P.L.2000, c.77 (C.30:5B-6.10 et al.). If the applicant or staff
35 member is disqualified, the convictions that constitute the basis for
36 the disqualification shall be identified in the written notice to the
37 applicant or staff member. The applicant or staff member shall
38 have 14 days from the date of the written notice of disqualification
39 to challenge the accuracy of the criminal history record information.
40 If no challenge is filed or if the determination of the accuracy of the
41 criminal history record information upholds the disqualification, the
42 Department of **【Human Services】** Children and Families shall
43 notify the center that the applicant or staff member has been
44 disqualified from employment.

45 b. The Division of State Police shall promptly notify the
46 Department of **【Human Services】** Children and Families in the
47 event an applicant or staff member who was the subject of a
48 criminal history record background check conducted pursuant to

1 subsection a. of this section, is convicted of a crime or offense in
2 this State after the date the background check was performed. Upon
3 receipt of such notification, the Department of **[Human Services]**
4 Children and Families shall make a determination regarding the
5 employment of the applicant or staff member.

6 (cf: P.L.2004, c.130, s.122)

7
8 202. Section 7 of P.L.2003, c.186 (C.53:1-20.9d) is amended to
9 read as follows:

10 7. a. The Commissioner of **[Human Services]** Children and
11 Families is authorized to exchange fingerprint data with, and to
12 receive criminal history record information from, the Division of
13 State Police in the Department of Law and Public Safety and the
14 Federal Bureau of Investigation.

15 Upon receipt of the criminal history record information for an
16 applicant or staff member of a residential child care facility from
17 the Federal Bureau of Investigation and the Division of State
18 Police, the Department of **[Human Services]** Children and Families
19 shall notify the applicant or staff member, as applicable, and the
20 residential child care facility, in writing, of the applicant's or staff
21 member's qualification or disqualification for employment or
22 service under section 4 or 5 of P.L.2003, c.186 (C.30:4C-27.19 or
23 C.30:4C-27.20). If the applicant or staff member is disqualified, the
24 convictions that constitute the basis for the disqualification shall be
25 identified in the written notice to the applicant or staff member.
26 The applicant or staff member shall have 14 days from the date of
27 the written notice of disqualification to challenge the accuracy of
28 the criminal history record information. If no challenge is filed or if
29 the determination of the accuracy of the criminal history record
30 information upholds the disqualification, the department shall notify
31 the facility that the applicant or staff member has been disqualified
32 from employment.

33 b. The Division of State Police shall promptly notify the
34 Department of **[Human Services]** Children and Families in the
35 event an applicant or staff member, who was the subject of a
36 criminal history record background check conducted pursuant to
37 subsection a. of this section, is convicted of a crime or offense in
38 this State after the date the background check was performed. Upon
39 receipt of such notification, the department shall make a
40 determination regarding the employment of the applicant or staff
41 member.

42 (cf: P.L.2003, c.186, s.7)

43
44 203. (New section) Notwithstanding any provision of P.L.1968,
45 c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
46 Children and Families may, with the approval of the Governor,
47 adopt, immediately upon filing with the Office of Administrative
48 Law, such regulations as the commissioner deems necessary to

1 implement the provisions of this act, which regulations shall be
2 effective for a period not to exceed six months and may, thereafter,
3 be amended, adopted or readopted by the commissioner in
4 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1
5 et seq.).

6

7 204. The following are repealed:

8 Section 7 of P.L.1998, c.19 (C.9:6-8.105);

9 Sections 4, 5, and 6 of P.L.1985, c.197 (C.9:6A-2 through 9:6A-
10 4);

11 Section 2 of P.L.2004, c.130 (C.30:4C-2.2); and

12 P.L.2001, c.252 (C.30:4C-3.1 through 30:4C-3.6).

13

14 205. This act shall take effect July 1, 2006 and, if enacted after
15 that date, shall be retroactive to July 1, 2006.

16

17

18

19

20

Establishes Department of Children and Families.

SENATE, No. 2069

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 19, 2006

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator WILLIAM L. GORMLEY

District 2 (Atlantic)

Co-Sponsored by:

Senators Karcher, Rice and Weinberg

SYNOPSIS

Establishes Department of Children and Families.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/27/2006)

1 AN ACT establishing the Department of Children and Families as a
2 principal department in the Executive Branch, supplementing
3 Title 9 of the Revised Statutes, and revising various parts of the
4 statutory law.

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

8
9 1. (New section) Sections 2 through 15 of this act shall be
10 known and may be cited as the “Department of Children and
11 Families Act.”

12
13 2. (New section) The Legislature finds and declares that:

14 a. In 2003, New Jersey settled a class action lawsuit alleging
15 that the State’s child welfare system, which was primarily
16 administered through the Division of Youth and Family Services in
17 the Department of Human Services, failed to protect the State’s
18 most vulnerable children from child abuse and neglect. Under the
19 terms of the settlement agreement, a New Jersey Child Welfare
20 Panel was created to provide technical assistance to the State on
21 child welfare issues in order to monitor the development and
22 implementation of a State plan to reform New Jersey's child welfare
23 system;

24 b. Although the State has committed substantial financial
25 resources to the reform of the child welfare system between the date
26 of the settlement agreement and 2005, the New Jersey Child
27 Welfare Panel concluded that the department has not been able to
28 demonstrate substantial progress in the implementation of the
29 reform plan, and the Child Welfare Panel and other child advocates
30 have concluded that children continue to remain at risk;

31 c. One of the concerns about the reform is that the child
32 welfare system is administered through and is one of several large
33 units within one of the largest agencies in State government, the
34 Department of Human Services, which is responsible for so many of
35 our State’s vulnerable citizens. The department consists of
36 approximately 22,000 employees and includes, in addition to the
37 Division of Youth and Family Services: the Division of Medical
38 Assistance and Health Services, which administers the State’s
39 Medicaid and NJ FamilyCare programs; the Division of Family
40 Development, which administers the Temporary Assistance for
41 Needy Families program and other public assistance programs; the
42 Division of Developmental Disabilities, which provides services to
43 developmentally disabled persons in the community and operates
44 seven developmental centers; the Division of Mental Health
45 Services, which provides services to persons with mental illness in

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 the community and operates five psychiatric hospitals; the Division
2 of Addiction Services, which administers the State's substance
3 abuse programs; the Division of Disability Services, which provides
4 various services to disabled adults; and the Commission for the
5 Blind and Visually Impaired and the Division of the Deaf and Hard
6 of Hearing, which are responsible for providing services to persons
7 who are blind or visually impaired and persons with hearing
8 impairments, respectively; and

9 d. In order to facilitate aggressive reform of the child welfare
10 system and ensure that the reform effort is successful, it is,
11 therefore, in the best interest of the citizens of this State to establish
12 a principal department within the Executive Branch that focuses
13 exclusively on protecting children and strengthening families, so
14 that our State's children will have the optimum conditions in which
15 to grow and prosper to the benefit of themselves, their families, and
16 society as a whole. The department shall have the goal of ensuring
17 safety, permanency, and well-being for all children, and shall have
18 direct responsibility for child welfare and other children and family
19 services, supported by strong inter-agency partnerships among other
20 State departments also responsible for family services.

21
22 3. (New section) There is established in the Executive Branch
23 of the State Government a principal department that shall be known
24 as the Department of Children and Families.

25
26 4. (New section) As used in this act:
27 "Commissioner" means the Commissioner of Children and
28 Families.

29 "Department" means the Department of Children and Families
30 established by this act.

31
32 5. (New section) a. The head and chief administrative officer
33 of the department shall be the Commissioner of Children and
34 Families. The commissioner shall be a person qualified by training
35 and experience to perform the duties of his office. The
36 commissioner shall be appointed by the Governor, with the advice
37 and consent of the Senate, and shall serve at the pleasure of the
38 Governor during the Governor's term of office and until the
39 appointment and qualification of the commissioner's successor. He
40 shall receive such salary as shall be provided by law and shall
41 devote his entire time and attention to the duties of the office and
42 shall not engage in any other profession or occupation.

43 b. The commissioner shall delegate such of his powers as he
44 deems appropriate for the efficient administration of the
45 department, to be exercised under the commissioner's direction and
46 supervision by one or more deputy commissioners. A deputy
47 commissioner shall devote his entire time and attention to the duties

1 of that office and shall receive such salary as the commissioner
2 deems appropriate.

3
4 6. (New section) Notwithstanding any provision of P.L.1968,
5 c.410 (C.52:14B-1 et seq.) to the contrary, the commissioner may
6 designate an appropriate officer of the department to serve as the
7 final decision maker in any contested case or group of contested
8 cases filed with the Office of Administrative Law. The designation
9 shall be in writing and shall be filed with the Office of
10 Administrative Law. The designation shall remain in effect until
11 amended by the commissioner.

12
13 7. (New section) The commissioner, as administrator and chief
14 executive officer of the department, shall:

15 a. Administer the work of the department;

16 b. Appoint and remove officers and other personnel employed
17 within the department, subject to the provisions of Title 11A of the
18 New Jersey Statutes, Civil Service, and other applicable statutes,
19 except as herein otherwise specifically provided;

20 c. Appoint such deputy and assistant commissioners, directors
21 and other personnel in the unclassified service as the commissioner
22 deems appropriate to receive such compensation as may be
23 provided by law;

24 d. Perform, exercise and discharge the functions, powers and
25 duties of the department through such divisions as may be
26 established by this act or otherwise by law;

27 e. Organize the work of the department in such divisions, not
28 inconsistent with the provisions of this act, and in such other
29 organizational units as he may determine to be necessary for
30 efficient and effective operation;

31 f. Adopt, issue and promulgate, in the name of the department,
32 such rules and regulations as may be authorized by law, consistent
33 with the "Administrative Procedure Act," P.L.1968, c.410
34 (C.52:14B-1 et seq.);

35 g. Formulate and adopt rules and regulations for the efficient
36 conduct of the work and general administration of the department,
37 its officers and employees;

38 h. Institute or cause to be instituted such legal proceedings or
39 processes as may be necessary to enforce and give effect to any of
40 his powers or duties;

41 i. Make such reports of the department's operation as the
42 Governor or the Legislature shall from time to time request, or as
43 may be required by law;

44 j. Coordinate the activities of the department, and the several
45 divisions and other agencies therein, in a manner designed to
46 eliminate overlapping and duplicating functions;

1 k. Integrate within the department, so far as practicable, all
2 staff services of the department and of the several divisions and
3 other agencies therein;

4 l. Maintain suitable headquarters for the department and such
5 other quarters as are necessary to the proper functioning of the
6 department;

7 m. Solicit, apply for, and accept on behalf of the State any
8 contributions, donations of money, goods, services, real or personal
9 property or grants from the federal government or any agency
10 thereof, or from any foundation, corporation, association or
11 individual, and comply with the terms, conditions and limitations
12 thereof, for any of the purposes of the department;

13 n. Enter into contracts and agreements with public and private
14 entities, as may be appropriate to carry out the purposes of the
15 department;

16 o. Be the request officer for the department within the meaning
17 of such term as defined in P.L.1944, c.112 (C.52:27B-1 et seq.); and

18 p. Perform such other functions as may be prescribed in this act
19 or by any other law.

20

21 8. (New section) The commissioner may make, or cause to be
22 made, such investigations as he deems necessary in the
23 administration of the Department of Children and Families. For the
24 purpose of any such investigation he may cause to be examined
25 under oath any and all persons whatsoever and compel by subpoena
26 the attendance of witnesses and the production of such books,
27 records, accounts, papers and other documents as are appropriate.
28 If a witness fails without good cause to attend, testify or produce
29 such records or documents as directed in the subpoena, he shall be
30 punished in the manner provided for the punishment of any witness
31 who disobeys a summons or subpoena issued from a court of record
32 in this State.

33

34 9. (New section) All of the functions, powers and duties of the
35 Office of Children's Services in the Department of Human Services,
36 and the power to receive, allocate, expend, and authorize the
37 expenditure of federal moneys available for children and families
38 are hereby transferred and assigned to, assumed by and devolved
39 upon the Department of Children and Families. To effectuate such
40 transfer there shall also be transferred such officers and employees
41 as are necessary, all appropriations or reappropriations, to the extent
42 of remaining unexpended or unencumbered balances thereof,
43 whether allocated or unallocated and whether obligated or
44 unobligated, and all necessary books, papers, records and property.
45 All rules, regulations, acts, determinations and decisions in force at
46 the time of such transfer and proceedings or other such matters
47 undertaken, commenced or pending by or before the Office of
48 Children's Services at the time of such transfer shall continue in

1 force and effect until duly modified, abrogated or completed by the
2 Department of Children and Families.

3 As used in this section, the Office of Children's Services
4 includes, but is not limited to, the Division of Youth and Family
5 Services, the Division of Child Behavioral Health Services, the
6 Division of Prevention and Community Partnerships and the New
7 Jersey Child Welfare Training Academy in the Department of
8 Human Services.

9
10 10. (New section) a. Whenever the term "Office of Children's
11 Services" occurs or any reference is made thereto in any law,
12 regulation, contract or document, the same shall be deemed to mean
13 or refer to the Department of Children and Families.

14 b. Whenever the terms "Division of Youth and Family
15 Services," "Division of Child Behavioral Health Services,"
16 "Division of Prevention and Community Partnerships" and "New
17 Jersey Child Welfare Training Academy" occur or any reference is
18 made thereto in any law, regulation, contract or document, the same
19 shall be deemed to mean or refer to, respectively, the "Division of
20 Youth and Family Services," "Division of Child Behavioral Health
21 Services," "Division of Prevention and Community Partnerships,"
22 and "New Jersey Child Welfare Training Academy" in the
23 Department of Children and Families established herein.

24
25 11. (New section) A proportionate share of the programmatic,
26 administrative, and support staff of the Department of Human
27 Services supporting the functions, powers and duties transferred
28 under this act are transferred to the Department of Children and
29 Families.

30 The transfer of specific facilities, resources and personnel shall
31 be determined by agreement between the Commissioner of Children
32 and Families and the Commissioner of Human Services, after
33 considering the number and type of positions currently used for
34 support for the functions, powers and duties transferred and the
35 appropriateness of transferring personnel, positions, and funding.

36
37 12. (New section) This act shall be subject to the provisions of
38 the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et
39 seq.), except as may otherwise be provided under this act.

40
41 13. (New section) This act shall not:
42 a. affect the tenure, compensation, and pension rights, if any,
43 of the lawful holder thereof, in any position not specifically
44 abolished herein; and
45 b. alter the term of any member of any board, commission, or
46 public body, not specifically abolished herein, lawfully in office on
47 the effective date of this act, or require the reappointment thereof.

1 14. (New Section) The Department of Children and Families
2 shall not employ any individual as a direct care staff member unless
3 the Commissioner of Children and Families has first determined,
4 consistent with the requirements and standards of this section, that
5 no criminal history record information exists on file in the Federal
6 Bureau of Investigation, Identification Division, or in the State
7 Bureau of Identification in the Division of State Police, which
8 would disqualify that individual from being employed at the
9 department. A criminal history record background check shall be
10 conducted at least once every two years for an individual employed
11 as a direct care staff member.

12 As used in this section, “direct care staff member” means an
13 individual employed at the department in a position which involves
14 unsupervised, regular contact with individuals receiving services
15 from the department.

16 a. An individual shall be disqualified from employment as a
17 direct care staff member if that individual's criminal history record
18 check reveals a record of conviction of any of the following crimes
19 and offenses:

20 (1) In New Jersey, any crime or disorderly persons offense:

21 (a) involving danger to the person, meaning those crimes and
22 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
23 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
24 or N.J.S.2C:15-1 et seq.; or

25 (b) against the family, children or incompetents, meaning those
26 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
27 seq.; or

28 (2) In any other state or jurisdiction, of conduct which, if
29 committed in New Jersey, would constitute any of the crimes or
30 disorderly persons offenses described in paragraph (1) of this
31 subsection.

32 b. Notwithstanding the provisions of subsection a. of this section
33 to the contrary, no individual shall be disqualified from
34 employment under this act on the basis of any conviction disclosed
35 by a criminal history record check performed pursuant to this
36 section if the individual has affirmatively demonstrated to the
37 Commissioner of Children and Families clear and convincing
38 evidence of his rehabilitation. In determining whether an individual
39 has affirmatively demonstrated rehabilitation, the following factors
40 shall be considered:

41 (1) The nature and responsibility of the position which the
42 convicted individual would hold;

43 (2) The nature and seriousness of the offense;

44 (3) The circumstances under which the offense occurred;

45 (4) The date of the offense;

46 (5) The age of the individual when the offense was committed;

47 (6) Whether the offense was an isolated or repeated incident;

1 (7) Any social conditions which may have contributed to the
2 offense; and

3 (8) Any evidence of rehabilitation, including good conduct in
4 prison or in the community, counseling or psychiatric treatment
5 received, acquisition of additional academic or vocational
6 schooling, successful participation in correctional work-release
7 programs, or the recommendation of persons who have had the
8 individual under their supervision.

9 c. If a prospective direct care staff member refuses to consent
10 to, or cooperate in, the securing of a criminal history record
11 background check, the commissioner shall not consider the
12 individual for employment as a direct care staff member. The
13 prospective staff member shall, however, retain any available right
14 of review by the Merit System Board in the Department of
15 Personnel.

16 d. If a current direct care staff member refuses to consent to, or
17 cooperate in, the securing of a criminal history record background
18 check, the commissioner shall immediately remove the individual
19 from his position as a direct care staff member and terminate the
20 individual's employment. The staff member shall, however, retain
21 any available right of review by the Merit System Board in the
22 Department of Personnel.

23 e. Notwithstanding the provisions of subsection a. of this
24 section to the contrary, the department may provisionally employ an
25 individual as a direct care staff member for a period not to exceed
26 six months if that individual's State Bureau of Identification
27 criminal history record background check does not contain any
28 information that would disqualify the individual from employment
29 at the department and if the individual submits to the commissioner
30 a sworn statement attesting that the individual has not been
31 convicted of any crime or disorderly persons offense as described in
32 this section, pending a determination that no criminal history record
33 background information which would disqualify the individual
34 exists on file in the Federal Bureau of Investigation, Identification
35 Division. An individual who is provisionally employed pursuant to
36 this subsection shall perform his duties under the direct supervision
37 of a superior who acts in a supervisory capacity over that individual
38 until the determination concerning the federal information is
39 complete.

40 f. All applicants or current direct care staff members from
41 whom criminal history record background checks are required shall
42 submit their fingerprints in a manner acceptable to the
43 commissioner. The commissioner is authorized to exchange
44 fingerprint data with and receive criminal history record
45 information from the Federal Bureau of Investigation and the
46 Division of State Police for use in making the determinations
47 required by this section. No criminal history record background

1 check shall be performed pursuant to this section unless the
2 applicant shall have furnished his written consent to the check.

3 g. (1) Upon receipt of an applicant or direct care staff member's
4 criminal history record information from the Federal Bureau of
5 Investigation or the Division of State Police, as applicable, the
6 commissioner shall notify the applicant or staff member, in writing,
7 of the applicant's or staff member's qualification or disqualification
8 for employment under this act. If the applicant or staff member is
9 disqualified, the conviction or convictions which constitute the
10 basis for the disqualification shall be identified in the written
11 notice.

12 (2) The applicant or staff member shall have 30 days from the
13 date of written notice of disqualification to petition the
14 commissioner for a hearing on the accuracy of the criminal history
15 record information or to establish his rehabilitation under
16 subsection b. of this section. The commissioner may refer any case
17 arising hereunder to the Office of Administrative Law for
18 administrative proceedings pursuant to P.L.1978, c.67 (C.52:14F-1
19 et al.).

20 (3) The commissioner shall not maintain any individual's
21 criminal history record information or evidence of rehabilitation
22 submitted under this section for more than six months from the date
23 of a final determination by the commissioner as to the individual's
24 qualification or disqualification to be a direct care staff member
25 pursuant to this section.

26 h. The commissioner shall initiate a criminal history record
27 background check on all prospective direct care staff members.
28 Current direct care staff members who have had a criminal history
29 record background check conducted and stored in a manner
30 approved by the commissioner shall have up to two years from the
31 effective date of this act until the next criminal history background
32 check is conducted.

33 i. The department shall assume the cost of all criminal history
34 record background checks conducted on current and prospective
35 direct care staff members.

36

37 15. (New section) a. The Commissioner of Children and
38 Families is authorized to exchange fingerprint data with, and to
39 receive information from, the Division of State Police in the
40 Department of Law and Public Safety and the Federal Bureau of
41 Investigation in accordance with the provisions of section 14 of
42 P.L. , c. (C.)(pending before the Legislature as this bill).

43 b. The Division of State Police shall promptly notify the
44 Department of Children and Families in the event an applicant for a
45 direct care staff member position or a direct care staff member who
46 was the subject of a criminal history record background check
47 conducted pursuant to subsection a. of this section, is convicted of a
48 crime or offense in this State after the date the background check

1 was performed. Upon receipt of such notification, the Department
2 of Children and Families shall make a determination regarding the
3 employment of the applicant or staff member.

4
5 16. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to
6 read as follows:

7 18. Place of detention or shelter. a. The Juvenile Justice
8 Commission established pursuant to section 2 of P.L.1995, c.284
9 (C.52:17B-170) shall specify the place where a juvenile may be
10 detained; and the Department of **[Human Services]** Children and
11 Families shall specify where a juvenile may be placed in shelter.

12 b. No juvenile shall be placed in detention or shelter care in
13 any place other than that specified by the Juvenile Justice
14 Commission or Department of **[Human Services]** Children and
15 Families as provided in subsection a.

16 c. A juvenile being held for a charge under this act or for a
17 violation of or contempt in connection with a violation of Title 39
18 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes
19 or N.J.S.2C:33-13, including a juvenile who has reached the age of
20 18 years after being charged, shall not be placed in any prison, jail
21 or lockup nor detained in any police station, except that if no other
22 facility is reasonably available a juvenile may be held in a police
23 station in a place other than one designed for the detention of
24 prisoners and apart from any adult charged with or convicted of a
25 crime for a brief period if such holding is necessary to allow release
26 to his parent, guardian, other suitable person, or approved facility.
27 No juvenile shall be placed in a detention facility which has reached
28 its maximum population capacity, as designated by the Juvenile
29 Justice Commission.

30 d. No juvenile charged with delinquency shall be transferred to
31 an adult county jail solely by reason of having reached age 18. The
32 following standards shall apply to any juvenile who has been placed
33 on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43)
34 and who violates the conditions of that probation after reaching the
35 age of 18; who has been placed on parole pursuant to the provisions
36 of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et
37 seq.) and who violates the conditions of that parole after reaching
38 the age of 18; or who is arrested after reaching the age of 18 on a
39 warrant emanating from the commission of an act of juvenile
40 delinquency:

41 (1) In the case of a person 18 years of age but less than 20 years
42 of age, the court, upon application by any interested party, shall
43 determine the place of detention, taking into consideration the age
44 and maturity of the person, whether the placement of the person in a
45 juvenile detention facility would present a risk to the safety of
46 juveniles residing at the facility, the likelihood that the person
47 would influence in a negative manner juveniles incarcerated at the
48 facility, whether the facility has sufficient space available for

1 juveniles and any other factor the court deems appropriate. Upon
2 application at any time by the juvenile detention facility
3 administrator or any other interested party, the court may order that
4 the person be relocated to the county jail. The denial of an
5 application shall not preclude subsequent applications based on a
6 change in circumstances or information that was not previously
7 made available to the court. The determination of the place of
8 detention shall be made in a summary manner;

9 (2) In the case of a person 20 years of age or older, the person
10 shall be incarcerated in the county jail unless good cause is shown.

11 e. (1) The Juvenile Justice Commission and the Department of
12 **【Human Services】** Children and Families shall promulgate such
13 rules and regulations from time to time as deemed necessary to
14 establish minimum physical facility and program standards for
15 juvenile detention facilities or shelters under their respective
16 supervision.

17 (2) The Juvenile Justice Commission and the Department of
18 **【Human Services】** Children and Families, in consultation with the
19 appropriate county administrator of the county facility or shelter,
20 shall assign a maximum population capacity for each juvenile
21 detention facility or shelter based on minimum standards for these
22 facilities.

23 f. (1) Where either the Juvenile Justice Commission or the
24 Department of **【Human Services】** Children and Families determines
25 that a juvenile detention facility or shelter under its control or
26 authority is regularly over the maximum population capacity or is in
27 willful and continuous disregard of the minimum standards for
28 these facilities or shelters, the commission or department may
29 restrict new admissions to the facility or shelter.

30 (2) Upon making such determination, the commission or
31 department shall notify the governing body of the appropriate
32 county of its decision to impose such a restriction, which
33 notification shall include a written statement specifying the reasons
34 therefor and corrections to be made. If the commission or
35 department shall determine that no appropriate action has been
36 initiated by the administrator of the facility or shelter within 60
37 days following such notification to correct the violations specified
38 in the notification, it shall order that such juvenile detention facility
39 or shelter shall immediately cease to admit juveniles. The county
40 shall be entitled to a hearing where such a restriction is imposed by
41 the commission or department.

42 (3) Any juvenile detention facility or shelter so restricted shall
43 continue under such order until such time as the commission or
44 department determines that the violation specified in the notice has
45 been corrected or that the facility or shelter has initiated actions
46 which will ensure the correction of said violations.

47 (4) Upon the issuance of an order to cease admissions to a
48 juvenile detention facility or shelter, the commission or department

1 shall determine whether other juvenile detention facilities or
2 shelters have adequate room for admitting juveniles and shall assign
3 the juveniles to the facilities or shelters on the basis of available
4 space; provided that the department shall not assign the juvenile to
5 a facility or shelter where such facility or shelter is at the maximum
6 population. A juvenile detention facility or shelter ordered to
7 accept a juvenile shall do so within five days following the receipt
8 of an order to accept admission of such juvenile.

9 (5) A juvenile detention facility or shelter restricted by an order
10 to cease admissions shall assume responsibility for the
11 transportation of a juvenile sent to another juvenile detention
12 facility or shelter so long as the order shall remain in effect.

13 (6) A facility or shelter receiving juveniles pursuant to
14 paragraph (4) of this subsection shall receive from the sending
15 county a reasonable and appropriate per diem allowance for each
16 juvenile sent to the facility, such allowance to be used for the
17 custody, care, maintenance, and any other services normally
18 provided by the county to juveniles in the facility or shelter and
19 which reflects all county expenditures in maintaining such juvenile,
20 including a proportionate share of all buildings and grounds costs,
21 personnel costs, including fringe benefits, administrative costs and
22 all other direct and indirect costs.

23 (7) The governing body of a county whose juvenile detention
24 facility or shelter has been prohibited from accepting new
25 admissions, and whose juveniles have been assigned to other
26 juvenile detention facilities or shelters, shall appropriate an amount
27 to pay the county receiving such juveniles for all expenses incurred
28 pursuant to paragraph (6) of this subsection.

29 (cf: P.L.2003, c.287, s.1)

30

31 17. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to
32 read as follows:

33 23. Predispositional evaluation. a. Before making a disposition,
34 the court may refer the juvenile to an appropriate individual, agency
35 or institution for examination and evaluation.

36 b. In arriving at a disposition, the court may also consult with
37 such individuals and agencies as may be appropriate to the
38 juvenile's situation, including the county probation division, the
39 Department of **[Human Services]** Children and Families, the
40 Juvenile Justice Commission established pursuant to section 2 of
41 P.L.1995, c.284 (C.52:17B-170), the county youth services
42 commission, school personnel, clergy, law enforcement authorities,
43 family members and other interested and knowledgeable parties. In
44 so doing, the court may convene a predispositional conference to
45 discuss and recommend disposition.

46 c. The predisposition report ordered pursuant to the Rules of
47 Court may include a statement by the victim of the offense for
48 which the juvenile has been adjudicated delinquent or by the nearest

1 relative of a homicide victim. The statement may include the nature
2 and extent of any physical harm or psychological or emotional harm
3 or trauma suffered by the victim, the extent of any loss to include
4 loss of earnings or ability to work suffered by the victim and the
5 effect of the crime upon the victim's family. The probation division
6 shall notify the victim or nearest relative of a homicide victim of his
7 right to make a statement for inclusion in the predisposition report
8 if the victim or relative so desires. Any statement shall be made
9 within 20 days of notification by the probation division. The report
10 shall further include information on the financial resources of the
11 juvenile. This information shall be made available on request to the
12 Victims of Crime Compensation Board established pursuant to
13 section 3 of P.L.1971, c.317 (C.52:4B-3) or to any officer
14 authorized under section 3 of P.L.1979, c.396 (C.2C:46-4) to collect
15 payment of an assessment, restitution or fine. Any predisposition
16 prepared pursuant to this section shall include an analysis of the
17 circumstances attending the commission of the act, the impact of
18 the offense on the community, the offender's history of delinquency
19 or criminality, family situation, financial resources, the financial
20 resources of the juvenile's parent or guardian, and information
21 concerning the parent or guardian's exercise of supervision and
22 control relevant to commission of the act.

23 Information concerning financial resources included in the report
24 shall be made available to any officer authorized to collect payment
25 on any assessment, restitution or fine.
26 (cf: P.L.2004, c.130, s.5)

27
28 18. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
29 read as follows:

30 24. Disposition of delinquency cases. a. In determining the
31 appropriate disposition for a juvenile adjudicated delinquent the
32 court shall weigh the following factors:

33 (1) The nature and circumstances of the offense;

34 (2) The degree of injury to persons or damage to property
35 caused by the juvenile's offense;

36 (3) The juvenile's age, previous record, prior social service
37 received and out-of-home placement history;

38 (4) Whether the disposition supports family strength,
39 responsibility and unity and the well-being and physical safety of
40 the juvenile;

41 (5) Whether the disposition provides for reasonable
42 participation by the child's parent, guardian, or custodian, provided,
43 however, that the failure of a parent or parents to cooperate in the
44 disposition shall not be weighed against the juvenile in arriving at
45 an appropriate disposition;

46 (6) Whether the disposition recognizes and treats the unique
47 physical, psychological and social characteristics and needs of the
48 child;

- 1 (7) Whether the disposition contributes to the developmental
2 needs of the child, including the academic and social needs of the
3 child where the child has mental retardation or learning disabilities;
- 4 (8) Any other circumstances related to the offense and the
5 juvenile's social history as deemed appropriate by the court;
- 6 (9) The impact of the offense on the victim or victims;
- 7 (10) The impact of the offense on the community; and
- 8 (11) The threat to the safety of the public or any individual posed
9 by the child.
- 10 b. If a juvenile is adjudged delinquent, and except to the extent
11 that an additional specific disposition is required pursuant to
12 subsection e. or f. of this section, the court may order incarceration
13 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one
14 or more of the following dispositions:
- 15 (1) Adjourn formal entry of disposition of the case for a period
16 not to exceed 12 months for the purpose of determining whether the
17 juvenile makes a satisfactory adjustment, and if during the period of
18 continuance the juvenile makes such an adjustment, dismiss the
19 complaint; provided that if the court adjourns formal entry of
20 disposition of delinquency for a violation of an offense defined in
21 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court
22 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but
23 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for
24 juveniles adjudicated delinquent;
- 25 (2) Release the juvenile to the supervision of the juvenile's
26 parent or guardian;
- 27 (3) Place the juvenile on probation to the chief probation officer
28 of the county or to any other suitable person who agrees to accept
29 the duty of probation supervision for a period not to exceed three
30 years upon such written conditions as the court deems will aid
31 rehabilitation of the juvenile;
- 32 (4) Transfer custody of the juvenile to any relative or other
33 person determined by the court to be qualified to care for the
34 juvenile;
- 35 (5) Place the juvenile under the care and responsibility of the
36 Department of **【Human Services】** Children and Families so that the
37 commissioner may designate a division or organizational unit in the
38 department pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the
39 purpose of providing services in or out of the home. Within 14
40 days, unless for good cause shown, but not later than 30 days, the
41 Department of **【Human Services】** Children and Families shall
42 submit to the court a service plan, which shall be presumed valid,
43 detailing the specifics of any disposition order. The plan shall be
44 developed within the limits of fiscal and other resources available to
45 the department. If the court determines that the service plan is
46 inappropriate, given existing resources, the department may request
47 a hearing on that determination;

1 (6) Place the juvenile under the care and custody of the
2 Commissioner of Human Services for the purpose of receiving the
3 services of the Division of Developmental Disabilities of that
4 department, provided that the juvenile has been determined to be
5 eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

6 (7) Commit the juvenile, pursuant to applicable laws and the
7 Rules of Court governing civil commitment, to the Department of
8 **【Human Services】** Children and Families under the responsibility
9 of the Division of Child Behavioral Health Services for the purpose
10 of placement in a suitable public or private hospital or other
11 residential facility for the treatment of persons who are mentally ill,
12 on the ground that the juvenile is in need of involuntary
13 commitment;

14 (8) Fine the juvenile an amount not to exceed the maximum
15 provided by law for such a crime or offense if committed by an
16 adult and which is consistent with the juvenile's income or ability
17 to pay and financial responsibility to the juvenile's family, provided
18 that the fine is specially adapted to the rehabilitation of the juvenile
19 or to the deterrence of the type of crime or offense. If the fine is
20 not paid due to financial limitations, the fine may be satisfied by
21 requiring the juvenile to submit to any other appropriate disposition
22 provided for in this section;

23 (9) Order the juvenile to make restitution to a person or entity
24 who has suffered loss resulting from personal injuries or damage to
25 property as a result of the offense for which the juvenile has been
26 adjudicated delinquent. The court may determine the reasonable
27 amount, terms and conditions of restitution. If the juvenile
28 participated in the offense with other persons, the participants shall
29 be jointly and severally responsible for the payment of restitution.
30 The court shall not require a juvenile to make full or partial
31 restitution if the juvenile reasonably satisfies the court that the
32 juvenile does not have the means to make restitution and could not
33 reasonably acquire the means to pay restitution;

34 (10) Order that the juvenile perform community services under
35 the supervision of a probation division or other agency or individual
36 deemed appropriate by the court. Such services shall be
37 compulsory and reasonable in terms of nature and duration. Such
38 services may be performed without compensation, provided that any
39 money earned by the juvenile from the performance of community
40 services may be applied towards any payment of restitution or fine
41 which the court has ordered the juvenile to pay;

42 (11) Order that the juvenile participate in work programs which
43 are designed to provide job skills and specific employment training
44 to enhance the employability of job participants. Such programs
45 may be without compensation, provided that any money earned by
46 the juvenile from participation in a work program may be applied
47 towards any payment of restitution or fine which the court has
48 ordered the juvenile to pay;

- 1 (12) Order that the juvenile participate in programs emphasizing
2 self-reliance, such as intensive outdoor programs teaching survival
3 skills, including but not limited to camping, hiking and other
4 appropriate activities;
- 5 (13) Order that the juvenile participate in a program of academic
6 or vocational education or counseling, such as a youth service
7 bureau, requiring attendance at sessions designed to afford access to
8 opportunities for normal growth and development. This may
9 require attendance after school, evenings and weekends;
- 10 (14) Place the juvenile in a suitable residential or nonresidential
11 program for the treatment of alcohol or narcotic abuse, provided
12 that the juvenile has been determined to be in need of such services;
- 13 (15) Order the parent or guardian of the juvenile to participate in
14 appropriate programs or services when the court has found either
15 that such person's omission or conduct was a significant
16 contributing factor towards the commission of the delinquent act,
17 or, under its authority to enforce litigant's rights, that such person's
18 omission or conduct has been a significant contributing factor
19 towards the ineffective implementation of a court order previously
20 entered in relation to the juvenile;
- 21 (16) (a) Place the juvenile in a nonresidential program operated
22 by a public or private agency, providing intensive services to
23 juveniles for specified hours, which may include education,
24 counseling to the juvenile and the juvenile's family if appropriate,
25 vocational training, employment counseling, work or other services;
- 26 (b) Place the juvenile under the custody of the Juvenile Justice
27 Commission established pursuant to section 2 of P.L.1995, c.284
28 (C.52:17B-170) for placement with any private group home or
29 private residential facility with which the commission has entered
30 into a purchase of service contract;
- 31 (17) Instead of or in addition to any disposition made according
32 to this section, the court may postpone, suspend, or revoke for a
33 period not to exceed two years the driver's license, registration
34 certificate, or both of any juvenile who used a motor vehicle in the
35 course of committing an act for which the juvenile was adjudicated
36 delinquent. In imposing this disposition and in deciding the duration
37 of the postponement, suspension, or revocation, the court shall
38 consider the severity of the delinquent act and the potential effect of
39 the loss of driving privileges on the juvenile's ability to be
40 rehabilitated. Any postponement, suspension, or revocation shall be
41 imposed consecutively with any custodial commitment;
- 42 (18) Order that the juvenile satisfy any other conditions
43 reasonably related to the rehabilitation of the juvenile;
- 44 (19) Order a parent or guardian who has failed or neglected to
45 exercise reasonable supervision or control of a juvenile who has
46 been adjudicated delinquent to make restitution to any person or
47 entity who has suffered a loss as a result of that offense. The court

1 may determine the reasonable amount, terms and conditions of
2 restitution; or

3 (20) Place the juvenile, if eligible, in an appropriate juvenile
4 offender program established pursuant to P.L.1997, c.81 (C.30:8-61
5 et al.).

6 c. (1) Except as otherwise provided in subsections e. and f. of
7 this section, if the county in which the juvenile has been adjudicated
8 delinquent has a juvenile detention facility meeting the physical and
9 program standards established pursuant to this subsection by the
10 Juvenile Justice Commission, the court may, in addition to any of
11 the dispositions not involving placement out of the home
12 enumerated in this section, incarcerate the juvenile in the youth
13 detention facility in that county for a term not to exceed 60
14 consecutive days. Counties which do not operate their own juvenile
15 detention facilities may contract for the use of approved
16 commitment programs with counties with which they have
17 established agreements for the use of pre-disposition juvenile
18 detention facilities. The Juvenile Justice Commission shall
19 promulgate such rules and regulations from time to time as deemed
20 necessary to establish minimum physical facility and program
21 standards for the use of juvenile detention facilities pursuant to this
22 subsection.

23 (2) No juvenile may be incarcerated in any county detention
24 facility unless the county has entered into an agreement with the
25 Juvenile Justice Commission concerning the use of the facility for
26 sentenced juveniles. Upon agreement with the county, the Juvenile
27 Justice Commission shall certify detention facilities which may
28 receive juveniles sentenced pursuant to this subsection and shall
29 specify the capacity of the facility that may be made available to
30 receive such juveniles; provided, however, that in no event shall the
31 number of juveniles incarcerated pursuant to this subsection exceed
32 50% of the maximum capacity of the facility.

33 (3) The court may fix a term of incarceration under this
34 subsection where:

35 (a) The act for which the juvenile was adjudicated delinquent, if
36 committed by an adult, would have constituted a crime or repetitive
37 disorderly persons offense;

38 (b) Incarceration of the juvenile is consistent with the goals of
39 public safety, accountability and rehabilitation and the court is
40 clearly convinced that the aggravating factors substantially
41 outweigh the mitigating factors as set forth in section 25 of
42 P.L.1982, c.77 (C.2A:4A-44); and

43 (c) The detention facility has been certified for admission of
44 adjudicated juveniles pursuant to paragraph (2).

45 (4) If as a result of incarceration of adjudicated juveniles
46 pursuant to this subsection, a county is required to transport a
47 predisposition juvenile to a juvenile detention facility in another

1 county, the costs of such transportation shall be borne by the
2 Juvenile Justice Commission.

3 d. Whenever the court imposes a disposition upon an
4 adjudicated delinquent which requires the juvenile to perform a
5 community service, restitution, or to participate in any other
6 program provided for in this section other than subsection c., the
7 duration of the juvenile's mandatory participation in such
8 alternative programs shall extend for a period consistent with the
9 program goal for the juvenile and shall in no event exceed one year
10 beyond the maximum duration permissible for the delinquent if the
11 juvenile had been committed to a term of incarceration.

12 e. In addition to any disposition the court may impose pursuant
13 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
14 following orders shall be included in dispositions of the
15 adjudications set forth below:

16 (1) An order of incarceration for a term of the duration
17 authorized pursuant to this section or section 25 of P.L.1982, c.77
18 (C.2A:4A-44) or an order to perform community service pursuant to
19 paragraph (10) of subsection b. of this section for a period of at
20 least 60 days, if the juvenile has been adjudicated delinquent for an
21 act which, if committed by an adult, would constitute the crime of
22 theft of a motor vehicle, or the crime of unlawful taking of a motor
23 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
24 degree crime of eluding in violation of subsection b. of
25 N.J.S.2C:29-2;

26 (2) An order of incarceration for a term of the duration
27 authorized pursuant to this section or section 25 of P.L.1982, c.77
28 (C.2A:4A-44) which shall include a minimum term of 60 days
29 during which the juvenile shall be ineligible for parole, if the
30 juvenile has been adjudicated delinquent for an act which, if
31 committed by an adult, would constitute the crime of aggravated
32 assault in violation of paragraph (6) of subsection b. of
33 N.J.S.2C:12-1, the second degree crime of eluding in violation of
34 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case
35 in which the juvenile has previously been adjudicated delinquent for
36 an act, which if committed by an adult, would constitute unlawful
37 taking of a motor vehicle or theft of a motor vehicle;

38 (3) An order to perform community service pursuant to
39 paragraph (10) of subsection b. of this section for a period of at
40 least 30 days, if the juvenile has been adjudicated delinquent for an
41 act which, if committed by an adult, would constitute the fourth
42 degree crime of unlawful taking of a motor vehicle in violation of
43 subsection b. of N.J.S.2C:20-10;

44 (4) An order of incarceration for a term of the duration
45 authorized pursuant to this section or section 25 of P.L.1982, c.77
46 (C.2A:4A-44) which shall include a minimum term of 30 days
47 during which the juvenile shall be ineligible for parole, if the
48 juvenile has been adjudicated delinquent for an act which, if

1 committed by an adult, would constitute the crime of unlawful
2 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third
3 degree crime of eluding in violation of subsection b. of
4 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated
5 delinquent for an act which, if committed by an adult, would
6 constitute either theft of a motor vehicle, the unlawful taking of a
7 motor vehicle or eluding.

8 f. (1) The minimum terms of incarceration required pursuant to
9 subsection e. of this section shall be imposed regardless of the
10 weight or balance of factors set forth in this section or in section 25
11 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of
12 those factors shall determine the length of the term of incarceration
13 appropriate, if any, beyond any mandatory minimum term required
14 pursuant to subsection e. of this section.

15 (2) When a court in a county that does not have a juvenile
16 detention facility or a contractual relationship permitting
17 incarceration pursuant to subsection c. of this section is required to
18 impose a term of incarceration pursuant to subsection e. of this
19 section, the court may, subject to limitations on commitment to
20 State correctional facilities of juveniles who are under the age of 11
21 or developmentally disabled, set a term of incarceration consistent
22 with subsection c. which shall be served in a State correctional
23 facility. When a juvenile who because of age or developmental
24 disability cannot be committed to a State correctional facility or
25 cannot be incarcerated in a county facility, the court shall order a
26 disposition appropriate as an alternative to any incarceration
27 required pursuant to subsection e.

28 (3) For purposes of subsection e. of this section, in the event
29 that a "boot camp" program for juvenile offenders should be
30 developed and is available, a term of commitment to such a
31 program shall be considered a term of incarceration.

32 g. Whenever the court imposes a disposition upon an
33 adjudicated delinquent which requires the juvenile to perform a
34 community service, restitution, or to participate in any other
35 program provided for in this section, the order shall include
36 provisions which provide balanced attention to the protection of the
37 community, accountability for offenses committed, fostering
38 interaction and dialogue between the offender, victim and
39 community and the development of competencies to enable the
40 child to become a responsible and productive member of the
41 community.

42 (cf: P.L.2004, c.130, s.6)

43
44 19. Section 1 of P.L.1982, c.79 (2A:4A-60) is amended to read
45 as follows:

46 1. Disclosure of juvenile information; penalties for disclosure.

47 a. Social, medical, psychological, legal and other records of the
48 court and probation division, and records of law enforcement

- 1 agencies, pertaining to juveniles charged as a delinquent or found to
2 be part of a juvenile-family crisis, shall be strictly safeguarded from
3 public inspection. Such records shall be made available only to:
- 4 (1) Any court or probation division;
 - 5 (2) The Attorney General or county prosecutor;
 - 6 (3) The parents or guardian and to the attorney of the juvenile;
 - 7 (4) The Department of Human Services or Department of
8 Children and Families, if providing care or custody of the juvenile;
 - 9 (5) Any institution or facility to which the juvenile is currently
10 committed or in which the juvenile is placed;
 - 11 (6) Any person or agency interested in a case or in the work of
12 the agency keeping the records, by order of the court for good cause
13 shown, except that information concerning adjudications of
14 delinquency, records of custodial confinement, payments owed on
15 assessments imposed pursuant to section 2 of P.L.1979, c.396
16 (C.2C:43-3.1) or restitution ordered following conviction of a crime
17 or adjudication of delinquency, and the juvenile's financial
18 resources, shall be made available upon request to the Victims of
19 Crime Compensation Board established pursuant to section 3 of
20 P.L.1971, c.317 (C.52:4B-3), which shall keep such information
21 and records confidential;
 - 22 (7) The Juvenile Justice Commission established pursuant to
23 section 2 of P.L.1995, c.284 (C.52:17B-170);
 - 24 (8) Law enforcement agencies for the purpose of reviewing
25 applications for a permit to purchase a handgun or firearms
26 purchaser identification card;
 - 27 (9) Any potential party in a subsequent civil action for damages
28 related to an act of delinquency committed by a juvenile, including
29 the victim or a member of the victim's immediate family, regardless
30 of whether the action has been filed against the juvenile; provided,
31 however, that records available under this paragraph shall be
32 limited to official court documents, such as complaints, pleadings
33 and orders, and that such records may be disclosed by the recipient
34 only in connection with asserting legal claims or obtaining
35 indemnification on behalf of the victim or the victim's family and
36 otherwise shall be safeguarded from disclosure to other members of
37 the public. Any potential party in a civil action related to the
38 juvenile offense may file a motion with the civil trial judge seeking
39 to have the juvenile's social, medical or psychological records
40 admitted into evidence in a civil proceeding for damages;
 - 41 (10) Any potential party in a subsequent civil action for damages
42 related to an act of delinquency committed by a juvenile, including
43 the victim or a member of the victim's immediate family, regardless
44 of whether the action has been filed against the juvenile; provided,
45 however, that records available under this paragraph shall be
46 limited to police or investigation reports concerning acts of
47 delinquency, which shall be disclosed by a law enforcement agency
48 only with the approval of the County Prosecutor's Office or the

1 Division of Criminal Justice. Prior to disclosure, all personal
2 information regarding all individuals, other than the requesting
3 party and the arresting or investigating officer, shall be redacted.
4 Such records may be disclosed by the recipient only in connection
5 with asserting legal claims or obtaining indemnification on behalf
6 of the victim or the victim's family, and otherwise shall be
7 safeguarded from disclosure to other members of the public;

8 (11) The Office of the Child Advocate established pursuant to
9 P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile
10 information received by the child advocate pursuant to this
11 paragraph shall be in accordance with the provisions of section 76
12 of P.L.2005, c.155 (C.52:27EE-76); and

13 (12) Law enforcement agencies with respect to information
14 available on the juvenile central registry maintained by the courts
15 pursuant to subsection g. of this section, including, but not limited
16 to: records of official court documents, such as complaints,
17 pleadings and orders for the purpose of obtaining juvenile arrest
18 information; juvenile disposition information; juvenile pretrial
19 information; and information concerning the probation status of a
20 juvenile.

21 b. Records of law enforcement agencies may be disclosed for
22 law enforcement purposes, or for the purpose of reviewing
23 applications for a permit to purchase a handgun or a firearms
24 purchaser identification card to any law enforcement agency of this
25 State, another state or the United States, and the identity of a
26 juvenile under warrant for arrest for commission of an act that
27 would constitute a crime if committed by an adult may be disclosed
28 to the public when necessary to execution of the warrant.

29 c. At the time of charge, adjudication or disposition,
30 information as to the identity of a juvenile charged with an offense,
31 the offense charged, the adjudication and disposition shall, upon
32 request, be disclosed to:

33 (1) The victim or a member of the victim's immediate family;

34 (2) (Deleted by amendment P.L.2005, c.165).

35 (3) On a confidential basis, the principal of the school where the
36 juvenile is enrolled for use by the principal and such members of
37 the staff and faculty of the school as the principal deems
38 appropriate for maintaining order, safety or discipline in the school
39 or to planning programs relevant to the juvenile's educational and
40 social development, provided that no record of such information
41 shall be maintained except as authorized by regulation of the
42 Department of Education; or

43 (4) A party in a subsequent legal proceeding involving the
44 juvenile, upon approval by the court.

45 d. A law enforcement or prosecuting agency shall, at the time
46 of a charge, adjudication or disposition, advise the principal of the
47 school where the juvenile is enrolled of the identity of the juvenile

1 charged, the offense charged, the adjudication and the disposition
2 if:

3 (1) The offense occurred on school property or a school bus,
4 occurred at a school-sponsored function or was committed against
5 an employee or official of the school; or

6 (2) The juvenile was taken into custody as a result of
7 information or evidence provided by school officials; or

8 (3) The offense, if committed by an adult, would constitute a
9 crime, and the offense:

10 (a) resulted in death or serious bodily injury or involved an
11 attempt or conspiracy to cause death or serious bodily injury; or

12 (b) involved the unlawful use or possession of a firearm or other
13 weapon; or

14 (c) involved the unlawful manufacture, distribution or
15 possession with intent to distribute a controlled dangerous
16 substance or controlled substance analog; or

17 (d) was committed by a juvenile who acted with a purpose to
18 intimidate an individual or group of individuals because of race,
19 color, religion, sexual orientation or ethnicity; or

20 (e) would be a crime of the first or second degree.

21 Information provided to the principal pursuant to this subsection
22 shall be treated as confidential but may be made available to such
23 members of the staff and faculty of the school as the principal
24 deems appropriate for maintaining order, safety or discipline in the
25 school or for planning programs relevant to a juvenile's educational
26 and social development, and no record of such information shall be
27 maintained except as authorized by regulation of the Department of
28 Education.

29 e. Nothing in this section prohibits a law enforcement or
30 prosecuting agency from providing the principal of a school with
31 information identifying one or more juveniles who are under
32 investigation or have been taken into custody for commission of any
33 act that would constitute an offense if committed by an adult when
34 the law enforcement or prosecuting agency determines that the
35 information may be useful to the principal in maintaining order,
36 safety or discipline in the school or in planning programs relevant
37 to the juvenile's educational and social development. Information
38 provided to the principal pursuant to this subsection shall be treated
39 as confidential but may be made available to such members of the
40 staff and faculty of the school as the principal deems appropriate for
41 maintaining order, safety or discipline in the school or for planning
42 programs relevant to the juvenile's educational and social
43 development. No information provided pursuant to this section
44 shall be maintained.

45 f. Information as to the identity of a juvenile adjudicated
46 delinquent, the offense, the adjudication and the disposition shall be
47 disclosed to the public where the offense for which the juvenile has
48 been adjudicated delinquent if committed by an adult, would

1 constitute a crime of the first, second or third degree, or aggravated
2 assault, destruction or damage to property to an extent of more than
3 \$500.00, unless upon application at the time of disposition the
4 juvenile demonstrates a substantial likelihood that specific and
5 extraordinary harm would result from such disclosure in the specific
6 case. Where the court finds that disclosure would be harmful to the
7 juvenile, the reasons therefor shall be stated on the record.

8 g. (1) Nothing in this section shall prohibit the establishment
9 and maintaining of a central registry of the records of law
10 enforcement agencies relating to juveniles for the purpose of
11 exchange between State and local law enforcement agencies and
12 prosecutors of this State, another state, or the United States. These
13 records of law enforcement agencies shall be available on a 24-hour
14 basis.

15 (2) Certain information and records relating to juveniles in the
16 central registry maintained by the courts, as prescribed in paragraph
17 (12) of subsection a. of this section, shall be available to State and
18 local law enforcement agencies and prosecutors on a 24-hour basis.

19 h. Whoever, except as provided by law, knowingly discloses,
20 publishes, receives, or makes use of or knowingly permits the
21 unauthorized use of information concerning a particular juvenile
22 derived from records listed in subsection a. or acquired in the
23 course of court proceedings, probation, or police duties, shall, upon
24 conviction thereof, be guilty of a disorderly persons offense.

25 i. Juvenile delinquency proceedings.

26 (1) Except as provided in paragraph (2) of this subsection, the
27 court may, upon application by the juvenile or his parent or
28 guardian, the prosecutor or any other interested party, including the
29 victim or complainant or members of the news media, permit public
30 attendance during any court proceeding at a delinquency case,
31 where it determines that a substantial likelihood that specific harm
32 to the juvenile would not result. The court shall have the authority
33 to limit and control attendance in any manner and to the extent it
34 deems appropriate;

35 (2) The court or, in cases where the county prosecutor has
36 entered an appearance, the county prosecutor shall notify the victim
37 or a member of the victim's immediate family of any court
38 proceeding involving the juvenile and the court shall permit the
39 attendance of the victim or family member at the proceeding except
40 when, prior to completing testimony as a witness, the victim or
41 family member is properly sequestered in accordance with the law
42 or the Rules Governing the Courts of the State of New Jersey or
43 when the juvenile or the juvenile's family member shows, by clear
44 and convincing evidence, that such attendance would result in a
45 substantial likelihood that specific harm to the juvenile would result
46 from the attendance of the victim or a family member at a
47 proceeding or any portion of a proceeding and that such harm

1 substantially outweighs the interest of the victim or family member
2 to attend that portion of the proceeding;

3 (3) The court shall permit a victim, or a family member of a
4 victim to make a statement prior to ordering a disposition in any
5 delinquency proceeding involving an offense that would constitute a
6 crime if committed by an adult.

7 j. The Department of Education, in consultation with the
8 Attorney General, shall adopt, pursuant to the "Administrative
9 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
10 regulations concerning the creation, maintenance and disclosure of
11 pupil records including information acquired pursuant to this
12 section.

13 (cf: P.L. 2005, c.165, s.1)

14

15 20. Section 14 of P.L.1982, c.80 (C.2A:4A-89) is amended to
16 read as follows:

17 14. When intake has filed with the court a petition for out of
18 home placement, the court shall, within 24 hours, conduct a hearing
19 on the petition. The court shall notify the parents, the juvenile and
20 his counsel and, if indigent, have counsel appointed by the court.
21 The hearing shall be conducted in accordance with the Rules of
22 Court and shall be attended by the parents, the juvenile, and when
23 requested by the court, a representative of the **[Division of Youth
24 and Family Services]** Department of Children and Families. The
25 following procedure shall be followed for the hearing:

26 a. The court shall hold the hearing to consider the petition and
27 may approve or disapprove the temporary out of home placement.
28 The court may approve the temporary out of home placement if
29 either of the following factors exists:

30 (1) A serious conflict or other problem between the parent and
31 the juvenile which cannot be resolved by delivery of services to the
32 family during continued placement of the juvenile in the parental
33 home; or

34 (2) The physical safety and well-being of the juvenile would be
35 threatened if the juvenile were placed in the parental home.

36 b. If the court disapproves a petition for an out of home
37 placement, a written statement of reasons shall be filed, and the
38 court shall order that the juvenile is to remain at or return to the
39 parental home.

40 c. Temporary out of home placement shall continue until
41 otherwise provided by the court. The order approving the
42 temporary out of home placement shall direct the **[Division of
43 Youth and Family Services]** Department of Children and Families,
44 or other service or agency to submit a family service plan that is
45 designed to resolve the family crisis consistent with the well-being
46 and physical safety of the juvenile. The court shall direct such
47 **[division]** department, service or agency to make recommendations

1 as to which agency or person shall have physical custody of the
2 child, the extent of the parental powers to be awarded to such
3 agency or person and parental visitation rights.

4 d. Within 14 days of the date of the order approving the
5 petition for temporary out of home placement is entered, unless for
6 good cause shown, but no later than 30 days, the [division]
7 department, service or agency shall submit to the court a family
8 service plan, which shall be presumed valid, detailing the specifics
9 of the court order. The plan shall be developed within the limits of
10 fiscal and other resources available to the [division] department,
11 service or agency. If the court determines that the service plan is
12 inappropriate, given existing resources, the [division] department,
13 service or agency may request a hearing on that determination.

14 e. At the hearing held to consider the family service plan
15 presented by the [division] department or other service or agency,
16 the court shall consider all such recommendations included therein.
17 The court, consistent with this section, may modify such plan and
18 shall make its dispositional order for the juvenile. The court's
19 dispositional order shall specify the responsibility of the
20 Department of [Human Services] Children and Families or other
21 service with respect to the juvenile who shall be placed, those
22 parental powers temporarily ordered to the department or service
23 and parental visitation rights. Where placement cannot be
24 immediately made, the [division] department or other service or
25 agency shall report to the court every 14 days on the status of the
26 placement and progress toward implementation of the plan.

27 (cf: P.L.1982, c.80, s.14)

28

29 21. N.J.S.2A:12-6 is amended to read as follows:

30 2A:12-6. The Administrative Director of the Courts is
31 authorized to distribute or cause to be distributed any bound
32 volumes of the New Jersey Reports and the New Jersey Superior
33 Court Reports heretofore or hereafter published and delivered to
34 him, as follows:

35 To each member of the Legislature, one copy of each volume of
36 such reports.

37 To the following named, for official use, to remain the property
38 of the State, the following number of copies of each volume of such
39 reports:

40 a. To the Governor, four copies;

41 b. To the Department of Law and Public Safety, for the
42 Division of Law, four copies; and the Division of Alcoholic
43 Beverage Control, one copy;

44 c. To the Department of the Treasury, for the State Treasurer,
45 one copy; the Division of Taxation, three copies; and the Division
46 of Local Government Services in the Department of Community
47 Affairs, one copy;

- 1 d. To the Department of State, one copy;
- 2 e. To the Department of Personnel, one copy;
- 3 f. To the Department of Banking and Insurance, two copies;
- 4 g. To the Board of Public Utilities in the Department of the
5 Treasury, one copy;
- 6 h. To the Department of Labor and Workforce Development,
7 for the commissioner, one copy; the Division of Workers'
8 Compensation, five copies; the State Board of Mediation, one copy;
9 and the Division of Employment Security, three copies;
- 10 i. To the Department of Education, for the commissioner, one
11 copy;
- 12 j. To the Department of Transportation, one copy;
- 13 k. To the Department of Human Services, one copy; **[and]** the
14 Department of Corrections, one copy; and the Department of
15 Children and Families, one copy;
- 16 l. To each judge of the federal courts in and for the district of
17 New Jersey, one copy;
- 18 m. To each justice of the Supreme Court, one copy;
- 19 n. To each judge of the Superior Court, one copy;
- 20 o. To the Administrative Director of the Courts, one copy;
- 21 p. To each standing master of the Superior Court, one copy;
- 22 q. (Deleted by amendment, P.L.1983, c.36.)
- 23 r. To the clerk of the Supreme Court, one copy;
- 24 s. To the clerk of the Superior Court, one copy;
- 25 t. (Deleted by amendment, P.L.1983, c.36.)
- 26 u. (Deleted by amendment, P.L.1983, c.36.)
- 27 v. (Deleted by amendment, P.L.1991, c.91.)
- 28 w. (Deleted by amendment, P.L.1991, c.91.)
- 29 x. To each county prosecutor, one copy;
- 30 y. To the Central Management Unit in the Office of Legislative
31 Services, one copy;
- 32 z. To each surrogate, one copy;
- 33 aa. To each county clerk, one copy;
- 34 ab. To each sheriff, one copy;
- 35 ac. To Rutgers, The State University, two copies; and the law
36 schools, five copies each;
- 37 ad. To the law school of Seton Hall University, five copies;
- 38 ae. To Princeton University, two copies;
- 39 af. To the Library of Congress, four copies;
- 40 ag. To the New Jersey Historical Society, one copy;
- 41 ah. To every library provided by the board of chosen freeholders
42 of any county at the courthouse in each county, one copy;
- 43 ai. To the library of every county bar association in this State,
44 one copy;
- 45 aj. To each incorporated library association in this State, which
46 has a law library at the county seat of the county in which it is
47 located, one copy;
- 48 ak. To each judge of the tax court, one copy;

1 al. The State Library, 60 copies, five of which shall be
2 deposited in the Law Library, and 55 of which shall be used by the
3 State Librarian to send one copy to the state library of each state
4 and territory of the United States, the same to be in exchange for the
5 law reports of such states and territories sent to the State Library,
6 which reports shall be deposited in and become part of the
7 collection of the Law Library.

8 The remaining copies of such reports shall be retained by the
9 administrative director for the use of the State and for such further
10 distribution as he may determine upon.

11 (cf: P.L.2001, c.137, s.1)

12
13 22. Section 6 of P.L.2004, c.157 (C.2A:23C-6) is amended to
14 read as follows:

15 6. Exceptions to Privilege.

16 a. There is no privilege under section 4 of P.L.2004, c.157
17 (C.2A:23C-4) for a mediation communication that is:

18 (1) in an agreement evidenced by a record signed by all parties
19 to the agreement;

20 (2) made during a session of a mediation that is open, or is
21 required by law to be open, to the public;

22 (3) a threat or statement of a plan to inflict bodily injury or
23 commit a crime;

24 (4) intentionally used to plan a crime, attempt to commit a
25 crime, or to conceal an ongoing crime or ongoing criminal activity;

26 (5) sought or offered to prove or disprove a claim or complaint
27 filed against a mediator arising out of a mediation;

28 (6) except as otherwise provided in subsection c., sought or
29 offered to prove or disprove a claim or complaint of professional
30 misconduct or malpractice filed against a mediation party, nonparty
31 participant, or representative of a party based on conduct occurring
32 during a mediation; or

33 (7) sought or offered to prove or disprove child abuse or neglect
34 in a proceeding in which the Division of Youth and Family Services
35 in the Department of **[Human Services]** Children and Families is a
36 party, unless the Division of Youth and Family Services participates
37 in the mediation.

38 b. There is no privilege under section 4 of P.L.2004, c.157
39 (C.2A:23C-4) if a court, administrative agency, or arbitrator finds,
40 after a hearing in camera, that the party seeking discovery or the
41 proponent of the evidence has shown that the evidence is not
42 otherwise available, that there is a need for the evidence that
43 substantially outweighs the interest in protecting confidentiality,
44 and that the mediation communication is sought or offered in:

45 (1) a court proceeding involving a crime as defined in the "New
46 Jersey Code of Criminal Justice," N.J.S. 2C:1-1 et seq.; or

1 (2) except as otherwise provided in subsection c., a proceeding
2 to prove a claim to rescind or reform or a defense to avoid liability
3 on a contract arising out of the mediation.

4 c. A mediator may not be compelled to provide evidence of a
5 mediation communication referred to in paragraph (6) of subsection
6 a. or paragraph (2) of subsection b.

7 d. If a mediation communication is not privileged under
8 subsection a. or b., only the portion of the communication necessary
9 for the application of the exception from nondisclosure may be
10 admitted. Admission of evidence under subsection a. or b. does not
11 render the evidence, or any other mediation communication,
12 discoverable or admissible for any other purpose.

13 (cf: P.L.2004, c.157, s.6)

14
15 23. Section 5 of P.L.1994, c.133 (C.2C:7-5) is amended to read
16 as follows:

17 5. a. Records maintained pursuant to this act shall be open to
18 any law enforcement agency in this State, the United States or any
19 other state and may be released to the Division of Youth and Family
20 Services in the Department of **【Human Services】** Children and
21 Families for use in carrying out its responsibilities under law. Law
22 enforcement agencies in this State shall be authorized to release
23 relevant and necessary information regarding sex offenders to the
24 public when the release of the information is necessary for public
25 protection in accordance with the provisions of P.L.1994, c.128
26 (C.2C:7-6 et seq.).

27 b. An elected public official, public employee, or public
28 agency is immune from civil liability for damages for any
29 discretionary decision to release relevant and necessary
30 information, unless it is shown that the official, employee, or
31 agency acted with gross negligence or in bad faith. The immunity
32 provided under this section applies to the release of relevant
33 information to other employees or officials or to the general public.

34 c. Nothing in this act shall be deemed to impose any liability
35 upon or to give rise to a cause of action against any public official,
36 public employee, or public agency for failing to release information
37 as authorized in subsection d. of this section.

38 d. Nothing in this section shall be construed to prevent law
39 enforcement officers from notifying members of the public exposed
40 to danger of any persons that pose a danger under circumstances
41 that are not enumerated in this act.

42 (cf: P.L.2006, c.6, s.1)

43
44 24. N.J.S.2C:13-1 is amended to read as follows:

45 2C:13-1. Kidnapping. a. Holding for ransom, reward or as a
46 hostage. A person is guilty of kidnapping if he unlawfully removes
47 another from the place where he is found or if he unlawfully

1 confines another with the purpose of holding that person for ransom
2 or reward or as a shield or hostage.

3 b. Holding for other purposes. A person is guilty of kidnapping
4 if he unlawfully removes another from his place of residence or
5 business, or a substantial distance from the vicinity where he is
6 found, or if he unlawfully confines another for a substantial period,
7 with any of the following purposes:

8 (1) To facilitate commission of any crime or flight thereafter;

9 (2) To inflict bodily injury on or to terrorize the victim or
10 another;

11 (3) To interfere with the performance of any governmental or
12 political function; or

13 (4) To permanently deprive a parent, guardian or other lawful
14 custodian of custody of the victim.

15 c. Grading of kidnapping. (1) Except as provided in paragraph
16 (2) of this subsection, kidnapping is a crime of the first degree and
17 upon conviction thereof, a person may, notwithstanding the
18 provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, be
19 sentenced to an ordinary term of imprisonment between 15 and 30
20 years. If the actor releases the victim unharmed and in a safe place
21 prior to apprehension, it is a crime of the second degree.

22 (2) Kidnapping is a crime of the first degree and upon
23 conviction thereof, an actor shall be sentenced to a term of
24 imprisonment by the court, if the victim of the kidnapping is less
25 than 16 years of age and if during the kidnapping:

26 (a) A crime under N.J.S.2C:14-2 or subsection a. of
27 N.J.S.2C:14-3 is committed against the victim;

28 (b) A crime under subsection b. of N.J.S.2C:24-4 is committed
29 against the victim; or

30 (c) The actor sells or delivers the victim to another person for
31 pecuniary gain other than in circumstances which lead to the return
32 of the victim to a parent, guardian or other person responsible for
33 the general supervision of the victim.

34 Notwithstanding the provisions of paragraph (1) of subsection a.
35 of N.J.S.2C:43-6, the term of imprisonment imposed under this
36 paragraph shall be either a term of 25 years during which the actor
37 shall not be eligible for parole, or a specific term between 25 years
38 and life imprisonment, of which the actor shall serve 25 years
39 before being eligible for parole; provided, however, that the crime
40 of kidnapping under this paragraph and underlying aggravating
41 crimes listed in subparagraph (a), (b) or (c) of this paragraph shall
42 merge for purposes of sentencing. If the actor is convicted of the
43 criminal homicide of a victim of a kidnapping under the provisions
44 of chapter 11, any sentence imposed under provisions of this
45 paragraph shall be served consecutively to any sentence imposed
46 pursuant to the provisions of chapter 11.

47 d. "Unlawful" removal or confinement. A removal or
48 confinement is unlawful within the meaning of this section and of

1 sections 2C:13-2 and 2C:13-3, if it is accomplished by force, threat
2 or deception, or, in the case of a person who is under the age of 14
3 or is incompetent, if it is accomplished without the consent of a
4 parent, guardian or other person responsible for general supervision
5 of his welfare.

6 e. It is an affirmative defense to a prosecution under paragraph
7 (4) of subsection b. of this section, which must be proved by clear
8 and convincing evidence, that:

9 (1) The actor reasonably believed that the action was necessary
10 to preserve the victim from imminent danger to his welfare.
11 However, no defense shall be available pursuant to this subsection
12 if the actor does not, as soon as reasonably practicable but in no
13 event more than 24 hours after taking a victim under his protection,
14 give notice of the victim's location to the police department of the
15 municipality where the victim resided, the office of the county
16 prosecutor in the county where the victim resided, or the Division
17 of Youth and Family Services in the Department of **【Human**
18 **Services】** Children and Families;

19 (2) The actor reasonably believed that the taking or detaining of
20 the victim was consented to by a parent, or by an authorized State
21 agency; or

22 (3) The victim, being at the time of the taking or concealment
23 not less than 14 years old, was taken away at his own volition by
24 his parent and without purpose to commit a criminal offense with or
25 against the victim.

26 f. It is an affirmative defense to a prosecution under paragraph
27 (4) of subsection b. of this section that a parent having the right of
28 custody reasonably believed he was fleeing from imminent physical
29 danger from the other parent, provided that the parent having
30 custody, as soon as reasonably practicable:

31 (1) Gives notice of the victim's location to the police
32 department of the municipality where the victim resided, the office
33 of the county prosecutor in the county where the victim resided, or
34 the Division of Youth and Family Services in the Department of
35 **【Human Services】** Children and Families; or

36 (2) Commences an action affecting custody in an appropriate
37 court.

38 g. As used in subsections e. and f. of this section, "parent"
39 means a parent, guardian or other lawful custodian of a victim.
40 (cf: P.L.1999, c.190, s.1)

41

42 25. N.J.S.2C:13-4 is amended to read as follows:

43 2C:13-4. Interference with custody.

44 a. Custody of children. A person, including a parent, guardian or
45 other lawful custodian, is guilty of interference with custody if he:

46 (1) Takes or detains a minor child with the purpose of concealing
47 the minor child and thereby depriving the child's other parent of
48 custody or parenting time with the minor child; or

1 (2) After being served with process or having actual knowledge
2 of an action affecting marriage or custody but prior to the issuance
3 of a temporary or final order determining custody and parenting
4 time rights to a minor child, takes, detains, entices or conceals the
5 child within or outside the State for the purpose of depriving the
6 child's other parent of custody or parenting time, or to evade the
7 jurisdiction of the courts of this State;

8 (3) After being served with process or having actual knowledge
9 of an action affecting the protective services needs of a child
10 pursuant to Title 9 of the Revised Statutes in an action affecting
11 custody, but prior to the issuance of a temporary or final order
12 determining custody rights of a minor child, takes, detains, entices
13 or conceals the child within or outside the State for the purpose of
14 evading the jurisdiction of the courts of this State; or

15 (4) After the issuance of a temporary or final order specifying
16 custody, joint custody rights or parenting time, takes, detains,
17 entices or conceals a minor child from the other parent in violation
18 of the custody or parenting time order.

19 Interference with custody is a crime of the second degree if the
20 child is taken, detained, enticed or concealed: (i) outside the United
21 States or (ii) for more than 24 hours. Otherwise, interference with
22 custody is a crime of the third degree but the presumption of non-
23 imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first
24 offense of a crime of the third degree shall not apply.

25 b. Custody of committed persons. A person is guilty of a crime
26 of the fourth degree if he knowingly takes or entices any committed
27 person away from lawful custody when he is not privileged to do
28 so. "Committed person" means, in addition to anyone committed
29 under judicial warrant, any orphan, neglected or delinquent child,
30 mentally defective or insane person, or other dependent or
31 incompetent person entrusted to another's custody by or through a
32 recognized social agency or otherwise by authority of law.

33 c. It is an affirmative defense to a prosecution under subsection
34 a. of this section, which must be proved by clear and convincing
35 evidence, that:

36 (1) The actor reasonably believed that the action was necessary
37 to preserve the child from imminent danger to his welfare.
38 However, no defense shall be available pursuant to this subsection
39 if the actor does not, as soon as reasonably practicable but in no
40 event more than 24 hours after taking a child under his protection,
41 give notice of the child's location to the police department of the
42 municipality where the child resided, the office of the county
43 prosecutor in the county where the child resided, or the Division of
44 Youth and Family Services in the Department of **[Human Services]**
45 Children and Families;

46 (2) The actor reasonably believed that the taking or detaining of
47 the minor child was consented to by the other parent, or by an
48 authorized State agency; or

1 (3) The child, being at the time of the taking or concealment not
2 less than 14 years old, was taken away at his own volition and
3 without purpose to commit a criminal offense with or against the
4 child.

5 d. It is an affirmative defense to a prosecution under subsection
6 a. of this section that a parent having the right of custody
7 reasonably believed he was fleeing from imminent physical danger
8 from the other parent, provided that the parent having custody, as
9 soon as reasonably practicable:

10 (1) Gives notice of the child's location to the police department
11 of the municipality where the child resided, the office of the county
12 prosecutor in the county where the child resided, or the Division of
13 Youth and Family Services in the Department of **[Human Services]**
14 Children and Families; or

15 (2) Commences an action affecting custody in an appropriate
16 court.

17 e. The offenses enumerated in this section are continuous in
18 nature and continue for so long as the child is concealed or
19 detained.

20 f. (1) In addition to any other disposition provided by law, a
21 person convicted under subsection a. of this section shall make
22 restitution of all reasonable expenses and costs, including
23 reasonable counsel fees, incurred by the other parent in securing the
24 child's return.

25 (2) In imposing sentence under subsection a. of this section the
26 court shall consider, in addition to the factors enumerated in chapter
27 44 of Title 2C of the New Jersey Statutes:

28 (a) Whether the person returned the child voluntarily; and

29 (b) The length of time the child was concealed or detained.

30 g. As used in this section, "parent" means a parent, guardian or
31 other lawful custodian of a minor child.

32 (cf: P.L.1999, c.190, s.2)

33

34 26. Section 1 of P.L.1999, c.421 (C.2C:25-34) is amended to
35 read as follows:

36 1. The Administrative Office of the Courts shall establish and
37 maintain a central registry of all persons who have had domestic
38 violence restraining orders entered against them, all persons who
39 have been charged with a crime or offense involving domestic
40 violence, and all persons who have been charged with a violation of
41 a court order involving domestic violence. All records made
42 pursuant to this section shall be kept confidential and shall be
43 released only to:

44 a. A public agency authorized to investigate a report of
45 domestic violence;

46 b. A police or other law enforcement agency investigating a
47 report of domestic violence, or conducting a background
48 investigation involving a person's application for a firearm permit

1 or employment as a police or law enforcement officer or for any
2 other purpose authorized by law or the Supreme Court of the State
3 of New Jersey;

4 c. A court, upon its finding that access to such records may be
5 necessary for determination of an issue before the court; **[or]**

6 d. A surrogate, in that person's official capacity as deputy clerk
7 of the Superior Court, in order to prepare documents that may be
8 necessary for a court to determine an issue in an adoption
9 proceeding; or

10 e. The Division of Youth and Family Services in the
11 Department of Children and Families when the division is
12 conducting a background investigation involving:

13 (1) an allegation of child abuse or neglect, to include any adult
14 member of the same household as the individual who is the subject
15 of the abuse or neglect allegation; or

16 (2) an out-of-home placement for a child being placed by the
17 Division of Youth and Family Services, to include any adult
18 member of the prospective placement household.

19 Any individual, agency, surrogate or court which receives from
20 the Administrative Office of the Courts the records referred to in
21 this section shall keep such records and reports, or parts thereof,
22 confidential and shall not disseminate or disclose such records and
23 reports, or parts thereof; provided that nothing in this section shall
24 prohibit a receiving individual, agency, surrogate or court from
25 disclosing records and reports, or parts thereof, in a manner
26 consistent with and in furtherance of the purpose for which the
27 records and reports or parts thereof were received.

28 Any individual who disseminates or discloses a record or report,
29 or parts thereof, of the central registry, for a purpose other than
30 investigating a report of domestic violence, conducting a
31 background investigation involving a person's application for a
32 firearm permit or employment as a police or law enforcement
33 officer, making a determination of an issue before the court,
34 conducting a background investigation as specified in subsection e.
35 of this section, or for any other purpose other than that which is
36 authorized by law or the Supreme Court of the State of New Jersey,
37 shall be guilty of a crime of the fourth degree.

38 (cf: P.L.2003, c.286, s.1)

39

40 27. Section 4 of P.L.1999, c.334 (C.2C:35-5.7) is amended to
41 read as follows:

42 4. a. When a person is charged with a criminal offense on a
43 warrant and the person is released from custody before trial on bail
44 or personal recognizance, the court, upon application of a law
45 enforcement officer or prosecuting attorney pursuant to section 3 of
46 P.L.2001, c.365 (C.2C:35-5.9) and except as provided in subsection
47 e. of this section, shall as a condition of release issue an order
48 prohibiting the person from entering any place defined by

1 subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-5.6),
2 including a buffer zone surrounding the place or modifications as
3 provided by subsection f. of this section.

4 b. When a person is charged with a criminal offense on a
5 summons, the court, upon application of a law enforcement officer
6 or prosecuting attorney pursuant to section 3 of P.L.2001, c.365
7 (C.2C:35-5.9) and except as provided in subsection e. of this
8 section, shall, at the time of the defendant's first appearance, issue
9 an order prohibiting the person from entering any place defined by
10 subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-5.6),
11 including a buffer zone surrounding the place or modifications as
12 provided by subsection f. of this section.

13 c. When a person is charged with a criminal offense on a
14 juvenile delinquency complaint and is released from custody at a
15 detention hearing pursuant to section 19 of P.L.1982, c.77
16 (C.2A:4A-38), the court, upon application of a law enforcement
17 officer or prosecuting attorney pursuant to section 3 of P.L.2001,
18 c.365 (C.2C:35-5.9) and except as provided in subsection e. of this
19 section, shall issue an order prohibiting the person from entering
20 any place defined by subsection b. of section 3 of P.L.1999, c.334
21 (C.2C:35-5.6), including a buffer zone surrounding the place or
22 modifications as provided by subsection f. of this section.

23 d. When a person is charged with a criminal offense on a
24 juvenile delinquency complaint and is released without being
25 detained pursuant to section 15 or 16 of P.L.1982, c.77
26 (**[C.2A:4A:34]** C.2A:4A-34 or C.2A:4A-35), the law enforcement
27 officer or prosecuting attorney shall prepare an application pursuant
28 to section 3 of P.L.2001, c.365 (C.2C:35-5.9) for filing on the next
29 court day.

30 The law enforcement officer releasing the juvenile shall serve the
31 juvenile and his parent or guardian with written notice that an order
32 shall be issued by the Family Part of the Superior Court on the next
33 court day prohibiting the juvenile from entering any place defined
34 by subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-5.6),
35 including a buffer zone surrounding the place or modifications as
36 provided by subsection f. of this section.

37 The court shall issue such order on the first court day following
38 the release of the juvenile. If the restraints contained in the court
39 order differ from the restraints contained in the notice, the order
40 shall not be effective until the third court day following the issuance
41 of the order. The juvenile may apply to the court to stay or modify
42 the order on the grounds set forth in subsection e. of this section.

43 e. The court may forego issuing a restraining order for which
44 application has been made pursuant to section 3 of P.L.2001, c.365
45 (C.2C:35-5.9) only if the defendant establishes by clear and
46 convincing evidence that:

47 (1) the defendant lawfully resides at or has legitimate business
48 on or near the place, or otherwise legitimately needs to enter the

1 place. In such an event, the court shall not issue an order pursuant
2 to this section unless the court is clearly convinced that the need to
3 bar the person from the place in order to protect the public safety
4 and the rights, safety and health of the residents and persons
5 working in the place outweighs the person's interest in returning to
6 the place. If the balance of the interests of the person and the public
7 so warrants, the court may issue an order imposing conditions upon
8 the person's entry at, upon or near the place; or

9 (2) the issuance of an order would cause undue hardship to
10 innocent persons and would constitute a serious injustice which
11 overrides the need to protect the rights, safety and health of persons
12 residing in or having business in the place.

13 f. A restraining order issued pursuant to subsection a., b., c., d.
14 or h. of this section shall describe the place from which the person
15 has been barred and any conditions upon the person's entry into the
16 place, with sufficient specificity to enable the person to guide his
17 conduct accordingly and to enable a law enforcement officer to
18 enforce the order. The order shall also prohibit the person from
19 entering an area of up to 500 feet surrounding the place, unless the
20 court rules that a different buffer zone would better effectuate the
21 purposes of this act. In the discretion of the court, the order may
22 contain modifications to permit the person to enter the area during
23 specified times for specified purposes, such as attending school
24 during regular school hours. When appropriate, the court may
25 append to the order a map depicting the place. The person shall be
26 given a copy of the restraining order and any appended map and
27 shall acknowledge in writing the receipt thereof.

28 g. (1) The court shall provide notice of the restraining order to
29 the local law enforcement agency where the arrest occurred and to
30 the county prosecutor.

31 (2) Notwithstanding the provisions of section 1 of P.L.1982,
32 c.79 (C.2A:4A-60), prior to the person's conviction or adjudication
33 of delinquency for a criminal offense, the local law enforcement
34 agency may post a copy of any orders issued pursuant to this
35 section, or an equivalent notice containing the terms of the order,
36 upon one or more of the principal entrances of the place or in any
37 other conspicuous location. Such posting shall be for the purpose
38 of informing the public, and the failure to post a copy of the order
39 shall in no way excuse any violation of the order.

40 (3) Notwithstanding the provisions of section 1 of P.L.1982,
41 c.79 (C.2A:4A-60), prior to the person's conviction or adjudication
42 of delinquency for a criminal offense, any law enforcement agency
43 may publish a copy of any orders issued pursuant to this section, or
44 an equivalent notice containing the terms of the order, in a
45 newspaper circulating in the area of the restraining order. Such
46 publication shall be for the purpose of informing the public, and the
47 failure to publish a copy of the order shall in no way excuse any
48 violation of the order.

1 (4) Notwithstanding the provisions of section 1 of P.L.1982,
2 c.79 (C.2A:4A-60), prior to the person's conviction or adjudication
3 of delinquency for a criminal offense, any law enforcement agency
4 may distribute copies of any orders issued pursuant to this section,
5 or an equivalent notice containing the terms of the order, to
6 residents or businesses located within the area delineated in the
7 order or, in the case of a school or any government-owned property,
8 to the appropriate administrator, or to any tenant association
9 representing the residents of the affected area. Such distribution
10 shall be for the purpose of informing the public, and the failure to
11 publish a copy of the order shall in no way excuse any violation of
12 the order.

13 h. When a person is convicted of or adjudicated delinquent for
14 any criminal offense, the court, upon application of a law
15 enforcement officer or prosecuting attorney pursuant to section 3 of
16 P.L.2001, c.365 (C.2C:35-5.9) and except as provided in subsection
17 e. of this section, shall, by separate order or within the judgment of
18 conviction, issue an order prohibiting the person from entering any
19 place defined by subsection b. of section 3 of P.L.1999, c.334
20 (C.2C:35-5.6), including a buffer zone surrounding the place or
21 modifications as provided by subsection f. of this section. Upon the
22 person's conviction or adjudication of delinquency for a criminal
23 offense, a law enforcement agency, in addition to posting,
24 publishing, and distributing the order or an equivalent notice
25 pursuant to paragraphs (2), (3) and (4) of subsection g. of this
26 section, may also post, publish and distribute a photograph of the
27 person.

28 i. When a juvenile has been adjudicated delinquent for an act
29 which, if committed by an adult, would be a criminal offense, in
30 addition to an order required by subsection h. of this section or any
31 other disposition authorized by law, the court may order the
32 juvenile and any parent, guardian or any family member over whom
33 the court has jurisdiction to take such actions or obey such restraints
34 as may be necessary to facilitate the rehabilitation of the juvenile or
35 to protect public safety or to safeguard or enforce the rights of
36 residents of the place. The court may commit the juvenile to the
37 care and responsibility of the Department of **[Human Services]**
38 Children and Families until such time as the juvenile reaches the
39 age of 18 or until the order of removal and restraint expires,
40 whichever first occurs, or to such alternative residential placement
41 as is practicable.

42 j. An order issued pursuant to subsection a., b., c. or d. of this
43 section shall remain in effect until the case has been adjudicated or
44 dismissed, or for not less than two years, whichever is less. An
45 order issued pursuant to subsection h. of this section shall remain in
46 effect for such period of time as shall be fixed by the court but not
47 longer than the maximum term of imprisonment or incarceration
48 allowed by law for the underlying offense or offenses. When the

1 court issues a restraining order pursuant to subsection h. of this
2 section and the person is also sentenced to any form of probationary
3 supervision or participation in the Intensive Supervision Program,
4 the court shall make continuing compliance with the order an
5 express condition of probation or the Intensive Supervision
6 Program. When the person has been sentenced to a term of
7 incarceration, continuing compliance with the terms and conditions
8 of the order shall be made an express condition of the person's
9 release from confinement or incarceration on parole. At the time of
10 sentencing or, in the case of a juvenile, at the time of disposition of
11 the juvenile case, the court shall advise the defendant that the
12 restraining order shall include a fixed time period in accordance
13 with this subsection and shall include that provision in the judgment
14 of conviction, dispositional order, separate order or order vacating
15 an existing restraining order, to the law enforcement agency that
16 made the arrest and to the county prosecutor.

17 k. All applications to stay or modify an order issued pursuant
18 to this act, including an order originally issued in municipal court,
19 shall be made in the Superior Court. The court shall immediately
20 notify the county prosecutor in writing whenever an application is
21 made to stay or modify an order issued pursuant to this act. If the
22 court does not issue a restraining order, the sentence imposed by the
23 court for a criminal offense as defined in subsection b. of this
24 section shall not become final for ten days in order to permit the
25 appeal of the court's findings by the prosecution.

26 l. Nothing in this section shall be construed in any way to limit
27 the authority of the court to take such other actions or to issue such
28 orders as may be necessary to protect the public safety or to
29 safeguard or enforce the rights of others with respect to the place.

30 m. Notwithstanding any other provision of this section, the
31 court may permit the person to return to the place to obtain personal
32 belongings and effects and, by court order, may restrict the time and
33 duration and provide for police supervision of such a visit.

34 (cf: P.L.2004, c.130, s.14)

35

36 28. Section 1 of P.L.2003, c.301 (C.2C:44-6.2) is amended to
37 read as follows:

38 1. a. In any case in which a person has been convicted of a crime
39 for which the person will be incarcerated, the court shall order, as
40 part of the presentence investigation required pursuant to
41 N.J.S.2C:44-6, that a determination be made as to whether the
42 person is the sole caretaker of a minor child and, if so, who will
43 assume responsibility for the child's care and custody during the
44 period the person is incarcerated.

45 b. If the determination is made that the person is the sole
46 caretaker of the child, the presentence investigation shall also
47 include:

1 (1) verification that the person who will be responsible for the
2 child's care and custody during the period of incarceration has
3 agreed to assume responsibility for the child's care and custody;

4 (2) an inquiry as to the willingness of the person to assume
5 responsibility for the child's care and custody during the period of
6 incarceration; and

7 (3) a PROMIS/GAVEL network check, juvenile central registry
8 check and domestic violence central registry check on the person
9 who will be responsible for the child's care and custody during the
10 period of incarceration and on any adult and juvenile over 12 years
11 of age in the person's household.

12 c. The court shall provide the information compiled pursuant to
13 subsection b. of this section, from the presentence investigation, to
14 the Division of Youth and Family Services in the Department of
15 **【Human Services】 Children and Families**.

16 (cf: P.L.2003,c.301, s.1)

17

18 29. Section 3 of P.L.2003, c.301 (C.2C:44-6.3) is amended to
19 read as follows:

20 3. a. In any case in which a person has been convicted of a
21 crime enumerated in subsection b. of this section and:

22 (1) the victim of the crime was either a person under the age of
23 18 at the time of the commission of the crime, or a person defined
24 in paragraph (9) of subsection b. of this section; and

25 (2) the person convicted of the crime resides in a household
26 with other minor children or is a parent of a minor child,
27 the court, based on an interview with the defendant, shall make a
28 referral to the Division of Youth and Family Services in the
29 Department of **【Human Services】 Children and Families** and
30 provide the division with the name and address of the person
31 convicted of the crime, information on the person's criminal history
32 and the name and address of each child referred to in paragraph (2)
33 of this subsection.

34 b. For purposes of this section, "crime" includes any of the
35 following:

36 (1) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant
37 to N.J.S.2C:11-4;

38 (2) simple assault or aggravated assault pursuant to
39 N.J.S.2C:12-1;

40 (3) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

41 (4) terrorist threats pursuant to N.J.S.2C:12-3;

42 (5) kidnaping and related offenses including criminal restraint;
43 false imprisonment; interference with custody; criminal coercion; or
44 enticing a child into a motor vehicle, structure, or isolated area
45 pursuant to N.J.S.2C:13-1 through 2C:13-6;

46 (6) sexual assault, criminal sexual contact or lewdness pursuant
47 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

- 1 (7) arson pursuant to N.J.S.2C:17-1, or causing or risking
2 widespread injury or damage which would constitute a crime of the
3 second degree pursuant to N.J.S.2C:17-2;
4 (8) a crime against a child, including endangering the welfare of
5 a child and child pornography pursuant to N.J.S.2C:24-4; or child
6 abuse, neglect, or abandonment pursuant to R.S.9:6-3;
7 (9) endangering the welfare of an incompetent person pursuant
8 to N.J.S.2C:24-7 or endangering the welfare of an elderly or
9 disabled person pursuant to N.J.S.2C:24-8;
10 (10) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17
11 et seq.); or
12 (11) an attempt or conspiracy to commit an offense listed in
13 paragraphs (1) through (10) of this subsection.
14 (cf: P.L.2003, c.301, s.3)

15
16 30. Section 3 of P.L.1995, c.76 (C.3B:12-69) is amended to read
17 as follows:

18 3. As used in this act:

19 “Appointed standby guardian” means a person appointed
20 pursuant to section 6 of this act to assume the duties of guardian
21 over the person and, when applicable, the property of a minor child
22 upon the death or a determination of incapacity or debilitation, and
23 with the consent, of the parent or legal custodian.

24 “Attending physician” means the physician who has primary
25 responsibility for the treatment and care for the petitioning parent or
26 legal custodian. When more than one physician shares this
27 responsibility, or when a physician is acting on the primary
28 physician’s behalf, any such physician may act as the attending
29 physician pursuant to this act. When no physician has this
30 responsibility, a physician who is familiar with the petitioner’s
31 medical condition may act as the attending physician pursuant to
32 this act.

33 “Consent” means written consent signed by the parent or legal
34 custodian in the presence of two witnesses who shall also sign the
35 document. The written consent shall constitute the terms for the
36 commencement of the duties of the standby guardian.

37 “Debilitation” means a chronic and substantial inability, as a
38 result of a physically debilitating illness, disease, or injury, to care
39 for one’s minor child.

40 “Designated standby guardian” means a person designated
41 pursuant to section 8 of this act to assume temporarily the duties of
42 guardianship over the person and, when applicable, the property of
43 a minor child upon the death or a determination of incapacity or
44 debilitation, and with the consent, of the parent or legal custodian.

45 “Designation” means a written document voluntarily executed by
46 the designator pursuant to this act.

47 “Designator” means a competent parent or legal custodian of a
48 minor child who makes a designation pursuant to this act.

1 “Determination of debilitation” means a written determination
2 made by the attending physician which contains the physician’s
3 opinion to a reasonable degree of medical certainty regarding the
4 nature, cause, extent and probable duration of the parent’s or legal
5 custodian’s debilitation.

6 “Determination of incapacity” means a written determination
7 made by the attending physician which contains the physician’s
8 opinion to a reasonable degree of medical certainty regarding the
9 nature, cause, extent and probable duration of the parent’s or legal
10 custodian’s incapacity.

11 “Incapacity” means a chronic and substantial inability, as a result
12 of mental or organic impairment, to understand the nature and
13 consequences of decisions concerning the care of one’s minor child,
14 and a consequent inability to make these decisions.

15 “Minor child” means a child under the age of eighteen years but
16 excludes a child residing in a placement funded or approved by the
17 Division of Youth and Family Services in the Department of
18 **【Human Services】** Children and Families pursuant to either a
19 voluntary placement agreement or court order.

20 “Triggering event” means an event stated in the designation,
21 petition or decree which empowers the standby guardian to assume
22 the duties of the office, which event may be the death, incapacity or
23 debilitation, with the consent, of the custodial parent or legal
24 custodian, whichever occurs first.

25 (cf: P.L.1995, c.76, s.3)

26

27 31. Section 2 of P.L.2001, c.250 (C.3B:12A-2) is amended to
28 read as follows:

29 2. As used in sections 1 through 6 of P.L.2001, c.250
30 (C.3B:12A-1 et seq.):

31 “Caregiver” means a person over 18 years of age, other than a
32 child’s parent, who has a kinship relationship with the child and has
33 been providing care and support for the child, while the child has
34 been residing in the caregiver’s home, for **【at least】** either the last
35 12 consecutive months or 15 of the last 22 months. “Caregiver”
36 includes a resource family parent as defined in section 1 of
37 P.L.1962, c.136 (C.30:4C-26.4).

38 “Child” means a person under 18 years of age, except as
39 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

40 “Commissioner” means the Commissioner of **【Human Services】**
41 Children and Families.

42 “Court” means the Superior Court, Chancery Division, Family
43 Part.

44 “Department” means the Department of **【Human Services】**
45 Children and Families.

46 “Division” means the Division of Youth and Family Services in
47 the Department of **【Human Services】** Children and Families.

1 “Family friend” means a person who is connected to a child or
2 the child’s parent by an established positive psychological or
3 emotional relationship that is not a biological or legal relationship.

4 “Home review” means the basic review of the information
5 provided by the petitioner and a visit to the petitioner’s home where
6 the child will continue to reside, in accordance with the provisions
7 of P.L.2001, c.250 (C.3B:12A-1 et al.) and pursuant to regulations
8 adopted by the commissioner.

9 “Kinship caregiver assessment” means a written report prepared
10 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1
11 et al.) and pursuant to regulations adopted by the commissioner.

12 “Kinship legal guardian” means a caregiver who is willing to
13 assume care of a child due to parental incapacity, with the intent to
14 raise the child to adulthood, and who is appointed the kinship legal
15 guardian of the child by the court pursuant to P.L.2001, c.250
16 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible
17 for the care and protection of the child and for providing for the
18 child’s health, education and maintenance.

19 “Kinship relationship” means a family friend or a person with a
20 biological or legal relationship with the child.

21 “Parental incapacity” means incapacity of such a serious nature
22 as to demonstrate that the parent is unable, unavailable or unwilling
23 to perform the regular and expected functions of care and support of
24 the child.

25 (cf: P.L.2001, c.250, s.2)

26
27 32. Section 6 of P.L.2001, c.250 (C.3B:12A-6) is amended to
28 read as follows:

29 6. a. In making its determination about whether to appoint the
30 caregiver as kinship legal guardian, the court shall consider:

31 (1) if proper notice was provided to the child's parents;

32 (2) the best interests of the child;

33 (3) the kinship caregiver assessment;

34 (4) in cases in which the division is involved with the child as
35 provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-
36 85), the recommendation of the division, including any parenting
37 time or visitation restrictions;

38 (5) the potential kinship legal guardian's ability to provide a safe
39 and permanent home for the child;

40 (6) the wishes of the child's parents, if known to the court;

41 (7) the wishes of the child if the child is 12 years of age or older,
42 unless unique circumstances exist that make the child's age
43 irrelevant;

44 (8) the suitability of the kinship caregiver and the caregiver's
45 family to raise the child;

46 (9) the ability of the kinship caregiver to assume full legal
47 responsibility for the child;

1 (10) the commitment of the kinship caregiver and the caregiver's
2 family to raise the child to adulthood;

3 (11) the results from the child abuse record check conducted
4 pursuant to section 9 of P.L.2001, c.250 (C.30:4C-86); and

5 (12) the results from the criminal history record background
6 check and domestic violence check conducted pursuant to section 9
7 of P.L.2001, c.250 (C.30:4C-86). In any case in which the caregiver
8 petitioning for kinship legal guardianship, or any adult residing in
9 the prospective caregiver's home, has a record of criminal history or
10 a record of being subjected to a final domestic violence restraining
11 order under P.L.1991, c.261 (C.2C:25-17 et seq.), the court shall
12 review the record with respect to the type and date of the criminal
13 offense or the provisions and date of the final domestic violence
14 restraining order and make a determination as to the suitability of
15 the person to become a kinship legal guardian. For the purposes of
16 this paragraph, with respect to criminal history, the court shall
17 consider convictions for offenses specified in subsections c., d. and
18 e. of section 1 of P.L.1985, c.396 (C.30:4C-26.8).

19 b. The court shall not award kinship legal guardianship of the
20 child unless proper notice was served upon the parents of the child
21 and any other party to whom the court has awarded custody or
22 parenting time for that child, in accordance with the Rules of Court.

23 c. The court shall not award kinship legal guardianship of the
24 child solely because of parental incapacity.

25 d. The court shall appoint the caregiver as a kinship legal
26 guardian if, based upon clear and convincing evidence, the court
27 finds that:

28 (1) each parent's incapacity is of such a serious nature as to
29 demonstrate that the parents are unable, unavailable or unwilling to
30 perform the regular and expected functions of care and support of
31 the child;

32 (2) the parents' inability to perform those functions is unlikely to
33 change in the foreseeable future;

34 (3) in cases in which the division is involved with the child as
35 provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-
36 85), (a) the division exercised reasonable efforts to reunify the child
37 with the birth parents and these reunification efforts have proven
38 unsuccessful or unnecessary; and (b) adoption of the child is neither
39 feasible nor likely; and

40 (4) awarding kinship legal guardianship is in the child's best
41 interests.

42 e. The court order appointing the kinship legal guardian shall
43 specify, as appropriate, that:

44 (1) a kinship legal guardian shall have the same rights,
45 responsibilities and authority relating to the child as a birth parent,
46 including, but not limited to: making decisions concerning the
47 child's care and well-being; consenting to routine and emergency
48 medical and mental health needs; arranging and consenting to

1 educational plans for the child; applying for financial assistance and
2 social services for which the child is eligible; applying for a motor
3 vehicle operator's license; applying for admission to college;
4 responsibility for activities necessary to ensure the child's safety,
5 permanency and well-being; and ensuring the maintenance and
6 protection of the child; except that a kinship legal guardian may not
7 consent to the adoption of the child or a name change for the child;

8 (2) the birth parent of the child retains the authority to consent to
9 the adoption of the child or a name change for the child;

10 (3) the birth parent of the child retains the obligation to pay child
11 support;

12 (4) the birth parent of the child retains the right to visitation or
13 parenting time with the child, as determined by the court;

14 (5) the appointment of a kinship legal guardian does not limit or
15 terminate any rights or benefits derived from the child's parents,
16 including, but not limited to, those relating to inheritance or
17 eligibility for benefits or insurance; and

18 (6) kinship legal guardianship terminates when the child reaches
19 18 years of age or when the child is no longer continuously enrolled
20 in a secondary education program, whichever event occurs later, or
21 when kinship legal guardianship is otherwise terminated.

22 f. An order or judgment awarding kinship legal guardianship
23 may be vacated by the court prior to the child's 18th birthday if the
24 court finds that the kinship legal guardianship is no longer in the
25 best interests of the child or, in cases where there is an application
26 to return the child to the parent, based upon clear and convincing
27 evidence, the court finds that the parental incapacity or inability to
28 care for the child that led to the original award of kinship legal
29 guardianship is no longer the case and termination of kinship legal
30 guardianship is in the child's best interests.

31 In cases in which the division was involved, when determining
32 whether a child should be returned to a parent, the court may refer a
33 parent for an assessment prepared by the division, in accordance
34 with regulations adopted by the commissioner.

35 g. An order or judgment awarding kinship legal guardianship
36 may be vacated by the court if, based upon clear and convincing
37 evidence, the court finds that the guardian failed or is unable,
38 unavailable or unwilling to provide proper care and custody of the
39 child, or that the guardianship is no longer in the child's best
40 interests.

41 (cf: P.L.2001, c.250, s.6)

42

43 33. Section 2 of P.L.1977, c.367 (C.9:3-38) is amended to read
44 as follows:

45 2. For the purposes of this act:

46 a. "Approved agency" means a nonprofit corporation,
47 association or agency, including any public agency, approved by the

- 1 Department of **[Human Services]** Children and Families for the
2 purpose of placing children for adoption in New Jersey;
- 3 b. “Child” means a person under 18 years of age;
- 4 c. “Custody” means the general right to exercise continuing
5 control over the person of a child derived from court order or
6 otherwise;
- 7 d. “Guardianship” means the right to exercise continuing
8 control over the person or property or both of a child which
9 includes any specific right of control over an aspect of the child's
10 upbringing derived from court order;
- 11 e. “Guardian ad litem” means a qualified person, not
12 necessarily an attorney, appointed by the court under the provisions
13 of this act or at the discretion of the court to represent the interests
14 of the child whether or not the child is a named party in the action;
- 15 f. “Parent” means a birth parent or parents, including the birth
16 father of a child born out of wedlock who has acknowledged the
17 child or to whom the court has ordered notice to be given, or a
18 parent or parents by adoption;
- 19 g. “Placement for adoption” means the transfer of custody of a
20 child to a person for the purpose of adoption by that person;
- 21 h. “Plaintiff” means a prospective parent or parents who have
22 filed a complaint for adoption;
- 23 i. “Legal services” means the provision of counseling or
24 advice related to the law and procedure for adoption of a child,
25 preparation of legal documents, or representation of any person
26 before a court or administrative agency;
- 27 j. “Surrender” means a voluntary relinquishment of all parental
28 rights by a birth parent, previous adoptive parent, or other person or
29 agency authorized to exercise these rights by law, court order or
30 otherwise, for purposes of allowing a child to be adopted;
- 31 k. “Home study” means an approved agency's formal
32 assessment of the capacity and readiness of prospective adoptive
33 parents to adopt a child, including the agency's written report and
34 recommendations conducted in accordance with rules and
35 regulations promulgated by the Director of the Division of Youth
36 and Family Services; and
- 37 l. “Intermediary” means any person, firm, partnership,
38 corporation, association or agency, which is not an approved agency
39 as defined in this section, who acts for or between any parent and
40 any prospective parent or acts on behalf of either in connection with
41 the placement of the parent's child for adoption in the State or in
42 any other state or country. An intermediary in any other state or
43 country shall not receive money or other valuable consideration in
44 connection with the placement of a child for adoption in this State.
45 An intermediary in this State shall not receive money or other
46 valuable consideration in connection with the placement of a child
47 for adoption in this State or in any other state or country. The
48 provisions of this subsection shall not be construed to prohibit the

1 receipt of money or other valuable consideration specifically
2 authorized in section 18 of P.L.1993, c.345 (C.9:3-39.1).

3 (cf: P.L.1999, c.53, s.2)

4

5 34. Section 18 of P.L.1993, c.345 (C.9:3-39.1) is amended to
6 read as follows:

7 18. a. A person, firm, partnership, corporation, association or
8 agency shall not place, offer to place or materially assist in the
9 placement of any child for adoption in New Jersey unless:

10 (1) the person is the parent or guardian of the child, or

11 (2) the firm, partnership, corporation, association or agency is
12 an approved agency to act as agent, finder or to otherwise
13 materially assist in the placement of any child for adoption in this
14 State, or

15 (3) the placement for adoption is with a brother, sister, aunt,
16 uncle, grandparent, birth father or stepparent of the child, or

17 (4) the placement is through an intermediary and (a) the person
18 with whom the child is to be placed has been approved for
19 placement for adoption by an approved agency home study which
20 consists of the agency's formal written assessment of the capacity
21 and readiness of the prospective adoptive parents to adopt a child,
22 conducted in accordance with rules and regulations promulgated by
23 the Director of the Division of Youth and Family Services;

24 (b) The birth parent, except one who cannot be identified or
25 located prior to the placement of the child for adoption, shall be
26 offered counseling as to his or her options other than placement of
27 the child for adoption. Such counseling shall be made available by
28 or through an approved licensed agency in New Jersey or in the
29 birth parent's state or country of residence. The fact that counseling
30 has been made available, and the name, address and telephone
31 number of the agency through which the counseling is available,
32 shall be confirmed in a written document signed by the birth parent
33 and acknowledged in this State pursuant to section 1 of P.L.1991,
34 c.308 (R.S.46:14-2.1) or acknowledged in another state or country
35 pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-6.1) a copy of
36 which shall be provided to the birth parent and the agency
37 conducting the adoption complaint investigation pursuant to section
38 12 of P.L.1977, c.367 (C.9:3-48) and shall be filed with the court
39 prior to termination of parental rights; and

40 (c) Written notice shall be given to the birth parent, except one
41 who cannot be identified or located prior to the placement of the
42 child for adoption, and the adoptive parent that the decision not to
43 place the child for adoption or the return of the child to the birth
44 parent cannot be conditioned upon reimbursement of expenses by
45 the birth parent to the adoptive parent, and that payments by the
46 adoptive parent are non-refundable. Provision of such notice shall
47 be confirmed in a written document signed by the birth parent and
48 adoptive parent in separate documents which shall be acknowledged

1 in this State pursuant to section 1 of P.L.1991, c.308 [(C.46:14-
2 2.1)] (R.S.46:14-2.1) or acknowledged in another state or country
3 pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-6.1), a copy of
4 which shall be provided to the birth parent, and the agency
5 conducting the adoption complaint investigation pursuant to section
6 12 of P.L.1977, c.367 (C.9:3-48), and shall be filed with the court
7 prior to termination of parental rights.

8 b. The Superior Court in an action by the Commissioner of
9 [Human Services] Children and Families may enjoin any party
10 found by the court to have violated this section from any further
11 violation of this section.

12 c. A person, firm, partnership, corporation, association, or
13 agency violating subsection a. of this section shall be guilty of a
14 crime of the third degree.

15 d. A person, firm, partnership, corporation, association,
16 intermediary or agency other than an approved agency which pays,
17 seeks to pay, receives, or seeks to receive money or other valuable
18 consideration in connection with the placement of a child for
19 adoption shall be guilty of a crime of the second degree.

20 e. It shall not be a violation of subsection d. of this section: (1)
21 to pay, provide or reimburse to a parent of the child, or for a parent
22 of the child to receive payment, provision or reimbursement for
23 medical, hospital, counseling or other similar expenses incurred in
24 connection with the birth or any illness of the child, or the
25 reasonable living expenses of the mother of the child during her
26 pregnancy including payments for reasonable food, clothing,
27 medical expenses, shelter, and religious, psychological, vocational,
28 or similar counseling services during the period of the pregnancy
29 and for a period not to exceed four weeks after the termination of
30 the pregnancy by birth or otherwise. These payments may be made
31 directly to the birth mother or on the mother's behalf to the supplier
32 of the goods or services, or

33 (2) where the child is from a foreign country, reasonable and
34 customary fees and expenses of a foreign agency or attorney for the
35 care or representation of the child during any period of foster or
36 institutional care in the child's country of origin, or

37 (3) reasonable attorney fees and costs for legal services.

38 (cf: P.L.1993, c.345, s.18)

39

40 35. Section 4 of P.L.1977, c.367 (C.9:3-40) is amended to read
41 as follows:

42 4. The Commissioner of [Human Services] Children and
43 Families shall promulgate rules and regulations relating to the
44 qualification of agencies for approval to make placements for
45 adoption in New Jersey. The rules and regulations shall include, but
46 shall not be limited to, standards of professional training and
47 experience of staff, requirements relating to responsibilities and the
48 character of trustees, officers or other persons supervising or

1 conducting the placement for adoption program, adequacy of
2 facilities, maintenance and confidentiality of casework records and
3 furnishing of reports. The requirements relating to the character of
4 trustees, officers or other persons supervising or conducting the
5 placement for adoption program at the agency shall include a
6 prohibition on engaging in, or the permitting of, any conduct that is
7 deemed inappropriate to the purposes of the agency. In the
8 selection of adoptive parents the standard shall be the best interests
9 of the child; and an approved agency shall not discriminate with
10 regard to the selection of adoptive parents for any child on the basis
11 of age, sex, race, national origin, religion or marital status provided,
12 however, that these factors may be considered in determining
13 whether the best interests of a child would be served by a particular
14 placement for adoption or adoption.
15 (cf: P.L.2003, c.11, s.1)

16
17 36. Section 2 of P.L.2003, c.11 (C.9:3-40.1) is amended to read
18 as follows:

19 2. The Department of **[Human Services]** Children and
20 Families may deny, suspend, revoke or refuse to renew an adoption
21 agency's certificate of approval if the agency is in violation of the
22 requirements relating to the character of trustees, officers or other
23 persons supervising or conducting a placement for adoption
24 program established pursuant to section 4 of P.L.1977, c.367
25 (C.9:3-40).
26 (cf: P.L.2003, c.11, s.2)

27
28 37. Section 1 of P.L.1979, c.292 (C.9:3-41.1) is amended to read
29 as follows:

30 1. a. An approved agency making an investigation of the facts
31 and circumstances surrounding the surrender of a child shall
32 provide a prospective parent with all available information, other
33 than information which would identify or permit the identification
34 of the birth parent of the child, relevant to the child's development,
35 including his developmental and medical history, personality and
36 temperament, the parent's complete medical histories, including
37 conditions or diseases which are believed to be hereditary, any
38 drugs or medications taken during pregnancy and any other
39 conditions of the parent's health which may be a factor influencing
40 the child's present or future health. This information shall be made
41 available to the prospective parent prior to the actual adoptive
42 placement to the extent available and supplemented upon the
43 completion of an investigation conducted by an approved agency
44 pursuant to section 12 of P.L.1977, c.367 (C.9:3-48).

45 b. The available information required of an approved agency
46 by subsection a. of this section shall be presented to the adoptive

1 parents on standardized forms prepared by the Commissioner of
2 **【Human Services】 Children and Families**.

3 (cf: P.L.1993,c.345,s.4)

4

5 38. Section 6 of P.L.1998, c.20 (C.9:3-45.1) is amended to read
6 as follows:

7 6. The Department of **【Human Services】 Children and**
8 **Families**, in consultation with the Department of Health and Senior
9 Services, pursuant to the “Administrative Procedure Act,” P.L.1968,
10 c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to
11 implement the provisions of this act and to publicize throughout the
12 State the necessity for a father, within 120 days of the birth of a
13 child or prior to the date of the preliminary hearing, whichever
14 occurs first, to acknowledge paternity by amending the original
15 birth certificate record with the local registrar's office in the
16 municipality of birth of the child who is the subject of the adoption
17 or by filing a paternity action in court in order to be entitled to
18 notice of an adoption pursuant to section 9 of P.L.1977, c.367
19 (C.9:3-45).

20 (cf: P.L.1998, c.20, s.6)

21

22 39. Section 19 of P.L.1993, c.345 (C.9:3-54.1) is amended to
23 read as follows:

24 19. The Commissioner of **【Human Services】 Children and**
25 **Families** shall, pursuant to the “Administrative Procedure Act,”
26 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations
27 necessary to implement the provisions of this act.

28 (cf: P.L.1993, c.345, s.19)

29

30 40. Section 21 of P.L.1993, c.345 (C.9:3-54.2) is amended to
31 read as follows:

32 21. a. (1) In addition to meeting the other requirements
33 established by the Department of **【Human Services】 Children and**
34 **Families**, a home study completed by an approved agency shall
35 include a recommendation regarding the suitability of the home for
36 the placement of a child based upon the results of State and federal
37 criminal history record checks for each prospective adoptive parent
38 and each adult residing in the home.

39 For the purposes of this section, the federal criminal history
40 record check conducted by the **【Immigration and Naturalization**
41 **Service in the federal Department of Justice】 U.S. Citizenship and**
42 **Immigration Services in the Department of Homeland Security** on a
43 prospective adoptive parent shall be valid for the prospective
44 adoptive parent in fulfilling the home study requirement for the
45 State.

46 (2) Each prospective adoptive parent and each member of the
47 prospective adoptive parent's household, age 18 or older, shall

1 submit to the approved agency standard fingerprint cards containing
2 his name, address and fingerprints taken by a State or municipal law
3 enforcement agency.

4 (3) The cost of all criminal history record checks conducted
5 pursuant to this section shall be paid by the prospective adoptive
6 parent or household member at the time the fingerprint cards are
7 submitted.

8 (4) The approved agency shall forward the fingerprint cards and
9 payment to the commissioner.

10 (5) The commissioner is authorized to exchange fingerprint data
11 and receive criminal history record information from the Federal
12 Bureau of Investigation and the Division of State Police for use in
13 making the recommendations provided for in this section.

14 (6) The department shall advise the approved agency of
15 information received from State and federal criminal history record
16 checks based upon the fingerprints submitted by the agency.
17 Information provided to the approved agency shall be confidential
18 and not disclosed by the approved agency to any individual or entity
19 without the written permission of the person who is the subject of
20 the record check.

21 (7) The commissioner shall adopt regulations for the use of
22 criminal history record information by approved agencies when
23 determining the suitability of a home for the placement of a child
24 for the purposes of adoption.

25 b. (1) Beginning one year after the effective date of this act, a
26 home study completed by an approved agency shall include a
27 recommendation regarding the suitability of the home for the
28 placement of the child based upon a check for any records which
29 might reveal a history of child abuse or neglect by the proposed
30 adoptive parent or member of the parent's household who is 18
31 years of age or older.

32 (2) Beginning one year after the effective date, at the request of
33 an approved agency, the commissioner or his designee shall conduct
34 a search of the records of the Division of Youth and Family
35 Services regarding referrals of dispositions of child abuse or neglect
36 matters as to the proposed adoptive parent and any member of the
37 parent's household 18 years of age or older, and, if there is
38 information that would raise a question of the suitability of the
39 proposed adoptive parent or member of the parent's household to
40 have guardianship of a child, shall provide that information to the
41 approved agency for its consideration. Information provided to the
42 approved agency pursuant to this paragraph shall be confidential.
43 The commissioner shall establish penalties for disclosure of this
44 confidential information.

45 (cf: P.L.1997, c.176, s. 1)

46

47 41. Section 7 of P.L.1987, c.341 (C.9:6-3.1) is amended to read
48 as follows:

1 7. a. A teacher, employee, volunteer or staff person of an
2 institution as defined in section 1 of P.L.1974, c.119 (C.9:6-8.21)
3 who is alleged to have committed an act of child abuse or neglect as
4 defined in R.S. 9:6-1, section 2 of P.L.1971, c.437 (C.9:6-8.9) and
5 section 1 of P.L.1974, c.119 (C.9:6-8.21) shall be temporarily
6 suspended by the appointing authority from his position at the
7 institution with pay, or reassigned to other duties which would
8 remove the risk of harm to the child under the person's custody or
9 control, if there is reasonable cause for the appointing authority to
10 believe that the life or health of the alleged victim or other children
11 at the institution is in imminent danger due to continued contact
12 between the alleged perpetrator and a child at the institution.

13 A public employee suspended pursuant to this subsection shall
14 be accorded and may exercise due process rights, including notice
15 of the proposed suspension and a presuspension opportunity to
16 respond and any other due process rights provided under the laws of
17 this State governing public employment and under any applicable
18 individual or group contractual agreement. A private employee
19 suspended pursuant to this subsection shall be accorded and may
20 exercise due process rights provided for under the laws of this State
21 governing private employment and under any applicable individual
22 or group employee contractual agreement.

23 b. If the child abuse or neglect is the result of a single act
24 occurring in an institution, within 30 days of receipt of the report of
25 child abuse or neglect, the Department of **[Human Services]**
26 Children and Families may request that the chief administrator of
27 the institution formulate a plan of remedial action. The plan may
28 include, but shall not be limited to, action to be taken with respect
29 to a teacher, employee, volunteer or staff person of the institution to
30 assure the health and safety of the alleged victim and other children
31 at the institution and to prevent future acts of abuse or neglect.
32 Within 30 days of the date the department requested the remedial
33 plan, the chief administrator shall notify the department in writing
34 of the progress in preparing the plan. The chief administrator shall
35 complete the plan within 90 days of the date the department
36 requested the plan.

37 c. If the child abuse or neglect is the result of several incidents
38 occurring in an institution, within 30 days of receipt of the report of
39 child abuse or neglect, the department may request that the chief
40 administrator of the institution make administrative, personnel or
41 structural changes at the institution. Within 30 days of the date the
42 department made its request, the chief administrator shall notify the
43 department of the progress in complying with the terms of the
44 department's request. The department and chief administrator shall
45 determine a time frame for completion of the terms of the request.

46 d. If a chief administrator of an institution does not formulate
47 or implement a remedial plan or make the changes requested by the
48 department, the department may impose appropriate sanctions or

1 actions if the department licenses, oversees, approves or authorizes
2 the operation of the institution. If the department does not license,
3 oversee, approve or authorize the operation of the institution, the
4 department may recommend to the authority which licenses,
5 oversees, approves or authorizes the operation of the institution that
6 appropriate sanctions or actions be imposed against the institution.
7 (cf: P.L.2004, c.130, s.21)

8
9 42. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to
10 read as follows:

11 1. a. All records of child abuse reports made pursuant to
12 section 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained
13 by the Department of **Human Services** Children and Families in
14 investigating such reports including reports received pursuant to
15 section 20 of P.L.1974, c.119 (C.9:6-8.40), and all reports of
16 findings forwarded to the child abuse registry pursuant to section 4
17 of P.L.1971, c.437 (C.9:6-8.11) shall be kept confidential and may
18 be disclosed only under the circumstances expressly authorized
19 under subsections b., c., d., e., f. and g. herein. The department
20 shall disclose information only as authorized under subsections b.,
21 c., d., e., f. and g. of this section that is relevant to the purpose for
22 which the information is required, provided, however, that nothing
23 may be disclosed which would likely endanger the life, safety, or
24 physical or emotional well-being of a child or the life or safety of
25 any other person or which may compromise the integrity of a
26 department investigation or a civil or criminal investigation or
27 judicial proceeding. If the department denies access to specific
28 information on this basis, the requesting entity may seek disclosure
29 through the Chancery Division of the Superior Court. This section
30 shall not be construed to prohibit disclosure pursuant to paragraphs
31 (2) and (7) of subsection b. of this section.

32 Nothing in this act shall be construed to permit the disclosure of
33 any information deemed confidential by federal or State law.

34 b. The department may and upon written request, shall release
35 the records and reports referred to in subsection a., or parts thereof,
36 consistent with the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.)
37 to:

38 (1) A public or private child protective agency authorized to
39 investigate a report of child abuse or neglect;

40 (2) A police or other law enforcement agency investigating a
41 report of child abuse or neglect;

42 (3) A physician who has before him a child whom he reasonably
43 suspects may be abused or neglected or an authorized member of
44 the staff of a duly designated regional child abuse diagnostic and
45 treatment center which is involved with a particular child who is the
46 subject of the request;

47 (4) A physician, a hospital director or his designate, a police
48 officer or other person authorized to place a child in protective

1 custody when such person has before him a child whom he
2 reasonably suspects may be abused or neglected and requires the
3 information in order to determine whether to place the child in
4 protective custody;

5 (5) An agency, whether public or private, including any division
6 or unit in the Department of Human Services or the Department of
7 Children and Families, authorized to care for, treat, assess, evaluate
8 or supervise a child who is the subject of a child abuse report, or a
9 parent, guardian, resource family parent or other person who is
10 responsible for the child's welfare, or both, when the information is
11 needed in connection with the provision of care, treatment,
12 assessment, evaluation or supervision to such child or such parent,
13 guardian, resource family parent or other person and the provision
14 of information is in the best interests of the child as determined by
15 the Division of Youth and Family Services;

16 (6) A court or the Office of Administrative Law, upon its
17 finding that access to such records may be necessary for
18 determination of an issue before it, and such records may be
19 disclosed by the court or the Office of Administrative Law in whole
20 or in part to the law guardian, attorney or other appropriate person
21 upon a finding that such further disclosure is necessary for
22 determination of an issue before the court or the Office of
23 Administrative Law;

24 (7) A grand jury upon its determination that access to such
25 records is necessary in the conduct of its official business;

26 (8) Any appropriate State legislative committee acting in the
27 course of its official functions, provided, however, that no names or
28 other information identifying persons named in the report shall be
29 made available to the legislative committee unless it is absolutely
30 essential to the legislative purpose;

31 (9) (Deleted by amendment, P.L.1997, c.175).

32 (10) A family day care sponsoring organization for the purpose
33 of providing information on child abuse or neglect allegations
34 involving prospective or current providers or household members
35 pursuant to P.L.1993, c.350 (C.30:5B-25.1 et seq.) and as
36 necessary, for use in administrative appeals related to information
37 obtained through a child abuse registry search;

38 (11) The Victims of Crime Compensation Board, for the purpose
39 of providing services available pursuant to the "Criminal Injuries
40 Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) to
41 a child victim who is the subject of such report;

42 (12) Any person appealing a department service or status action
43 or a substantiated finding of child abuse or neglect and his attorney
44 or authorized lay representative upon a determination by the
45 department or the presiding Administrative Law Judge that such
46 disclosure is necessary for a determination of the issue on appeal;

47 (13) Any person or entity mandated by statute to consider child
48 abuse or neglect information when conducting a background check

- 1 or employment-related screening of an individual employed by or
2 seeking employment with an agency or organization providing
3 services to children;
- 4 (14) Any person or entity conducting a disciplinary,
5 administrative or judicial proceeding to determine terms of
6 employment or continued employment of an officer, employee, or
7 volunteer with an agency or organization providing services for
8 children. The information may be disclosed in whole or in part to
9 the appellant or other appropriate person only upon a determination
10 by the person or entity conducting the proceeding that the
11 disclosure is necessary to make a determination;
- 12 (15) The members of a county multi-disciplinary team,
13 established in accordance with State guidelines, for the purpose of
14 coordinating the activities of agencies handling alleged cases of
15 child abuse and neglect;
- 16 (16) A person being evaluated by the department or the court as a
17 potential care-giver to determine whether that person is willing and
18 able to provide the care and support required by the child;
- 19 (17) The legal counsel of a child, parent or guardian, whether
20 court-appointed or retained, when information is needed to discuss
21 the case with the department in order to make decisions relating to
22 or concerning the child;
- 23 (18) A person who has filed a report of suspected child abuse or
24 neglect for the purpose of providing that person with only the
25 disposition of the investigation;
- 26 (19) A parent, resource family parent or legal guardian when the
27 information is needed in a department matter in which that parent,
28 resource family parent or legal guardian is directly involved. The
29 information may be released only to the extent necessary for the
30 requesting parent, resource family parent or legal guardian to
31 discuss services or the basis for the department's involvement or to
32 develop, discuss, or implement a case plan for the child;
- 33 (20) A federal, State or local government entity, to the extent
34 necessary for such entity to carry out its responsibilities under law
35 to protect children from abuse and neglect;
- 36 (21) Citizen review panels designated by the State in compliance
37 with the federal "Child Abuse Prevention and Treatment Act
38 Amendments of 1996," Pub.L.104-235;
- 39 (22) The Child Fatality and Near Fatality Review Board
40 established pursuant to P.L.1997, c.175 (C.9:6-8.83 et al.); or
- 41 (23) Members of a family team or other case planning group
42 formed by the Division of Youth and Family Services and
43 established in accordance with regulations adopted by the
44 Commissioner of [Human Services] Children and Families for the
45 purpose of addressing the child's safety, permanency or well-being,
46 when the provision of such information is in the best interests of the
47 child as determined by the Division of Youth and Family Services.

1 Any individual, agency, board, court, grand jury, legislative
2 committee, or other entity which receives from the department the
3 records and reports referred to in subsection a., shall keep such
4 records and reports, or parts thereof, confidential and shall not
5 disclose such records and reports or parts thereof except as
6 authorized by law.

7 c. The department may share information with a child who is
8 the subject of a child abuse or neglect report, as appropriate to the
9 child's age or condition, to enable the child to understand the basis
10 for the department's involvement and to participate in the
11 development, discussion, or implementation of a case plan for the
12 child.

13 d. The department may release the records and reports referred
14 to in subsection a. of this section to any person engaged in a bona
15 fide research purpose, provided, however, that no names or other
16 information identifying persons named in the report shall be made
17 available to the researcher unless it is absolutely essential to the
18 research purpose and provided further that the approval of the
19 Commissioner of **[Human Services]** Children and Families or his
20 designee shall first have been obtained.

21 e. For incidents determined by the department to be
22 substantiated, the department shall forward to the police or law
23 enforcement agency in whose jurisdiction the child named in the
24 report resides, the identity of persons alleged to have committed
25 child abuse or neglect and of victims of child abuse or neglect, their
26 addresses, the nature of the allegations, and other relevant
27 information, including, but not limited to, prior reports of abuse or
28 neglect and names of siblings obtained by the department during its
29 investigation of a report of child abuse or neglect. The police or
30 law enforcement agency shall keep such information confidential.

31 f. The department may disclose to the public the findings or
32 information about a case of child abuse or neglect which has
33 resulted in a child fatality or near fatality. Nothing may be
34 disclosed which would likely endanger the life, safety, or physical
35 or emotional well-being of a child or the life or safety of any other
36 person or which may compromise the integrity of a department
37 investigation or a civil or criminal investigation or judicial
38 proceeding. If the department denies access to specific information
39 on this basis, the requesting entity may seek disclosure of the
40 information through the Chancery Division of the Superior Court.
41 No information may be disclosed which is deemed confidential by
42 federal or State law. The name or any other information identifying
43 the person or entity who referred the child to the department shall
44 not be released to the public.

45 g. The department shall release the records and reports referred
46 to in subsection a. of this section to a unified child care agency
47 contracted with the department pursuant to N.J.A.C.10:15-2.1 for
48 the purpose of providing information on child abuse or neglect

1 allegations involving a prospective approved home provider or any
2 adult household member pursuant to section 2 of P.L.2003, c.185
3 (C.30:5B-32) to a child's parent when the information is necessary
4 for the parent to make a decision concerning the placement of the
5 child in an appropriate child care arrangement.

6 The department shall not release any information that would
7 likely endanger the life, safety, or physical or emotional well-being
8 of a child or the life or safety of any other person.

9 (cf: P.L.2004, c.130, s.22)

10

11 43. Section 2 of P.L.2003, c.301 (C.9:6-8.10c) is amended to
12 read as follows:

13 2. a. Upon receiving the presentencing investigation
14 information from the court pursuant to section 1 of P.L.2003, c.301
15 (C.2C:44-6.2) concerning a sole caretaker of a child who will be
16 incarcerated and the person who will assume care and custody of
17 the child during the period of incarceration, the Division of Youth
18 and Family Services in the Department of **【Human Services】**
19 Children and Families shall conduct a child abuse record
20 information check of its child abuse records to determine if an
21 incident of child abuse or neglect has been substantiated against the
22 person who will be responsible for the child's care and custody or
23 any adult and juvenile over 12 years of age in the person's
24 household.

25 b. If, based on the information provided by the court and the
26 check of its child abuse records, the division determines that the
27 incarcerated person's minor child may be at risk for abuse or neglect
28 or the child's emotional, physical, health care and educational needs
29 will not be met during the period of incarceration, the division shall
30 take appropriate action to ensure the safety of the child.

31 (cf: P.L.2003, c.301, s.2)

32

33 44. Section 4 of P.L.2003, c.301 (C.9:6-8.10d) is amended to
34 read as follows:

35 4. The Commissioner of **【Human Services】** Children and
36 Families shall adopt rules and regulations pursuant to the
37 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
38 seq.) to carry out the purposes of sections 2 and 3 of this act.

39 (cf: P.L.2003, c.301, s.4)

40

41 45. Section 9 of P.L.2005, c.370 (C.9:6-8.10e) is amended to
42 read as follows:

43 9. a. In accordance with the provisions of sections 6 and 7 of
44 P.L.2005, c.370 (C.52:27G-37 and C.52:27G-38), the Department
45 of **【Human Services】** Children and Families shall conduct a check
46 of its child abuse registry for each person seeking registration as a
47 professional guardian who is required to undergo such a check
48 pursuant to P.L.2005, c.370 (C.52:27G-32 et al.). The department

1 shall immediately forward the information obtained as a result of
2 the check to the Office of the Public Guardian for Elderly Adults.

3 b. **【The department shall promptly notify the Office of the**
4 **Public Guardian for Elderly Adults in the event a person who is**
5 **required to undergo a check of the child abuse registry pursuant to**
6 **section 6 of P.L.2005, c.370 (C.52:27G-37) is listed in the registry**
7 **after the date the child abuse registry check was performed.】**
8 Subsequent to the initial registration of an individual as a
9 professional guardian, the public guardian may submit the name of
10 a registered professional guardian for an additional child abuse
11 registry check. Upon receipt of **【such notification】** a response from
12 the department, the public guardian shall make a determination
13 regarding the continuation of the registration of the person as a
14 professional guardian.

15 (cf: P.L.2005, c.370, s.9)

16

17 46. Section 4 of P.L.1971, c.437 (C.9:6-8.11) is amended to read
18 as follows:

19 4. Upon receipt of any such report, the Division of Youth and
20 Family Services, or such another entity in the Department of
21 **【Human Services】** Children and Families as may be designated by
22 the Commissioner of **【Human Services】** Children and Families to
23 investigate child abuse or neglect, shall immediately take such
24 action as shall be necessary to insure the safety of the child and to
25 that end may request and shall receive appropriate assistance from
26 local and State law enforcement officials. A representative of the
27 division or other designated entity shall initiate an investigation
28 within 24 hours of receipt of the report, unless the division or other
29 entity authorizes a delay based upon the request of a law
30 enforcement official. The division or other entity shall also, within
31 72 hours, forward a report of such matter to the child abuse registry
32 operated by the division in Trenton.

33 The child abuse registry shall be the repository of all information
34 regarding child abuse or neglect that is accessible to the public
35 pursuant to State and federal law. No information received in the
36 child abuse registry shall be considered as a public record within
37 the meaning of P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001,
38 c.404 (C.47:1A-5 et al.).

39 (cf: P.L.2004, c.130, s.23)

40

41 47. Section 1 of P.L.1974, c.119 (C.9:6-8.21) is amended to read
42 as follows:

43 1. As used in this act, unless the specific context indicates
44 otherwise:

45 a. “Parent or guardian” means any natural parent, adoptive
46 parent, resource family parent, stepparent, paramour of a parent or
47 any person, who has assumed responsibility for the care, custody or

1 control of a child or upon whom there is a legal duty for such care.
2 Parent or guardian includes a teacher, employee or volunteer,
3 whether compensated or uncompensated, of an institution who is
4 responsible for the child's welfare and any other staff person of an
5 institution regardless of whether or not the person is responsible for
6 the care or supervision of the child. Parent or guardian also
7 includes a teaching staff member or other employee, whether
8 compensated or uncompensated, of a day school as defined in
9 section 1 of P.L.1974, c.119 (C.9:6-8.21).

10 b. "Child" means any child alleged to have been abused or
11 neglected.

12 c. "Abused or neglected child" means a child less than 18 years
13 of age whose parent or guardian, as herein defined, (1) inflicts or
14 allows to be inflicted upon such child physical injury by other than
15 accidental means which causes or creates a substantial risk of death,
16 or serious or protracted disfigurement, or protracted impairment of
17 physical or emotional health or protracted loss or impairment of the
18 function of any bodily organ; (2) creates or allows to be created a
19 substantial or ongoing risk of physical injury to such child by other
20 than accidental means which would be likely to cause death or
21 serious or protracted disfigurement, or protracted loss or
22 impairment of the function of any bodily organ; (3) commits or
23 allows to be committed an act of sexual abuse against the child; (4)
24 or a child whose physical, mental, or emotional condition has been
25 impaired or is in imminent danger of becoming impaired as the
26 result of the failure of his parent or guardian, as herein defined, to
27 exercise a minimum degree of care (a) in supplying the child with
28 adequate food, clothing, shelter, education, medical or surgical care
29 though financially able to do so or though offered financial or other
30 reasonable means to do so, or (b) in providing the child with proper
31 supervision or guardianship, by unreasonably inflicting or allowing
32 to be inflicted harm, or substantial risk thereof, including the
33 infliction of excessive corporal punishment; or by any other acts of
34 a similarly serious nature requiring the aid of the court; (5) or a
35 child who has been willfully abandoned by his parent or guardian,
36 as herein defined; (6) or a child upon whom excessive physical
37 restraint has been used under circumstances which do not indicate
38 that the child's behavior is harmful to himself, others or property;
39 (7) or a child who is in an institution and (a) has been placed there
40 inappropriately for a continued period of time with the knowledge
41 that the placement has resulted or may continue to result in harm to
42 the child's mental or physical well-being or (b) who has been
43 willfully isolated from ordinary social contact under circumstances
44 which indicate emotional or social deprivation.

45 A child shall not be considered abused or neglected pursuant to
46 paragraph (7) of subsection c. of this section if the acts or omissions
47 described therein occur in a day school as defined in this section.

1 No child who in good faith is under treatment by spiritual means
2 alone through prayer in accordance with the tenets and practices of
3 a recognized church or religious denomination by a duly accredited
4 practitioner thereof shall for this reason alone be considered to be
5 abused or neglected.

6 d. "Law guardian" means an attorney admitted to the practice
7 of law in this State, regularly employed by the Office of the Public
8 Defender or appointed by the court, and designated under this act to
9 represent minors in alleged cases of child abuse or neglect and in
10 termination of parental rights proceedings.

11 e. "Attorney" means an attorney admitted to the practice of law
12 in this State who shall be privately retained; or, in the instance of an
13 indigent parent or guardian, an attorney from the Office of the
14 Public Defender or an attorney appointed by the court who shall be
15 appointed in order to avoid conflict between the interests of the
16 child and the parent or guardian in regard to representation.

17 f. "Division" means the Division of Youth and Family
18 Services in the Department of **[Human Services]** Children and
19 Families unless otherwise specified.

20 g. "Institution" means a public or private facility in the State
21 which provides children with out of home care, supervision or
22 maintenance. Institution includes, but is not limited to, a
23 correctional facility, detention facility, treatment facility, day care
24 center, residential school, shelter and hospital.

25 h. "Day school" means a public or private school which
26 provides general or special educational services to day students in
27 grades kindergarten through 12. Day school does not include a
28 residential facility, whether public or private, which provides care
29 on a 24-hour basis.

30 (cf: P.L. 2005, c.169, s.1)

31
32 48. Section 7 of P.L.1974, c.119 (C.9:6-8.27) is amended to read
33 as follows:

34 7. a. A police officer or an agency or institution or individual
35 may temporarily remove a child from the place where he is residing
36 with the consent of his parent or other person legally responsible
37 for his care, if, there is reasonable cause to suspect that the child's
38 life or health is in imminent danger. If the child is not returned
39 within 3 working days from the date of removal, the procedure
40 required pursuant to this act shall be applied immediately.

41 b. **[However, if the Division of Youth and Family Services**
42 **removes a child with the written consent of the parent or guardian,**
43 **the proceedings under this act shall not apply, unless the division**
44 **files a complaint to commence proceedings under this act.]**

45 (Deleted by amendment, P.L. _____, c. _____) (pending before the
46 Legislature as this bill)

47 (cf: P.L.1977, c.209, s.6)

1 49. Section 10 of P.L.1974, c.119 (C.9:6-8.30) is amended to
2 read as follows:

3 10. a. The division when informed that there has been an
4 emergency removal of a child from his home without court order
5 shall make every reasonable effort to communicate immediately
6 with the child's parent or guardian that such emergency removal has
7 been made and the location of the facility to which the child has
8 been taken, and advise the parent or guardian to appear in the
9 appropriate Superior Court, Chancery Division, Family Part within
10 two court days. The division shall make a reasonable effort, at least
11 24 hours prior to the court hearing, to: notify the parent or guardian
12 of the time to appear in court; and inform the parent or guardian of
13 his right to obtain counsel, and how to obtain counsel through the
14 Office of the Public Defender if the parent or guardian is indigent.
15 The division shall also advise the party making the removal to
16 appear. If the removed child is returned to his home prior to the
17 court hearing, there shall be no court hearing to determine the
18 sufficiency of cause for the child's removal, unless the child's parent
19 or guardian makes application to the court for review. For the
20 purposes of this section, "facility" means a hospital, shelter or child
21 care institution in which a child may be placed for temporary care,
22 but does not include a resource family home.

23 b. The division shall cause a complaint to be filed under this
24 act within two court days after such removal takes place.

25 c. Whenever a child has been removed pursuant to section 7 or
26 9 of **[this act]** P.L.1974, c.119 (C.9:6-8.27 and 9:6-8.29), the
27 division shall arrange for immediate medical **[examination]**
28 screening of the child and shall have legal authority to consent to
29 such **[examination]** screening. If necessary to safeguard the child's
30 health or life, the division also is authorized to arrange for and
31 consent to medical care or treatment of the child. Consent by the
32 division pursuant to this subsection shall be deemed legal and valid
33 for all purposes with respect to any person, hospital, or other health
34 care facility screening, examining or providing care or treatment to
35 a child in accordance with and in reliance upon such consent.
36 Medical reports resulting from such screening, examination or care
37 or treatment shall be released to the division for the purpose of
38 aiding in the determination of whether the child has been abused or
39 neglected. Any person or health care facility acting in good faith in
40 the screening of, examination of or provision of care and treatment
41 to a child or in the release of medical records shall have immunity
42 from any liability, civil or criminal, that might otherwise be
43 incurred or imposed as a result of such act.

44 (cf: P.L.2004, c.130, s.29)

45
46 50. Section 1 of P.L.1977, c.210 (C.9:6-8.36a) is amended to
47 read as follows:

1 1. The Department of **【Human Services】** Children and
2 Families shall immediately report all instances of suspected child
3 abuse and neglect, as defined by regulations, to the county
4 prosecutor of the county in which the child resides. The regulations
5 shall be developed jointly by the department and the county
6 prosecutors, approved by the Attorney General, and promulgated by
7 the Commissioner of **【Human Services】** Children and Families.

8 (cf: P.L.2004, c.130, s.30)

9
10 51. Section 20 of P.L.1974, c.119 (C.9:6-8.40) is amended to
11 read as follows:

12 20. Records involving abuse or neglect. When the Department
13 of **【Human Services】** Children and Families receives a report or
14 complaint that a child may be abused or neglected; when the
15 department provides services to a child; or when the department
16 receives a request from the Superior Court, Chancery Division,
17 Family Part to investigate an allegation of abuse or neglect, the
18 department may request of any and all public or private institutions,
19 or agencies including law enforcement agencies, or any private
20 practitioners, their records past and present pertaining to that child
21 and other children under the same care, custody and control. The
22 department shall not be charged a fee for the copying of the records.
23 Records kept pursuant to the “New Jersey Code of Juvenile
24 Justice,” P.L.1982, c.77 (C.2A:4A-20 et seq.) may be obtained by
25 the department, upon issuance by a court of an order on good cause
26 shown directing these records to be released to the department for
27 the purpose of aiding in evaluation to determine if the child is
28 abused or neglected. In the release of the aforementioned records,
29 the source shall have immunity from any liability, civil or criminal.

30 (cf: P.L.2004, c.130, s.31)

31
32 52. Section 1 of P.L.1997, c.62 (C.9:6-8.40a) is amended to read
33 as follows:

34 1. a. The Division of Youth and Family Services in the
35 Department of **【Human Services】** Children and Families shall
36 expunge from its records all information relating to a report,
37 complaint or allegation of an incident of child abuse or neglect with
38 respect to which the division or other entity designated by the
39 Commissioner of **【Human Services】** Children and Families to
40 investigate allegations of child abuse or neglect has determined,
41 based upon its investigation thereof, that the report, complaint or
42 allegation of the incident was unfounded.

43 b. (Deleted by amendment, P.L.2004, c.130).

44 The definition of, and process for, making a determination of an
45 unfounded report, complaint or allegation of an incident of child
46 abuse or neglect shall be defined in regulations promulgated by the

1 department pursuant to the "Administrative Procedure Act,"
2 P.L.1968, c.410 (C.52:14B-1 et seq.).

3 (cf: P.L.2004, c.130, s.32)

4

5 53. Section 2 of P.L.1998, c.127 (C.9:6-8.58b) is amended to
6 read as follows:

7 2. The Commissioner of **Human Services** Children and
8 Families pursuant to the "Administrative Procedure Act," P.L.1968,
9 c.410 (C.52:14B-1 et seq.), shall adopt regulations to effectuate the
10 purposes of this act.

11 (cf: P.L.1998, c.127, s.2)

12

13 54. Section 8 of P.L.1987, c.341 (C.9:6-8.72a) is amended to
14 read as follows:

15 8. The Commissioner of Education shall, in cooperation and
16 consultation with the Commissioner of **Human Services** Children
17 and Families, adopt rules and regulations, pursuant to the
18 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
19 seq.), concerning the relationship, rights and responsibilities of the
20 Department of **Human Services** Children and Families and local
21 school districts regarding the reporting and investigation of
22 allegations of child abuse.

23 (cf: P.L.2004, c.130, s.34)

24

25 55. Section 2 of P.L.1994, c.119 (C.9:6-8.75) is amended to read
26 as follows:

27 2. There is established the "New Jersey Task Force on Child
28 Abuse and Neglect."

29 a. The purpose of the task force is to study and develop
30 recommendations regarding the most effective means of improving
31 the quality and scope of child protective services provided or
32 supported by State government, including a review of the practices
33 and policies utilized by the Division of Youth and Family Services
34 in the Department of **Human Services** Children and Families in
35 order to optimize coordination of child abuse-related services and
36 investigations, promote the safety of children at risk of abuse or
37 neglect, and ensure a timely determination with regard to reports of
38 alleged child abuse.

39 b. The task force shall receive, evaluate and approve
40 applications of public and private agencies and organizations for
41 grants from moneys annually appropriated from the "Children's
42 Trust Fund" established pursuant to section 2 of P.L.1985, c.197
43 (C.54A:9-25.4). Any portion of the moneys actually appropriated
44 which are remaining at the end of a fiscal year shall lapse to the
45 "Children's Trust Fund."

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

1 services for the prevention of child abuse and neglect, including
2 activities which:

3 (1) Provide Statewide educational and public informational
4 seminars for the purpose of developing appropriate public
5 awareness regarding the problems of child abuse and neglect;

6 (2) Encourage professional persons and groups to recognize and
7 deal with problems of child abuse and neglect;

8 (3) Make information about the problems of child abuse and
9 neglect available to the public and organizations and agencies
10 which deal with problems of child abuse and neglect; and

11 (4) Encourage the development of community prevention
12 programs, including:

13 (a) community-based educational programs on parenting,
14 prenatal care, prenatal bonding, child development, basic child care,
15 care of children with special needs, coping with family stress,
16 personal safety and sexual abuse prevention training for children,
17 and self-care training for latchkey children; and

18 (b) community-based programs relating to crisis care, aid to
19 parents, child abuse counseling, peer support groups for abusive or
20 potentially abusive parents and their children, lay health visitors,
21 respite of crisis child care, and early identification of families where
22 the potential for child abuse and neglect exists.

23 The task force shall, in awarding grants, establish such priorities
24 respecting the programs or services to be funded and the amounts of
25 funding to be provided as it deems appropriate, except that the task
26 force shall place particular emphasis on community-based programs
27 and services which are designed to develop and demonstrate
28 strategies for the early identification, intervention and assistance of
29 families and children at risk in order to prevent child abuse and
30 neglect.

31 The task force shall adopt such rules and regulations pursuant to
32 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
33 seq.) to govern the awarding of grants pursuant to this subsection as
34 may be necessary to establish adequate reporting requirements on
35 the use of grant funds by recipient agencies and organizations and
36 to permit the task force to evaluate the programs and services for
37 which grants are awarded.

38 (cf: P.L.1994, c.119, s.2)

39

40 56. Section 3 of P.L.1994, c.119 (C.9:6-8.76) is amended to read
41 as follows:

42 3. The task force shall consist of **[25]** 29 members as follows:
43 the Commissioners of Human Services, Children and Families,
44 Education, Community Affairs, Corrections, and Health and Senior
45 Services, the Attorney General, the Chief Justice of the Supreme
46 Court, the Public Defender, the Child Advocate and the
47 Superintendent of State Police, or their designees, as ex officio
48 members; two members of the Senate and the General Assembly,

1 respectively, no more than one of whom in each case shall be of the
2 same political party; and a county prosecutor appointed by the
3 Attorney General. [and the remaining] The 13 public members
4 [to] shall be appointed by the Governor as follows: one member
5 who is a director of a regional diagnostic and treatment center for
6 child abuse and neglect; one member who represents the
7 Association for Children of New Jersey; one member who
8 represents Foster and Adoptive Services; one member who
9 represents a faith-based organization; one member who is a director
10 of a county department of human services; one member who is a
11 youth 21 years of age or younger who is or has been placed under
12 the care and custody of the Division of Youth and Family Services
13 because of an allegation of child abuse or neglect; two members
14 who represent service providers under contract with the Division of
15 Youth and Family Services; and five members of the public who
16 have an interest or expertise in issues concerning child welfare.
17 The public members shall reflect the diversity of the residents of the
18 State and the children and families served by the State's child
19 welfare system.

20 The task force membership shall comply with the
21 multidisciplinary requirements set forth in the "Child Abuse
22 Prevention and Treatment Act," Pub.L.93-247 (42 U.S.C. s.5101 et
23 seq.).

24 The task force shall be co-chaired, one co-chair shall be the
25 Commissioner of **[Human Services]** Children and Families and the
26 other shall be appointed by the Governor with the advice and
27 consent of the Senate. The second co-chair shall be selected from
28 among the public members and shall serve at the pleasure of the
29 Governor. The public members shall serve for a term **[not to**
30 **exceed]** of three years. **[The second co-chair shall be allowed to**
31 **serve two three-year terms]** .

32 (cf: P.L.2005, c.155, s.107)

33

34 57. Section 5 of P.L.1994, c.119 (C.9:6-8.78) is amended to read
35 as follows:

36 5. The Department of **[Human Services]** Children and
37 Families shall provide professional and clerical staff to the task
38 force as necessary to effectuate the purposes of this act.

39 (cf: P.L.1994, c.119, s.5)

40

41 58. Section 2 of P.L.1997, c.175 (C.9:6-8.84) is amended to read
42 as follows:

43 2. As used in this act:

44 "Board" means the Child Fatality and Near Fatality Review
45 Board established under P.L.1997, c.175 (C.9:6-8.83 et al.).

46 "Child" means any person under the age of 18.

1 “Commissioner” means the Commissioner of **[Human Services]**
2 Children and Families.

3 “Division” means the Division of Youth and Family Services in
4 the Department of **[Human Services]** Children and Families.

5 “Near fatality” means a case in which a child is in serious or
6 critical condition, as certified by a physician.

7 “Panel” means a citizen review panel as established under
8 P.L.1997, c.175 (C.9:6-8.83 et al.).

9 “Parent or guardian” means a person defined pursuant to section
10 1 of P.L.1974, c.119 (C.9:6-8.21) who has the responsibility for the
11 care, custody or control of a child or upon whom there is a legal
12 duty for such care.

13 “Reasonable efforts” means attempts by an agency authorized by
14 the Division of Youth and Family Services to assist the parents in
15 remedying the circumstances and conditions that led to the
16 placement of the child and in reinforcing the family structure, as
17 defined in section 7 of P.L.1991, c.275 (C.30:4C-15.1).

18 “Sexual abuse” means contacts or actions between a child and a
19 parent or caretaker for the purpose of sexual stimulation of either
20 that person or another person. Sexual abuse includes:

21 a. the employment, use, persuasion, inducement, enticement or
22 coercion of any child to engage in, or assist any other person to
23 engage in, any sexually explicit conduct or simulation of such
24 conduct;

25 b. sexual conduct including molestation, prostitution, other
26 forms of sexual exploitation of children or incest; or

27 c. sexual penetration and sexual contact as defined in
28 N.J.S.2C:14-1 and a prohibited sexual act as defined in
29 N.J.S.2C:24-4.

30 “Significant bodily injury” means a temporary loss of the
31 functioning of any bodily member or organ or temporary loss of any
32 one of the five senses.

33 “Withholding of medically indicated treatment” means the
34 failure to respond to a child's life-threatening conditions by
35 providing treatment, including appropriate nutrition, hydration, and
36 medication which, in the treating physician's reasonable judgment,
37 will most likely be effective in ameliorating or correcting all such
38 conditions. The term does not include the failure to provide
39 treatment, other than appropriate nutrition, hydration, or medication
40 to a child when, in the treating physician's reasonable medical
41 judgment:

42 a. the child is chronically and irreversibly comatose;

43 b. the provision of such treatment would merely prolong dying,
44 not be effective in ameliorating or correcting all of the child's life-
45 threatening conditions, or otherwise be futile in terms of the
46 survival of the child; or

1 c. the provision of such treatment would be virtually futile in
2 terms of the survival of the child and the treatment itself under such
3 circumstances would be inhumane.

4 (cf: P.L.1999, c.53, s.16)

5
6 59. Section 6 of P.L.1997, c.175 (C.9:6-8.88) is amended to read
7 as follows:

8 6. There is established the Child Fatality and Near Fatality
9 Review Board. For the purposes of complying with the provisions
10 of Article V, Section IV, paragraph 1 of the New Jersey
11 Constitution, the board is established within the Department of
12 **【Human Services】** Children and Families, but notwithstanding the
13 establishment, the board shall be independent of any supervision or
14 control by the department or any board or officer thereof.

15 The purpose of the board is to review fatalities and near fatalities
16 of children in New Jersey in order to identify their causes, their
17 relationship to governmental support systems, and methods of
18 prevention. The board shall describe trends and patterns of child
19 fatalities and near fatalities in New Jersey; identify risk factors and
20 their prevalence in these populations of children; evaluate the
21 responses of governmental systems to children in families who are
22 considered to be at high risk and to offer recommendations for
23 improvement in those responses; characterize risk groups in terms
24 that are compatible with the development of public policy; improve
25 the sources of data collection by developing protocols for autopsies,
26 death investigations, and complete recording of cause of death on
27 the death certificate; and provide case consultation to individuals or
28 agencies represented by the board.

29 (cf: P.L.1997, c.175, s.6)

30
31 60. Section 7 of P.L.1997, c.175 (C.9:6-8.89) is amended to read
32 as follows:

33 7. a. The board shall consist of 14 members as follows: the
34 Commissioner of **【Human Services】** Children and Families, the
35 Commissioner of Health and Senior Services, the Director of the
36 Division of Youth and Family Services in the Department of
37 **【Human Services】** Children and Families, the Attorney General, the
38 Child Advocate and the Superintendent of State Police, or their
39 designees, the State Medical Examiner, and the Chairperson or
40 Executive Director of the New Jersey Task Force on Child Abuse
41 and Neglect, who shall serve ex officio; and six public members
42 appointed by the Governor, one of whom shall be a representative
43 of the New Jersey Prosecutors' Association, one of whom shall be a
44 Law Guardian, one of whom shall be a pediatrician with expertise
45 in child abuse and neglect, one of whom shall be a psychologist
46 with expertise in child abuse and neglect, one of whom shall be a
47 social work educator with experience and expertise in the area of

1 child abuse or a related field and one of whom shall have expertise
2 in substance abuse.

3 b. The public members of the board shall serve for three-year
4 terms. Of the public members first appointed, three shall serve for a
5 period of two years, and three shall serve for a term of three years.
6 They shall serve without compensation but shall be eligible for
7 reimbursement for necessary and reasonable expenses incurred in
8 the performance of their official duties and within the limits of
9 funds appropriated for this purpose. Vacancies in the membership
10 of the board shall be filled in the same manner as the original
11 appointments were made.

12 c. The Governor shall appoint a public member to serve as
13 chairperson of the board who shall be responsible for the
14 coordination of all activities of the board and who shall provide the
15 technical assistance needed to execute the duties of the board.

16 d. The board is entitled to call to its assistance and avail itself
17 of the services of employees of any State, county or municipal
18 department, board, bureau, commission or agency as it may require
19 and as may be available for the purposes of reviewing a case
20 pursuant to the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.).
21 The board may also seek the advice of experts, such as persons
22 specializing in the fields of pediatric, radiological, neurological,
23 psychiatric, orthopedic and forensic medicine; nursing; psychology;
24 social work; education; law enforcement; family law; substance
25 abuse; child advocacy or other related fields, if the facts of a case
26 warrant additional expertise.

27 (cf: P.L.2005, c.155, s.108)

28

29 61. Section 19 of P.L.1997, c.175 (C.9:6-8.98) is amended to
30 read as follows:

31 19. The Department of **【Human Services】** Children and
32 Families shall adopt rules and regulations pursuant to the
33 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
34 seq.) to effectuate the purposes of this act.

35 (cf.: P.L.1997, c.175, s.19)

36

37 62. Section 1 of P.L.1998, c.19 (C.9:6-8.99) is amended to read
38 as follows:

39 1. The Commissioner of **【Human Services】** Children and
40 Families shall establish four regional diagnostic and treatment
41 centers for child abuse and neglect affiliated with medical teaching
42 institutions in the State that meet the standards adopted by the
43 commissioner, in consultation with the New Jersey Task Force on
44 Child Abuse and Neglect. The regional centers shall be located in
45 the northern, north central, south central and southern regions of the
46 State. Each center shall have experience in addressing the medical

1 and mental health diagnostic and treatment needs of abused and
2 neglected children in the region in which it is located.

3 (cf: P.L.1998, c.19, s.1)

4

5 63. Section 2 of P.L.1998, c.19 (C.9:6-8.100) is amended to read
6 as follows:

7 2. Each center shall demonstrate a multidisciplinary approach
8 to identifying and responding to child abuse and neglect. The
9 center staff shall include, at a minimum, a pediatrician, a consulting
10 psychiatrist, a psychologist and a social worker who are trained to
11 evaluate and treat children who have been abused or neglected and
12 their families. Each center shall establish a liaison with the district
13 office of the Division of Youth and Family Services in the
14 Department of **[Human Services]** Children and Families and the
15 prosecutor's office from the county in which the child who is
16 undergoing evaluation and treatment resides. At least one member
17 of the staff shall also have an appropriate professional credential or
18 significant training and experience in the identification and
19 treatment of substance abuse.

20 Each center shall develop an intake, referral and case tracking
21 process which assists the division and prosecutor's office in
22 assuring that child victims receive appropriate and timely diagnostic
23 and treatment services.

24 (cf: P.L.1998, c.19, s.2)

25

26 64. Section 4 of P.L.1998, c.19 (C.9:6-8.102) is amended to read
27 as follows:

28 4. Services provided by the center's staff shall include, but not
29 be limited to:

30 a. Providing psychological and medical evaluation and
31 treatment of the child, counseling for family members and
32 substance abuse assessment and mental health and substance abuse
33 counseling for the parents or guardians of the child;

34 b. Providing referral for appropriate social services and
35 medical care;

36 c. Providing testimony regarding alleged child abuse or neglect
37 at judicial proceedings;

38 d. Providing treatment recommendations for the child and
39 mental health and substance abuse treatment recommendations for
40 his family, and providing mental health and substance abuse
41 treatment recommendations for persons convicted of child abuse or
42 neglect;

43 e. Receiving referrals from the Department of **[Human
44 Services]** Children and Families and the county prosecutor's office
45 and assisting them in any investigation of child abuse or neglect;

46 f. Providing educational material and seminars on child abuse
47 and neglect and the services the center provides to children, parents,

1 teachers, law enforcement officials, the judiciary, attorneys and
2 other citizens.

3 (cf: P.L.2004, c.130, s.35)

4

5 65. Section 6 of P.L.1998, c.19 (C.9:6-8.104) is amended to read
6 as follows:

7 6. Regional centers shall act as a resource in the establishment
8 and maintenance of county-based multidisciplinary teams which
9 work in conjunction with the county prosecutor and the Department
10 of **【Human Services】** Children and Families in the investigation of
11 child abuse and neglect in the county in which the child who is
12 undergoing evaluation and treatment resides. The Commissioner of
13 **【Human Services】** Children and Families, in consultation with the
14 New Jersey Task Force on Child Abuse and Neglect, shall establish
15 standards for a county team. The county team shall consist of
16 representatives of the following disciplines: law enforcement; child
17 protective services; mental health; substance abuse identification
18 and treatment; and medicine; and, in those counties where a child
19 advocacy center has been established, shall include a staff
20 representative of a child advocacy center, all of whom have been
21 trained to recognize child abuse and neglect. The county team shall
22 provide: facilitation of the investigation, management and
23 disposition of cases of criminal child abuse and neglect; referral
24 services to the regional diagnostic center; appropriate referrals to
25 medical and social service agencies; information regarding the
26 identification and treatment of child abuse and neglect; and
27 appropriate follow-up care for abused children and their families.

28 As used in this section, “child advocacy center” means a county-
29 based center which meets the standards for a county team
30 established by the commissioner pursuant to this section and
31 demonstrates a multidisciplinary approach in providing
32 comprehensive, culturally competent child abuse prevention,
33 intervention and treatment services to children who are victims of
34 child abuse or neglect.

35 (cf: P.L.2004, c.130, s.36)

36

37 66. Section 8 of P.L.1998, c.19 (C.9:6-8.106) is amended to read
38 as follows:

39 8. The Commissioner of **【Human Services】** Children and
40 Families shall adopt rules and regulations pursuant to the
41 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
42 seq.) necessary to effectuate the provisions of this act.

43 (cf: P.L.1998, c.19, s.8)

44

45 67. Section 7 of P.L.1985, c.197 (C.9:6A-5) is amended to read
46 as follows:

47 7. In addition to moneys deposited into the “Children's Trust
48 Fund” pursuant to **【section 3 of this act】** P.L.1985, c.197 (C.9:6A-1

1 et al.), the Commissioner of [the Department of Human Services]
2 Children and Families may designate moneys to be deposited into
3 the fund which have been appropriated from the General Fund to
4 the Department of [Human Services] Children and Families as he
5 deems necessary to effect the establishment of the “Children's Trust
6 Fund.”

7 (cf: P.L.1985, c.197, s.7)

8

9 68. Section 8 of P.L.1985, c.197 (C.9:6A-6) is amended to read
10 as follows:

11 8. Any costs incurred for collection or administration
12 attributable to this act by the Division of Taxation may be deducted
13 from receipts collected pursuant to section [1] 2 of [this act]
14 P.L.1985, c.197 (C.54A:9-25.4), as determined by the Director of
15 the Division of Budget and Accounting.

16 (cf: P.L.1985, c.197, s.8)

17

18 69. Section 2 of P.L.1986, c.27 (C.9:6A-11) is amended to read
19 as follows:

20 The Department of [Human Services] Children and Families
21 shall establish a program, using county human services advisory
22 councils, to encourage each county in this State to establish a
23 special county commission on child abuse and missing children.
24 The special county commission shall address the problems of child
25 abuse and missing children in the county and its activities may
26 include, but shall not be limited to, arranging for educational
27 programs for parents and children, providing information
28 concerning the available services in the county and in the State for
29 abused children and their parents and the parents of missing
30 children, and coordinating the provision of services and programs
31 concerning child abuse and missing children that are offered in the
32 county and neighboring counties.

33 (cf: P.L.1986, c.27, s.2)

34

35 70. Section 2 of P.L.1991, c.290 (C.9:6B-2) is amended to read
36 as follows:

37 2. The Legislature finds and declares that:

38 a. A child placed outside his home by the Department of
39 Human Services, the Department of Children and Families, the
40 Department of Health and Senior Services or a board of education,
41 or an agency or organization with which the applicable department
42 contracts to provide services has certain specific rights separate
43 from and independent of the child's parents or legal guardian by
44 virtue of his placement in another residential setting;

45 b. The State has an affirmative obligation to recognize and
46 protect these rights through its articulation of a clear and specific
47 bill of rights that reflects the best interests of the child whereby the
48 safety of the child is of paramount concern and an affirmation by

1 the State of its commitment to enforce these rights in order to
2 protect and promote the welfare of the child placed outside his
3 home; and

4 c. The obligation of the State to recognize and protect the
5 rights of the child placed outside his home shall be fulfilled in the
6 context of a clear and consistent policy to promote the child's
7 eventual return to his home or placement in an alternative
8 permanent setting, which this Legislature has expressly declared to
9 be in the public interest in section 2 of the "Child Placement
10 Review Act," P.L.1977, c.424 (C.30:4C-51).

11 (cf: P.L.1999, c.53, s.18)

12

13 71. Section 3 of P.L.1991, c.290 (C.9:6B-3) is amended to read
14 as follows:

15 3. As used in this act:

16 "Child placed outside his home" means a child placed outside his
17 home by the Department of Human Services, the Department of
18 Children and Families, the Department of Health and Senior
19 Services or a board of education.

20 "Department" means the Department of Human Services, the
21 Department of Children and Families, the Department of Health and
22 Senior Services or board of education, as applicable.

23 (cf: P.L.1991, c.290, s.3)

24

25 72. Section 5 of P.L.1991, c.290 (C.9:6B-5) is amended to read
26 as follows:

27 5. The Departments of Human Services, Children and Families,
28 Health and Senior Services, and Education shall each prepare and
29 update at least every six months, and shall make available to the
30 public upon request, aggregate non-identifying data about children
31 under their care, custody or supervision who are placed in out-of-
32 home settings, by category as appropriate. The data shall include
33 the following:

34 a. The number of children placed outside their homes during
35 the six-month period and the cumulative number of children
36 residing in out-of-home settings;

37 b. The age, sex and race of the children residing in out-of-home
38 settings;

39 c. The reasons for placement of these children;

40 d. The types of settings in which these children reside;

41 e. The length of time that these children have resided in these
42 settings;

43 f. The number of placements for those children who have been
44 placed in more than one setting;

45 g. The number of children who have been placed in the same
46 county in which their parents or legal guardians reside and the
47 number who have been placed outside of the State;

1 h. The number of children who have been permanently placed
2 or returned to their homes during the six-month period, and a
3 projection of the number of children who will be permanently
4 placed or returned to their homes during the following six-month
5 period; and

6 i. The number of children who have been permanently placed
7 or returned to their homes who are subsequently returned to an out-
8 of-home setting during the six-month period.

9 (cf: P.L.1991, c.290, s.5)

10

11 73. Section 6 of P.L.1991, c.290 (C.9:6B-6) is amended to read
12 as follows:

13 6. The Commissioners of Human Services, Children and
14 Families, Health and Senior Services, and Education, pursuant to
15 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
16 et seq.), shall each adopt rules and regulations to effectuate the
17 purposes of this act.

18 (cf: P.L.1991, c.290, s.6)

19

20 74. Section 3 of P.L.1999, c.224 (C.9:12A-4) is amended to read
21 as follows:

22 3. As used in this act:

23 “Department” means the Department of **[Human Services]**
24 Children and Families.

25 “Division” means the Division of Youth and Family Services in
26 the Department of **[Human Services]** Children and Families.

27 “Homeless youth” means a person 21 years of age or younger
28 who is without shelter where appropriate care and supervision are
29 available.

30 (cf: P.L.1999, c.224, s.3)

31

32 75. Section 8 of P.L.1999, c.224 (C.9:12A-9) is amended to read
33 as follows:

34 8. Subject to the “Administrative Procedure Act,” P.L.1968,
35 c.410 (C.52:14B-1 et seq.), the Commissioner of **[Human Services]**
36 Children and Families shall adopt rules and regulations for the
37 licensing by the department of organizations and agencies that
38 provide street outreach or basic center shelter or transitional living
39 programs for homeless youth.

40 (cf: P.L.1999, c.224, s.8)

41

42 76. Section 2 of P.L.1989, c.284 (C.9:23-6) is amended to read
43 as follows:

44 2. As used in Article III of the compact “appropriate public
45 authorities” and as used in subsection a. of paragraph 1. of Article
46 V of the compact, “appropriate authority in the receiving state”
47 means, with reference to New Jersey, the Department of **[Human**

1 Services] Children and Families and the department shall receive
2 and act with reference to notices required by Article III.

3 (cf: P.L.1989, c.284, s.2)

4

5 77. Section 12 of P.L.1989, c.284 (C.9:23-16) is amended to
6 read as follows:

7 The Commissioner of [Human Services] Children and Families
8 shall have the power to adopt regulations for the enforcement of
9 this act pursuant to the “Administrative Procedure Act,” P.L.1968,
10 c.410 (C.52:14B-1 et seq.).

11 (cf: P.L.1989, c.284, s.12)

12

13 78. Section 19 of P.L.1999, c.53 (C.9:23-18) is amended to read
14 as follows:

15 19. a. The Commissioner of [Human Services] Children and
16 Families is authorized on behalf of this State to develop, negotiate
17 and enter into the Interstate Compact on Adoption and Medical
18 Assistance and other interstate compacts, as determined by the
19 commissioner to enhance protection and permanency for children.
20 When so entered into, and for so long as it shall remain in force,
21 such a compact shall have the force and effect of law.

22 b. A compact entered into pursuant to the authority conferred
23 by subsection a. of this section shall include:

24 (1) a provision making it available for joinder by all states;

25 (2) a provision for withdrawal from the compact upon written
26 notice to the parties, with a period of one year between the date of
27 the notice and the effective date of the withdrawal;

28 (3) a requirement that the protections afforded by or pursuant to
29 the compact be covered by a written agreement between the agency
30 providing services and the parents, adoptive parents, or other
31 caregiver for the child and that the protections continue in force for
32 the duration of the written agreement for all children who, on the
33 effective date of the withdrawal, are receiving services from a party
34 state other than the one in which they reside; and

35 (4) such other provisions as may be appropriate to implement
36 the proper administration of the compact.

37 (cf: P.L.1999, c.53, s.19)

38

39 79. Section 1 of P.L.1995, c.34 (C.18A:6-7a) is amended to read
40 as follows:

41 1. When a complaint made against a school employee alleging
42 child abuse or neglect is investigated by the Department of [Human
43 Services] Children and Families, the department shall notify the
44 school district and the employee of its findings. Upon receipt of a
45 finding by the department that such a complaint is unfounded, the
46 school district shall remove any references to the complaint and
47 investigation by the department from the employee's personnel

1 records. A complaint made against a school employee that has been
2 classified as unfounded by the department shall not be used against
3 the employee for any purpose relating to employment, including but
4 not limited to, discipline, salary, promotion, transfer, demotion,
5 retention or continuance of employment, termination of
6 employment or any right or privilege relating to employment.
7 (cf: P.L.2004, c.130, s.38)

8
9 80. Section 2 of P.L.2005, c.310 (C.18A:6-112) is amended to
10 read as follows:

11 2. The State Board of Education, in consultation with the New
12 Jersey Youth Suicide Prevention Advisory Council established in
13 the Department of **[Human Services]** Children and Families
14 pursuant to P.L.2003, c.214 (C.30:9A-22 et seq.), shall, as part of
15 the professional development requirement established by the State
16 board for public school teaching staff members, require each public
17 school teaching staff member to complete at least two hours of
18 instruction in suicide prevention, to be provided by a licensed
19 health care professional with training and experience in mental
20 health issues, in each professional development period.
21 (cf: P.L.2005, c.310, s.2)

22
23 81. Section 6 of P.L.1979, c.207, s.6 (C.18A:7B-2) is amended
24 to read as follows:

25 6. a. For each State-placed child who is resident in a district
26 and in a State facility on the last school day prior to October 16 of
27 the prebudget year, and for each district-placed child who is
28 resident in a district and in a State facility on the last school day
29 prior to October 16 of the budget year, the Commissioner of
30 Education shall deduct from the State aid payable to that district an
31 amount equal to the approved per pupil cost established pursuant to
32 the provisions of section 24 of P.L.1996, c.138 (C.18A:7F-24);
33 except that for a child in a county juvenile detention center, no
34 deduction shall be made until Fiscal Year 1999, in which year and
35 thereafter 50% of the per pupil cost shall be deducted.

36 b. If, for any district, the amount to be deducted pursuant to
37 subsection a. of this section is greater than State aid payable to the
38 district, the district shall pay to the Department of Education the
39 difference between the amount to be deducted and the State aid
40 payable to the district.

41 c. The amount deducted pursuant to subsection a. of this
42 section and the amount paid to the Department of Education
43 pursuant to subsection b. of this section shall be forwarded to the
44 Department of Human Services or Department of Children and
45 Families, as applicable, if the facility is operated by or under
46 contract with that department, or to the Department of Corrections
47 if the facility is operated by or under contract with that department,
48 or to the Juvenile Justice Commission established pursuant to

1 section 2 of P.L.1995, c.284 (C.52:17B-170) if the facility is
2 operated by or under contract with that commission, and shall serve
3 as payment by the district of tuition for the child. In the case of
4 county juvenile detention centers, the tuition shall be deemed to
5 supplement funds currently provided by the county for this purpose
6 under chapter 10 and chapter 11 of Title 9 of the Revised Statutes.
7 In Fiscal Year 1998, a county shall not decrease its level of
8 contribution as a result of the payment of tuition pursuant to this
9 section. In Fiscal Year 1999 and thereafter, a county shall be
10 required to pay 50% of the approved per pupil costs established
11 pursuant to the provisions of section 24 of P.L.1996, c.138
12 (C.18A:7F-24) for the purpose of implementing chapters 10 and 11
13 of Title 9 of the Revised Statutes. Amounts so deducted shall be
14 used solely for the support of educational programs and shall be
15 maintained in a separate account for that purpose. No district shall
16 be responsible for the tuition of any child admitted by the State to a
17 State facility after the last school day prior to October 16 of the
18 prebudget year.

19 (cf: P.L.1996, c.138, s.41)

20

21 82. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to
22 read as follows:

23 8. Funds received pursuant to this act by the Department of
24 Human Services, **[by the]** Department of Children and Families,
25 Department of Corrections or **[by]** the Juvenile Justice Commission
26 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
27 shall be used only for the salaries of teachers, educational
28 administrators at the program level, child study team personnel,
29 clerical staff assigned to child study teams or to educational day
30 programs, paraprofessionals assigned to educational programs in
31 State facilities, and for diagnostic services required as part of the
32 child study team evaluations and related educational services
33 personnel whose function requires an educational certificate issued
34 by the State Department of Education, and for the costs of
35 educational materials, supplies and equipment for these programs.
36 No such funds shall be used for the renovation or construction of
37 capital facilities, for the maintenance and operation of educational
38 facilities, or for custodial, habilitation or other noneducational
39 costs.

40 There are hereby authorized to be appropriated to the
41 Departments of Human Services, Children and Families and
42 Corrections such funds as may be necessary to provide for adult,
43 post-secondary and college programs.

44 (cf: P.L.1995, c.280, s.25)

45

46 83. Section 11 of P.L.1979, c.207 (C.18A:7B-7) is amended to
47 read as follows:

1 11. a. Any parent or guardian of a pupil in a State facility and
2 any pupil in a State facility between 18 and 20 years of age, may
3 request an administrative review on matters of educational
4 classification or educational program.

5 b. The administrative review process shall include the
6 following sequence:

7 (1) A conference with teaching staff members or child study
8 team personnel;

9 (2) A conference with the Director of Educational Services of the
10 Department of Human Services, the Department of Children and
11 Families, the Department of Corrections, or the Juvenile Justice
12 Commission, whichever is appropriate;

13 (3) A hearing by the Commissioner of Education pursuant to law
14 and regulation.

15 c. The due process rights available to children, parents and
16 guardians in the public schools on matters of educational
17 classification or educational program shall be available to children,
18 parents and guardians in State facilities.

19 d. The placement of a child in a particular State facility shall
20 not be subject to an administrative review or hearing pursuant to
21 this section.

22 (cf: P.L.1996, c.138, s.43)

23
24 84. Section 13 of P.L.1979, c.207 (C.18A:7B-9) is amended to
25 read as follows:

26 13. There is hereby created and established in the Department of
27 **【Human Services】** Children and Families an Office of Education to
28 be headed by a Director of Educational Services who shall
29 supervise the educational programs in all the State facilities
30 operated by or under contract with that department and shall
31 approve all personnel hired by the State for such programs.

32 The director shall hold the appropriate certificate issued by the
33 State Board of Examiners and shall be qualified by training and
34 experience for his position and shall be appointed by the
35 Commissioner of **【Human Services】** Children and Families. He
36 shall serve at the pleasure of the commissioner and shall receive
37 such salary as shall be fixed by the commissioner.

38 The director shall establish primary, secondary, and vocational
39 programs which meet the educational needs of school age persons
40 for whom the department is responsible. Appropriate credit and
41 certification shall be given for the successful completion of such
42 programs.

43 Within any available appropriation, the program of education
44 shall include adult, post-secondary and college programs offered by
45 institutions licensed by the Department of Education or the
46 Commission on Higher Education.

47 (cf: P.L.1994, c.48, s.57)

1 85. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
2 read as follows:

3 19. For school funding purposes, the Commissioner of
4 Education shall determine district of residence as follows:

5 a. The district of residence for children in resource family
6 homes shall be the district in which the resource family parents
7 reside. If a child in a resource family home is subsequently placed
8 in a State facility or by a State agency, the district of residence of
9 the child shall then be determined as if no such resource family
10 placement had occurred.

11 b. The district of residence for children who are in residential
12 State facilities, or who have been placed by State agencies in group
13 homes, skill development homes, private schools or out-of-State
14 facilities, shall be the present district of residence of the parent or
15 guardian with whom the child lived prior to his most recent
16 admission to a State facility or most recent placement by a State
17 agency.

18 If this cannot be determined, the district of residence shall be the
19 district in which the child resided prior to such admission or
20 placement.

21 c. The district of residence for children whose parent or
22 guardian temporarily moves from one school district to another as
23 the result of being homeless shall be the district in which the parent
24 or guardian last resided prior to becoming homeless. For the
25 purpose of this amendatory and supplementary act, "homeless"
26 shall mean an individual who temporarily lacks a fixed, regular and
27 adequate residence.

28 d. If the district of residence cannot be determined according to
29 the criteria contained herein, or if the criteria contained herein
30 identify a district of residence outside of the State, the State shall
31 assume fiscal responsibility for the tuition of the child. The tuition
32 shall equal the approved per pupil cost established pursuant to
33 P.L.1996, c.138 (C.18A:7F-1 et seq.). This amount shall be
34 appropriated in the same manner as other State aid under this act.
35 The Department of Education shall pay the amount to the
36 Department of Human Services, the Department of Children and
37 Families, the Department of Corrections or the Juvenile Justice
38 Commission established pursuant to section 2 of P.L.1995, c.284
39 (C.52:17B-170) or, in the case of a homeless child, the Department
40 of Education shall pay the appropriate T&E amount and any
41 appropriate additional cost factor for special education pursuant to
42 section 19 of P.L.1996, c.138 (C.18A:7F-19) to the school district
43 in which the child is enrolled.

44 e. If the State has assumed fiscal responsibility for the tuition
45 of a child in a private educational facility approved by the
46 Department of Education to serve children who are classified as
47 needing special education services, the department shall pay to the
48 Department of Human Services, the Department of Children and

1 Families or the Juvenile Justice Commission, as appropriate, the aid
2 specified in subsection d. of this section and in addition, such aid as
3 required to make the total amount of aid equal to the actual cost of
4 the tuition.

5 (cf: P.L.2004, c.130, s.39)

6

7 86. Section 20 of P.L.1979, c.207 (C.18A:7B-13) is amended to
8 read as follows:

9 20. Beginning in the school year 1997-98, the Commissioner of
10 Education shall annually report to the Legislature, describing the
11 condition of educational programs in State facilities, the efforts of
12 the Departments of Corrections, Children and Families, and Human
13 Services and the Juvenile Justice Commission in meeting the
14 standards of a thorough and efficient education in these facilities,
15 the steps underway to correct any deficiencies in their educational
16 programs, and the progress of the educational programs in New
17 Jersey State facilities in comparison with those in the state facilities
18 of other states. At that time the commissioner shall recommend to
19 the Legislature any necessary or desirable changes or modifications
20 in P.L.1979, c.207 (C.18A:7B-1 et al.).

21 (cf: P.L.1996, c.138, s.45)

22

23 87. Section 3 of P.L.1996, c.138 (C.18A:7F-3) is amended to
24 read as follows:

25 3. As used in this act, unless the context clearly requires a
26 different meaning:

27 "Abbott district" means one of the 28 urban districts in district
28 factor groups A and B specifically identified in the appendix to
29 Raymond Abbott, et al. v. Fred G. Burke, et al. decided by the New
30 Jersey Supreme Court on June 5, 1990 (119 N.J.287, 394) or any
31 other district classified as a special needs district under the "Quality
32 Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et al.), or
33 Salem City School District;

34 "Bilingual education pupil" means a pupil enrolled in a program
35 of bilingual education or in an English as a second language
36 program approved by the State Board of Education;

37 "Budgeted local share" means the sum of designated general
38 fund balance, miscellaneous revenues estimated consistent with
39 GAAP, and that portion of the district's local tax levy contained in
40 the T&E budget certified for taxation purposes;

41 "Capital outlay" means capital outlay as defined in GAAP;

42 "Commissioner" means the Commissioner of Education;

43 "Concentration of low-income pupils" shall be based on
44 prebudget year pupil data and means, for a school district or a
45 county vocational school district, the number of low-income pupils
46 among those counted in modified district enrollment, divided by
47 modified district enrollment. For a school, it means the number of

1 low-income pupils recorded in the registers at that school, divided
2 by the total number of pupils recorded in the school's registers;

3 "CPI" means the average annual increase, expressed as a
4 decimal, in the consumer price index for the New York City and
5 Philadelphia areas during the fiscal year preceding the prebudget
6 year as reported by the United States Department of Labor;

7 "County special services school district" means any entity
8 established pursuant to article 8 of chapter 46 of Title 18A of the
9 New Jersey Statutes;

10 "County vocational school district" means any entity established
11 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
12 Statutes;

13 "County vocational school, special education services pupil"
14 means a pupil who is attending a county vocational school and who
15 is receiving specific services pursuant to chapter 46 of Title 18A of
16 the New Jersey Statutes;

17 "Debt service" means and includes payments of principal and
18 interest upon school bonds and other obligations issued to finance
19 the purchase or construction of school facilities, additions to
20 school facilities, or the reconstruction, remodeling, alteration,
21 modernization, renovation or repair of school facilities, including
22 furnishings, equipment, architect fees and the costs of issuance of
23 such obligations and shall include payments of principal and
24 interest upon bonds heretofore issued to fund or refund such
25 obligations, and upon municipal bonds and other obligations which
26 the commissioner approves as having been issued for such
27 purposes. Debt service pursuant to the provisions of P.L.1978, c.74
28 (C.18A:58-33.22 et seq.), P.L.1971, c.10 (C.18A:58-33.6 et seq.)
29 and P.L.1968, c.177 (C.18A:58-33.2 et seq.) is excluded;

30 "District factor group A district" means a school district, other
31 than an Abbott district or a school district in which the equalized
32 valuation per pupil is more than twice the average Statewide
33 equalized valuation per pupil and in which resident enrollment
34 exceeds 2,000 pupils, which based on the 1990 federal census data
35 is included within the Department of Education's district factor
36 group A;

37 "District income" for the 1997-98 school year means the
38 aggregate income of the residents of the taxing district or taxing
39 districts, based upon data provided by the Bureau of the Census in
40 the United States Department of Commerce for 1989. Beginning
41 with the 1998-99 school year and thereafter, district income means
42 the aggregate income of the residents of the taxing district or taxing
43 districts, based upon data provided by the Division of Taxation in
44 the New Jersey Department of the Treasury and contained on the
45 New Jersey State Income Tax forms for the calendar year ending
46 prior to the prebudget year. The commissioner may supplement
47 data contained on the State Income Tax forms with data available
48 from other State or federal agencies in order to better correlate the

1 data to that collected on the federal census. With respect to
2 regional districts and their constituent districts, however, the district
3 income as described above shall be allocated among the regional
4 and constituent districts in proportion to the number of pupils
5 resident in each of them;

6 "Estimated minimum equalized tax rate" for a school district
7 means the district's required local share divided by its equalized
8 valuation; for the State it means the sum of the required local shares
9 of all school districts in the State, excluding county vocational and
10 county special services school districts as defined pursuant to this
11 section, divided by the sum of the equalized valuations for all the
12 school districts in the State except those for which there is no
13 required local share;

14 "Equalized valuation" means the equalized valuation of the
15 taxing district or taxing districts, as certified by the Director of the
16 Division of Taxation on October 1, or subsequently revised by the
17 tax court by January 15, of the prebudget year. With respect to
18 regional districts and their constituent districts, however, the
19 equalized valuations as described above shall be allocated among
20 the regional and constituent districts in proportion to the number of
21 pupils resident in each of them. In the event that the equalized table
22 certified by the director shall be revised by the tax court after
23 January 15 of the prebudget year, the revised valuations shall be
24 used in the recomputation of aid for an individual school district
25 filing an appeal, but shall have no effect upon the calculation of the
26 property value multiplier, Statewide equalized valuation per pupil,
27 estimated minimum equalized tax rate for the State, or Statewide
28 average equalized school tax rate;

29 "GAAP" means the generally accepted accounting principles
30 established by the Governmental Accounting Standards Board as
31 prescribed by the State board pursuant to N.J.S.18A:4-14;

32 "Household income" means income as defined in 7CFR 245.2
33 and 245.6 or any subsequent superseding federal law or regulation;

34 "Lease purchase payment" means and includes payments of
35 principal and interest for lease purchase agreements in excess of
36 five years approved pursuant to subsection f. of N.J.S.18A:20-4.2 to
37 finance the purchase or construction of school facilities, additions
38 to school facilities, or the reconstruction, remodeling, alteration,
39 modernization, renovation or repair of school facilities, including
40 furnishings, equipment, architect fees and issuance costs. Approved
41 lease purchase agreements in excess of five years shall be accorded
42 the same accounting treatment as school bonds;

43 "Low-income pupils" means those pupils from households with a
44 household income at or below the most recent federal poverty
45 guidelines available on October 15 of the prebudget year multiplied
46 by 1.30;

1 "Minimum permissible T&E budget" means the sum of a
2 district's core curriculum standards aid, and required local share
3 calculated pursuant to sections 5, 14 and 15 of this act;

4 "Modified district enrollment" means the number of pupils other
5 than preschool pupils, evening school pupils, post-graduate pupils,
6 and post-secondary vocational pupils who, on the last school day
7 prior to October 16, are enrolled in the school district or county
8 vocational school district; or are resident in the school district or
9 county vocational school district and are: (1) receiving home
10 instruction, (2) enrolled in an approved private school for the
11 handicapped, (3) enrolled in a regional day school, (4) enrolled in a
12 county special services school district, (5) enrolled in an
13 educational services commission including an alternative high
14 school program operated by an educational services commission,
15 (6) enrolled in a State college demonstration school, (7) enrolled in
16 the Marie H. Katzenbach School for the Deaf, or (8) enrolled in an
17 alternative high school program in a county vocational school.
18 Modified district enrollment shall be based on the prebudget year
19 count for the determination of concentration of low-income pupils,
20 and shall be projected to the current year and adjusted pursuant to
21 section 5 of this act when used in the calculation of aid;

22 "Net budget" unless otherwise stated in this act, means the sum
23 of the net T&E budget and the portion of the district's local levy
24 that is above the district's maximum T&E budget;

25 "Net T&E budget" means the sum of the T&E program budget,
26 early childhood program aid, demonstrably effective program aid,
27 instructional supplement aid, transportation aid, and categorical
28 program aid received pursuant to sections 19 through 22, 28, and 29
29 of this act;

30 "Prebudget year" means the school fiscal year preceding the year
31 in which the school budget is implemented;

32 "Prebudget year equalized tax rate" means the amount calculated
33 by dividing the district's general fund levy for the prebudget year by
34 its equalized valuation certified in the year prior to the prebudget
35 year;

36 "Prebudget year net budget" for the 1997-98 school year means
37 the sum of the foundation aid, transition aid, transportation aid,
38 special education aid, bilingual education aid, aid for at-risk pupils,
39 technology aid, and county vocational program aid received by a
40 school district or county vocational school district in the 1996-97
41 school year pursuant to P.L.1996, c.42, and the district's local levy
42 for the general fund;

43 "Report on the Cost of Providing a Thorough and Efficient
44 Education" or "Report" means the report issued by the Governor
45 pursuant to section 4 of this act;

46 "Resident enrollment" means the number of pupils other than
47 preschool pupils, post-graduate pupils, and post-secondary
48 vocational pupils who, on the last school day prior to October 16 of

1 the current school year, are residents of the district and are enrolled
2 in: (1) the public schools of the district, excluding evening schools,
3 (2) another school district, other than a county vocational school
4 district in the same county on a full-time basis, or a State college
5 demonstration school or private school to which the district of
6 residence pays tuition, or (3) a State facility in which they are
7 placed by the district; or are residents of the district and are: (1)
8 receiving home instruction, or (2) in a shared-time vocational
9 program and are regularly attending a school in the district and a
10 county vocational school district. In addition, resident enrollment
11 shall include the number of pupils who, on the last school day prior
12 to October 16 of the prebudget year, are residents of the district and
13 in a State facility in which they were placed by the State. Pupils in
14 a shared-time vocational program shall be counted on an equated
15 full-time basis in accordance with procedures to be established by
16 the commissioner. Resident enrollment shall include regardless of
17 nonresidence, the enrolled children of teaching staff members of the
18 school district or county vocational school district who are
19 permitted, by contract or local district policy, to enroll their
20 children in the educational program of the school district or county
21 vocational school district without payment of tuition. Handicapped
22 children between three and five years of age and receiving programs
23 and services pursuant to N.J.S.18A:46-6 shall be included in the
24 resident enrollment of the district;

25 "School district" means any local or regional school district
26 established pursuant to chapter 8 or chapter 13 of Title 18A of the
27 New Jersey Statutes;

28 "School enrollment" means the number of pupils other than
29 preschool pupils, evening school pupils, post-graduate pupils, and
30 post-secondary vocational pupils who, on the last school day prior
31 to October 16 of the current school year, are recorded in the
32 registers of the school;

33 "Special education services pupils" means a pupil receiving
34 specific services pursuant to chapter 46 of Title 18A of the New
35 Jersey Statutes;

36 "Spending growth limitation" means the annual rate of growth
37 permitted in the net budget of a school district, county vocational
38 school district or county special services school district as measured
39 between the net budget of the prebudget year and the net budget of
40 the budget year as calculated pursuant to subsection d. of section 5
41 of this act;

42 "Stabilization aid growth limit" means 10% or the rate of growth
43 in the district's projected resident enrollment over the prebudget
44 year, whichever is greater. For the 1997-98 school year, this means
45 8% or one-half the rate of growth in the district's projected resident
46 enrollment and preschool enrollment between the October 1991
47 enrollment report as contained on the district's Application for State
48 School Aid for 1992-93 and the 1997-98 school year, whichever is

1 greater. For the 1998-99 and 1999-2000 school years, this means
2 the greatest of the following: 10%, one-half the district's rate of
3 growth in projected resident enrollment and preschool enrollment
4 over the October 1991 enrollment report as contained on the
5 district's Application for State School Aid for 1992-93, or the
6 district's projected rate of growth in resident enrollment over the
7 prebudget year;

8 "State facility" means a State developmental center; a State
9 Division of Youth and Family Services' residential center; a State
10 residential mental health center; a **[DHS]** Department of Children
11 and Families Regional Day School; a State training school/Secure
12 care facility; a State juvenile community program; a juvenile
13 detention center or a boot camp under the supervisory authority of
14 the Juvenile Justice Commission pursuant to P.L.1995, c.284
15 (C.52:17B-169 et seq.); or an institution operated by or under
16 contract with the Department of Corrections, Children and Families
17 or Human Services, or the Juvenile Justice Commission;

18 "Statewide average equalized school tax rate" means the amount
19 calculated by dividing the general fund tax levy for all school
20 districts, which excludes county vocational school districts and
21 county special services school districts as defined pursuant to this
22 section, in the State for the prebudget year by the equalized
23 valuations certified in the year prior to the prebudget year of all
24 taxing districts in the State except taxing districts for which there
25 are no school tax levies;

26 "Statewide equalized valuation per pupil" means the equalized
27 valuations of all taxing districts having resident enrollment in the
28 State, divided by the resident enrollment for the State;

29 "T&E amount" means the cost per elementary pupil of delivering
30 the core curriculum content standards and extracurricular and
31 cocurricular activities necessary for a thorough regular education
32 under the assumptions of reasonableness and efficiency contained in
33 the Report on the Cost of Providing a Thorough and Efficient
34 Education;

35 "T&E flexible amount" means the dollar amount which shall be
36 applied to the T&E amount to determine the T&E range;

37 "T&E program budget" means the sum of core curriculum
38 standards aid, supplemental core curriculum standards aid,
39 stabilization aid, designated general fund balance, miscellaneous
40 local general fund revenue and that portion of the district's local
41 levy that supports the district's T&E budget;

42 "T&E range" means the range of regular education spending
43 which shall be considered thorough and efficient. The range shall
44 be expressed in terms of T&E budget spending per elementary
45 pupil, and shall be delineated by alternatively adding to and
46 subtracting from the T&E amount the T&E flexible amount;

1 "Total Statewide income" means the sum of the district incomes
2 of all taxing districts in the State.
3 (cf: P.L.2004, c.61, s.1).

4
5 88. Section 19 of P.L.1996, c.138 (C.18A:7F-19) is amended to
6 read as follows:

7 19. a. Special education categorical aid for each school district
8 and county vocational school district shall be calculated for the
9 1997-98 school year as follows:

10 Tier I is the number of pupils classified for other than speech
11 correction services resident in the district which receive related
12 services including, but not limited to, occupational therapy,
13 physical therapy, speech and counseling. Aid shall equal 0.0223 of
14 the T&E amount rounded to the nearest whole dollar for each of the
15 four service categories provided per classified pupil.

16 Tier II is the number of pupils resident in the district meeting the
17 classification definitions for perceptually impaired, neurologically
18 impaired, educable mentally retarded and preschool handicapped;
19 all classified pupils in shared time county vocational programs in a
20 county vocational school which does not have a child study team
21 receiving services pursuant to chapter 46 of Title 18A of the New
22 Jersey Statutes; and nonclassified pupils in State training schools or
23 secure care facilities. For the purpose of calculating State aid for
24 1997-98, each district, other than a county vocational school
25 district, shall have its pupil count for perceptually impaired reduced
26 by perceptually impaired classifications in excess of one standard
27 deviation above the State average classification rate at December
28 1995 or 9.8 percent of the district's resident enrollment. The
29 perceptually impaired limitation shall be phased down to the State
30 average of the prebudget year over a five-year period by adjusting
31 the standard deviation as follows: 75 percent in 1998-99, 50
32 percent in 1999-2000, 25 percent in 2000-2001 and the State
33 average in year five. No reduction in aid shall be assessed against
34 any district in which the perceptually impaired classification rate is
35 6.5% or less of resident enrollment. Aid shall equal 0.4382 of the
36 T&E amount rounded to the nearest whole dollar for each student
37 meeting the Tier II criteria.

38 The commissioner shall develop a system to provide that each
39 school district submits data to the department on the number of the
40 district's pupils with a classification definition of perceptually
41 impaired who are enrolled in a county vocational school. Such
42 pupils shall be counted in the district of residence's resident
43 enrollment for the purpose of calculating the limit on perceptually
44 impaired classifications for Tier II State aid.

45 Tier III is the number of classified pupils resident in the district
46 in categories other than speech correction services, perceptually
47 impaired, neurologically impaired, educable mentally retarded,
48 socially maladjusted, preschool handicapped, and who do not meet

1 the criteria of Tier IV, intensive services; and nonclassified pupils
2 in juvenile community programs. Aid shall equal 0.8847 of the
3 T&E amount for each pupil meeting the Tier III criteria.

4 Tier IV is the number of classified pupils resident in the district
5 receiving intensive services. For 1997-98, intensive services are
6 defined as those provided in a county special services school district
7 and services provided for pupils who meet the classification
8 definitions for autistic, chronically ill, day training eligible, or
9 visually handicapped, or are provided for pupils who meet the
10 classification definition for multiply handicapped and are in a
11 private school for the handicapped, educational services
12 commission, or jointure commission placement in the 1996-97
13 school year. The commissioner shall collect data and conduct a
14 study to determine intensive service criteria and the appropriate per
15 pupil cost factor to be universally applied to all service settings,
16 beginning in the 1998-99 school year. Aid shall equal 1.2277 of the
17 T&E amount for each pupil meeting the Tier IV criteria.

18 Classified pupils in Tiers II through IV shall be eligible for Tier I
19 aid. Classified pupils shall be eligible to receive aid for up to four
20 services under Tier I.

21 For the 1998-99 school year, these cost factors shall remain in
22 effect and special education aid growth shall be limited by the CPI
23 growth rate applied to the T&E amount and changes in classified
24 pupil counts. For subsequent years, the additional cost factors shall
25 be established biennially in the Report on the Cost of Providing a
26 Thorough and Efficient Education.

27 For the purposes of this section, classified pupil counts shall
28 include pupils attending State developmental centers, Department of
29 **【Human Services】** Children and Families Regional Day Schools,
30 Department of **【Human Services】** Children and Families residential
31 centers, State residential mental health centers, and institutions
32 operated by or under contract with the Department of Human
33 Services or the Department of Children and Families. Classified
34 pupils of elementary equivalent age shall include classified
35 preschool handicapped and kindergarten pupils.

36 b. In those instances in which the cost of providing education
37 for an individual classified pupil exceeds \$40,000:

38 (1) For costs in excess of \$40,000 incurred in the 2002-2003
39 through 2004-2005 school years, the district of residence shall, in
40 addition to any special education State aid to which the district is
41 entitled on behalf of the pupil pursuant to subsection a. of this
42 section, receive additional special education State aid as follows:
43 (a) with respect to the amount of any costs in excess of \$40,000 but
44 less than or equal to \$60,000, the additional State aid for the
45 classified pupil shall equal 60% of that amount; (b) with respect to
46 the amount of any costs in excess of \$60,000 but less than or equal
47 to \$80,000, the additional State aid for the classified pupil shall
48 equal 70% of that amount; and (c) with respect to the amount of any

1 costs in excess of \$80,000, the additional State aid for the classified
2 pupil shall equal 80% of that amount; provided that in the case of
3 an individual classified pupil for whom additional special education
4 State aid was awarded to a district for the 2001-2002 school year,
5 the amount of such aid awarded annually to the district for that
6 pupil for the 2002-2003, 2003-2004 or 2004-2005 school year shall
7 not be less than the amount for the 2001-2002 school year, except
8 that if the district's actual special education costs incurred for the
9 pupil in the 2002-2003, 2003-2004 or 2004-2005 school year are
10 reduced below the amount of such costs for the pupil in the 2001-
11 2002 school year, the amount of aid shall be decreased by the
12 amount of that reduction; and

13 (2) For costs in excess of \$40,000 incurred in the 2005-2006
14 school year and thereafter, a district shall receive additional special
15 education State aid equal to 100% of the amount of that excess.

16 A district, in order to receive funding pursuant to this subsection,
17 shall file an application with the department that details the
18 expenses incurred on behalf of the particular classified pupil for
19 which the district is seeking reimbursement. Additional State aid
20 awarded for extraordinary special education costs shall be recorded
21 by the district as revenue in the current school year and paid to the
22 district in the subsequent school year.

23 c. A school district may apply to the commissioner to receive
24 emergency special education aid for any classified pupil who
25 enrolls in the district prior to March of the budget year and who is
26 in a placement with a cost in excess of \$40,000. The commissioner
27 may debit from the student's former district of residence any special
28 education aid which was paid to that district on behalf of the
29 student.

30 d. The department shall review expenditures of federal and
31 State special education aid by a district in every instance in which
32 special education monitoring identifies a failure on the part of the
33 district to provide services consistent with a pupil's individualized
34 education program.

35 (cf: P.L.2004, c.130, s.40)

36

37 89. Section 24 of P.L.1996, c.138 (C.18A:7F-24) is amended to
38 read as follows:

39 24. Annually by December 15, the Department of Corrections,
40 the Department of Human Services, the Department of Children and
41 Families and the Juvenile Justice Commission shall each submit to
42 the commissioner for approval, with respect to the facilities under
43 their operational or supervisory authority, a budget for educational
44 programs as set forth in section 8 of P.L.1979, c.207 (C.18A:7B-4)
45 for the subsequent year, together with enrollments and per pupil
46 costs. For the purposes of calculating a per pupil cost, enrollment
47 shall be based on the number of pupils in the State facility on the
48 last school day prior to October 16 of the prebudget year. In the

1 subsequent year, pursuant to P.L.1979, c.207 (C.18A:7B-1 et seq.)
2 for students resident in a district, approved per pupil amounts shall
3 be deducted from each school district's State aid and remitted to the
4 appropriate agency, except that for county juvenile detention
5 centers, no deduction shall be made until Fiscal Year 1999; in that
6 year and thereafter, 50% of approved per pupil amounts shall be
7 deducted and remitted to the Juvenile Justice Commission.

8 (cf: P.L.1996, c.138, s.24)

9
10 90. Section 3 of P.L.2000, c.72 (C.18A:7G-3) is amended to
11 read as follows:

12 3. As used in sections 1 through 30 and 57 through 71 of this
13 act, unless the context clearly requires a different meaning:

14 "Abbott district" means an Abbott district as defined in section 3
15 of P.L.1996, c.138 (C.18A:7F-3);

16 "Area cost allowance" means \$138 per square foot for the school
17 year 2000-2001 and shall be inflated by an appropriate cost index
18 for the 2001-2002 school year. For the 2002-2003 school year and
19 subsequent school years, the area cost allowance shall be as
20 established in the biennial Report on the Cost of Providing a
21 Thorough and Efficient Education and inflated by an appropriate
22 cost index for the second year to which the report applies. The area
23 cost allowance used in determining preliminary eligible costs of
24 school facilities projects shall be that of the year of application for
25 approval of the project;

26 "Authority" means the New Jersey Economic Development
27 Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et
28 seq.);

29 "Community provider" means a private entity which has
30 contracted to provide early childhood education programs for an
31 ECPA district and which (a) is licensed by the Department of
32 **[Human Services]** Children and Families to provide day care
33 services pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.); and (b) is
34 a tax exempt nonprofit organization;

35 "Community early childhood education facilities project" means
36 a school facilities project consisting of facilities in which early
37 childhood education programs are provided to 3 or 4-year old
38 children under contract with the ECPA district but which are owned
39 and operated by a community provider;

40 "Commissioner" means the Commissioner of Education;

41 "Core curriculum content standards" means the standards
42 established pursuant to the provisions of subsection a. of section 4
43 of P.L.1996, c.138 (C.18A:7F-4);

44 "Cost index" means the average annual increase, expressed as a
45 decimal, in actual construction cost factors for the New York City
46 and Philadelphia areas during the second fiscal year preceding the
47 budget year as determined pursuant to regulations promulgated by
48 the authority pursuant to section 26 of this act;

1 "Debt service" means and includes payments of principal and
2 interest upon school bonds issued to finance the acquisition of
3 school sites and the purchase or construction of school facilities,
4 additions to school facilities, or the reconstruction, remodeling,
5 alteration, modernization, renovation or repair of school facilities,
6 including furnishings, equipment, architect fees and the costs of
7 issuance of such obligations and shall include payments of principal
8 and interest upon school bonds heretofore issued to fund or refund
9 such obligations, and upon municipal bonds and other obligations
10 which the commissioner approves as having been issued for such
11 purposes. Debt service pursuant to the provisions of P.L.1978, c.74
12 (C.18A:58-33.22 et seq.), P.L.1971, c.10 (C.18A:58-33.6 et seq.)
13 and P.L.1968, c.177 (C.18A:58-33.2 et seq.) is excluded;

14 "Demonstration project" means a school facilities project
15 selected by the State Treasurer for construction by a redevelopment
16 entity pursuant to section 6 of this act;

17 "District" means a local or regional school district established
18 pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey
19 Statutes, a county special services school district established
20 pursuant to article 8 of chapter 46 of Title 18A of the New Jersey
21 Statutes, a county vocational school district established pursuant to
22 article 3 of chapter 54 of Title 18A of the New Jersey Statutes, and
23 a State-operated school district established pursuant to P.L.1987,
24 c.399 (C.18A:7A-34 et seq.);

25 "District aid percentage" means the number expressed as a
26 percentage derived from dividing the district's core curriculum
27 standards aid calculated pursuant to section 15 of P.L.1996, c.138
28 (C.18A:7F-15) as of the date of the commissioner's determination
29 of preliminary eligible costs by the district's T & E budget
30 calculated pursuant to subsection d. of section 13 of P.L.1996,
31 c.138 (C.18A:7F-13) as of the date of the commissioner's
32 determination of preliminary eligible costs;

33 "ECPA district" means a district that qualifies for early
34 childhood program aid pursuant to section 16 of P.L.1996, c.138
35 (C.18A:7F-16);

36 "Excess costs" means the additional costs, if any, which shall be
37 borne by the district, of a school facilities project which result from
38 design factors that are not required to meet the facilities efficiency
39 standards and not approved pursuant to paragraph (1) of subsection
40 g. of section 5 of this act or are not authorized as community design
41 features included in final eligible costs pursuant to subsection c. of
42 section 6 of this act;

43 "Facilities efficiency standards" means the standards developed
44 by the commissioner pursuant to subsection h. of section 4 of this
45 act;

46 "Final eligible costs" means for school facilities projects to be
47 constructed by the authority, the final eligible costs of the school
48 facilities project as determined by the commissioner, in consultation

1 with the authority, pursuant to section 5 of this act; for
2 demonstration projects, the final eligible costs of the project as
3 determined by the commissioner and reviewed by the authority
4 which may include the cost of community design features
5 determined by the commissioner to be an integral part of the school
6 facility and which do not exceed the facilities efficiency standards,
7 and which were reviewed by the authority and approved by the
8 State Treasurer pursuant to section 6 of this act; and for districts
9 whose district aid percentage is less than 55% and which elect not
10 to have the authority construct a school facilities project, final
11 eligible costs as determined pursuant to paragraph (1) of subsection
12 h. of section 5 of this act;

13 "FTE" means a full-time equivalent student which shall be
14 calculated as follows: in districts that qualify for early childhood
15 program aid pursuant to section 16 of P.L.1996, c.138 (C.18A:7F-
16 16), each student in grades kindergarten through 12 shall be counted
17 at 100% of the actual count of students, and each preschool student
18 approved by the commissioner to be served in the district shall be
19 counted at 50% or 100% of the actual count of preschool students
20 for an approved half-day or full-day program, respectively; in
21 districts that do not qualify for early childhood program aid
22 pursuant to section 16 of P.L.1996, c.138 (C.18A:7F-16), each
23 student in grades 1 through 12 shall be counted at 100% of the
24 actual count of students, in the case of districts which operate a
25 half-day kindergarten program each kindergarten student shall be
26 counted at 50% of the actual count of kindergarten students, in the
27 case of districts which operate a full-day kindergarten program or
28 which currently operate a half-day kindergarten program but
29 propose to build facilities to house a full-day kindergarten program
30 each kindergarten student shall be counted at 100% of the actual
31 count of kindergarten students, and preschool students shall not be
32 counted. In addition, each preschool handicapped child who is
33 entitled to receive a full-time program pursuant to N.J.S.18A:46-6
34 shall be counted at 100% of the actual count of these students in the
35 district;

36 "Functional capacity" means the number of students that can be
37 housed in a building in order to have sufficient space for it to be
38 educationally adequate for the delivery of programs and services
39 necessary for student achievement of the core curriculum content
40 standards. Functional capacity is determined by dividing the
41 existing gross square footage of a school building by the minimum
42 area allowance per FTE student pursuant to subsection b. of section
43 8 of this act for the grade level students contained therein. The
44 difference between the projected enrollment determined pursuant to
45 subsection a. of section 8 of this act and the functional capacity is
46 the unhoused students that are the basis upon which the additional
47 costs of space to provide educationally adequate facilities for the
48 entire projected enrollment are determined. The existing gross

1 square footage for the purposes of defining functional capacity is
2 exclusive of existing spaces that are not contained in the facilities
3 efficiency standards but which are used to deliver programs and
4 services aligned to the core curriculum content standards, used to
5 provide support services directly to students, or other existing
6 spaces that the district can demonstrate would be structurally or
7 fiscally impractical to convert to other uses contained in the
8 facilities efficiency standards;

9 "Lease purchase payment" means and includes payment of
10 principal and interest for lease purchase agreements in excess of
11 five years approved pursuant to subsection f. of N.J.S.18A:20-4.2
12 prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) to
13 finance the purchase or construction of school facilities, additions
14 to school facilities, or the reconstruction, remodeling, alteration,
15 modernization, renovation or repair of school facilities, including
16 furnishings, equipment, architect fees and issuance costs. Approved
17 lease purchase agreements in excess of five years shall be accorded
18 the same accounting treatment as school bonds;

19 "Local share" means, in the case of a school facilities project to
20 be constructed by the authority, the total costs less the State share
21 as determined pursuant to section 5 of this act; in the case of a
22 demonstration project, the total costs less the State share as
23 determined pursuant to sections 5 and 6 of this act; and in the case
24 of a school facilities project not to be constructed by the authority,
25 but which shall be financed pursuant to section 15 of this act, the
26 total costs less the State share as determined pursuant to that
27 section;

28 "Local unit" means a county, municipality, board of education or
29 any other political subdivision or instrumentality authorized to
30 construct, operate and maintain a school facilities project and to
31 borrow money for those purposes pursuant to law;

32 "Local unit obligations" means bonds, notes, refunding bonds,
33 refunding notes, lease obligations and all other obligations of a
34 local unit which are issued or entered into for the purpose of paying
35 for all or a portion of the costs of a school facilities project,
36 including moneys payable to the authority;

37 "Long-range facilities plan" means the plan required to be
38 submitted to the commissioner by a district pursuant to section 4 of
39 this act;

40 "Maintenance" means expenditures which are approved for
41 repairs and replacements for the purpose of keeping a school
42 facility open and safe for use or in its original condition, including
43 repairs and replacements to a school facility's heating, lighting,
44 ventilation, security and other fixtures to keep the facility or
45 fixtures in effective working condition. Maintenance shall not
46 include contracted custodial or janitorial services, expenditures for
47 the cleaning of a school facility or its fixtures, the care and upkeep
48 of grounds or parking lots, and the cleaning of, or repairs and

1 replacements to, movable furnishings or equipment, or other
2 expenditures which are not required to maintain the original
3 condition over the school facility's useful life. Approved
4 maintenance expenditures shall be as determined by the
5 commissioner pursuant to regulations to be adopted by the
6 commissioner pursuant to section 26 of this act;

7 "Other allowable costs" means the costs of site development,
8 acquisition of land or other real property interests necessary to
9 effectuate the school facilities project, fees for the services of
10 design professionals, including architects, engineers, construction
11 managers and other design professionals, legal fees, financing costs
12 and the administrative costs of the authority or the district incurred
13 in connection with the school facilities project;

14 "Preliminary eligible costs" means the initial eligible costs of a
15 school facilities project as calculated pursuant to the formulas set
16 forth in section 7 of this act which shall be deemed to include the
17 costs of construction and other allowable costs;

18 "Redevelopment entity" means a redevelopment entity
19 authorized by a municipal governing body to implement plans and
20 carry out redevelopment projects in the municipality pursuant to the
21 "Local Redevelopment and Housing Law," P.L.1992, c.79
22 (C.40A:12A-1 et seq.);

23 "Report on the Cost of Providing a Thorough and Efficient
24 Education" or "Report" means the report issued by the
25 commissioner pursuant to section 4 of P.L.1996, c.138 (C.18A:7F-
26 4);

27 "School bonds" means, in the case of a school facilities project
28 which is to be constructed by the authority, a redevelopment entity,
29 or a district under section 15 of this act, bonds, notes or other
30 obligations issued by a district to finance the local share; and, in the
31 case of a school facilities project which is not to be constructed by
32 the authority or a redevelopment entity, or financed under section
33 15 of this act, bonds, notes or other obligations issued by a district
34 to finance the total costs;

35 "School enrollment" means the number of FTE students other
36 than evening school students, including post-graduate students and
37 post-secondary vocational students, who, on the last school day
38 prior to October 16 of the current school year, are recorded in the
39 registers of the school;

40 "School facility" means and includes any structure, building or
41 facility used wholly or in part for academic purposes by a district,
42 but shall exclude athletic stadiums, grandstands, and any structure,
43 building or facility used solely for school administration;

44 "School facilities project" means the acquisition, demolition,
45 construction, improvement, repair, alteration, modernization,
46 renovation, reconstruction or maintenance of all or any part of a
47 school facility or of any other personal property necessary for, or
48 ancillary to, any school facility, and shall include fixtures,

1 furnishings and equipment, and shall also include, but is not limited
2 to, site acquisition, site development, the services of design
3 professionals, such as engineers and architects, construction
4 management, legal services, financing costs and administrative
5 costs and expenses incurred in connection with the project;

6 "Special education services pupil" means a pupil receiving
7 specific services pursuant to chapter 46 of Title 18A of the New
8 Jersey Statutes;

9 "State aid" means State municipal aid and State school aid;

10 "State debt service aid" means for school bonds issued for school
11 facilities projects approved by the commissioner after the effective
12 date of P.L.2000, c.72 (C.18A:7G-1 et al.) of districts which elect
13 not to have the authority or a redevelopment entity construct the
14 project or which elect not to finance the project under section 15 of
15 this act, the amount of State aid determined pursuant to section 9 of
16 this act; and for school bonds or certificates of participation issued
17 for school facilities projects approved by the commissioner prior to
18 the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) the amount
19 of State aid determined pursuant to section 10 of this act;

20 "State municipal aid" means business personal property tax
21 replacement revenues, State urban aid and State revenue sharing, as
22 these terms are defined in section 2 of P.L.1976, c.38 (C.40A:3-3),
23 or other similar forms of State aid payable to the local unit and to
24 the extent permitted by federal law, federal moneys appropriated or
25 apportioned to the municipality or county by the State;

26 "State school aid" means the funds made available to school
27 districts pursuant to sections 15 and 17 of P.L.1996, c.138
28 (C.18A:7F-15 and 17);

29 "State share" means the State's proportionate share of the final
30 eligible costs of a school facilities project to be constructed by the
31 authority as determined pursuant to section 5 of this act; in the case
32 of a demonstration project, the State's proportionate share of the
33 final eligible costs of the project as determined pursuant to sections
34 5 and 6 of this act; and in the case of a school facilities project to be
35 financed pursuant to section 15 of this act, the State share as
36 determined pursuant to that section;

37 "Total costs" means, in the case of a school facilities project
38 which is to be constructed by the authority or a redevelopment
39 entity or financed pursuant to section 15 of this act, the final
40 eligible costs plus excess costs if any; and in the case of a school
41 facilities project which is not to be constructed by the authority or a
42 redevelopment entity or financed pursuant to section 15 of this act,
43 the total cost of the project as determined by the district.

44 (cf: P.L.2005, c.235, s.31)

45

46 91. Section 5 of P.L.2000, c.72 (C.18A:7G-5) is amended to
47 read as follows:

1 5. a. The authority shall construct and finance the school
2 facilities projects of Abbott districts, districts in level II monitoring
3 pursuant to section 14 of P.L.1975, c.212 (C.18A:7A-14) as of the
4 effective date of P.L.2000, c.72 (C.18A:7G-1 et al.), and districts
5 with a district aid percentage equal to or greater than 55%.

6 b. Any district whose district aid percentage is less than 55%
7 may elect to have the authority undertake the construction of a
8 school facilities project in the district and the State share shall be
9 determined pursuant to this section. In the event that the district
10 elects not to have the authority undertake the construction of the
11 project, State support for the project shall be determined pursuant to
12 section 9 or section 15 of this act, as applicable.

13 c. Notwithstanding any provision of N.J.S.18A:18A-16 to the
14 contrary, the procedures for obtaining approval of a school facilities
15 project shall be as set forth in this act; provided that any district
16 whose district aid percentage is less than 55%, which elects not to
17 have the authority or a redevelopment entity undertake the
18 construction of the project, shall also be required to comply with the
19 provisions of N.J.S.18A:18A-16.

20 d. Any district seeking to initiate a school facilities project
21 shall apply to the commissioner for approval of the project. The
22 application shall, at a minimum, contain the following information:
23 a description of the school facilities project; a schematic drawing of
24 the project or, at the option of the district, preliminary plans and
25 specifications; a delineation and description of each of the
26 functional components of the project; the number of unhoused
27 students to be housed in the project; the area allowances per FTE
28 student as calculated pursuant to section 8 of this act; and the
29 estimated cost to complete the project as determined by the district.

30 e. The commissioner shall review each proposed school
31 facilities project to determine whether it is consistent with the
32 district's long-range facilities plan and whether it complies with the
33 facilities efficiency standards and the area allowances per FTE
34 student derived from those standards. The commissioner shall
35 make a decision on a district's application within 90 days from the
36 date he determines that the application is fully and accurately
37 completed and that all information necessary for a decision has
38 been filed by the district, or from the date of the last revision made
39 by the district. If the commissioner is not able to make a decision
40 within 90 days, he shall notify the district in writing explaining the
41 reason for the delay and indicating the date on which a decision on
42 the project will be made, provided that the date shall not be later
43 than 60 days from the expiration of the original 90 days set forth in
44 this subsection. If the decision is not made by the subsequent date
45 indicated by the commissioner, then the project shall be deemed
46 approved and the preliminary eligible costs for new construction
47 shall be calculated by using the proposed square footage of the
48 building as the approved area for unhoused students.

1 f. If the commissioner determines that the school facilities
2 project complies with the facilities efficiency standards and the
3 district's long-range facilities plan and does not exceed the area
4 allowance per FTE student derived from those standards, the
5 commissioner shall calculate the preliminary eligible costs of the
6 project pursuant to the formulas set forth in section 7 of this act;
7 except that in the case of a county special services school district or
8 a county vocational school district, the commissioner shall calculate
9 the preliminary eligible costs to equal the amount determined by the
10 board of school estimate and approved by the board of chosen
11 freeholders pursuant to section 14 of P.L.1971, c.271 (C.18A:46-
12 42) or N.J.S.18A:54-31 as appropriate.

13 g. If the commissioner determines that the school facilities
14 project is inconsistent with the facilities efficiency standards or
15 exceeds the area allowances per FTE student derived from those
16 standards, the commissioner shall notify the district.

17 (1) The commissioner shall approve area allowances in excess
18 of the area allowances per FTE student derived from the facilities
19 efficiency standards if the board of education or State district
20 superintendent, as appropriate, demonstrates that school facilities
21 needs related to required programs cannot be addressed within the
22 facilities efficiency standards and that all other proposed spaces are
23 consistent with those standards. The commissioner shall approve
24 area allowances in excess of the area allowances per FTE student
25 derived from the facilities efficiency standards if the additional area
26 allowances are necessary to accommodate centralized facilities to
27 be shared among two or more school buildings within the district
28 and the centralized facilities represent a more cost effective
29 alternative.

30 (2) The commissioner may waive a facilities efficiency standard
31 if the board of education or State district superintendent, as
32 appropriate, demonstrates to the commissioner's satisfaction that the
33 waiver will not adversely affect the educational adequacy of the
34 school facility, including the ability to deliver the programs and
35 services necessary to enable all students to achieve the core
36 curriculum content standards.

37 (3) To house the district's central administration, a district may
38 request an adjustment to the approved areas for unhoused students
39 of 2.17 square feet for each FTE student in the projected total
40 district school enrollment if the proposed administrative offices will
41 be housed in a school facility and the district demonstrates either
42 that the existing central administrative offices are obsolete or that it
43 is more practical to convert those offices to instructional space. To
44 the extent that existing administrative space will continue to be used
45 for administrative purposes, the space shall be included in the
46 formulas set forth in section 7 of this act.

47 If the commissioner approves excess facilities efficiency
48 standards or additional area allowances pursuant to paragraph (1),

1 (2), or (3) of this subsection, the commissioner shall calculate the
2 preliminary eligible costs based upon the additional area allowances
3 or excess facilities efficiency standards pursuant to the formulas set
4 forth in section 7 of this act. In the event that the commissioner
5 does not approve the excess facilities efficiency standards or
6 additional area allowances, the district may either: modify its
7 submission so that the school facilities project meets the facilities
8 efficiency standards; or pay for the excess costs.

9 (4) The commissioner shall approve spaces in excess of, or
10 inconsistent with, the facilities efficiency standards, hereinafter
11 referred to as nonconforming spaces, upon a determination by the
12 district that the spaces are necessary to comply with State or federal
13 law concerning individuals with disabilities. A district may apply
14 for additional State aid for nonconforming spaces that will permit
15 pupils with disabilities to be educated to the greatest extent possible
16 in the same buildings or classes with their nondisabled peers. The
17 nonconforming spaces may: (a) allow for the return of pupils with
18 disabilities from private facilities; (b) permit the retention of pupils
19 with disabilities who would otherwise be placed in private facilities;
20 (c) provide space for regional programs in a host school building
21 that houses both disabled and nondisabled pupils; and (d) provide
22 space for the coordination of regional programs by a county special
23 services school district, educational services commission, jointure
24 commission, or other agency authorized by law to provide regional
25 educational services in a school building that houses both disabled
26 and nondisabled pupils. A district's State support ratio shall be
27 adjusted to equal the lesser of the sum of its district aid percentage
28 as defined in section 3 of this act plus 0.25, or 100% for any
29 nonconforming spaces approved by the commissioner pursuant to
30 this paragraph.

31 h. Upon approval of a school facilities project and
32 determination of the preliminary eligible costs:

33 (1) In the case of a district whose district aid percentage is less
34 than 55% and which has elected not to have the authority undertake
35 the construction of the school facilities project, the commissioner
36 shall notify the district whether the school facilities project is
37 approved and, if so approved, the preliminary eligible costs and the
38 excess costs, if any. Following the determination of preliminary
39 eligible costs and the notification of project approval, the district
40 may appeal to the commissioner for an increase in those costs if the
41 detailed plans and specifications completed by a design professional
42 for the school facilities project indicate that the cost of constructing
43 that portion of the project which is consistent with the facilities
44 efficiency standards and does not exceed the area allowances per
45 FTE student exceeds the preliminary eligible costs as determined by
46 the commissioner for the project by 10% or more. The district shall
47 file its appeal within 30 days of the preparation of the plans and

1 specifications. If the district chooses not to file an appeal, then the
2 final eligible costs shall equal the preliminary eligible costs.

3 The appeal shall outline the reasons why the preliminary eligible
4 costs calculated for the project are inadequate and estimate the
5 amount of the adjustment which needs to be made to the
6 preliminary eligible costs. The commissioner shall forward the
7 appeal information to the authority for its review and
8 recommendation. If the additional costs are the result of factors
9 that are within the control of the district or are the result of design
10 factors that are not required to meet the facilities efficiency
11 standards, the authority shall recommend to the commissioner that
12 the preliminary eligible costs be accepted as the final eligible costs.
13 If the authority determines the additional costs are not within the
14 control of the district or are the result of design factors required to
15 meet the facilities efficiency standards, the authority shall
16 recommend to the commissioner a final eligible cost based on its
17 experience for districts with similar characteristics, provided that,
18 notwithstanding anything to the contrary, the commissioner shall
19 not approve an adjustment to the preliminary eligible costs which
20 exceeds 10% of the preliminary eligible costs. The commissioner
21 shall make a determination on the appeal within 30 days of its
22 receipt. If the commissioner does not approve an adjustment to the
23 school facilities project's preliminary eligible costs, the
24 commissioner shall issue his findings in writing on the reasons for
25 the denial and on why the preliminary eligible costs as originally
26 calculated are sufficient.

27 (2) In all other cases, the commissioner shall promptly prepare
28 and submit to the authority a preliminary project report which shall
29 consist, at a minimum, of the following information: a complete
30 description of the school facilities project; the actual location of the
31 project; the total square footage of the project together with a
32 breakdown of total square footage by functional component; the
33 preliminary eligible costs of the project; the project's priority
34 ranking determined pursuant to subsection m. of this section; any
35 other factors to be considered by the authority in undertaking the
36 project; and the name and address of the person from the district to
37 contact in regard to the project.

38 i. Upon receipt by the authority of the preliminary project
39 report, the authority, upon consultation with the district, shall
40 prepare detailed plans and specifications and schedules which
41 contain the authority's estimated cost and schedule to complete the
42 school facilities project. The authority shall transmit to the
43 commissioner the authority's recommendations in regard to the
44 project which shall, at a minimum, contain the detailed plans and
45 specifications; whether the school facilities project can be
46 completed within the preliminary eligible costs; and any other
47 factors which the authority determines should be considered by the
48 commissioner.

1 (1) In the event that the authority determines that the school
2 facilities project can be completed within the preliminary eligible
3 costs: the final eligible costs shall be deemed to equal the
4 preliminary eligible costs; the commissioner shall be deemed to
5 have given final approval to the project; and the preliminary project
6 report shall be deemed to be the final project report delivered to the
7 authority pursuant to subsection j. of this section.

8 (2) In the event that the authority determines that the school
9 facilities project cannot be completed within the preliminary
10 eligible costs, prior to the submission of the authority's
11 recommendations to the commissioner, the authority shall, in
12 consultation with the district and the commissioner, determine
13 whether changes can be made in the project which will result in a
14 reduction in costs while at the same time meeting the facilities
15 efficiency standards approved by the commissioner.

16 (a) If the authority determines that changes in the school
17 facilities project are possible so that the project can be
18 accomplished within the scope of the preliminary eligible costs
19 while still meeting the facilities efficiency standards, the authority
20 shall so advise the commissioner, whereupon the commissioner
21 shall: calculate the final eligible costs to equal the preliminary
22 eligible costs; give final approval to the project with the changes
23 noted; and issue a final project report to the authority pursuant to
24 subsection j. of this section.

25 (b) If the authority determines that it is not possible to make
26 changes in the school facilities project so that it can be completed
27 within the preliminary eligible costs either because the additional
28 costs are the result of factors outside the control of the district or
29 the additional costs are required to meet the facilities efficiency
30 standards, the authority shall recommend to the commissioner that
31 the preliminary eligible costs be increased accordingly, whereupon
32 the commissioner shall: calculate the final eligible costs to equal the
33 sum of the preliminary eligible costs plus the increase
34 recommended by the authority; give final approval to the project;
35 and issue a final project report to the authority pursuant to
36 subsection j. of this section.

37 (c) If the additional costs are the result of factors that are within
38 the control of the district or are the result of design factors that are
39 not required to meet the facilities efficiency standards or approved
40 pursuant to paragraph (1) of subsection g. of this section, the
41 authority shall recommend to the commissioner that the preliminary
42 eligible costs be accepted, whereupon the commissioner shall:
43 calculate the final eligible costs to equal the preliminary eligible
44 costs and specify the excess costs which are to be borne by the
45 district; give final approval to the school facilities project; and issue
46 a final project report to the authority pursuant to subsection j. of
47 this section; provided that the commissioner may approve final
48 eligible costs which are in excess of the preliminary eligible costs

1 if, in his judgment, the action is necessary to meet the educational
2 needs of the district.

3 (d) For a school facilities project constructed by the authority,
4 the authority shall be responsible for any costs of construction, but
5 only from the proceeds of bonds issued by the authority pursuant to
6 this act, which exceed the amount originally projected by the
7 authority and approved for financing by the authority, provided that
8 the excess is the result of an underestimate of labor or materials
9 costs by the authority. After receipt by the authority of the final
10 project report, the district shall be responsible only for the costs
11 associated with changes, if any, made at the request of the district to
12 the scope of the school facilities project.

13 j. The authority shall not commence the acquisition or
14 construction of a school facilities project unless the commissioner
15 transmits to the authority a final project report and the district
16 complies with the approval requirements for the local share, if any,
17 pursuant to section 11 of this act. The final project report shall
18 contain all of the information contained in the preliminary project
19 report and, in addition, shall contain: the final eligible costs; the
20 excess costs, if any; the total costs which equals the final eligible
21 costs plus excess costs, if any; the State share; and the local share.

22 k. For the Abbott districts, the State share shall be 100% of the
23 final eligible costs. For all other districts, the State share shall be
24 an amount equal to 115% of the district aid percentage; except that
25 the State share shall not be less than 40% of the final eligible costs.

26 If any district which is included in district factor group A or B,
27 other than an Abbott district, is having difficulty financing the local
28 share of a school facilities project, the district may apply to the
29 commissioner to receive 100% State support for the project and the
30 commissioner may request the approval of the Legislature to
31 increase the State share of the project to 100%.

32 l. The local share for school facilities projects constructed by
33 the authority or a redevelopment entity shall equal the final eligible
34 costs plus any excess costs less the State share.

35 m. The commissioner shall establish, in consultation with the
36 Abbott districts, a priority ranking of all school facilities projects in
37 the Abbott districts based upon his determination of critical need,
38 and shall establish priority categories for all school facilities
39 projects in non-Abbott districts. The commissioner shall rank
40 projects from Tier I to Tier IV in terms of critical need according to
41 the following prioritization:

42 Tier I: health and safety, including electrical system upgrades;
43 required early childhood education programs; unhoused
44 students/class size reduction as required to meet the standards of the
45 "Comprehensive Educational Improvement and Financing Act of
46 1996," P.L.1996, c.138 (C.18A:7F-1 et seq.);

47 Tier II: educational adequacy - specialized instructional spaces,
48 media centers, cafeteriums, and other non-general classroom spaces

1 contained in the facilities efficiency standards; special education
2 spaces to achieve the least restrictive environment;

3 Tier III: technology projects; regionalization or consolidation
4 projects;

5 Tier IV: other local objectives.

6 n. The provisions of the "Public School Contracts Law,"
7 N.J.S.18A:18A-1 et seq., shall be applicable to any school facilities
8 project constructed by a district but shall not be applicable to
9 projects constructed by the authority or a redevelopment entity
10 pursuant to the provisions of this act.

11 o. In the event that a district whose district aid percentage is
12 less than 55% elects not to have the authority undertake
13 construction of a school facilities project, any proceeds of school
14 bonds issued by the district for the purpose of funding the project
15 which remain unspent upon completion of the project shall be used
16 by the district to reduce the outstanding principal amount of the
17 school bonds.

18 p. Upon completion by the authority of a school facilities
19 project, if the cost of construction and completion of the project is
20 less than the total costs, the district shall be entitled to receive a
21 portion of the local share based on a pro rata share of the difference
22 based on the ratio of the State share to the local share.

23 q. The authority shall determine the cause of any costs of
24 construction which exceed the amount originally projected by the
25 authority and approved for financing by the authority.

26 r. In the event that a district has engaged architectural services
27 to prepare the documents required for initial proposal of a school
28 facilities project, the district shall, if permitted by the terms of the
29 district's contract for architectural services, and at the option of the
30 authority assign the contract for architectural services to the
31 authority if the authority determines that the assignment would be
32 in the best interest of the school facilities project.

33 s. Notwithstanding anything to the contrary contained in
34 P.L.2000, c.72 (C.18A:7G-1 et al.), an ECPA district, at its option,
35 may provide in its long-range facilities plan submitted pursuant to
36 section 4 of this act, for one or more community early childhood
37 education facilities projects. If the district has requested
38 designation of a demonstration project pursuant to section 6 of this
39 act and is eligible to submit a plan for a community early childhood
40 education facilities project pursuant to this section, the district shall
41 be permitted to include the community early childhood education
42 facilities project as part of the demonstration project.

43 (1) An ECPA district seeking to initiate a community early
44 childhood education facilities project shall apply to the
45 commissioner for approval of the project. The application shall, at
46 a minimum, contain the following information: the name of the
47 community provider; evidence that the community provider is
48 licensed by the Department of [Human Services] Children and

1 Families pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.) and is a
2 tax exempt nonprofit organization; evidence that the community
3 provider is or shall provide early childhood education programs for
4 the district; a description of the community early childhood
5 education facilities project; a schematic drawing of the project, or at
6 the option of the district, preliminary plans and specifications; a
7 delineation and description of each of the functional components of
8 the project; identification of those portions of the proposed project
9 which shall be devoted in whole or in part to the provision of early
10 childhood education programs to 3 or 4-year old children from the
11 ECPA district; the estimated cost to complete the project as
12 determined by the district in consultation with the community
13 provider; and whether the facility provides services other than early
14 childhood education programs for 3 and 4-year old children,
15 pursuant to a contract with the ECPA district.

16 (2) The commissioner shall review the proposed early childhood
17 education facilities project to determine whether it is consistent
18 with the district's long-range facilities plan, whether it will provide
19 a facility which is structurally adequate and safe and capable of
20 providing a program which will enable preschool children being
21 served pursuant to the ECPA district's approved early childhood
22 education operational plan to meet the standards for early childhood
23 education programs established by the department and whether
24 there is a need for increased capacity or to rehabilitate existing
25 space to meet these standards. Only those facilities which are used
26 for 3 or 4-year old children pursuant to a contract with the ECPA
27 district shall be eligible for approval, provided that facilities which
28 are jointly used by 3 or 4-year old children from the ECPA district
29 and from other districts shall also be eligible for approval.

30 (3) If the commissioner approves the project, the commissioner
31 shall determine, in consultation with the authority, the cost to
32 complete the approved project, which shall be the reasonable,
33 estimated cost of the renovation or new construction necessary to
34 provide a facility which is structurally adequate and safe and
35 capable of providing a program which will enable preschool
36 children being served pursuant to the ECPA district's approved
37 early childhood education operation plan to meet the standards for
38 early childhood education programs established by the department.
39 For projects initiated by an Abbott district, the State support shall
40 be 100% of such reasonable, estimated cost. For projects initiated
41 by an ECPA district that is not an Abbott district, the State support
42 shall be an amount equal to 115% of the district aid percentage of
43 that ECPA district, of such reasonable, estimated cost, except that
44 the State support shall not be less than 40% of such reasonable,
45 estimated cost. The commissioner shall issue a final project report
46 to the authority which shall contain a complete description of the
47 project, the actual location of the project, the total square footage of
48 the project together with a breakdown of total square footage by

1 functional component; any other factors to be considered by the
2 authority in undertaking the project; the names and addresses of the
3 people to contact from the district and the community provider; the
4 amount of State support for the project; and the amount of local
5 support required from the community provider to pay for costs, if
6 any, of the project which have not been approved by the
7 commissioner for State support.

8 (4) Upon submission to the authority of a final project report,
9 the authority shall undertake the financing, acquisition, construction
10 and all other appropriate actions necessary to complete the
11 community early childhood education facilities project, provided,
12 that if there is local support required for the project, such actions
13 shall not commence until the authority receives the local support
14 from the community provider. The authority may, in its discretion,
15 and upon consultation with the commissioner, authorize a
16 community provider to undertake the acquisition, construction and
17 all other appropriate action necessary to complete the project, in
18 which case the authority shall not provide State support until the
19 community provider provides the local support, if any.

20 (5) In order to implement the arrangements established for
21 community early childhood education facilities projects, the
22 authority shall enter into an agreement with the district, the
23 commissioner and the community provider containing the terms and
24 conditions determined by the parties to be necessary to effectuate
25 the project.

26 (6) The authority shall require as a condition of providing State
27 support for any community early childhood education facilities
28 project that the State support must be repaid by the community
29 provider in the event that (a) the commissioner determines that the
30 project is no longer being used for the purposes for which it was
31 intended; or (b) the project is sold, leased or otherwise conveyed to
32 an individual or organization that does not have tax exempt
33 nonprofit or government status.

34 (cf: P.L.2005, c.235, s.32)

35
36 92. Section 1 of P.L.1979, c.391 (C.18A:16-12) is amended to
37 read as follows:

38 1. As used in this act:

39 a. "Dependents" means an employee's spouse and the
40 employee's unmarried children, including stepchildren, legally
41 adopted children, and, at the option of the local board of education
42 and the carrier, children placed by the Department of [Human
43 Services] Children and Families with a resource family, under the
44 age of 19 who live with the employee in a regular parent-child
45 relationship, and may also include, at the option of the local board
46 of education and the carrier, other unmarried children of the
47 employee under the age of 23 who are dependent upon the
48 employee for support and maintenance, but shall not include a

1 spouse or child while serving in the military service. At the option
2 of the local board of education, “dependent” may include an
3 employee’s domestic partner as defined in section 3 of P.L.2003,
4 c.246 (C.26:8A-3);

5 b. “Employees” may, at the option of the local board of
6 education, include elected officials, but shall not include persons
7 employed on a short-term, seasonal, intermittent or emergency
8 basis, persons compensated on a fee basis, or persons whose
9 compensation from the local board of education is limited to
10 reimbursement of necessary expenses actually incurred in the
11 discharge of their duties;

12 c. “Federal Medicare Program” means the coverage provided
13 under Title XVIII of the Social Security Act as amended in 1965, or
14 its successor plan or plans.
15 (cf: P.L.2005, c.334, s.1)

16

17 93. Section 1 of P.L.1986, c.73 (C.18A:18A-3.2) is amended to
18 read as follows:

19 1. Any school district, hereinafter referred to as an employer,
20 may enter into contracts of group legal insurance with an insurer
21 authorized, pursuant to P.L.1981, c. 160 (C. 17:46C-1 et seq.), to
22 engage in the business of legal insurance in this State or may
23 contract with a duly recognized prepaid legal services plan with
24 respect to the benefits which they are authorized to provide. The
25 contract or contracts shall provide coverage for the employees of
26 the employer and may include their dependents. “Dependents”
27 shall include an employee’s spouse and the employee’s unmarried
28 children, including stepchildren and legally adopted children, and,
29 at the option of the employer and the carrier, children placed by the
30 Department of **[Human Services]** Children and Families with a
31 resource family, under the age of 19 who live with the employee in
32 a regular parent-child relationship, and may also include, at the
33 option of the employer and the carrier, other unmarried children of
34 the employee under the age of 23 who are dependent upon the
35 employee for support and maintenance. A spouse or child enlisting
36 or inducted into military service shall not be considered a dependent
37 during the military service.

38 “Employees” shall not include persons employed on a short-
39 term, seasonal, intermittent or emergency basis, persons
40 compensated on a fee basis, or persons whose compensation from
41 the public employer is limited to reimbursement of necessary
42 expenses actually incurred in the discharge of their duties.

43 The contract shall include provisions to prevent duplication of
44 benefits and shall condition the eligibility of an employee for
45 coverage upon satisfying a waiting period stated in the contract.

46 The coverage of an employee, and of his dependents, if any, shall
47 cease upon the discontinuance of his employment or upon cessation
48 of active full-time employment in the classes eligible for coverage,

1 subject to the provision as may be made in a contract by his
2 employer for limited continuance of coverage during disability,
3 part-time employment, leave of absence other than leave for
4 military service or layoff, or for continuance of coverage after
5 retirement.

6 A contract for group legal insurance entered into pursuant to this
7 act shall not include any legal services attendant to a claim brought
8 by a teaching staff member against a board of education or legal
9 services for the defense of a teaching staff member facing
10 disciplinary action pursuant to subarticle B of article 2 of chapter 6
11 of Title 18A of the New Jersey Statutes (N.J.S.18A:6-9 et seq.).
12 (cf: P.L.2004, c.130, s.42)

13

14 94. N.J.S.18A:38-1 is amended to read as follows:

15 18A:38-1. Public schools shall be free to the following persons
16 over five and under 20 years of age:

17 a. Any person who is domiciled within the school district;

18 b. (1) Any person who is kept in the home of another person
19 domiciled within the school district and is supported by such other
20 person gratis as if he were such other person's own child, upon
21 filing by such other person with the secretary of the board of
22 education of the district, if so required by the board, a sworn
23 statement that he is domiciled within the district and is supporting
24 the child gratis and will assume all personal obligations for the
25 child relative to school requirements and that he intends so to keep
26 and support the child gratuitously for a longer time than merely
27 through the school term, and a copy of his lease if a tenant, or a
28 sworn statement by his landlord acknowledging his tenancy if
29 residing as a tenant without a written lease, and upon filing by the
30 child's parent or guardian with the secretary of the board of
31 education a sworn statement that he is not capable of supporting or
32 providing care for the child due to a family or economic hardship
33 and that the child is not residing with the resident of the district
34 solely for the purpose of receiving a free public education within
35 the district. The statement shall be accompanied by documentation
36 to support the validity of the sworn statements, information from or
37 about which shall be supplied only to the board and only to the
38 extent that it directly pertains to the support or nonsupport of the
39 child. If in the judgment of the board of education the evidence
40 does not support the validity of the claim by the resident, the board
41 may deny admission to the child. The resident may contest the
42 board's decision to the commissioner within 21 days of the date of
43 the decision and shall be entitled to an expedited hearing before the
44 commissioner on the validity of the claim and shall have the burden
45 of proof by a preponderance of the evidence that the child is eligible
46 for a free education under the criteria listed in this subsection. The
47 board of education shall, at the time of its decision, notify the
48 resident in writing of his right to contest the board's decision to the

1 commissioner within 21 days. No child shall be denied admission
2 during the pendency of the proceedings before the commissioner.
3 In the event the child is currently enrolled in the district, the student
4 shall not be removed from school during the 21-day period in which
5 the resident may contest the board's decision nor during the
6 pendency of the proceedings before the commissioner. If in the
7 judgment of the commissioner the evidence does not support the
8 claim of the resident, he shall assess the resident tuition for the
9 student prorated to the time of the student's ineligible attendance in
10 the school district. Tuition shall be computed on the basis of 1/180
11 of the total annual per pupil cost to the local district multiplied by
12 the number of days of ineligible attendance and shall be collected in
13 the manner in which orders of the commissioner are enforced.
14 Nothing shall preclude a board from collecting tuition from the
15 resident, parent or guardian for a student's period of ineligible
16 attendance in the schools of the district where the issue is not
17 appealed to the commissioner;

18 (2) If the superintendent or administrative principal of a school
19 district finds that the parent or guardian of a child who is attending
20 the schools of the district is not domiciled within the district and the
21 child is not kept in the home of another person domiciled within the
22 school district and supported by him gratis as if the child was the
23 person's own child as provided for in paragraph (1) of this
24 subsection, the superintendent or administrative principal may
25 apply to the board of education for the removal of the child. The
26 parent or guardian shall be entitled to a hearing before the board
27 and if in the judgment of the board the parent or guardian is not
28 domiciled within the district or the child is not kept in the home of
29 another person domiciled within the school district and supported
30 by him gratis as if the child was the person's own child as provided
31 for in paragraph (1) of this subsection, the board may order the
32 transfer or removal of the child from school. The parent or
33 guardian may contest the board's decision before the commissioner
34 within 21 days of the date of the decision and shall be entitled to an
35 expedited hearing before the commissioner and shall have the
36 burden of proof by a preponderance of the evidence that the child is
37 eligible for a free education under the criteria listed in this
38 subsection. The board of education shall, at the time of its decision,
39 notify the parent or guardian in writing of his right to contest the
40 decision within 21 days. No child shall be removed from school
41 during the 21-day period in which the parent may contest the
42 board's decision or during the pendency of the proceedings before
43 the commissioner. If in the judgment of the commissioner the
44 evidence does not support the claim of the parent or guardian, the
45 commissioner shall assess the parent or guardian tuition for the
46 student prorated to the time of the student's ineligible attendance in
47 the schools of the district. Tuition shall be computed on the basis
48 of 1/180 of the total annual per pupil cost to the local district

1 multiplied by the number of days of ineligible attendance and shall
2 be collected in the manner in which orders of the commissioner are
3 enforced. Nothing shall preclude a board from collecting tuition
4 from the parent or guardian for a student's period of ineligible
5 attendance in the schools of the district where the issue is not
6 appealed to the commissioner;

7 The provisions of this section requiring proof of support, custody
8 or tenancy shall not apply to a person keeping a child in his home
9 whose parent or guardian is a member of the New Jersey National
10 Guard or a member of the reserve component of the armed forces of
11 the United States and who has been ordered into active military
12 service in any of the armed forces of the United States in time of
13 war or national emergency. In such a situation, the child shall be
14 eligible to enroll in the district in which he is being kept, and no
15 tuition shall be charged by the district. Following the return of the
16 child's parent or guardian from active military service, the child's
17 eligibility for enrollment without tuition in the district in which he
18 or she is being kept shall cease at the end of the current school year;

19 c. Any person who fraudulently allows a child of another
20 person to use his residence and is not the primary financial
21 supporter of that child and any person who fraudulently claims to
22 have given up custody of his child to a person in another district
23 commits a disorderly persons offense;

24 d. Any person whose parent or guardian, even though not
25 domiciled within the district, is residing temporarily therein, but
26 any person who has had or shall have his all-year-round dwelling
27 place within the district for one year or longer shall be deemed to be
28 domiciled within the district for the purposes of this section;

29 e. Any person for whom the Division of Youth and Family
30 Services in the Department of **Human Services** Children and
31 Families is acting as guardian and who is placed in the district by
32 **said bureau** the division;

33 f. Any person whose parent or guardian moves from one
34 school district to another school district as a result of being
35 homeless and whose district of residence is determined pursuant to
36 section 19 of P.L.1979, c.207 (C.18A:7B-12).

37 (cf: P.L. 1994, c.169 ,s.1).

38

39 95. Section 1 of P.L.2000, c.138 (C.18A:44-5) is amended to
40 read as follows:

41 1. a. There is established a Commission on Early Childhood
42 Education in, but not of, the Department of Education. The
43 commission shall consist of **23** 24 members, including the
44 Commissioners of Education **and**, Human Services and Children
45 and Families and the State Treasurer, or their designees, who shall
46 serve as ex officio members, and 20 public members who shall be
47 appointed by the Governor, including two representatives of higher
48 education and one representative of each of the following

1 organizations: the New Jersey Child Care Advisory Council; the
2 Association for Children of New Jersey; the Center for Early
3 Education at Rutgers, the State University; the New Jersey
4 Association for the Education of Young Children; the New Jersey
5 Association of Child Care Resources and Referral Agencies; the
6 New Jersey Association of Early Childhood Teacher Educators; the
7 New Jersey Association of School Administrators; the New Jersey
8 Child Care Association; the New Jersey Congress of Parents and
9 Teachers; the Statewide Parent Advocacy Network; the New Jersey
10 Education Association; the New Jersey State Federation of
11 Teachers; the New Jersey School Boards Association; the New
12 Jersey Head Start Association; the New Jersey Policy Development
13 Board; the New Jersey Principals and Supervisors Association; the
14 Advisory Committee for Nonpublic Schools of the Department of
15 Education; and the New Jersey Professional Development Center of
16 New Jersey.

17 Within 60 days of the effective date of this act, and at least one
18 month prior to the expiration of the term of a member nominated by
19 an organization listed above, that organization shall submit to the
20 Governor three nominees for consideration, from which the
21 Governor may choose. If any organization does not submit three
22 nominees for consideration at any time required, the Governor may
23 appoint a member of her choice.

24 Of the 20 public members appointed by the Governor, no more
25 than 10 shall be of the same political party. Of the 20 public
26 members appointed by the Governor, at least six shall represent the
27 northern region of the State and reside in one of the following
28 counties: Bergen, Essex, Hudson, Morris, Passaic, Sussex, Union or
29 Warren. Of the 20 public members appointed by the Governor, at
30 least six shall represent the central region of the State and reside in
31 one of the following counties: Hunterdon, Somerset, Middlesex,
32 Mercer, Monmouth or Ocean. Of the 20 public members appointed
33 by the Governor, at least six shall represent the southern region of
34 the State and reside in one of the following counties: Atlantic,
35 Burlington, Camden, Cape May, Cumberland, Gloucester or Salem.

36 The public members shall serve for three-year terms, but of the
37 members first appointed, six shall be appointed for a term of one
38 year, seven shall be appointed for a term of two years and seven
39 shall be appointed for a term of three years. A member shall hold
40 office for the term of his appointment and until his successor has
41 been appointed.

42 Vacancies in the membership of the commission shall be filled in
43 the same manner as the original appointments are made and a
44 member may be eligible for reappointment. Vacancies occurring
45 other than by expiration of a term shall be filled for the unexpired
46 term.

47 The members of the commission shall serve without
48 compensation but shall be reimbursed for the reasonable expenses

1 necessarily incurred in the performance of their duties within the
2 limits of funds appropriated or otherwise made available to the
3 commission for its purposes.

4 b. The commission shall organize no later than 30 days after
5 the appointment of all the members and shall select a chairman
6 from among its members and a secretary who need not be a member
7 of the commission.

8 c. The department shall provide such stenographic, clerical and
9 other administrative assistants, and such professional staff, as the
10 commission requires to carry out its work.

11 d. It shall be the responsibility of the commission to provide
12 advice on early childhood education issues, including, but not
13 limited to:

14 (1) the appropriate staff credentials for pre-school educators;

15 (2) appropriate Statewide standards for early childhood
16 education program design, implementation and assessment;

17 (3) the development of standards for appropriate facilities for
18 early childhood education programs;

19 (4) coordination of early childhood programs and services
20 across State agencies;

21 (5) the identification and dissemination of information on model
22 early childhood programs;

23 (6) the funding levels necessary to support high quality early
24 childhood education programs, including funding for certified, well-
25 trained teachers, developmentally appropriate curriculum and
26 materials, appropriate facilities and particularized needs.

27 (cf: P.L.2000, c.138, s.1)

28

29 96. N.J.S.18A:46-13 is amended to read as follows:

30 18A:46-13. It shall be the duty of each board of education to
31 provide suitable facilities and programs of education for all the
32 children who are classified as handicapped under this chapter. The
33 absence or unavailability of a special class facility in any district
34 shall not be construed as relieving a board of education of the
35 responsibility for providing education for any child who qualifies
36 under this chapter.

37 The Department of Human Services, and the Department of
38 Children and Families, as applicable, shall provide transportation
39 for all children who attend day training centers operated by the
40 department.

41 A board of education is not required to provide any further
42 educational program for children who have been admitted to the
43 Marie H. Katzenbach School for the Deaf but shall be required to
44 furnish necessary daily transportation Monday through Friday to
45 and from the school for nonboarding pupils when such
46 transportation is approved by the county superintendent of schools
47 in accordance with such rules and regulations as the State board
48 shall promulgate for such transportation. Any special education

1 facility or program authorized and provided for a child attaining age
2 20 during a school year shall be continued for the remainder of that
3 school year.

4 (cf: P.L.1992, c.129, s.1)

5

6 97. Section 2 of P.L.1986, c.32 (C.18A:46-18.3) is amended to
7 read as follows:

8 2. a. The multidisciplinary treatment team at a State facility
9 shall provide written notice to the parent or legal guardian of a child
10 who is placed in the facility, when the child attains the age of 18,
11 or, if the child is over the age of 18 when placed in the facility, at
12 the time of placement, that the child is not entitled to receive tuition
13 free educational services after the age of 21.

14 b. Written notice given pursuant to this section shall describe
15 in detail the parent's or guardian's opportunity to consent to having
16 the child's name or other relevant information forwarded in a report
17 to the Commissioner of ~~the Department of~~ Human Services, the
18 Commissioner of Children and Families, or the Commissioner of
19 ~~the Department of~~ Corrections, as appropriate, for the purposes of
20 determining whether the child will likely need services after the age
21 of 21 and, if so, recommending possible adult educational services.
22 For the purposes of this subsection, "relevant information" means
23 that information in the possession of and used by the
24 multidisciplinary treatment team to ascertain the physical, mental,
25 emotional and cultural-educational factors which contribute to the
26 child's handicapping condition, including but not limited to: (1)
27 results of physical and psychological examinations performed by
28 private and school district physicians and psychologists; (2)
29 relevant information presented by the parent or legal guardian and
30 teacher; (3) school data which bear on the child's progress,
31 including the child's most recent individualized educational
32 program; (4) results of the most recent examinations and
33 evaluations performed; and (5) results of other suitable evaluations
34 and examinations possessed by the team. Nothing in this subsection
35 shall be construed to require a multidisciplinary treatment team to
36 perform any examination or evaluation not otherwise required by
37 law.

38 c. Upon the written consent of the parent or legal guardian, the
39 multidisciplinary treatment team shall forward the child's name and
40 other relevant information in a report to the Commissioner of
41 Human Services, the Commissioner of Children and Families, or the
42 Commissioner of Corrections, as appropriate, for the development
43 of a recommendation for adult educational services. A copy of the
44 report shall also be submitted to the Commissioner of Education at
45 the same time that the report is submitted to the Commissioner of
46 Human Services, the Commissioner of Children and Families or the
47 Commissioner of Corrections, as applicable.

48 (cf: P.L.1986, c.32, s.2)

1 98. Section 3 of P.L.1986, c.32 (C.18A:46-18.4) is amended to
2 read as follows:

3 3. a. The Commissioner of Human Services, the Commissioner
4 of Children and Families, or the Commissioner of Corrections, as
5 appropriate, or their designees, in consultation with the
6 Commissioner of Education, or his designee, shall determine
7 whether a child, whose report is submitted to the Department of
8 Human Services, Department of Children and Families, or the
9 Department of Corrections, as appropriate, pursuant to subsection c.
10 of section 2 of this act, will likely need adult educational services
11 and, if the need will likely exist, develop a recommendation of all
12 appropriate educational programs operated or approved by the
13 Department of Human Services, Department of Children and
14 Families, Department of Corrections or Department of Education
15 which may be available when the child attains the age of 21. If
16 necessary and appropriate, the Commissioner of Human Services,
17 the Commissioner of Children and Families, or the Commissioner
18 of Corrections, as appropriate, may conduct an evaluation of the
19 child to determine if adult educational services will be needed. The
20 recommendation of all programs shall be made available to the
21 parent or guardian of the child as soon as practicable but not later
22 than six months before the child attains the age of 21.

23 b. If the Commissioner of Human Services, Commissioner of
24 Children and Families, or Commissioner of Corrections, as
25 appropriate, determines, pursuant to subsection a. of this section,
26 that the child will not require adult educational services, the
27 commissioner shall notify the child's parent or guardian in writing
28 of the determination. The notice shall be given as soon as
29 practicable but no later than six months before the child attains the
30 age of 21.

31 (cf: P.L.1986, c.32, s.3)

32

33 99. Section 4 of P.L.1986, c.32 (C.18A:46-18.5) is amended to
34 read as follows:

35 5. The multidisciplinary treatment team shall prepare and
36 submit an annual report to the Departments of Education,
37 Corrections, Children and Families, and Human Services on
38 October 1, 1986 and thereafter on or before October 1 of each year.
39 The annual report shall contain the number of cases submitted to the
40 Commissioner of Human Services, the Commissioner of Children
41 and Families, and the Commissioner of Corrections pursuant to
42 subsection c. of section 2 of this act, the type and severity of the
43 handicapping condition involved with each case, and other
44 necessary information. The annual report shall not contain
45 individually identifying information.

46 (cf: P.L.1986, c.32, s.4)

1 100. Section 5 of P.L.1986, c.32 (C.18A:46-18.6) is amended to
2 read as follows:

3 5. The Commissioner of Human Services, the Commissioner of
4 Children and Families, and the Commissioner of Corrections shall
5 adopt, within six months from the date that this act takes effect,
6 rules and regulations in accordance with the "Administrative
7 Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) that are
8 appropriate to implement this act.
9 (cf: P.L.1986, c.32, s.5)

10

11 101. N.J.S.18A:60-1 is amended to read as follows:

12 18A:60-1. The services of all professors, associate professors,
13 assistant professors, instructors, supervisors, registrars, teachers,
14 and other persons employed in a teaching capacity, who are or shall
15 hereafter be employed by the commissioner in the Marie H.
16 Katzenbach School for the Deaf or in any other educational
17 institution, or employed in any State college or in any county
18 college, and teachers and other certified persons employed in State
19 institutions within the Department of Corrections, the Department
20 of Children and Families, or the Department of Human Services,
21 with the exception of the Director of Educational Services, shall be
22 under tenure during good behavior and efficiency:

23 a. after the expiration of a period of employment of three
24 consecutive calendar years in any such institution or institutions; or

25 b. after employment for three consecutive academic years
26 together with employment at the beginning of the next succeeding
27 academic year in any such institution or institutions; or

28 c. after employment in any such institution or institutions,
29 within a period of any four consecutive academic years, for the
30 equivalent of more than three academic years.

31 An academic year, for the purpose of this section, means the
32 period between the time school opens in the institution after the
33 general summer vacation until the next succeeding summer
34 vacation.

35 The provisions of this section shall not apply to any faculty
36 member employed by a State or county college who begins
37 employment after the 1973-74 school year.

38 (cf: P.L.1999, c.46, s.33)

39

40 102. Section 1 of P.L.1986, c.158 (C.18A:60-1.1) is amended to
41 read as follows:

42 1. The Legislature hereby finds that it is in the best interests of
43 the State of New Jersey to provide job security during good
44 behavior and efficiency for the teachers and other certified
45 professional educators employed in State institutions within the
46 Department of Corrections, the Department of Children and
47 Families, and the Department of Human Services. To accomplish
48 this goal it is appropriate to provide tenure protection for such

1 professionals teaching in such State institutions, subject to the
2 provisions set forth in this act.

3 (cf: P.L.1986, c.158, s.1)

4

5 103. Section 3 of P.L.1986, c.158 (C.18A:60-1.2) is amended to
6 read as follows:

7 3. Any teacher or other certified individual serving in a teaching
8 capacity in a State institution within the Department of Corrections,
9 the Department of Children and Families, or the Department of
10 Human Services as of July 1, 1986, who has completed at least two
11 academic years of teaching service or its equivalent within three
12 calendar years with satisfactory evaluations, shall acquire tenure
13 under this act upon the completion of one additional calendar year
14 of satisfactory service in such capacity.

15 (cf: P.L.1986, c.158, s.3)

16

17 104. N.J.S.18A:60-3 is amended to read as follows:

18 18A:60-3. Nothing contained in this chapter shall be held to
19 limit the right of the commissioner, in the case of any educational
20 institution conducted under his jurisdiction, supervision or control;
21 or the Commissioner of Corrections, the Commissioner of Children
22 and Families, or the Commissioner of Human Services, in the case
23 of any State institution conducted under their jurisdiction,
24 supervision or control; or of the board of trustees of a college, in the
25 case of a college, to reduce the number of professors, associate
26 professors, assistant professors, instructors, supervisors, registrars,
27 teachers, or other persons employed in a teaching capacity in any
28 such institution or institutions when the reduction is due to natural
29 diminution of the number of students or pupils in the institution or
30 institutions. Dismissals resulting from such reduction shall not be
31 by reason of residence, age, sex, marriage, race, religion, or
32 political affiliation. When such professors, associate professors,
33 assistant professors, instructors, supervisors, registrars, teachers, or
34 other persons employed in a teaching capacity under tenure are
35 dismissed by reason of such reduction, those professors, associate
36 professors, assistant professors, instructors, supervisors, registrars,
37 teachers, or other persons employed in a teaching capacity having
38 the least number of years of service to their credit shall be
39 dismissed in preference to those having longer terms of service.
40 Should any such professor, associate professor, assistant professor,
41 instructor, supervisor, registrar, teacher, or other person employed
42 in a teaching capacity under tenure be dismissed as a result of such
43 reduction, such person shall be and remain upon a preferred eligible
44 list in the order of years of service for reemployment, whenever
45 vacancies occur, and shall be reemployed by the commissioner in
46 such order, when, and if, a vacancy in a position for which such
47 professor, associate professor, assistant professor, instructor,
48 supervisor, registrar, teacher, or other person employed in a

1 teaching capacity shall be qualified. Such reemployment shall give
2 full recognition to previous years of service.

3 (cf: P.L.1986, c.158, s. 4)

4

5 105. Section 4 of P.L.1987, c.370 (C.26:2-151) is amended to
6 read as follows:

7 4. There is established in, but not of, the State Department of
8 Human Services the Catastrophic Illness in Children Relief Fund
9 Commission. The commission shall consist of the Commissioner of
10 ~~the State Department of~~ Health and Senior Services, the
11 Commissioner of ~~the Department of~~ Human Services, the
12 Commissioner of Children and Families, the Commissioner of ~~the~~
13 ~~Department of~~ Banking and Insurance, and the State Treasurer,
14 who shall be members ex officio, and seven public members who
15 are residents of this State, appointed by the Governor with the
16 advice and consent of the Senate for terms of five years, two of
17 whom are appointed upon the recommendation of the President of
18 the Senate, one of whom is a provider of health care services to
19 children in this State and two of whom are appointed upon the
20 recommendation of the Speaker of the General Assembly, one of
21 whom is a provider of health care services to children in this State.
22 The five public members first appointed by the Governor shall serve
23 for terms of one, two, three, four and five years, respectively.

24 Each member shall hold office for the term of his appointment
25 and until his successor has been appointed and qualified. A
26 member of the commission is eligible for reappointment.

27 Each ex officio member of the commission may designate an
28 officer or employee of his department to represent him at meetings
29 of the commission, and each designee may lawfully vote and
30 otherwise act on behalf of the member for whom he constitutes the
31 designee. Any designation shall be in writing delivered to the
32 commission and filed with the office of the Secretary of State and
33 shall continue in effect until revoked or amended in the same
34 manner as provided for designation.

35 (cf: P.L.1998, c.143, s.2)

36

37 106. Section 2 of P.L.1997, c.229 (C.26:2-171) is amended to
38 read as follows:

39 2. a. There is established in the Executive Branch of the State
40 Government an Advisory Council on Adolescent Pregnancy. For
41 the purposes of complying with the provisions of Article V, Section
42 IV, paragraph 1 of the New Jersey Constitution, the advisory
43 council is allocated within the Department of Health and Senior
44 Services, but notwithstanding that allocation, the advisory council
45 shall be independent of any supervision or control by the
46 department or by any board or officer thereof.

1 b. The advisory council shall consist of ~~23~~ 24 members as
2 follows: the Commissioners of the Departments of Health and
3 Senior Services, Human Services, Children and Families,
4 Education, Community Affairs, and Labor and Workforce
5 Development, who shall serve as ex officio members, and 18 public
6 members, four of whom shall be teenagers, including two teenage
7 parents and two teenagers who are not parents, and fourteen of
8 whom shall be representatives of community based religious, health
9 and social service organizations which serve adolescents and health
10 professionals and educators with recognized expertise in the field of
11 adolescent pregnancy. Of the public members, three shall be
12 appointed by the President of the Senate, no more than two of
13 whom shall be of the same political party; three shall be appointed
14 by the Speaker of the General Assembly, no more than two of
15 whom shall be of the same political party; and 12 shall be appointed
16 by the Governor with the advice and consent of the Senate, no more
17 than six of whom shall be of the same political party. The advisory
18 council shall organize within 30 days after the appointment of its
19 members. The members shall select one person from among them
20 to serve as the chairperson and the members shall select a secretary,
21 who need not be a member of the advisory council.

22 c. Each ex officio member may designate an employee of the
23 member's department to represent the member at hearings of the
24 advisory council. All designees may lawfully vote and otherwise
25 act on behalf of the member for whom they constitute the designee.

26 d. Each public member shall be appointed for a term of three
27 years, but of the members first appointed, six shall serve for a term
28 of one year, six for a term of two years and six for a term of three
29 years. Members shall serve until their successors are appointed and
30 qualified. Vacancies shall be filled in the same manner as the
31 original appointments were made.

32 e. Members of the advisory council shall serve without
33 compensation but, within the limits of funds appropriated or
34 otherwise made available to it, shall be eligible for reimbursement
35 of necessary expenses incurred in the performance of their duties.

36 f. The Department of Health and Senior Services shall provide
37 such staff as the advisory council requests to carry out the purposes
38 of this act.

39 (cf: P.L.1997, c.229, s.2)

40

41 107. Section 2 of P.L.1989, c.51 (C.26:2BB-2) is amended to
42 read as follows:

43 2. There is created a ~~25-member~~ 26-member council in, but
44 not of, the Department of the Treasury which shall be designated as
45 the Governor's Council on Alcoholism and Drug Abuse. For the
46 purposes of complying with the provisions of Article V, Section IV,
47 paragraph 1 of the New Jersey Constitution, the Governor's Council
48 on Alcoholism and Drug Abuse is allocated to the Department of

1 the Treasury, but, notwithstanding the allocation, the office shall be
2 independent of any supervision or control by the department or by
3 any board or officer thereof.

4 The council shall consist of ~~11~~ 12 ex officio members and 14
5 public members.

6 a. The ex officio members of the council shall be: the Attorney
7 General, the Commissioners of the Departments of Labor and
8 Workforce Development, Education, Human Services, Health and
9 Senior Services, Children and Families, Community Affairs,
10 Personnel and Corrections, the chair of the executive board of the
11 New Jersey Presidents' Council, the Administrative Director of the
12 Administrative Office of the Courts and the Adjutant General. An
13 ex officio member may designate an officer or employee of the
14 department or office which he heads to serve as his alternate and
15 exercise his functions and duties as a member of the Governor's
16 Council on Alcoholism and Drug Abuse.

17 b. The 14 public members shall be residents of the State who are
18 selected for their knowledge, competence, experience or interest in
19 connection with alcoholism or drug abuse. They shall be appointed
20 as follows: two shall be appointed by the President of the Senate,
21 two shall be appointed by the Speaker of the General Assembly and
22 10 shall be appointed by the Governor, with the advice and consent
23 of the Senate. At least two of the public members appointed by the
24 Governor shall be rehabilitated alcoholics and at least two of the
25 public members appointed by the Governor shall be rehabilitated
26 drug abusers.

27 c. The term of office of each public member shall be three years;
28 except that of the first members appointed, four shall be appointed
29 for a term of one year, five shall be appointed for a term of two
30 years and five shall be appointed for a term of three years. Each
31 member shall serve until his successor has been appointed and
32 qualified, and vacancies shall be filled in the same manner as the
33 original appointments for the remainder of the unexpired term. A
34 public member is eligible for reappointment to the council.

35 d. The chairman of the council shall be appointed by the
36 Governor from among the public members of the council and shall
37 serve at the pleasure of the Governor during the Governor's term of
38 office and until the appointment and qualification of the chairman's
39 successor. The members of the council shall elect a vice-chairman
40 from among the members of the council. The Governor may
41 remove any public member for cause, upon notice and opportunity
42 to be heard.

43 e. The council shall meet at least monthly and at such other
44 times as designated by the chairman. Fourteen members of the
45 council shall constitute a quorum. The council may establish any
46 advisory committees it deems advisable and feasible.

1 f. The chairman shall be the request officer for the council
2 within the meaning of such term as defined in section 6 of article 3
3 of P.L.1944, c.112 (C.52:27B-15).

4 g. The public members of the council shall receive no
5 compensation for their services, but shall be reimbursed for their
6 expenses incurred in the discharge of their duties within the limits
7 of funds appropriated or otherwise made available for this purpose.
8 (cf: P.L. 1996, c.5,s.1)

9
10 108. Section 33 of P.L.1991, c.187 (C.26:2H-5.7) is amended to
11 read as follows:

12 33. There is established in the Department of Health and Senior
13 Services a State Health Planning Board. The members of the board
14 shall include: the Commissioners of Health and Senior Services,
15 Children and Families and Human Services, or their designees, who
16 shall serve as ex officio, nonvoting members; the chairmen of the
17 Health Care Administration Board and the Public Health Council,
18 or their designees, who shall serve as ex officio members; and nine
19 public members appointed by the Governor with the advice and
20 consent of the Senate, five of whom are consumers of health care
21 services who are neither providers of health care services or persons
22 with a fiduciary interest in a health care service.

23 Of the additional public members first appointed pursuant to
24 P.L.1998, c.43, two shall serve for a term of two years and two shall
25 serve for a term of three years. Following the expiration of the
26 original terms, the public members shall serve for a term of four
27 years and are eligible for reappointment. Public members serving
28 on the board on the effective date of P.L.1998, c.43 shall continue
29 to serve for the term of their appointment. Any vacancy shall be
30 filled in the same manner as the original appointment, for the
31 unexpired term. Public members shall continue to serve until their
32 successors are appointed. The public members shall serve without
33 compensation but may be reimbursed for reasonable expenses
34 incurred in the performance of their duties, within the limits of
35 funds available to the board.

36 a. A member or employee of the State Health Planning Board
37 shall not, by reason of his performance of any duty, function or
38 activity required of, or authorized to be undertaken by the board, be
39 held civilly or criminally liable if that person acted within the scope
40 of his duty, function or activity as a member or employee of the
41 board, without gross negligence or malice toward any person
42 affected thereby.

43 b. A member of the State Health Planning Board shall not vote
44 on any matter before the board concerning an individual or entity
45 with which the member has, or within the last 12 months has had,
46 any substantial ownership, employment, medical staff, fiduciary,
47 contractual, creditor or consultative relationship. A member who
48 has or has had such a relationship with an individual or entity

1 involved in any matter before the board shall make a written
2 disclosure of the relationship before any action is taken by the
3 board with respect to the matter and shall make the relationship
4 public in any meeting in which action on the matter is to be taken.

5 (cf: P.L.1998, c.43, s.4)

6

7 109. Section 1 of P.L.1998, c.136 (C.26:2H-12.6a) is amended
8 to read as follows:

9 1. a. The Department of **Human Services** Children and
10 Families, in consultation with the Department of Health and Senior
11 Services, shall prepare a pamphlet which provides information on
12 child abuse and neglect to all parents of newborn infants born in
13 this State. The pamphlet shall be distributed to each parent present
14 during the infant's birth, by the personnel at a hospital or birthing
15 facility at the time of the mother's discharge, as part of the hospital
16 or birthing facility's discharge procedures.

17 b. The pamphlet shall include information on the signs of child
18 abuse and neglect, the services provided by the State which help in
19 preventing child abuse and neglect and the legal ramifications of
20 abusing or neglecting a child.

21 c. The department shall distribute the pamphlet, at no charge,
22 to all the hospitals and birthing facilities in the State. The
23 department shall update the pamphlet as necessary, and shall make
24 additional copies of the pamphlet available to health care providers
25 upon request.

26 (cf: P.L.1998, c.136, s.1)

27

28 110. R.S.26:3-31 is amended to read as follows:

29 26:3-31. The local board of health shall have power to pass,
30 alter or amend ordinances and make rules and regulations in regard
31 to the public health within its jurisdiction, for the following
32 purposes:

33 a. To protect the public water supply and prevent the pollution
34 of any stream of water or well, the water of which is used for
35 domestic purposes, and to prevent the use of or to close any well,
36 the water of which is polluted or detrimental to the public health.

37 b. (1) To prohibit the cutting, sale or delivery of ice in any
38 municipality without obtaining a permit from the local board. No
39 person shall cut, sell or deliver ice in any municipality without
40 obtaining such permit.

41 (2) To refuse such permit or revoke any permit granted by it
42 when in its judgment the use of any ice cut, sold or delivered under
43 the permit would be detrimental to the public health. Upon the
44 refusal or revocation of a permit by the local board, an appeal may
45 be taken to the State department. Upon order of the State
46 department a permit shall be granted or the revocation set aside.

47 (3) To prohibit the importation, distribution or sale of any
48 impure ice which would be detrimental to the public health.

- 1 c. To license and regulate the sanitary conditions of hotels,
2 restaurants, cafes, and other public eating houses and to provide for
3 the posting of ratings or score cards setting forth the sanitary
4 condition of any public eating house after inspection of the same
5 and to post the rating or score card in some conspicuous or public
6 place in such eating house.
- 7 d. To compel any owner of property along the line of any
8 sewer to connect his house or other building therewith. This
9 paragraph shall be enforced by the local board within its jurisdiction
10 and it shall by ordinance provide a fine of \$25 to be imposed upon
11 any person who shall not comply with any order issued under the
12 authority of this paragraph, within 30 days after notice by the
13 proper officer of the board to make the required connections. An
14 additional fine of \$10 shall be provided for each day of delay, after
15 the expiration of the 30 days, in which the provisions of the order or
16 notice are not complied with. Such notice may be served upon the
17 owner personally or by leaving it at his usual place of abode with a
18 member of his family above the age of 18 years.
- 19 e. (Deleted by amendment, P.L.1987, c.442.)
- 20 f. To regulate, control, and prohibit the accumulation of offal
21 and any decaying or vegetable substance.
- 22 g. (1) To regulate the location, construction, maintenance,
23 method of emptying or cleaning, and the frequency of cleaning of
24 any privy or other place used for the reception or storage of human
25 excrement, and to prohibit the construction or maintenance of any
26 privy or other such place until a license therefor shall have been
27 issued by the board, which license shall continue in force for one
28 year from the date of issue.
- 29 (2) To fix the fee, not exceeding \$5, for such license, and to use
30 the fees so collected in supervising and maintaining said privies or
31 other places and in removing and disposing of the excrement
32 therefrom.
- 33 (3) To revoke such license at any time if the owner or tenant of
34 the property on which any privy or other such place is located,
35 maintains the same in violation of law, or of the State sanitary code,
36 or any ordinance or rule of the board.
- 37 h. To regulate, control, or prohibit the cleaning of any sewer,
38 the dumping of garbage, the filling of any sunken lot or marsh land,
39 and to provide for the filling up of any such lot or land, which has
40 become filled with stagnant water and is located in any built-up
41 area.
- 42 i. (1) To license and regulate the business of cleaning cesspools
43 and privies, which license shall continue for the term of one year
44 from the date of granting, and to fix the fee that shall be charged for
45 such license, not exceeding \$20 for each vehicle or conveyance.
- 46 (2) To prohibit unlicensed persons from engaging in such
47 business.

1 (3) To require any vehicle or conveyance used in such business
2 within its jurisdiction to be approved by it.

3 (4) To revoke such license if any licensee or his employee or
4 agent shall violate any ordinance or rule of the board in cleaning
5 any cesspool or privy, or in removing the contents thereof.

6 j. To aid in the enforcement of laws as to the adulteration of all
7 kinds of food and drink, and to prevent the sale or exposure for sale
8 of any meat or vegetable that is unwholesome or unfit for food.

9 k. To regulate, control, or prohibit the keeping or slaughtering
10 of animals.

11 l. To license and regulate the keeping of boarding houses for
12 infants and children and to fix a license fee for the same and to
13 prevent unlicensed persons from keeping such boarding houses.

14 This paragraph shall not apply to:

15 (1) The Department of **[Human Services]** Children and
16 Families.

17 (2) Any children's home, orphan asylum, or children's aid
18 society incorporated under the laws of this State.

19 (3) Any aid society of a properly organized and accredited
20 church or fraternal society organized for aid and relief to its
21 members.

22 (4) Any charitable society incorporated under the laws of this
23 State having as one of its objects the prevention of cruelty to
24 children or the care and protection of children.

25 m. To require in buildings, designed to be occupied, or
26 occupied, as residences by more than two families and when the
27 owners have agreed to supply heat, that from October 1 of each year
28 to the next succeeding May 1, every unit of dwelling space and
29 every habitable room therein shall be maintained at least at 68
30 degrees F. whenever the outside temperature falls below 55 degrees
31 during daytime hours from 6 a.m. to 11 p.m. At times other than
32 those specified interiors of units of dwelling space shall be
33 maintained at least at 55 degrees F. whenever the outside
34 temperature falls below 40 degrees.

35 In meeting the aforesaid standards, the owner shall not be
36 responsible for heat loss and the consequent drop in the interior
37 temperature arising out of action by the occupants in leaving
38 windows or doors open to the exterior of the building. The owner
39 shall be obligated to supply required fuel or energy and maintain
40 the heating system in good operating condition so that it can supply
41 heat as required herein notwithstanding any contractual provision
42 seeking to delegate or shift responsibility to the occupant or third
43 person, except that the owner shall not be required to supply fuel or
44 energy for heating purposes to any unit where the occupant thereof
45 agrees in writing to supply heat to his own unit of dwelling space
46 and the said unit is served by its own exclusive heating equipment
47 for which the source of heat can be separately computed and billed.

1 n. To regulate the practice of midwifery, but the exercise of
2 such authority shall not conflict with the provisions of chapter 10 of
3 Title 45 of the Revised Statutes (R.S.45:10-1 et seq.).

4 o. To enforce the making of returns or reports to the local
5 board on the part of any person charged with such duty under any
6 law and to take cognizance of any failure to make such returns and
7 deal with the same in an effective manner.

8 p. To act as the agent for a landlord in the engaging of
9 repairmen and the ordering of any parts necessary to restore to
10 operating condition the furnace, boiler or other equipment essential
11 to the proper heating of any residential unit rented by said landlord,
12 provided, however, that at least 24 hours have elapsed since the
13 tenant has lodged a complaint with the local board of health, prior
14 to which a bona fide attempt has been made by the tenant to notify
15 the landlord of the failure of the heating equipment, and the
16 landlord has failed to take appropriate action, and the outside air
17 temperature is less than 55 degrees F.

18 Any person who supplies material or services in accordance with
19 this section shall bill the landlord directly and by filing a notice
20 approved by the local board of health, with the county clerk, shall
21 have a lien on the premises where the materials were used or
22 services supplied.

23 (cf: P.L.2004, c.130, s.43)

24
25 111. Section 1 of P.L.1991, c.524 (C.30:1-1.1) is amended to
26 read as follows:

27 1. a. The Commissioner of Human Services, in consultation
28 with the Commissioners of Community Affairs, Health and Senior
29 Services, Children and Families and Labor and Workforce
30 Development, shall establish and maintain on a 24-hour daily basis
31 a comprehensive social services information toll-free telephone
32 hotline service, operating through one of the existing telephone
33 hotline services of the department. The hotline service shall use a
34 computerized Statewide social services data bank to be developed
35 by the Department of Human Services and shall include among its
36 staff persons who speak English and Spanish. The hotline service
37 shall receive and respond to calls from persons seeking information
38 and referrals concerning agencies and programs which provide
39 various social services, including but not limited to: child care,
40 child abuse emergency response job skills training, services for
41 victims of domestic violence, alcohol and drug abuse, home health
42 care, senior citizen programs, rental assistance, services for persons
43 with developmental disabilities, mental health programs, emergency
44 shelter assistance, family planning, legal services, assistance for
45 runaways and services for the deaf and hearing impaired, as well as
46 information about public assistance, Medicaid, Pharmaceutical
47 Assistance to the Aged and Disabled, Lifeline, Hearing Aid

1 Assistance for the Aged and Disabled, food stamps and home
2 energy assistance.

3 b. The Commissioner of Human Services, in conjunction with
4 the Commissioners of Community Affairs, Health and Senior
5 Services, Children and Families and Labor and Workforce
6 Development, shall take such actions as are necessary to
7 consolidate existing State telephone hotline services into the
8 comprehensive social services information toll-free telephone
9 hotline service, and thereby eliminate duplicative telephone hotline
10 services.

11 c. Notwithstanding the provisions of subsection b. of this
12 section to the contrary, the Commissioner of Human Services shall
13 also establish and maintain a toll-free telephone hotline service for
14 persons who are receiving institutional or community-based
15 services from, or through an agency contracting with, the Division
16 of Mental Health **[and Hospitals]** Services or the Division of
17 Developmental Disabilities, or their parents, guardians or other
18 responsible persons, to register complaints, request information or
19 assistance, or discuss issues and problems, regarding those services
20 in a confidential manner.

21 (cf: P.L.1995, c.85, s.1)

22

23 112. Section 1 of P.L.2004, c.130 (C.30:4C-1.1) is amended to
24 read as follows:

25 1. The Legislature finds and declares that:

26 a. New Jersey must improve the ability of its child welfare
27 system to protect children from abuse and neglect, and to provide
28 services to at-risk children and families in order to prevent harm to
29 their children;

30 b. Recent data and assessments of the child welfare system in
31 this State demonstrate the need for a new approach to delivering
32 services to this vulnerable population, and the system must
33 therefore be reformed;

34 c. Because the safety of children must always be paramount,
35 allegations of child abuse and neglect must be investigated quickly
36 and thoroughly and protective actions must be taken immediately if
37 necessary;

38 d. Concerns about the safety, permanency and well-being of
39 children require significant changes in: the organization of the
40 child welfare system, the ability to implement best practices within
41 the system; the development of effective services to meet the needs
42 of children and families; and the elimination of impediments to the
43 quick and efficient management of abuse and neglect cases;

44 e. Children need safe, stable and positive relationships with
45 caring adults in order to thrive; and, if their parents are incapable of
46 providing such a caring relationship, the State must look to other
47 families to provide this kind of relationship;

- 1 f. To ensure the best outcomes for children and their families,
2 these substitute families must be viewed and treated as “resource
3 families” and provided with appropriate support, training and
4 responsibilities, which will include: expedited licensure for this
5 purpose, equalized payment rates for care among the various types
6 of resource families, and enhanced access to necessary support
7 services tailored to their respective needs;
- 8 g. Youths must be provided with supports and services in their
9 communities that will enable them to grow into healthy and
10 productive adults; and those youths who previously received child
11 welfare services must continue to receive those services beyond the
12 age of 18, up to age 21, as appropriate; and
- 13 h. **【This act is necessary in order to make the initial statutory
14 changes required under a comprehensive child welfare reform plan
15 issued by the Department of Human Services as part of a federal
16 class action settlement, which is designed to address the
17 deficiencies identified in the child welfare system in this State over
18 a five-year period;】** (Deleted by amendment, P.L. , c.)(pending
19 before the Legislature as this bill)
- 20 i. **【The comprehensive child welfare reform plan calls for
21 changes in the approach taken by the State to case practice,
22 recruitment and support of resource families, partnering with the
23 community, creating and delivering services to children and
24 families, providing support and training to the child welfare system
25 workforce, and ensuring accountability and continuous quality
26 improvement within the system;】** (Deleted by amendment, P.L. ,
27 c.)(pending before the Legislature as this bill)
- 28 j. **【This act is designed to allow the Division of Youth and
29 Family Services to focus its mission on abused and neglected
30 children by creating the Division of Child Behavioral Health
31 Services and the Division of Prevention and Community
32 Partnerships in order to build the capacity to meet the needs of
33 children and families in those respective areas of the child welfare
34 system, with all three divisions operating under a deputy
35 commissioner who is responsible for the Office of Children's
36 Services established under this act;】** (Deleted by amendment,
37 P.L. , c.)(pending before the Legislature as this bill)
- 38 k. **【This act is also designed to enable the Division of Youth
39 and Family Services to better focus on issues relating to abused and
40 neglected children by transferring its responsibilities for licensure
41 and investigating institutional abuse to the Department of Human
42 Services, as well as transferring other responsibilities to the
43 department that will be assigned to the new Division of Child
44 Behavioral Health Services and the new Division of Prevention and
45 Community Partnerships; and】** (Deleted by amendment, P.L. ,
46 c.)(pending before the Legislature as this bill)

1 1. This act will otherwise enhance the quality of the child
2 welfare system in New Jersey by facilitating the transition to other
3 needed long-term systemic changes with regard to out-of-home
4 placements and permanency options for children who cannot live
5 with their birth families.

6 (cf: P.L.2004, c.130, s.1)

7
8 113. Section 2 of P.L.1951, c.138 (C.30:4C-2) is amended to
9 read as follows:

10 2. For the purposes of this act the following words and terms
11 shall, unless otherwise indicated, be deemed and taken to have the
12 meanings herein given to them:

13 (a) The term “Division of Youth and Family Services,” or
14 “division,” successor to the “Bureau of Children's Services” means
15 the State agency for the care, custody, guardianship, maintenance
16 and protection of children, as more specifically described by the
17 provisions of this act, and succeeding the agency heretofore
18 variously designated by the laws of this State as the State Board of
19 Child Welfare or the State Board of Children's Guardians.

20 (b) The word “child” includes stepchild and illegitimate child,
21 and further means any person under the age of 18 years.

22 (c) The term “care” means cognizance of a child for the purpose
23 of providing necessary welfare services, or maintenance, or both.

24 (d) The term “custody” means continuing responsibility for the
25 person of a child, as established by a surrender and release of
26 custody or consent to adoption, for the purpose of providing
27 necessary welfare services, or maintenance, or both.

28 (e) The term “guardianship” means control over the person and
29 property of a child as established by the order of a court of
30 competent jurisdiction, and as more specifically defined by the
31 provisions of this act. Guardianship by the Division of Youth and
32 Family Services shall be treated as guardianship by the
33 Commissioner of **【Human Services】** Children and Families
34 exercised on his behalf wholly by and in the name of the Division
35 of Youth and Family Services, acting through the chief executive
36 officer of the division or his authorized representative. Such
37 exercise of guardianship by the division shall be at all times and in
38 all respects subject to the supervision of the commissioner.

39 (f) The term “maintenance” means moneys expended by the
40 Division of Youth and Family Services to procure board, lodging,
41 clothing, medical, dental, and hospital care, or any other similar or
42 specialized commodity or service furnished to, on behalf of, or for a
43 child pursuant to the provisions of this act; maintenance also
44 includes but is not limited to moneys expended for shelter, utilities,
45 food, repairs, essential household equipment, and other
46 expenditures to remedy situations of an emergent nature to permit,
47 as far as practicable, children to continue to live with their families.

1 (g) The term “welfare services” means consultation, counseling,
2 and referral to or utilization of available resources, for the purpose
3 of determining and correcting or adjusting matters and
4 circumstances which are endangering the welfare of a child, and for
5 the purpose of promoting his proper development and adjustment in
6 the family and the community.

7 (h) The term “resource family parent” means any person other
8 than a natural or adoptive parent with whom a child in the care,
9 custody or guardianship of the Department of **[Human Services]**
10 Children and Families is placed by the department, or with its
11 approval, for care, and shall include any person with whom a child
12 is placed by the division for the purpose of adoption until the
13 adoption is finalized.

14 (i) The term “resource family home” means and includes
15 private residences wherein any child in the care, custody or
16 guardianship of the Department of **[Human Services]** Children and
17 Families may be placed by the department, or with its approval, for
18 care, and shall include any private residence maintained by persons
19 with whom any such child is placed by the division for the purpose
20 of adoption until the adoption is finalized.

21 (j) The singular includes the plural form.

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

23 (l) The word “may” shall be construed to be permissive.

24 (m) The term “group home” means and includes any single
25 family dwelling used in the placement of 12 children or less
26 pursuant to law, recognized as a group home by the Department of
27 **[Human Services]** Children and Families in accordance with rules
28 and regulations adopted by the Commissioner of **[Human Services]**
29 Children and Families; provided, however, that no group home shall
30 contain more than 12 children.

31 (n) The term “youth facility” means a facility within this State
32 used to house or provide services to children under this act,
33 including but not limited to group homes, residential facilities, day
34 care centers, and day treatment centers.

35 (o) The term “youth facility aid” means aid provided by the
36 Division of Youth and Family Services to public, private or
37 voluntary agencies to purchase, construct, renovate, repair, upgrade
38 or otherwise improve a youth facility in consideration for an
39 agreement for the agency to provide residential care, day treatment
40 or other youth services for children in need of such services.

41 (p) The term “day treatment center” means a facility used to
42 provide counseling, supplemental educational services, therapy, and
43 other related services to children for whom it has been determined
44 that such services are necessary, but is not used to house these
45 children in a residential setting.

46 (q) The term “residential facility” means a facility used to house
47 and provide treatment and other related services on a 24-hour basis
48 to children determined to be in need of such housing and services.

1 (r) The term “legally responsible person” means the natural or
2 adoptive parent, or the spouse of a child receiving maintenance
3 from or through the Division of Youth and Family Services.

4 (s) “Commissioner” means the Commissioner of **【Human**
5 **Services】** Children and Families.

6 (t) “Department” means the Department of **【Human Services】**
7 Children and Families.

8 (cf: P.L. 2005, c.169, s.4)

9
10 114. Section 3 of P.L.2004, c.130 (C.30:4C-2.3) is amended to
11 read as follows:

12 3. Notwithstanding any provision of law to the contrary, the
13 Department of **【Human Services, through the Office of Children's**
14 **Services or as otherwise designated by the Commissioner of Human**
15 **Services,】** Children and Families shall provide services to
16 individuals who are between 18 and 21 years of age and meet the
17 following conditions:

18 a. The individual was receiving services from the **【Office of**
19 **Children's Services, or otherwise from the】** department **【as**
20 **designated by the commissioner】**, on or after the individual's 16th
21 birthday;

22 b. The individual, on or after the individual's 18th birthday, has
23 not refused or requested that these services be terminated, as
24 applicable; and

25 c. The **【Office of Children's Services or another entity**
26 **designated by the】** commissioner determines that a continuation of
27 services would be in the individual's best interest and would assist
28 the individual to become an independent and productive adult.

29 (cf: P.L.2004, c.130, s.3)

30
31 115. Section 4 of P.L.2004, c.130 (C.30:4C-2.4) is amended to
32 read as follows:

33 4. a. There is established the New Jersey Child Welfare
34 Training Academy in the Department of **【Human Services】**
35 Children and Families for the purpose of providing a training
36 program to meet the needs of the child welfare system Statewide.
37 The training program shall provide:

38 (1) pre-service and in-service training for public employees of
39 the child welfare system;

40 (2) training opportunities for community-based entities and
41 other child welfare system stakeholders as designated by the
42 commissioner; and

43 (3) pre-service and in-service training for resource families.

44 b. The academy shall be responsible for developing and
45 managing the training activities provided under this program, for
46 which purpose it shall:

- 1 (1) administer, coordinate and evaluate all training activities
- 2 under the program;
- 3 (2) seek to partner with social work and other professionals to
- 4 ensure that the training provided under the program reflects best
- 5 practices;
- 6 (3) develop training curricula, resources and products;
- 7 (4) schedule and provide notice of training events and provide
- 8 training materials for those events;
- 9 (5) employ and compensate training event instructors as
- 10 necessary;
- 11 (6) create mechanisms and processes to assess, identify and
- 12 monitor training needs for public employees of the child welfare
- 13 system, including competency-based training;
- 14 (7) create mechanisms and processes to evaluate the
- 15 effectiveness of the training provided under the program;
- 16 (8) provide for the development of multimedia training tools to
- 17 inform, educate and train public agency staff, resource families and
- 18 others in the child welfare system;
- 19 (9) determine the minimum number of pre-service and in-
- 20 service training hours required of, and ensure the availability of
- 21 sufficient training opportunities for, public agency staff Statewide;
- 22 and
- 23 (10) conduct any other activities necessary to develop,
- 24 implement and manage the training program.

25 c. The training provided to resource families pursuant to this
26 section shall include courses in the role of caregivers as part of the
27 care and treatment of children requiring out-of-home placement. A
28 resource family parent shall be required to complete the number of
29 hours of pre-service and in-service training prescribed under the
30 training program as a condition of licensure under P.L.2001, c.419
31 (C.30:4C-27.3 et seq.).
32 (cf: P.L.2004, c.130, s.4)

33
34 116. Section 126 of P.L.2004, c.130 (30:4C-2.5) is amended to
35 read as follows:

36 126. The Commissioner of **【Human Services】** Children and
37 Families, pursuant to the “Administrative Procedure Act,”
38 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
39 regulations necessary to carry out the provisions of this act.
40 (cf: P.L.2004, c.130, s.126)

41
42 117. Section 1 of P.L.2003, c.40 (C.30:4C-3.7) is amended to
43 read as follows:

44 1. a. The Division of Youth and Family Services in the
45 Department of **【Human Services】** Children and Families shall
46 provide for the photographing of each child under its custody no
47 later than two months after the division assumes custody of the
48 child. A child who is under the custody of the division on the

1 effective date of this act shall be photographed for the purposes of
2 this act no later than one year after its effective date.

3 The division shall, in addition, provide for the fingerprinting of
4 any child under its custody with respect to whom the division
5 determines, in accordance with criteria as the Commissioner of
6 **【Human Services】** Children and Families shall establish by
7 regulation, that the availability of a fingerprint record would be
8 appropriate; the fingerprints of any child with respect to whom such
9 a determination is made shall be taken no later than two months
10 after the division has made that determination.

11 b. The division shall update the photograph of each child taken
12 pursuant to subsection a. of this section at least every two years. In
13 addition, the division shall retain the fingerprint information and
14 photograph of each child for whom such records are taken for at
15 least one year after the date that the child is no longer under the
16 custody of the division.

17 c. The division shall be entitled to receive the assistance of any
18 other State department, division or agency as it may deem necessary
19 and may receive the assistance of any county or municipal
20 government agency, as may be available, in carrying out the
21 provisions of this act.

22 (cf: P.L.2003, c.40, s.1)

23

24 118. Section 2 of P.L.2003, c.40 (C.30:4C-3.8) is amended to
25 read as follows:

26 2. The Commissioner of **【Human Services】** Children and
27 Families, pursuant to the “Administrative Procedure Act,”
28 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
29 regulations to effectuate the purposes of this act.

30 (cf: P.L.2003, c.40, s.2)

31

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

34 4. The **【Office of Children's Services or other entity designated**
35 **by the commissioner】** Department of Children and Families shall
36 have the requisite powers to:

37 (a) Exercise general supervision over children for whom care,
38 custody or guardianship is provided in accordance with Article II of
39 this act;

40 (b) Administer **【for the Department of Human Services】** the
41 powers and duties provided in chapter 3 of Title 9 of the Revised
42 Statutes (Adoption), as amended and supplemented, as the same
43 may be delegated and assigned by the department;

44 (c) Administer **【for the Commissioner of Human Services】** the
45 powers and duties as provided in chapter 7 of Title 9 of the Revised
46 Statutes (dependent children; bringing into State), as amended and

1 supplemented, as the same may be delegated and assigned by the
2 commissioner;

3 (d) Administer **【for the State Board of Institutional Trustees】**
4 the powers and duties provided in R.S.30:1-14 through 30:1-17 of
5 chapter 1 of Title 30 of the Revised Statutes (visitation and
6 inspection), as amended and supplemented**【**, so far as the same may
7 be delegated and assigned by the State Board of Institutional
8 Trustees**】** with respect to institutions, organizations and
9 noninstitutional agencies for the care, custody and welfare of
10 children;

11 (e) Provide care and exercise supervision over children paroled
12 or released from State correctional institutions for juveniles in
13 accordance with rules and regulations established by the State
14 Board of Control;

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

18 (g) Meet and confer, as the unmet needs of New Jersey's
19 children may require, with representatives of the public welfare
20 boards and the private agencies and institutions for the care of
21 children in this State in order that the programs of such boards,
22 agencies and institutions may be developed and fully utilized and
23 that there may be a coordination of all public and private facilities
24 for the protection and care of children;

25 (h) Issue such reasonable rules and regulations as may be
26 necessary for the purpose of carrying into effect the meaning of this
27 act, which rules and regulations shall be binding so far as they are
28 consistent with such purpose;

29 (i) Promulgate **【and file with the Secretary of State, subject to**
30 **the approval of the Board of Public Welfare,】** rules and regulations
31 as may be necessary as a basis for the provision for payment for
32 services rendered by privately sponsored agencies or institutions to
33 children under the care, custody or guardianship of the division.
34 Such rules and regulations shall include, but shall not be limited to,
35 standards of professional training, experience and practices, and
36 requirements relating to the moral responsibility of the trustees,
37 officers or other persons supervising or conducting the program, the
38 adequacy of the facilities, the maintenance of adequate casework
39 records, and the furnishing of comprehensive reports;

40 (j) Enter into written agreements with public, private or
41 voluntary agencies to provide maintenance, related services, and
42 youth facility aid to such agencies, subject to a preaward
43 qualification review of the agency's fiscal and programmatic
44 abilities and periodic reviews.

45 (cf: P.L. 2004, c.130, s.49)

1 120. Section 1 of P.L.1962, c.140 (C.30:4C-4.1) is amended to
2 read as follows:

3 1. Notwithstanding the provisions of any other law, no action or
4 proceeding, including an application for a writ of habeas corpus, in
5 any court which the **【Bureau of Childrens】** Division of Youth and
6 Family is authorized by law to commence or maintain shall be
7 commenced or maintained by the **【said bureau】** division, without
8 the consent and approval of the **【State Board of Control of**
9 **Institutions and Agencies or】** the Commissioner of **【the Department**
10 **of Institutions and Agencies】** Children and Families, as hereinafter
11 provided.

12 (cf: P.L.1964, c.102, s.18)

13

14 121. Section 2 of P.L.1962, c.140 (C.30:4C-4.2) is amended to
15 read as follows:

16 2. **【The said State Board of Control, by departmental rule or**
17 **regulation, may, as to the commencement or maintenance of certain**
18 **specified actions or proceedings in any court, grant its consent and**
19 **approval generally, and as to others, require the consent and**
20 **approval of the Commissioner of the Department of Institutions**
21 **and Agencies as the duly authorized agent of the State Board of**
22 **Control, but in】** In no case shall the **【Bureau of Childrens】** Division
23 of Youth and Family Services, defend against any action or
24 proceeding or make or oppose any application for a writ of habeas
25 corpus without the express consent and approval of the **【State**
26 **Board of Control of Institutions and Agencies thereto or the consent**
27 **and approval of the】** Commissioner of **【the Department of**
28 **Institutions and Agencies as the duly authorized agent of the State**
29 **Board of Control】** Children and Families.

30 (cf: P.L.1964, c.102, s.19)

31

32 122. Section 12 of P.L.1951, c.138, (C.30:4C-12) is amended to
33 read as follows:

34 12. Whenever it shall appear that the parent or parents, guardian,
35 or person having custody and control of any child within this State
36 is unfit to be entrusted with the care and education of such child, or
37 shall fail to provide such child with proper protection, maintenance
38 and education, or shall fail to ensure the health and safety of the
39 child, or is endangering the welfare of such child, a written or oral
40 complaint may be filed with the division, or other entity designated
41 by the commissioner, by any person or by any public or private
42 agency or institution interested in such child. When such a
43 complaint is filed by a public or private agency or institution, it
44 shall be accompanied by a summary setting forth the reason for
45 such complaint and other social history of the child and his family's
46 situation which justifies such complaint; or, if this is not feasible,
47 such summary shall be made available to the division, or other

1 entity within the department that is investigating the complaint, as
2 soon thereafter as possible. Upon receipt of a complaint as
3 provided in this section, the division, or other entity designated by
4 the commissioner, shall investigate, or shall cause to be
5 investigated, the statements set forth in such complaint. If the
6 circumstances so warrant, the parent, parents, guardian, or person
7 having custody and control of the child may be afforded an
8 opportunity to file an application for care, as provided in section 11
9 of P.L.1951, c.138 (C.30:4C-11). If the parent, parents, guardian,
10 or person having custody and control of the child refuses to permit
11 or in any way impedes an investigation, and the department
12 determines that further investigation is necessary in the best
13 interests of the child, the division may thereupon apply to the
14 Family Part of the Chancery Division of the Superior Court in the
15 county where the child resides, for an order directing the parent,
16 parents, guardian, or person having custody and control of the child
17 to permit immediate investigation. The court, upon such
18 application, may proceed to hear the matter in a summary manner
19 and if satisfied that the best interests of the child so require may
20 issue an order as requested.

21 If, after such investigation has been completed, it appears that
22 the child requires care and supervision by the division or other
23 action to ensure the health and safety of the child, the division may
24 apply to the Family Part of the Chancery Division of the Superior
25 Court in the county where the child resides for an order making the
26 child a ward of the court and placing the child under the care and
27 supervision or custody of the division.

28 The court, at a summary hearing held upon notice to the division,
29 and to the parent, parents, guardian, or person having custody and
30 control of the child, if satisfied that the best interests of the child so
31 require, may issue an order as requested, which order shall have the
32 same force and effect as the acceptance of a child for care by the
33 division as provided in section 11 of P.L.1951, c.138 (C.30:4C-11);
34 provided, however, that such order shall not be effective beyond a
35 period of six months from the date of entry unless the court, upon
36 application by the division, at a summary hearing held upon notice
37 to the parent, parents, guardian, or person having custody of the
38 child, extends the time of the order.

39 Immediately after the court's order and while the child is in the
40 division's care, the division shall initiate a search for the child's
41 mother or father, if they are not known to the division. The search
42 shall be initiated within 30 days of the court order. The search will
43 be completed when all sources contacted have either responded to
44 the inquiry or failed to respond within 45 days. The results shall be
45 valid for six months after the date it was completed.

46 (cf: P.L.2004, c.130, s.52)

1 123. Section 6 of P.L.1991, c.275 (C.30:4C-12.1) is amended to
2 read as follows:

3 6. a. In any case in which the **【Division of Youth and Family**
4 **Services】** Department of Children and Families accepts a child in
5 its care or custody, including placement, the **【division】** department
6 shall initiate a search for relatives who may be willing and able to
7 provide the care and support required by the child. The search shall
8 be initiated within 30 days of the **【division's】** department's
9 acceptance of the child in its care or custody. The search will be
10 completed when all sources contacted have either responded to the
11 inquiry or failed to respond within 45 days. The **【division】**
12 department shall complete an assessment of each interested
13 relative's ability to provide the care and support, including
14 placement, required by the child.

15 b. If the **【division】** department determines that the relative is
16 unwilling or unable to assume the care of the child, the **【division】**
17 department shall not be required to re-evaluate the relative. The
18 **【division】** department shall inform the relative in writing of:

19 (1) the reasons for the **【division's】** department's determination;

20 (2) the responsibility of the relative to inform the **【division】**
21 department if there is a change in the circumstances upon which the
22 determination was made;

23 (3) the possibility that termination of parental rights may occur if
24 the child remains in resource family care for more than six months;
25 and

26 (4) the right to seek review by the **【division】** department of such
27 determination.

28 c. The **【division】** department may decide to pursue the
29 termination of parental rights if the **【division】** department
30 determines that termination of parental rights is in the child's best
31 interests.

32 (cf: P.L.2004, c.130, s.53)

33

34 124. Section 4 of P.L.2000, c.58 (C.30:4C-15.7) is amended to
35 read as follows:

36 4. a. If a person voluntarily delivers a child who is or appears
37 to be no more than 30 days old to, and leaves the child at a State,
38 county or municipal police station and does not express an intent to
39 return for the child, a State, county or municipal police officer shall
40 take the child to the emergency department of a licensed general
41 hospital in this State and the hospital shall proceed as specified in
42 subsection b. of this section.

43 b. If a person voluntarily delivers a child who is or appears to
44 be no more than 30 days old to, and leaves the child at an
45 emergency department of a licensed general hospital in this State
46 and does not express an intent to return for the child, or, if a State,
47 county or municipal police officer brings a child to a licensed

- 1 general hospital under the circumstances set forth in subsection a.
2 of this section, the hospital shall:
- 3 (1) take possession of the child without a court order;
 - 4 (2) take any action or provide any treatment necessary to protect
5 the child's physical health and safety; and
 - 6 (3) no later than the first business day after taking possession of
7 the child, notify the Division of Youth and Family Services in the
8 Department of ~~Human Services~~ Children and Families that the
9 hospital has taken possession of the child.
- 10 c. The Division of Youth and Family Services shall assume the
11 care, custody and control of the child immediately upon receipt of
12 notice from a licensed general hospital pursuant to paragraph (3) of
13 subsection b. of this section. The division shall commence a
14 thorough search of all listings of missing children to ensure that the
15 relinquished child has not been reported missing.
- 16 d. A child for whom the Division of Youth and Family
17 Services assumes care, custody and control pursuant to subsection
18 c. of this section shall be treated as a child taken into possession
19 without a court order.
- 20 e. It shall be an affirmative defense to prosecution for
21 abandonment of a child that the parent voluntarily delivered the
22 child to and left the child at, or voluntarily arranged for another
23 person to deliver the child to and leave the child at, a State, county
24 or municipal police station as provided in subsection a. of this
25 section or the emergency department of a licensed general hospital
26 in this State as provided in subsection b. of this section. Nothing in
27 this subsection shall be construed to create a defense to any
28 prosecution arising from any conduct other than the act of
29 delivering the child as described herein, and this subsection
30 specifically shall not constitute a defense to any prosecution arising
31 from an act of abuse or neglect committed prior to the delivery of
32 the child to a State, county or municipal police station as provided
33 in subsection a. of this section or the emergency department of a
34 licensed general hospital in this State as provided in subsection b.
35 of this section.
- 36 f. A State, county or municipal police officer and the
37 governmental jurisdiction employing that officer or an employee of
38 an emergency department of a licensed general hospital in this State
39 and the hospital employing that person shall incur no civil or
40 criminal liability for any good faith acts or omissions performed
41 pursuant to this section.
- 42 g. Any person who voluntarily delivers a child who is or
43 appears to be no more than 30 days old to a licensed general
44 hospital or a police station in accordance with this section shall not
45 be required to disclose that person's name or other identifying
46 information or that of the child or the child's parent, if different
47 from the person who delivers the child to the hospital or police

1 station, or provide background or medical information about the
2 child, but may voluntarily do so.

3 (cf: P.L.2000, c.58, s.4)

4

5 125. 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 **【Human Services】** Children and
8 Families, in consultation with the Commissioner of Health and
9 Senior Services, shall establish an educational and public
10 information program to promote safe placement alternatives for
11 newborn infants, the confidentiality offered to birth parents and
12 information regarding adoption procedures. This campaign shall
13 include the establishment of a 24-hour, toll free hotline to assist in
14 making 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 b. The Department of **【Human Services】** Children and
17 Families shall provide to licensed general hospitals in this State and
18 State, county or municipal police stations information about
19 relevant social service agencies which may be made available to
20 any person voluntarily delivering a child as provided in section 4 of
21 P.L.2000, c.58 (C.30:4C-15.7).

22 (cf: P.L.2000, c.58, s.6)

23

24 126. Section 9 of P.L.2000, c.58 (C.30:4C-15.10) is amended to
25 read as follows:

26 9. The Commissioner of **【Human Services】** Children and
27 Families, in consultation with the Commissioner of Health and
28 Senior Services and pursuant to the “Administrative Procedure
29 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
30 regulations to effectuate the purposes of this act.

31 (cf: P.L.2000, c.58, s.9)

32

33 127. Section 1 of P.L.2005, c.294 is amended to read as follows:

34 1. The Legislature finds and declares that:

35 a. The “New Jersey Safe Haven Infant Protection Act,”
36 P.L.2000, c.58 (C.30:4C-15.5 et seq.) is intended to provide for the
37 emergency possession of certain abandoned newborn infants in such
38 a manner as to ensure the anonymity, confidentiality and freedom
39 from prosecution that may encourage a parent who may be under
40 severe emotional stress to leave an infant at a safe haven and
41 thereby save that infant's life;

42 b. This statute requires the Commissioner of **【Human**
43 **Services】** Children and Families to establish an educational and
44 public information program to promote safe placement alternatives
45 for newborn infants, the confidentiality offered to birth parents and
46 information regarding adoption procedures;

1 c. Pursuant to the Safe Haven law, the Department of [Human
2 Services] Children and Families established a multifaceted media
3 campaign to inform the public about its provisions, and this effort
4 has included: a 24-hour toll-free telephone hotline; public service
5 announcements on radio and cable television; posters for display in
6 social service agencies, high schools, stores and churches; pocket
7 cards and brochures in both English and Spanish; and advertising in
8 local and college newspapers and on billboards and buses;

9 d. Despite these efforts to promote public awareness of the Safe
10 Haven law, unlawful abandonment of newborn infants continues to
11 be a problem in New Jersey, as evidenced by the finding of three
12 newborn infants who were unlawfully abandoned during a three-
13 week period in January 2004, instead of being dropped off safely as
14 provided under P.L.2000, c.58, with the consequent loss of life for
15 one of those infants; and

16 e. The indications of this continuing problem raise questions
17 about whether the existing efforts to disseminate information about
18 the provisions of the Safe Haven law can create sufficient public
19 awareness to alleviate the problem of unlawful baby abandonment
20 and thereby achieve the intent of the "New Jersey Safe Haven
21 Infant Protection Act."

22 (cf: P.L.2005, c.294, s.1)

23
24 128. Section 2 of P.L.2005, c.294 is amended to read as follows:

25 2. There is established the Safe Haven Awareness Promotion
26 Task Force in the Department of [Human Services] Children and
27 Families. The purpose of the task force shall be to study and
28 evaluate the efficacy of existing efforts to promote awareness
29 among the general public of the provisions of the "New Jersey Safe
30 Haven Infant Protection Act," P.L.2000, c.58 (C.30:4C-15.5 et
31 seq.), and develop recommendations relating to specific actionable
32 measures to support and enhance efforts that would improve the
33 effectiveness of the campaign to promote public awareness of the
34 Safe Haven law.

35 (cf: P.L.2005, c.294, s.2)

36
37 129. Section 3 of P.L.2005, c.294 is amended to read as follows:

38 3. a. The task force shall consist of 19 members as follows:

39 (1) the Commissioners of Health and Senior Services, [Human
40 Services] Children and Families and Education, the Director of the
41 Division on Women in the Department of Community Affairs and
42 the Child Advocate, or their designees, who shall serve ex officio;
43 and

44 (2) 14 public members, who shall be appointed by the Governor
45 no later than the 30th day after the effective date of this act, as
46 follows: one person upon the recommendation of the Association
47 for Children of New Jersey; one person upon the recommendation

1 of the New Jersey Chapter of the National Association of Social
2 Workers; one person upon the recommendation of the School of
3 Social Work at Rutgers, The State University of New Jersey; one
4 person upon the recommendation of Foster and Adoptive Family
5 Services; one person upon the recommendation of the American
6 Academy of Pediatrics-New Jersey Chapter; one person upon the
7 recommendation of the New Jersey Education Association; one
8 person upon the recommendation of the New Jersey State School
9 Nurses Association; one person upon the recommendation of the
10 New Jersey Hospital Association; one person upon the
11 recommendation of the Mental Health Association in New Jersey;
12 one person upon the recommendation of the New Jersey Task Force
13 on Child Abuse and Neglect, one person upon the recommendation
14 of the New Jersey Catholic Conference; one person upon the
15 recommendation of New Jersey Right to Life; and two members of
16 the public with a demonstrated expertise in issues relating to the
17 work of the task force.

18 Vacancies in the membership of the task force shall be filled in
19 the same manner provided for the original appointments.

20 b. The Commissioner of **【Human Services】** Children and
21 Families or the commissioner's designee shall serve as chairperson
22 of the task force. The task force shall organize as soon as
23 practicable following the appointment of its members and shall
24 select a vice-chairperson from among the members. The chairperson
25 shall appoint a secretary who need not be a member of the task
26 force.

27 c. The public members shall serve without compensation, but
28 shall be reimbursed for necessary expenses incurred in the
29 performance of their duties and within the limits of funds available
30 to the task force.

31 d. The task force shall be entitled to call to its assistance and
32 avail itself of the services of the employees of any State, county or
33 municipal department, board, bureau, commission or agency as it
34 may require and as may be available to it for its purposes.

35 e. The task force may meet and hold hearings at the places it
36 designates during the sessions or recesses of the Legislature.

37 f. The Department of **【Human Services】** Children and
38 Families shall provide staff support to the task force.

39 (cf: P.L.2005, c.294, s.3)

40

41 130. Section 26 of P.L.1951, c.138 (C.30:4C-26) is amended to
42 read as follows:

43 26. a. Whenever the circumstances of a child are such that his
44 needs cannot be adequately met in his own home, the division may
45 effect his placement in a resource family home, with or without
46 payment of board, in a group home, or in an appropriate institution
47 if such care is deemed essential for him. The division shall make
48 every reasonable effort to select a resource family home, a group

1 home or an institution of the same religious faith as the parent or
2 parents of such child.

3 b. Whenever the division shall place any child, as provided by
4 this section, in any municipality and county of this State, the child
5 shall be deemed a resident of such municipality and county for all
6 purposes except school funding, and he shall be entitled to the use
7 and benefit of all health, recreational, vocational and other
8 facilities of such municipality and county in the same manner and
9 extent as any other child living in such municipality and county.

10 c. Whenever the division shall place any child, as provided by
11 this section, in any school district, the child shall be entitled to the
12 educational benefits of such district; provided, however, that the
13 district of residence, as determined by the Commissioner of
14 Education pursuant to law, shall be responsible for paying tuition
15 for such child to the district in which he is placed.

16 d. No municipality shall enact a planning or zoning ordinance
17 governing the use of land by, or for, single family dwellings which
18 shall, by any of its terms or provisions or by any rule or regulation
19 adopted in accordance therewith, discriminate between children
20 who are members of such single families by reason of their
21 relationship by blood, marriage or adoption, children placed with
22 such families in such dwellings by the division[, Office of
23 Children's Services] or other entity designated by the
24 Commissioner of [Human Services] Children and Families, and
25 children placed pursuant to law with families in single family
26 dwellings known as group homes.

27 Any planning or zoning ordinance, heretofore or hereafter
28 enacted by a municipality, which violates the provisions of this
29 section, shall be invalid and inoperative.

30 (cf: P.L. 2004, c.130, s.58)

31

32 131. Section 1 of P.L.1962, c.137 (C.30:4C-26.1) is amended to
33 read as follows:

34 1. As used in this act "resource family home" means and
35 includes private residences wherein any child in the care, custody or
36 guardianship of the Department of [Human Services] Children and
37 Families may be placed by the department, or with its approval, for
38 care, and shall include any private residence maintained by persons
39 with whom any such child is placed by the Division of Youth and
40 Family Services for the purpose of adoption until the adoption is
41 finalized.

42 (cf: P.L. 2005, c.169, s.5)

43

44 132. Section 2 of P.L.1962, c.137 (C.30:4C-26.2) is amended to
45 read as follows:

46 2. The [Bureau of Childrens] Division of Youth and Family
47 Services, shall establish and maintain, within the limits of available

1 appropriations, child care shelters in such numbers and at such
2 locations throughout the State as the Commissioner of [the
3 Department of Institutions and Agencies with the approval of the
4 State Board of Control] Children and Families shall deem to be
5 necessary.

6 (cf: P.L.1964, c.102, s.12)

7

8 133. Section 1 of P.L.1962, c.136 (C.30:4C-26.4) is amended to
9 read as follows:

10 1. As used in this act "resource family parent" shall mean any
11 person with whom a child in the care, custody or guardianship of
12 the Department of [Human Services] Children and Families is
13 placed by the department, or with its approval, for care and shall
14 include any person with whom a child is placed by the Division of
15 Youth and Family Services for the purpose of adoption until the
16 adoption is finalized.

17 (cf: P.L.2005, c.169, s.6)

18

19 134. Section 1 of P.L.1962, c.139 (C.30:4C-26.6) is amended to
20 read as follows:

21 1. As used in this act "resource family parent" shall mean any
22 person with whom a child in the care, custody or guardianship of
23 the Department of [Human Services] Children and Families is
24 placed by the department, or with its approval, for care and shall
25 include any person with whom a child is placed by the Division of
26 Youth and Family Services for the purpose of adoption until the
27 adoption is finalized.

28 (cf: P.L.2005, c.169, s.7)

29

30 135. Section 1 of P.L.1985, c.396 (C30:4C-26.8) is amended to
31 read as follows:

32 1. a. A person, in addition to meeting other requirements as
33 may be established by the Department of [Human Services]
34 Children and Families, shall become a resource family parent or
35 eligible to adopt a child only upon the completion of an
36 investigation to ascertain if there is a State or federal record of
37 criminal history for the prospective adoptive or resource family
38 parent or any other adult residing in the prospective parent's home.
39 The investigation shall be conducted by the Division of State Police
40 in the Department of Law and Public Safety and shall include an
41 examination of its own files and the obtaining of a similar
42 examination by federal authorities.

43 b. If the prospective resource family parent or any adult
44 residing in the prospective parent's home has a record of criminal
45 history, the Department of [Human Services] Children and
46 Families shall review the record with respect to the type and date of
47 the criminal offense and make a determination as to the suitability

1 of the person to become a resource family parent or the suitability
2 of placing a child in that person's home, as the case may be.

3 c. For the purposes of this section, a conviction for one of the
4 offenses enumerated in subsection d. or e. of this section has
5 occurred if the person has been convicted under the laws of this
6 State or any other state or jurisdiction for an offense that is
7 substantially equivalent to the offenses enumerated in these
8 subsections.

9 d. A person shall be disqualified from being a resource family
10 parent or shall not be eligible to adopt a child if that person or any
11 adult residing in that person's household ever committed a crime
12 which resulted in a conviction for:

13 (1) a crime against a child, including endangering the welfare of
14 a child and child pornography pursuant to N.J.S.2C:24-4; or child
15 abuse, neglect, or abandonment pursuant to R.S.9:6-3;

16 (2) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant
17 to N.J.S.2C:11-4;

18 (3) aggravated assault which would constitute a crime of the
19 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

20 (4) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

21 (5) kidnapping and related offenses including criminal restraint;
22 false imprisonment; interference with custody; criminal coercion; or
23 enticing a child into a motor vehicle, structure, or isolated area
24 pursuant to N.J.S.2C:13-1 through 2C:13-6;

25 (6) sexual assault, criminal sexual contact or lewdness pursuant
26 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

27 (7) robbery which would constitute a crime of the first degree
28 pursuant to N.J.S.2C:15-1;

29 (8) burglary which would constitute a crime of the second
30 degree pursuant to N.J.S.2C:18-2;

31 (9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17
32 et seq.);

33 (10) endangering the welfare of an incompetent person pursuant
34 to N.J.S.2C:24-7 or endangering the welfare of an elderly or
35 disabled person pursuant to N.J.S.2C:24-8;

36 (11) terrorist threats pursuant to N.J.S.2C:12-3;

37 (12) arson pursuant to N.J.S.2C:17-1, or causing or risking
38 widespread injury or damage which would constitute a crime of the
39 second degree pursuant to N.J.S.2C:17-2; or

40 (13) an attempt or conspiracy to commit an offense listed in
41 paragraphs (1) through (12) of this subsection.

42 e. A person shall be disqualified from being a resource family
43 parent if that person or any adult residing in that person's household
44 was convicted of one of the following crimes and the date of release
45 from confinement occurred during the preceding five years:

46 (1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;

47 (2) aggravated assault which would constitute a crime of the
48 fourth degree pursuant to subsection b. of N.J.S.2C:12-1;

1 (3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1
2 et seq.);

3 (4) robbery which would constitute a crime of the second degree
4 pursuant to N.J.S.2C:15-1;

5 (5) burglary which would constitute a crime of the third degree
6 pursuant to N.J.S.2C:18-2; or

7 (6) an attempt or conspiracy to commit an offense listed in
8 paragraphs (1) through (5) of this subsection.

9 For the purposes of this subsection, the “date of release from
10 confinement” means the date of termination of court-ordered
11 supervision through probation, parole, or residence in a correctional
12 facility, whichever date occurs last.

13 For purposes of this section, “resource family parent” means any
14 person with whom a child in the care, custody or guardianship of
15 the Department of **[Human Services]** Children and Families is
16 placed by the department, or with its approval, for care and shall
17 include any person with whom a child is placed by the Division of
18 Youth and Family Services for the purpose of adoption until the
19 adoption is finalized.

20 (cf: P.L.2005, c.169, s.8)

21

22 136. Section 1 of P.L.1989, c.21 (C.30:4C-26.9) is amended to
23 read as follows:

24 1. The Department of **[Human Services]** Children and
25 Families may grant approval to a prospective resource family parent
26 for a period not to exceed six months, upon completion of the State
27 portion of the criminal history record investigation required
28 pursuant to P.L.1985, c.396 (C.30:4C-26.8), pending completion
29 and review of the federal portion of the criminal history record
30 investigation required pursuant to that act, if (1) the State portion of
31 the criminal history record investigation indicates no information
32 which would disqualify the person, (2) the prospective resource
33 family parent and any adult residing in the prospective resource
34 family parent's home submit a sworn statement to the Department of
35 **[Human Services]** Children and Families attesting that the person
36 does not have a record of criminal history which would disqualify
37 the person and (3) there is substantial compliance with department
38 standards for resource family homes indicating there is no risk to a
39 child's health or safety.

40 For purposes of this section, “resource family parent” means any
41 person with whom a child in the care, custody or guardianship of
42 the Department of **[Human Services]** Children and Families is
43 placed by the department, or with its approval, for care and shall
44 include any person with whom a child is placed by the Division of
45 Youth and Family Services for the purpose of adoption until the
46 adoption is finalized.

47 (cf: P.L. 2005, c.169, s.9)

1 137. Section 1 of P.L.1962, c.135 (C.30:4C-27.1) is amended to
2 read as follows:

3 1. As used in this act “resource family parent” shall mean any
4 person with whom a child in the care, custody or guardianship of
5 the Department of **【Human Services】** Children and Families is
6 placed by the department, or with its approval, for care and shall
7 include any person with whom a child is placed by the Division of
8 Youth and Family Services for the purpose of adoption until the
9 adoption is finalized.
10 (cf: P.L.2005, c.169, s.10)

11
12 138. Section 3 of P.L.2001, c.419 (C.30:4C-27.5) is amended to
13 read as follows:

14 3. As used in this act:
15 “Child” means a person who: is either under the age of 18 or
16 meets the criteria set forth in subsection f. of section 2 of P.L.1972,
17 c.81 (C.9:17B-2); and is under the care or custody of the division or
18 another public or private agency authorized to place children in
19 New Jersey.

20 “Commissioner” means the Commissioner of **【Human Services】**
21 Children and Families.

22 “Department” means the Department of **【Human Services】**
23 Children and Families.

24 “Division” means the Division of Youth and Family Services in
25 the Department of **【Human Services】** Children and Families.

26 “Resource family home” or “home” means a private residence,
27 other than a children's group home or shelter home, in which board,
28 lodging, care and temporary out-of-home placement services are
29 provided by a resource family parent on a 24-hour basis to a child
30 under the auspices of the division or any public or private agency
31 authorized to place children in New Jersey.

32 “Resource family parent” means a person who has been licensed
33 pursuant to this act to provide resource family care to five or fewer
34 children, including a child who has been placed by the division with
35 the person for the purpose of adoption, except that the department
36 may license a resource family parent to provide care for more than
37 five children, if necessary, to keep sibling groups intact or to serve
38 the best interests of the children in the home.

39 “License” means a document issued by the department to a
40 person who meets the requirements of this act to provide resource
41 family care to children in the person's home.

42 (cf: P.L.2005, c.169, s.11)

43

44 139. Section 1 of P.L.2003, c.186 (C.30:4C-27.16) is amended
45 to read as follows:

46 1. As used in sections 1 through 6 and 8 through 11 of this act:

1 “Department” means the Department of **【Human Services】**
2 Children and Families.

3 “Division” means the Division of Youth and Family Services in
4 the Department of **【Human Services】** Children and Families.

5 “Residential child care facility” or “facility” means any public or
6 private establishment subject to the regulatory authority of the
7 department that provides room, board, care, shelter or treatment
8 services for children on a 24-hour-a-day basis. The term shall
9 include: residential facilities operated by or under contract or
10 agreement with the division to serve 13 or more children with
11 emotional or behavioral problems as defined pursuant to section 2
12 of P.L.1951, c.138 (C.30:4C-2); State-operated children's
13 psychiatric facilities providing inpatient treatment; group homes,
14 treatment homes, teaching family homes, alternative care homes
15 and supervised transitional living homes operated by or under
16 contract or agreement with the division to serve 12 or fewer
17 children with emotional or behavioral problems as defined pursuant
18 to N.J.A.C.10:128-1.2; and shelter care facilities and homes,
19 including shelters serving children in juvenile-family crisis and in
20 need of temporary shelter care, as defined pursuant to section 3 of
21 P.L.1982, c.77 (C.2A:4A-22).

22 “Staff member” means an individual 18 years of age or older
23 who is an administrator of, employed by, or works in a facility on a
24 regularly scheduled basis during the facility's operating hours,
25 including full-time, part-time, voluntary, contract, consulting and
26 substitute staff, whether compensated or not.
27 (cf: P.L. 2004, c.130, s.125)

28

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

31 1. a. In any case in which the Department of **【Human Services】**
32 Children and Families, through the Division of Youth and Family
33 Services, is providing care or custody for any child when the child
34 is in a resource family home, any legally responsible person of the
35 child, if of sufficient financial ability, is liable for the full costs of
36 maintenance of the child incurred by the division. If the legally
37 responsible person is of insufficient financial ability, the person is
38 liable in an amount which a court of competent jurisdiction directs
39 according to a scheduled rate approved by the division. Nothing
40 contained herein shall prevent the legally responsible person from
41 voluntarily executing an agreement for payment to the division for
42 the costs of maintenance of the child receiving care or custody
43 when the child is in a resource family home.

44 b. The division shall have a lien against the property of the
45 legally responsible person in an amount equal to the amount to be
46 paid, which lien shall have priority over all unrecorded
47 encumbrances.

1 c. If the legally responsible person fails to reimburse the
2 department, through the division, for the costs of maintenance of a
3 child incurred by the division when the child is in a resource family
4 home, a court of competent jurisdiction, upon the complaint of the
5 Commissioner of **[Human Services]** Children and Families, may
6 summon the legally responsible person and other witnesses, and
7 may order the legally responsible person to pay an amount to the
8 department, according to a scheduled rate approved by the division.

9 d. In any case in which the department, through the division,
10 has agreed to provide youth facilities aid to a public, private or
11 voluntary agency pursuant to this act, the division shall have a lien
12 against the property of any person, persons or agency so
13 contracting, in an amount equal to the amount or amounts so
14 contracted to be paid, which lien shall have priority over all
15 unrecorded encumbrances. Such lien shall be reduced for each year
16 of service provided by the agency at a rate to be negotiated by the
17 division and the agency, but in no case more than 20% a year;
18 provided, however, that annual reductions shall not exceed \$10,000.
19 (cf: P.L.2004, c.130, s.80)

20
21 141. Section 3 of P.L.1977, c.424 (C.30:4C-52) is amended to
22 read as follows:

23 3. As used in this act, unless the context indicates otherwise:

24 a. "Child" means any person less than 18 years of age;

25 b. "Child placed outside his home" means a child under the
26 care, custody or guardianship of the division who resides in a
27 resource family home, group home, residential treatment facility,
28 shelter for the care of abused or neglected children or juveniles
29 considered as juvenile-family crisis cases, or independent living
30 arrangement operated by or approved for payment by the division,
31 or a child who has been placed by the division in the home of a
32 person who is not related to the child and does not receive any
33 payment for the care of the child from the division, or a child placed
34 by the court in juvenile-family crisis cases pursuant to P.L.1982,
35 c.77 (C.2A:4A-20 et seq.), but does not include a child placed by
36 the court in the home of a person related to the child who does not
37 receive any payment from the division for the care of the child;

38 c. "County of supervision" means the county in which the
39 division has established responsibility for supervision of the child;

40 d. "Division" means the Division of Youth and Family
41 Services in the Department of **[Human Services]** Children and
42 Families;

43 e. "Temporary caretaker" means a resource family parent as
44 defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4) or a director
45 of a group home or residential treatment facility;

46 f. "Designated agency" means an agency designated by the

1 court pursuant to P.L.1982, c.80 (C.2A:4A-76 et seq.) to develop a
2 family services plan.

3 (cf: P.L. 2005, c.169, s.13)

4

5 142. Section 1 of P.L.1991, c.448 (C.30:4C-53.1) is amended to
6 read as follows:

7 1. The Legislature finds and declares that it is in the public
8 interest, whereby the safety of children shall be of paramount
9 concern, to afford every child placed outside his home by the
10 Division of Youth and Family Services in the Department of
11 **【Human Services】** Children and Families with permanency through
12 return to his own home, if the child can be returned home without
13 endangering the child's health or safety; through adoption, if family
14 reunification is not possible; or through an alternative permanent
15 placement, if termination of parental rights is not appropriate:

16 a. Due to the severity of health and social problems such as
17 AIDS, drug abuse and homelessness, the division often works with
18 families over a period of many years, and the children of these
19 families often spend a majority of their young lives in resource
20 family care; and

21 b. Research has shown that the longer children remain in the
22 resource family care system, the greater number of placements they
23 experience. As a result of these multiple placements, from birth
24 family to resource family home and from one resource family home
25 to another resource family home, children develop emotional and
26 psychological problems, making it more difficult for them to
27 develop a positive self-image; and

28 c. (Deleted by amendment, P.L.2004, c.130).

29 d. The obligation of the State to recognize and protect the
30 rights of children in the child welfare system should be fulfilled in
31 the context of a clear and consistent policy which limits the
32 repeated placement of children in resource family care and
33 promotes the eventual placement of these children in stable and safe
34 permanent homes.

35 (cf: P.L.2004, c.130, s.84)

36

37 143. Section 5 of P.L.1991, c.448 (C.30:4C-53.5) is amended to
38 read as follows:

39 5. Pursuant to the "Administrative Procedure Act," P.L.1968,
40 c.410 (C.52:14B-1 et seq.), the Commissioner of **【Human Services】**
41 Children and Families shall adopt all rules and regulations
42 necessary to effectuate the purposes of this act.

43 (cf: P.L.1991, c.448, s.5)

44

45 144. Section 4 of P.L.1992, c.111 (C.30:4C-69) is amended to
46 read as follows:

47 4. The Commissioner of **【Human Services】** Children and
48 Families shall develop an interdepartmental plan for the

1 implementation of an individualized, appropriate child and family
2 driven care system for children with special emotional needs and
3 for the reduction of inappropriate use of out-of-home placements of
4 these children. The plan shall first address children ready to be
5 returned from [institutions such as the Arthur Brisbane Child
6 Treatment Center and other] in-State and out-of-State residential
7 facilities, and those at imminent risk of extended out-of-home
8 placement. The commissioner shall consult with appropriate
9 representatives from the State departments of Education, Human
10 Services, Corrections, Health and Senior Services, Community
11 Affairs and the Public Advocate, the Child Advocate, the private
12 entity, if any, designated by the Governor as the State's mental
13 health protection and advocacy agency, the Statewide Children's
14 Coordinating Council in the Department of [Human Services]
15 Children and Families, the Administrative Office of the Courts, and
16 Statewide family advocacy groups, in the development of the plan.
17 (cf: P.L. 2005, c.155, s.90)

18

19 145. Section 5 of P.L.1992, c.111 (C.30:4C-70) is amended to
20 read as follows:

21 5. A county may establish a CART and CIACC in accordance
22 with the provisions of this act. In the event that a county does not
23 establish a CART or CIACC, the Department of [Human Services]
24 Children and Families may establish a CART or CIACC for that
25 county.

26 (cf: P.L.1992, c.111, s.5)

27

28 146. Section 6 of P.L.1992, c.111 (C.30:4C-71) is amended to
29 read as follows:

30 6. The plan shall:

31 a. Assess current policies and activities of all divisions in the
32 Department of [Human Services] Children and Families in the
33 implementation of the individualized, appropriate child and family
34 driven care system;

35 b. Assess the implementation of the policies and procedures of
36 the Case Assessment Resource Teams (CARTs) and the County
37 Inter-Agency Coordinating Councils (CIACCs) sanctioned by the
38 Department of [Human Services] Children and Families to be
39 certain, among other things, that a family using the services is a full
40 participant in the CART/CIACC process;

41 c. Be consistent with principles set forth in section 7 of this
42 act;

43 d. Set forth specific timelines and procedures for the
44 implementation of new policies and practices that shall be
45 undertaken to develop a system of care which is integrated across
46 divisional and departmental lines;

- 1 e. Specify the role and function of the CARTs and CIACCs in
2 developing the individualized, appropriate child and family driven
3 care system;
- 4 f. Recommend departmental or divisional organizational
5 changes required to execute the system of care;
- 6 g. Specify the interdepartmental amounts and sources of
7 financial resources required to implement and maintain a
8 coordinated system of care;
- 9 h. Develop a mechanism to guarantee that savings accrued
10 through implementation of this plan be applied to community-based
11 children's services;
- 12 i. Identify funding mechanisms compatible with individual
13 county needs to carry out the purposes of this act;
- 14 j. Develop a system to monitor and evaluate the outcomes for
15 children with special emotional needs who have received
16 community-based services as a result of the implementation of an
17 individualized, appropriate child and family driven care system;
- 18 k. Develop an independent evaluation mechanism to report at
19 least quarterly, which is designed to enhance and evaluate the
20 CART/CIACC inter-agency system at both the local and Statewide
21 levels;
- 22 l. Describe all services, both public and private, including
23 rehabilitation services, vocational services, substance abuse
24 services, housing services, educational services, medical and dental
25 care to be provided by local school systems under the "Education of
26 the Handicapped Act," (20 U.S.C. s.1401 et seq.); and
- 27 m. Describe how parents will be involved in the development of
28 the plan and how the plan will insure their full participation in the
29 CART/CIAAC process.

30 (cf: P.L.1992, c.111, s.6)

31

32 147. Section 8 of P.L.1992, c.111 (C.30:4C-73) is amended to
33 read as follows:

34 8. Any monies saved by the Department of **[Human Services]**
35 Children and Families in preventing the out-of-home placement of
36 children pursuant to this act shall be used by the department to
37 provide services pursuant to the interdepartmental plan developed
38 pursuant to this act.

39 (cf: P.L.1992, c.111, s.8)

40

41 148. Section 3 of P.L.1993, c.157 (C.30:4C-76) is amended to
42 read as follows:

43 3. a. The Department of **[Human Services]** Children and
44 Families may establish, through purchase of service contracts with
45 community-based organizations, at least one family preservation
46 services program in each county in the State. The program shall
47 provide services to families whose children are at imminent risk of

1 placement as determined by agencies authorized to place children,
2 or whose children are being prepared for reunification.

3 b. The family preservation services program shall be based on
4 the following objectives:

5 (1) The prevention of out-of-home placement by enhancing
6 family functioning and problem solving;

7 (2) The development of appropriate crisis management and
8 parenting skills;

9 (3) The provision of services to families, as needed, including
10 transportation, emergency financial assistance for food, clothing
11 and housing, family counseling and substance abuse treatment; and

12 (4) The development of linkages with service networks and
13 community resources.

14 (cf: P.L.1993, c.157, s.3)

15

16 149. Section 6 of P.L.1993, c.157 (C.30:4C-79) is amended to
17 read as follows:

18 6. The Department of **【Human Services】** Children and
19 Families shall develop a manual of standards on the operation and
20 programmatic aspects of family preservation services.

21 (cf: P.L.1993,c.157,s.6)

22

23 150. Section 7 of P.L.1993, c.157 (C.30:4C-80) is amended to
24 read as follows:

25 7. There is established a Family Preservation Services
26 Coordinating Unit in the Department of **【Human Services】**
27 Children and Families. The unit shall consist of persons with
28 knowledge of and experience with the family preservation services
29 program in the State and in all facets of the operation of the
30 program. The coordinating unit personnel shall be appointed by the
31 Commissioner of **【Human Services】** Children and Families. The
32 coordinating unit shall develop, monitor and implement all phases
33 of the family preservation services initiative and its activities will
34 include the provision of technical support and the establishment and
35 the monitoring of all family preservation services programs
36 throughout the State.

37 (cf: P.L.1993, c.157, s.7)

38

39 151. Section 8 of P.L.1993, c.157 (C.30:4C-81) is amended to
40 read as follows:

41 8. The Commissioner of **【Human Services】** Children and
42 Families shall report to the Governor and, pursuant to section 2 of
43 P.L.1991, c.164 (C.52:14-19.1), to the Legislature by December 31
44 of each year, on the family preservation services program. The
45 annual report shall contain, but not be limited to:

46 a. The number of families receiving services through the
47 program;

- 1 b. The number of children placed in resource family care,
2 group homes and residential treatment facilities, both in-State and
3 out-of-State;
- 4 c. The average cost of providing services to a family through
5 the program;
- 6 d. The number of children who remain with their families for
7 one year after receiving services through the program; and
- 8 e. Any recommendations needed to improve the delivery of
9 family preservation services in the State.
10 (cf: P.L.2004, c.130, s.92)

11
12 152. Section 9 of P.L.1993, c.157 (C.30:4C-82) is amended to
13 read as follows:

14 9. The Department of **[Human Services]** Children and
15 Families shall seek to maximize any available federal funding
16 which may be used for the purposes of administering or providing
17 family preservation services. Any federal funding made available
18 under this section shall be used to supplement and shall not
19 supplant State funds used to carry out the purposes of this act.
20 (cf: P.L.1993, c.157, s.9)

21
22 153. Section 10 of P.L.1993, c.157 (C.30:4C-83) is amended to
23 read as follows:

24 10. The Commissioner of **[Human Services]** Children and
25 Families, following prior review and approval from the Office of
26 Management and Budget, may transfer funds appropriated for
27 substitute care services to purchase family preservation services
28 established pursuant to this act.
29 (cf: P.L.1993, c.157, s.10)

30
31 154. Section 7 of P.L.2001, c.250 (C.30:4C-84) is amended to
32 read as follows:

33 7. As used in sections 7 through 10 of P.L.2001, c.250
34 (C.30:4C-84 et seq.):

35 “Caregiver” means a person over 18 years of age, other than a
36 child's parent, who has a kinship relationship with the child and has
37 been providing care and support for the child, while the child has
38 been residing in the caregiver's home, for either the last 12
39 consecutive months or 15 of the last 22 months. “Caregiver”
40 includes a resource family parent as defined in section 1 of
41 P.L.1962, c.136 (C.30:4C-26.4).

42 “Child” means a person under 18 years of age, except as
43 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

44 “Commissioner” means the Commissioner of **[Human Services]**
45 Children and Families.

46 “Court” means the Superior Court, Chancery Division, Family
47 Part.

1 “Division” means the Division of Youth and Family Services in
2 the Department of **【Human Services】** Children and Families.

3 “Family friend” means a person who is connected to a child or
4 the child’s parent by an established, positive psychological or
5 emotional relationship that is not a biological or legal relationship.

6 “Kinship caregiver assessment” means a written report prepared
7 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1
8 et al.) and pursuant to regulations adopted by the commissioner.

9 “Kinship legal guardian” means a caregiver who is willing to
10 assume care of a child due to parental incapacity, with the intent to
11 raise the child to adulthood, and who is appointed the kinship legal
12 guardian of the child by the court pursuant to P.L.2001, c.250
13 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible
14 for the care and protection of the child and for providing for the
15 child's health, education and maintenance.

16 “Kinship relationship” means a family friend or a person with a
17 biological or legal relationship with the child.

18 (cf: P.L.2005, c.169, s.15)

19

20 155. Section 11 of P.L.2001 c.250 (C.30:4C-88) is amended to
21 read as follows:

22 11. The Commissioner of **【Human Services】** Children and
23 Families, pursuant to the “Administrative Procedure Act,”
24 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
25 regulations to effectuate the purposes of this act.

26 (cf: P.L.2001, c.250, s.11)

27

28 156. Section 2 of P.L.2003, c.132 (C.30:4C-102) is amended to
29 read as follows:

30 2. There is created in the Department of **【Human Services】**
31 Children and Families the “Statewide Tuition Waiver Program.”
32 The purpose of the program is to provide State-paid tuition to
33 children who have been under the care and custody of the Division
34 of Youth and Family Services pursuant to section 11 of P.L.1951,
35 c.138 (C.30:4C-11), and who are interested in pursuing a college or
36 post-secondary vocational education at a public institution of higher
37 education or county vocational school in this State.

38 (cf: P.L.2003, c.132, s.2)

39

40 157. Section 3 of P.L.2003, c.132 (C.30:4C-103) is amended to
41 read as follows:

42 3. a. A child shall be eligible to qualify for the program if the
43 child meets the following requirements at the time of the initial
44 application to the Commissioner of **【Human Services】** Children and
45 Families for a tuition waiver pursuant to subsection b. of this
46 section:

47 (1) the child is 16 to 23 years of age;

48 (2) the child:

1 (a) has been in the care and custody of the Division of Youth
2 and Family Services in the Department of **[Human Services]**
3 Children and Families for a period of nine months or more
4 following the child's sixteenth birthday;

5 (b) is or has been residing in an independent living arrangement,
6 or a transitional living program established pursuant to P.L.1999,
7 c.224 (C.9:12A-2 et seq.), operated or approved for payment by the
8 division; or

9 (c) is or has been residing in a transitional living program
10 located in the State of New Jersey and approved for payment by the
11 federal government pursuant to the federal "Runaway and Homeless
12 Youth Act," Title III of Pub.L.93-415 (42 U.S.C.A. s.5701 et seq.);

13 (3) the child has received a high school diploma or a certificate
14 of high school equivalency; and

15 (4) the child has been granted admission to a New Jersey public
16 institution of higher education or county vocational school.

17 b. A child who meets the eligibility requirements listed in this
18 section may apply to the Commissioner of **[Human Services]**
19 Children and Families for a tuition waiver in a form and manner
20 prescribed by the commissioner.

21 c. Upon receipt of an application, the Commissioner of
22 **[Human Services]** Children and Families shall review the
23 application and if the child meets the program eligibility
24 requirements, the commissioner shall approve the application and
25 notify the appropriate New Jersey public institution of higher
26 education or county vocational school that the child qualifies for a
27 tuition waiver.

28 d. Eligibility for the program shall be limited to five years from
29 the date the child applied to the Commissioner of **[Human**
30 **Services]** Children and Families for a tuition waiver pursuant to
31 subsection b. of this section.

32 e. Each child approved for the program shall be required to
33 enroll in a full-time degree, diploma or certificate program or
34 course of undergraduate study and retain satisfactory academic
35 progress during the time the child qualifies for a tuition waiver.

36 (cf: P.L.2003, c.132, s.3)

37
38 158. Section 5 of P.L.2003, c.132 (C.30:4C-105) is amended to
39 read as follows:

40 5. Subject to the "Administrative Procedure Act," P.L.1968,
41 c.410 (C.52:14B-1 et seq.), the Commissioner of **[Human Services]**
42 Children and Families, in consultation with the Higher Education
43 Student Assistance Authority shall adopt rules and regulations to
44 effectuate the purposes of this act.

45 (cf: P.L.2003, c.132, s.5)

1 159. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to
2 read as follows: .

3 3. Definitions. As used in this act, and unless the context
4 otherwise requires:

5 a. "Applicant" means any person who has made application for
6 purposes of becoming a "qualified applicant."

7 b. "Commissioner" means the Commissioner of Human
8 Services.

9 c. "Department" means the Department of Human Services,
10 which is herein designated as the single State agency to administer
11 the provisions of this act.

12 d. "Director" means the Director of the Division of Medical
13 Assistance and Health Services.

14 e. "Division" means the Division of Medical Assistance and
15 Health Services.

16 f. "Medicaid" means the New Jersey Medical Assistance and
17 Health Services Program.

18 g. "Medical assistance" means payments on behalf of recipients
19 to providers for medical care and services authorized under this act.

20 h. "Provider" means any person, public or private institution,
21 agency or business concern approved by the division lawfully
22 providing medical care, services, goods and supplies authorized
23 under this act, holding, where applicable, a current valid license to
24 provide such services or to dispense such goods or supplies.

25 i. "Qualified applicant" means a person who is a resident of
26 this State, and either a citizen of the United States or an eligible
27 alien, and is determined to need medical care and services as
28 provided under this act, with respect to whom the period for which
29 eligibility to be a recipient is determined shall be the maximum
30 period permitted under federal law, and who:

31 (1) Is a dependent child or parent or caretaker relative of a
32 dependent child who would be, except for resources, eligible for the
33 aid to families with dependent children program under the State
34 Plan for Title IV-A of the federal Social Security Act as of July 16,
35 1996;

36 (2) Is a recipient of Supplemental Security Income for the Aged,
37 Blind and Disabled under Title XVI of the Social Security Act;

38 (3) Is an "ineligible spouse" of a recipient of Supplemental
39 Security Income for the Aged, Blind and Disabled under Title XVI
40 of the Social Security Act, as defined by the federal Social Security
41 Administration;

42 (4) Would be eligible to receive Supplemental Security Income
43 under Title XVI of the federal Social Security Act or, without
44 regard to resources, would be eligible for the aid to families with
45 dependent children program under the State Plan for Title IV-A of
46 the federal Social Security Act as of July 16, 1996, except for
47 failure to meet an eligibility condition or requirement imposed
48 under such State program which is prohibited under Title XIX of

- 1 the federal Social Security Act such as a durational residency
2 requirement, relative responsibility, consent to imposition of a lien;
- 3 (5) (Deleted by amendment, P.L.2000, c.71).
- 4 (6) Is an individual under 21 years of age who, without regard to
5 resources, would be, except for dependent child requirements,
6 eligible for the aid to families with dependent children program
7 under the State Plan for Title IV-A of the federal Social Security
8 Act as of July 16, 1996, or groups of such individuals, including but
9 not limited to, children in resource family placement under
10 supervision of the Division of Youth and Family Services in the
11 Department of Children and Families whose maintenance is being
12 paid in whole or in part from public funds, children placed in a
13 resource family home or institution by a private adoption agency in
14 New Jersey or children in intermediate care facilities, including
15 developmental centers for the developmentally disabled, or in
16 psychiatric hospitals;
- 17 (7) Would be eligible for the Supplemental Security Income
18 program, but is not receiving such assistance and applies for
19 medical assistance only;
- 20 (8) Is determined to be medically needy and meets all the
21 eligibility requirements described below:
- 22 (a) The following individuals are eligible for services, if they
23 are determined to be medically needy:
- 24 (i) Pregnant women;
- 25 (ii) Dependent children under the age of 21;
- 26 (iii) Individuals who are 65 years of age and older; and
- 27 (iv) Individuals who are blind or disabled pursuant to either 42
28 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.
- 29 (b) The following income standard shall be used to determine
30 medically needy eligibility:
- 31 (i) For one person and two person households, the income
32 standard shall be the maximum allowable under federal law, but
33 shall not exceed 133 1/3% of the State's payment level to two
34 person households under the aid to families with dependent children
35 program under the State Plan for Title IV-A of the federal Social
36 Security Act in effect as of July 16, 1996; and
- 37 (ii) For households of three or more persons, the income standard
38 shall be set at 133 1/3% of the State's payment level to similar size
39 households under the aid to families with dependent children
40 program under the State Plan for Title IV-A of the federal Social
41 Security Act in effect as of July 16, 1996.
- 42 (c) The following resource standard shall be used to determine
43 medically needy eligibility:
- 44 (i) For one person households, the resource standard shall be
45 200% of the resource standard for recipients of Supplemental
46 Security Income pursuant to 42 U.S.C. s.1382(1)(B);

1 (ii) For two person households, the resource standard shall be
2 200% of the resource standard for recipients of Supplemental
3 Security Income pursuant to 42 U.S.C. s.1382(2)(B);

4 (iii) For households of three or more persons, the resource
5 standard in subparagraph (c)(ii) above shall be increased by
6 \$100.00 for each additional person; and

7 (iv) The resource standards established in (i), (ii), and (iii) are
8 subject to federal approval and the resource standard may be lower
9 if required by the federal Department of Health and Human
10 Services.

11 (d) Individuals whose income exceeds those established in
12 subparagraph (b) of paragraph (8) of this subsection may become
13 medically needy by incurring medical expenses as defined in 42
14 C.F.R.435.831(c) which will reduce their income to the applicable
15 medically needy income established in subparagraph (b) of
16 paragraph (8) of this subsection.

17 (e) A six-month period shall be used to determine whether an
18 individual is medically needy.

19 (f) Eligibility determinations for the medically needy program
20 shall be administered as follows:

21 (i) County welfare agencies and other entities designated by the
22 commissioner are responsible for determining and certifying the
23 eligibility of pregnant women and dependent children. The division
24 shall reimburse county welfare agencies for 100% of the reasonable
25 costs of administration which are not reimbursed by the federal
26 government for the first 12 months of this program's operation.
27 Thereafter, 75% of the administrative costs incurred by county
28 welfare

29 agencies which are not reimbursed by the federal government shall
30 be reimbursed by the division;

31 (ii) The division is responsible for certifying the eligibility of
32 individuals who are 65 years of age and older and individuals who
33 are blind or disabled. The division may enter into contracts with
34 county welfare agencies to determine certain aspects of eligibility.
35 In such instances the division shall provide county welfare agencies
36 with all information the division may have available on the
37 individual.

38 The division shall notify all eligible recipients of the
39 Pharmaceutical Assistance to the Aged and Disabled program,
40 P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the
41 medically needy program and the program's general requirements.
42 The division shall take all reasonable administrative actions to
43 ensure that Pharmaceutical Assistance to the Aged and Disabled
44 recipients, who notify the division that they may be eligible for the
45 program, have their applications processed expeditiously, at times
46 and locations convenient to the recipients; and

47 (iii) The division is responsible for certifying incurred medical
48 expenses for all eligible persons who attempt to qualify for the

1 program pursuant to subparagraph (d) of paragraph (8) of this
2 subsection;

3 (9) (a) Is a child who is at least one year of age and under 19
4 years of age and, if older than six years of age but under 19 years of
5 age, is uninsured; and

6 (b) Is a member of a family whose income does not exceed
7 133% of the poverty level and who meets the federal Medicaid
8 eligibility requirements set forth in section 9401 of Pub.L.99-509
9 (42 U.S.C. s.1396a);

10 (10) Is a pregnant woman who is determined by a provider to be
11 presumptively eligible for medical assistance based on criteria
12 established by the commissioner, pursuant to section 9407 of
13 Pub.L.99-509 (42 U.S.C. s.1396a(a));

14 (11) Is an individual 65 years of age and older, or an individual
15 who is blind or disabled pursuant to section 301 of Pub.L.92-603
16 (42 U.S.C. s.1382c), whose income does not exceed 100% of the
17 poverty level, adjusted for family size, and whose resources do not
18 exceed 100% of the resource standard used to determine medically
19 needy eligibility pursuant to paragraph (8) of this subsection;

20 (12) Is a qualified disabled and working individual pursuant to
21 section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d) whose income
22 does not exceed 200% of the poverty level and whose resources do
23 not exceed 200% of the resource standard used to determine
24 eligibility under the Supplemental Security Income Program,
25 P.L.1973, c.256 (C.44:7-85 et seq.);

26 (13) Is a pregnant woman or is a child who is under one year of
27 age and is a member of a family whose income does not exceed
28 185% of the poverty level and who meets the federal Medicaid
29 eligibility requirements set forth in section 9401 of Pub.L.99-509
30 (42 U.S.C. s.1396a), except that a pregnant woman who is
31 determined to be a qualified applicant shall, notwithstanding any
32 change in the income of the family of which she is a member,
33 continue to be deemed a qualified applicant until the end of the 60-
34 day period beginning on the last day of her pregnancy;

35 (14) (Deleted by amendment, P.L.1997, c.272).

36 (15) (a) Is a specified low-income Medicare beneficiary pursuant
37 to 42 U.S.C. s.1396a(a)10(E)iii whose resources beginning January
38 1, 1993 do not exceed 200% of the resource standard used to
39 determine eligibility under the Supplemental Security Income
40 program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income
41 beginning January 1, 1993 does not exceed 110% of the poverty
42 level, and beginning January 1, 1995 does not exceed 120% of the
43 poverty level.

44 (b) An individual who has, within 36 months, or within 60
45 months in the case of funds transferred into a trust, of applying to
46 be a qualified applicant for Medicaid services in a nursing facility
47 or a medical institution, or for home or community-based services
48 under section 1915(c) of the federal Social Security Act (42 U.S.C.

1 s.1396n(c)), disposed of resources or income for less than fair
2 market value shall be ineligible for assistance for nursing facility
3 services, an equivalent level of services in a medical institution, or
4 home or community-based services under section 1915(c) of the
5 federal Social Security Act (42 U.S.C. s.1396n(c)). The period of
6 the ineligibility shall be the number of months resulting from
7 dividing the uncompensated value of the transferred resources or
8 income by the average monthly private payment rate for nursing
9 facility services in the State as determined annually by the
10 commissioner. In the case of multiple resource or income transfers,
11 the resulting penalty periods shall be imposed sequentially.
12 Application of this requirement shall be governed by 42 U.S.C.
13 s.1396p(c). In accordance with federal law, this provision is
14 effective for all transfers of resources or income made on or after
15 August 11, 1993. Notwithstanding the provisions of this subsection
16 to the contrary, the State eligibility requirements concerning
17 resource or income transfers shall not be more restrictive than those
18 enacted pursuant to 42 U.S.C. s.1396p(c).

19 (c) An individual seeking nursing facility services or home or
20 community-based services and who has a community spouse shall
21 be required to expend those resources which are not protected for
22 the needs of the community spouse in accordance with section
23 1924(c) of the federal Social Security Act (42 U.S.C. s.1396r-5(c))
24 on the costs of long-term care, burial arrangements, and any other
25 expense deemed appropriate and authorized by the commissioner.
26 An individual shall be ineligible for Medicaid services in a nursing
27 facility or for home or community-based services under section
28 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)) if
29 the individual expends funds in violation of this subparagraph. The
30 period of ineligibility shall be the number of months resulting from
31 dividing the uncompensated value of transferred resources and
32 income by the average monthly private payment rate for nursing
33 facility services in the State as determined by the commissioner.
34 The period of ineligibility shall begin with the month that the
35 individual would otherwise be eligible for Medicaid coverage for
36 nursing facility services or home or community-based services.

37 This subparagraph shall be operative only if all necessary
38 approvals are received from the federal government including, but
39 not limited to, approval of necessary State plan amendments and
40 approval of any waivers;

41 (16) Subject to federal approval under Title XIX of the federal
42 Social Security Act, is a dependent child, parent or specified
43 caretaker relative of a child who is a qualified applicant, who would
44 be eligible, without regard to resources, for the aid to families with
45 dependent children program under the State Plan for Title IV-A of
46 the federal Social Security Act as of July 16, 1996, except for the
47 income eligibility requirements of that program, and whose family
48 earned income,

1 (a) if a dependent child, does not exceed 133% of the poverty
2 level; and

3 (b) if a parent or specified caretaker relative, beginning
4 September 1, 2005 does not exceed 100% of the poverty level,
5 beginning September 1, 2006 does not exceed 115% of the poverty
6 level and beginning September 1, 2007 does not exceed 133% of
7 the poverty level,
8 plus such earned income disregards as shall be determined
9 according to a methodology to be established by regulation of the
10 commissioner;

11 The commissioner may increase the income eligibility limits for
12 children and parents and specified caretaker relatives, as funding
13 permits;

14 (17) Is an individual from 18 through 20 years of age who is not
15 a dependent child and would be eligible for medical assistance
16 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to
17 income or resources, who, on the individual's 18th birthday was in
18 resource family care under the care and custody of the Division of
19 Youth and Family Services in the Department of Children and
20 Families and whose maintenance was being paid in whole or in part
21 from public funds;

22 (18) Is a person between the ages of 16 and 65 who is
23 permanently disabled and working, and:

24 (a) whose income is at or below 250% of the poverty level, plus
25 other established disregards;

26 (b) who pays the premium contribution and other cost sharing as
27 established by the commissioner, subject to the limits and
28 conditions of federal law; and

29 (c) whose assets, resources and unearned income do not exceed
30 limitations as established by the commissioner;

31 (19) Is an uninsured individual under 65 years of age who:

32 (a) has been screened for breast or cervical cancer under the
33 federal Centers for Disease Control and Prevention breast and
34 cervical cancer early detection program;

35 (b) requires treatment for breast or cervical cancer based upon
36 criteria established by the commissioner;

37 (c) has an income that does not exceed the income standard
38 established by the commissioner pursuant to federal guidelines;

39 (d) meets all other Medicaid eligibility requirements; and

40 (e) in accordance with Pub.L.106-354, is determined by a
41 qualified entity to be presumptively eligible for medical assistance
42 pursuant to 42 U.S.C. s.1396a(aa), based upon criteria established
43 by the commissioner pursuant to section 1920B of the federal Social
44 Security Act (42 U.S.C. s.1396r-1b); or

45 (20) Subject to federal approval under Title XIX of the federal
46 Social Security Act, is a single adult or couple, without dependent
47 children, whose income in 2006 does not exceed 50% of the poverty
48 level, in 2007 does not exceed 75% of the poverty level and in 2008

1 and each year thereafter does not exceed 100% of the poverty level;
2 except that a person who is a recipient of Work First New Jersey
3 general public assistance, pursuant to P.L.1947, c.156 (C.44:8-107
4 et seq.), shall not be a qualified applicant.

5 j. "Recipient" means any qualified applicant receiving benefits
6 under this act.

7 k. "Resident" means a person who is living in the State
8 voluntarily with the intention of making his home here and not for a
9 temporary purpose. Temporary absences from the State, with
10 subsequent returns to the State or intent to return when the purposes
11 of the absences have been accomplished, do not interrupt continuity
12 of residence.

13 l. "State Medicaid Commission" means the Governor, the
14 Commissioner of Human Services, the President of the Senate and
15 the Speaker of the General Assembly, hereby constituted a
16 commission to approve and direct the means and method for the
17 payment of claims pursuant to this act.

18 m. "Third party" means any person, institution, corporation,
19 insurance company, group health plan as defined in section 607(1)
20 of the federal "Employee Retirement and Income Security Act of
21 1974," 29 U.S.C. s.1167(1), service benefit plan, health
22 maintenance organization, or other prepaid health plan, or public,
23 private or governmental entity who is or may be liable in contract,
24 tort, or otherwise by law or equity to pay all or part of the medical
25 cost of injury, disease or disability of an applicant for or recipient
26 of medical assistance payable under this act.

27 n. "Governmental peer grouping system" means a separate
28 class of skilled nursing and intermediate care facilities administered
29 by the State or county governments, established for the purpose of
30 screening their reported costs and setting reimbursement rates under
31 the Medicaid program that are reasonable and adequate to meet the
32 costs that must be incurred by efficiently and economically operated
33 State or county skilled nursing and intermediate care facilities.

34 o. "Comprehensive maternity or pediatric care provider" means
35 any person or public or private health care facility that is a provider
36 and that is approved by the commissioner to provide comprehensive
37 maternity care or comprehensive pediatric care as defined in
38 subsection b. (18) and (19) of section 6 of P.L.1968, c.413
39 (C.30:4D-6).

40 p. "Poverty level" means the official poverty level based on
41 family size established and adjusted under Section 673(2) of
42 Subtitle B, the "Community Services Block Grant Act," of
43 Pub.L.97-35 (42 U.S.C. s.9902(2)).

44 q. "Eligible alien" means one of the following:

45 (1) an alien present in the United States prior to August 22,
46 1996, who is:

47 (a) a lawful permanent resident;

1 (b) a refugee pursuant to section 207 of the federal "Immigration
2 and Nationality Act" (8 U.S.C. s.1157);

3 (c) an asylee pursuant to section 208 of the federal
4 "Immigration and Nationality Act" (8 U.S.C. s.1158);

5 (d) an alien who has had deportation withheld pursuant to
6 section 243(h) of the federal "Immigration and Nationality Act" (8
7 U.S.C. s.1253 (h));

8 (e) an alien who has been granted parole for less than one year
9 by the U.S. Citizenship and Immigration Services pursuant to
10 section 212(d)(5) of the federal "Immigration and Nationality Act"
11 (8 U.S.C. s.1182(d)(5));

12 (f) an alien granted conditional entry pursuant to section
13 203(a)(7) of the federal "Immigration and Nationality Act" (8
14 U.S.C. s.1153(a)(7)) in effect prior to April 1, 1980; or

15 (g) an alien who is honorably discharged from or on active duty
16 in the United States armed forces and the alien's spouse and
17 unmarried dependent child.

18 (2) An alien who entered the United States on or after August
19 22, 1996, who is:

20 (a) an alien as described in paragraph (1)(b), (c), (d) or (g) of
21 this subsection; or

22 (b) an alien as described in paragraph (1)(a), (e) or (f) of this
23 subsection who entered the United States at least five years ago.

24 (3) A legal alien who is a victim of domestic violence in
25 accordance with criteria specified for eligibility for public benefits
26 as provided in Title V of the federal "Illegal Immigration Reform
27 and Immigrant Responsibility Act of 1996" (8 U.S.C. s.1641).

28 (cf: P.L.2005, c.169, s.17)

29

30 160. Section 10 of P.L.1985, c.307 (C.30:4G-10) is amended to
31 read as follows:

32 a. There is established in the department an Advisory Council
33 on Personal Attendant Services which consists of 19 members as
34 follows: the Commissioner of Health and Senior Services, the
35 Director of the Division of Youth and Family Services in the
36 Department of Children and Families, the Director of the Division
37 of Developmental Disabilities, and the Director of the Division of
38 Medical Assistance and Health Services **[and the Director of the**
39 **Division of Veterans' Programs and Special Services]** in the
40 Department of Human Services, the Director of the Division of
41 Veterans Services in the Department of Military and Veterans
42 Affairs, and the Director of the Division of Vocational
43 Rehabilitation Services in the Department of Labor and Workforce
44 Development, or their designees, who shall serve ex officio, and 13
45 members appointed by the commissioner who are residents of this
46 State, one of whom is a member of the New Jersey Association of
47 County Representatives of Disabled Persons, four of whom
48 represent providers of personal attendant services, five of whom

1 represent consumers of personal attendant services and three of
2 whom represent advocacy groups or agencies for the physically
3 disabled.

4 A vacancy in the membership of the council shall be filled in the
5 same manner as the original appointment.

6 The members of the council shall serve without compensation,
7 but the department shall reimburse the members for the reasonable
8 expenses incurred in the performance of their duties.

9 b. The council shall hold an organizational meeting within 30
10 days after the appointment of its members. The members of the
11 council shall elect from among them a chairman, who shall be the
12 chief executive officer of the council and the members shall elect a
13 secretary, who need not be a member of the council.

14 c. The council shall:

15 (1) Advise the commissioner on matters pertaining to personal
16 attendant services and the development of the personal attendant
17 program, upon the request of the commissioner;

18 (2) Review the rules and regulations promulgated for the
19 implementation of the personal attendant program and make
20 recommendations to the commissioner, as appropriate;

21 (3) Evaluate the effectiveness of the personal attendant program
22 in achieving the purposes of this act; and

23 (4) Assess the Statewide need for personal attendant services
24 and the projected cost for providing these services Statewide.

25 (cf: P.L.1985, c.524, s.7)

26

27 161. Section 3 of P.L.1983, c.492 (C.30:5B-3) is amended to
28 read as follows:

29 3. As used in this act:

30 a. "Child" means any person under the age of 13.

31 b. "Child care center" or "center" means any facility which is
32 maintained for the care, development or supervision of six or more
33 children who attend the facility for less than 24 hours a day. In the
34 case of a center operating in a sponsor's home, children who reside
35 in the home shall not be included when counting the number of
36 children being served. This term shall include, but shall not be
37 limited to, day care centers, drop-in centers, nighttime centers,
38 recreation centers sponsored and operated by a county or municipal
39 government recreation or park department or agency, day nurseries,
40 nursery and play schools, cooperative child centers, centers for
41 children with special needs, centers serving sick children, infant-
42 toddler programs, school age child care programs, employer
43 supported centers, centers that had been licensed by the Department
44 of Human Services prior to the enactment of the "Child Care Center
45 Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.) and
46 kindergartens that are not an integral part of a private educational
47 institution or system offering elementary education in grades

- 1 kindergarten through sixth, seventh or eighth. This term shall not
2 include:
- 3 (1) (Deleted by amendment, P.L.1992, c.95).
- 4 (2) A program operated by a private school which is run
5 solely for educational purposes. This exclusion shall include
6 kindergartens, prekindergarten programs or child care centers that
7 are an integral part of a private educational institution or system
8 offering elementary education in grades kindergarten through sixth,
9 seventh or eighth;
- 10 (3) Centers or special classes operated primarily for religious
11 instruction or for the temporary care of children while persons
12 responsible for such children are attending religious services;
- 13 (4) A program of specialized activity or instruction for children
14 that is not designed or intended for child care purposes, including,
15 but not limited to, Boy Scouts, Girl Scouts, 4-H clubs, and Junior
16 Achievement, and single activity programs such as athletics,
17 gymnastics, hobbies, art, music, and dance and craft instruction,
18 which are supervised by an adult, agency or institution;
- 19 (5) Youth camps required to be licensed under the "New Jersey
20 Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.). To
21 qualify for an exemption from licensing under this provision, a
22 program must have a valid and current license as a youth camp
23 issued by the Department of Health and Senior Services. A youth
24 camp sponsor who also operates a child care center shall secure a
25 license from the Department of **【Human Services】** Children and
26 Families for the center;
- 27 (6) Day training centers operated by or under contract with the
28 Division of Developmental Disabilities within the Department of
29 Human Services;
- 30 (7) Programs operated by the board of education of the local
31 public school district that is responsible for their implementation
32 and management;
- 33 (8) A program such as that located in a bowling alley, health spa
34 or other facility in which each child attends for a limited time
35 period while the parent is present and using the facility;
- 36 (9) A child care program operating within a geographical area,
37 enclave or facility that is owned or operated by the federal
38 government;
- 39 (10) A family day care home that is registered pursuant to the
40 "Family Day Care Provider Registration Act," P.L.1987, c.27
41 (C.30:5B-16 et seq.); and
- 42 (11) Privately operated infant and preschool programs that are
43 approved by the Department of Education to provide services
44 exclusively to local school districts for handicapped children,
45 pursuant to N.J.S.18A:46-1 et seq.
- 46 c. "Commissioner" means the Commissioner of **【the**
47 **Department of Human Services】** Children and Families.

1 d. "Department" means the Department of **【Human Services】**
2 Children and Families.

3 e. "Parent" means a natural or adoptive parent, guardian, or any
4 other person having responsibility for, or custody of, a child.

5 f. "Person" means any individual, corporation, company,
6 association, organization, society, firm, partnership, joint stock
7 company, the State or any political subdivision thereof.

8 g. "Sponsor" means any person owning or operating a child
9 care center.

10 (cf: P.L.1992, c.95, s.2)

11

12 162. Section 5 of P.L.1999, c.171 (C.30:5B-5.4) is amended to
13 read as follows:

14 5. The Commissioner of **【Human Services】** Children and
15 Families, pursuant to the "Administrative Procedure Act," P.L.1968,
16 c.410 (C.52:14B-1 et seq.), shall adopt regulations to provide for
17 the implementation by licensed child care centers , registered family
18 day care homes, and unified child care agencies of such procedures
19 as the commissioner deems necessary to effectuate the purposes of
20 subsection f. of section 4 of P.L.1997, c.272 (C.30:4I-4).

21 (cf: P.L.1999, c.171, s.5)

22

23 163. Section 1 of P.L.1997, c.254 (C.30:5B-6.1) is amended to
24 read as follows:

25 1. As used in this act:

26 "Department" means the Department of **【Human Services】**
27 Children and Families.

28 "Division" means the Division of Youth and Family Services in
29 the Department of **【Human Services】** Children and Families.

30 "Staff member" means any owner, sponsor, director or person
31 employed by or working at a child care center on a regularly
32 scheduled basis during the center's operating hours, including full-
33 time, part-time, voluntary, contract, consulting, and substitute staff,
34 whether compensated or not.

35 "Child care center" or "Center" means any facility which is
36 maintained for the care, development or supervision of six or more
37 children under 13 years of age who attend the facility for less than
38 24 hours a day, and which is subject to State licensure or life-safety
39 approval, pursuant to the provisions of the "Child Care Licensing
40 Act," P.L. 1983, c.492 (C.30:5B-1 to 30:5B-15) .

41 (cf: P.L.1997, c.254, s.1)

42

43 164. Section 1 of P.L.2000, c.77 (C30:5B-6.10) is amended to
44 read as follows:

45 1. As used in sections 1 through 7 and 9 through 12 of
46 P.L.2000, c.77 (C.30:5B-6.10 et seq.):

47 "Child care center" or "center" means any facility which is
48 maintained for the care, development or supervision of six or more

1 children under 13 years of age who attend the facility for less than
2 24 hours a day, and which is subject to State licensure or life-safety
3 approval pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

4 “Department” means the Department of **【Human Services】**
5 Children and Families.

6 “Division” means the Division of Youth and Family Services in
7 the Department of **【Human Services】** Children and Families.

8 “Staff member” means a person 18 years of age or older who
9 owns, sponsors, or directs a child care center, or who is employed
10 by or works in a child care center on a regularly scheduled basis
11 during the center's operating hours, including full-time, part-time,
12 voluntary, contract, consulting, and substitute staff, whether
13 compensated or not.

14 (cf: P.L.2000, c.77, s.1)

15

16 165. Section 14 of P.L.1983, c.492 (C.30:5B-14) is amended to
17 read as follows:

18 14. a. The Director of the Division of **【Youth and Family**
19 **Services】** Family Development in the Department of Human
20 Services, a designee of the Commissioner of Children and Families,
21 and the Director of the Division on Women in the Department of
22 Community Affairs shall establish a Child Care Advisory Council
23 which shall consist of at least 15 individuals who have experience,
24 training or other interests in child care issues. To the extent
25 possible, the directors shall designate members of existing councils
26 or task forces heretofore established on child care in New Jersey as
27 the advisory council.

28 b. The advisory council shall:

29 (1) Review rules and regulations or proposed revisions to
30 existing rules and regulations governing the licensing of child care
31 centers;

32 (2) Review proposed statutory amendments governing the
33 licensing of child care centers and make recommendations to the
34 commissioner;

35 (3) Advise the commissioner on the administration of the
36 licensing responsibilities under this act;

37 (4) Advise the Commissioners of Human Services, Children and
38 Families, and Community Affairs and other appropriate units of
39 State government on the needs, priorities, programs, and policies
40 relating to child care throughout the State;

41 (5) Study and recommend alternative resources for child care;
42 and

43 (6) Facilitate employer supported child care through information
44 and technical assistance.

45 c. The advisory council may accept from any governmental
46 department or agency, public or private body or any other source

1 grants or contributions to be used in carrying out its responsibilities
2 under this act.

3 (cf: P.L.1992, c.95, s.4)

4

5 166. Section 3 of P.L.1987, c.27 (C.30:5B-18) is amended to
6 read as follows:

7 3. As used in this act:

8 a. "Certificate of registration" means a certificate issued by the
9 department to a family day care provider, acknowledging that the
10 provider is registered pursuant to the provisions of this act.

11 b. "Department" means the Department of **[Human Services]**
12 Children and Families.

13 c. "Family day care home" means a private residence in which
14 child care services are provided for a fee to no less than three and
15 no more than five children at any one time for no less than 15 hours
16 per week; except that the department shall not exclude a family day
17 care home with less than three children from voluntary registration.
18 A child being cared for under the following circumstances is not
19 included in the total number of children receiving child care
20 services:

21 (1) The child being cared for is legally related to the provider;
22 or

23 (2) Care is being provided as part of an employment agreement
24 between the family day care provider and an assistant or substitute
25 provider where no payment for the care is being provided.

26 d. "Family day care provider" means a person at least 18 years
27 of age who is responsible for the operation and management of a
28 family day care home.

29 e. "Family day care sponsoring organization" means an agency
30 or organization which contracts with the department to assist in the
31 registration of family day care providers in a specific geographical
32 area.

33 f. "Monitor" means to visit a family day care provider to
34 review the provider's compliance with the standards established
35 pursuant to this act.

36 (cf; P.L.2004, c.130, s.103)

37

38 167. Section 10 of P.L.1987, c.27 (C.30:5B-25) is amended to
39 read as follows:

40 The Commissioner of **[Human Services]** Children and Families
41 shall, pursuant to the "Administrative Procedure Act," P.L. 1968, c.
42 410 (C. 52:14B-1 et seq.), adopt regulations necessary to implement
43 the provisions of this act.

44 (cf: P.L.1987, c.27, s.10)

45

46 168. Section 2 of P.L.1993, c.350 (C.30:5B-25.2) is amended to
47 read as follows:

1 2. As used in sections 1 through 4 of P.L.1993, c.350
2 (C.30:5B-25.1 through C.30:5B-25.4):

3 “Child abuse registry” means the child abuse registry of the
4 Division of Youth and Family Services in the Department of
5 **[Human Services]** Children and Families established pursuant to
6 section 4 of P.L.1971, c.437 (C.9:6-8.11).

7 “Provider” means a family day care provider as defined by
8 section 3 of P.L.1987, c.27 (C.30:5B-18) and includes, but is not
9 limited to, a family day care provider's assistant and a substitute
10 family day care provider.

11 “Family day care sponsoring organization” means an agency or
12 organization which contracts with the Department of Human
13 Services to assist in the registration of family day care providers in
14 a specific geographic area pursuant to P.L.1987, c.27 (C.30:5B-16
15 et seq.).

16 “Household member” means an individual over 14 years of age
17 who resides in a family day care provider's home.

18 (cf: P.L.2004, c.130, s.107)

19

20 169. Section 3 of P.L.1993, c.350 (C.30:5B-25.3) is amended to
21 read as follows:

22 3. a. The Division of Youth and Family Services in the
23 Department of **[Human Services]** Children and Families shall
24 conduct a search of its child abuse registry to determine if a report
25 of child abuse or neglect has been filed, pursuant to section 3 of
26 P.L.1971, c.437 (C.9:6-8.10), involving a person registering as a
27 prospective provider or a household member of the prospective
28 provider or as a current provider or household member of the
29 current provider.

30 b. The division shall conduct the search only upon receipt of
31 the prospective or current provider or household member's written
32 consent to the search. If the person refuses to provide his consent,
33 the family day care sponsoring organization shall deny the
34 prospective or current provider's application for a certificate or
35 renewal of registration.

36 c. The division shall advise the sponsoring organization of the
37 results of the child abuse registry search within a time period to be
38 determined by the Department of **[Human Services]** Children and
39 Families.

40 d. The department shall not issue a certificate or renewal of
41 registration to a prospective or current provider unless the
42 department has first determined that no substantiated charge of
43 child abuse or neglect against the prospective or current provider or
44 household member is found during the child abuse registry search.

45 (cf: P.L.2004, c.130, s.108)

46

47 170. Section 4 of P.L.1993, c.350 (C.30:5B-25.4) is amended to
48 read as follows:

1 4. In accordance with the “Administrative Procedure Act,”
2 P.L.1968, c.410 (C.52:14B-1 et seq.), the Department of [Human
3 Services] Children and Families shall adopt rules and regulations
4 necessary to implement the provisions of sections 1 through 4 of
5 P.L.1993, c.350 (C.30:5B-25.1 through C.30:5B-25.4) including,
6 but not limited to:

7 a. Implementation of an appeals process to be used in the case
8 of the denial of an application for a certificate or for renewal of
9 registration based upon information obtained during a child abuse
10 registry search; and

11 b. Establishment of time limits for conducting a child abuse
12 registry search and providing a family day care sponsoring
13 organization with the results of the search.

14 (cf: P.L.2004, c.130, s.109)

15
16 171. Section 2 of P.L.2003, c.185 (C.30:5B-32) is amended to
17 read as follows:

18 2. a. A unified child care agency contracted with the
19 Department of Human Services pursuant to N.J.A.C.10:15-2.1, shall
20 request that the Division of Youth and Family Services in the
21 Department of [Human Services] Children and Families conduct a
22 child abuse record information check of the division's child abuse
23 records, as promptly as possible, to determine if an incident of child
24 abuse or neglect has been substantiated, pursuant to section 4 of
25 P.L.1971, c.437 (C.9:6-8.11), against:

26 (1) a prospective approved home provider as defined in
27 N.J.A.C.10:15-1.2 providing child care services under the “New
28 Jersey Cares for Kids Program” established pursuant to
29 N.J.A.C.10:15-5.1, or to a child whose parent is receiving
30 assistance under the Work First New Jersey program established
31 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) or is employed but
32 continues to receive supportive services pursuant to the provisions
33 of section 5 of P.L.1997, c.13 (C.44:10-38); or

34 (2) any adult member of the prospective provider's household.

35 b. The division shall conduct the child abuse record
36 information check only upon receipt of the prospective approved
37 home provider's or any adult household member's written consent to
38 the check. If the person refuses to provide his consent, the unified
39 child care agency shall deny the prospective approved home
40 provider's application to provide child care services.

41 c. If the division determines that an incident of child abuse or
42 neglect by the prospective approved home provider or any adult
43 member of the household has been substantiated, the division shall
44 release the results of the child abuse record information check to the
45 unified child care agency pursuant to subsection g. of section 1 of
46 P.L.1977, c.102 (C.9:6-8.10a) and the agency shall deny the
47 prospective approved home provider's application to provide child
48 care services.

1 d. Before denying the prospective approved home provider's
2 application to provide child care services, the unified child care
3 agency shall give notice personally or by certified or registered mail
4 to the last known address of the prospective approved home
5 provider with return receipt requested, of the reasons why the
6 application will be denied. The notice shall afford the prospective
7 approved home provider the opportunity to be heard and to contest
8 the agency's action. The hearing shall be conducted in accordance
9 with the "Administrative Procedure Act," P.L.1968, c.410
10 (C.52:14B-1 et seq.).

11 e. If a prospective approved home provider's application to
12 provide child care services is denied, the unified child care agency
13 shall notify the parent of the child who would be eligible to receive
14 such services, personally and in writing, of the reasons why the
15 application was denied and the parent's right to select another
16 provider. The parent shall keep such information confidential and
17 shall not disclose the information except as authorized by law.
18 (cf: P.L.2003, c.185, s.2)

19

20 172. Section 2 of P.L.1995, c.321 (C.30:9A-19) is amended to
21 read as follows:

22 2. a. A person shall not conduct, maintain or operate a mental
23 health program unless: (1) the commissioner or the Commissioner
24 of Children and Families, as applicable, has issued a license to that
25 person, in accordance with rules and regulations adopted by the
26 commissioner or the Commissioner of Children and Families, as
27 applicable, which prescribe standards for the provision of services
28 by a mental health program; and (2) that person has a purchase of
29 service contract or an affiliation agreement with the Division of
30 Mental Health Services in the Department of Human Services or the
31 Department of Children and Families, including, but not limited to,
32 the Division of Child Behavioral Health Services, as applicable.

33 b. Application for a license to conduct, maintain or operate a
34 mental health program shall be made upon forms prescribed by the
35 commissioner or the Commissioner of Children and Families, as
36 applicable. The commissioner or the Commissioner of Children
37 and Families, as applicable, shall charge such nonrefundable fees
38 for the filing of an application for a license, and for any renewal
39 thereof, as the commissioner or the Commissioner of Children and
40 Families, as applicable, shall from time to time fix by regulation.
41 (cf: P.L.2003, c.117, s.37)

42

43 173. Section 3 of P.L.1995, c.321 (C.30:9A-20) is amended to
44 read as follows:

45 3. Nothing in this act shall be construed to:

46 a. limit the authority of the Department of Health and Senior
47 Services with respect to the licensure of a health care facility
48 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), regardless of

1 whether the facility operates a separate psychiatric unit or service,
2 or limit the authority of the Department of Human Services with
3 respect to the licensure of an alcohol treatment facility pursuant to
4 P.L.1975, c.305 (C.26:2B-7 et seq.), or the issuance of a certificate
5 of approval to a narcotic and drug abuse treatment center pursuant
6 to P.L.1970, c.334 (C.26:2G-21 et seq.);

7 b. require the licensure of any facility or center referenced in
8 subsection a. of this section by the Department of Human Services;
9 or

10 c. require licensure of a mental health agency which does not
11 provide a mental health program that is subject to regulations
12 adopted by the commissioner or the Commissioner of Children and
13 Families, as applicable.

14 (cf: P.L.1995, c.321, s.3)

15
16 174. Section 4 of P.L.1995, c.321 (C.30:9A-21) is amended to
17 read as follows:

18 4. The commissioner or the Commissioner of Children and
19 Families, as applicable, pursuant to the "Administrative Procedure
20 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
21 regulations to effectuate the purposes of this act.

22 (cf: P.L.1995, c.321, s.4)

23
24 175. Section 4 of P.L.2003, c.214 (C.30:9A-25) is amended to
25 read as follows:

26 4. There is established in the Department of **【Human Services】**
27 Children and Families the New Jersey Youth Suicide Prevention
28 Advisory Council.

29 a. The purpose of the council shall be to: examine existing
30 needs and services and make recommendations to the division for
31 youth suicide reporting, prevention and intervention; advise the
32 division on the content of informational materials to be made
33 available to persons who report attempted or completed suicides;
34 and advise the division in the development of regulations required
35 pursuant to this act.

36 b. The council shall consist of **【17】** 18 members as follows:

37 (1) the Commissioners of Human Services, Children and
38 Families, Health and Senior Services, and Education, the executive
39 director of the Juvenile Justice Commission established pursuant to
40 P.L.1995, c.284 (C.52:17B-169 et seq.) and the chairman of the
41 Community Mental Health Citizens Advisory Board established
42 pursuant to P.L.1957, c.146 (C.30:9A-1 et seq.), or their designees,
43 who shall serve ex officio;

44 (2) six public members appointed by the Governor, as follows:
45 one person who is a current member of a county mental health
46 advisory board, one person with personal or family experience with
47 suicide, one person who is a current or retired primary or secondary
48 school teacher, one person who is a current or former member of a

1 local board of education, one psychiatrist and one person with
2 professional experience in the collection and reporting of social
3 science data;

4 (3) three public members appointed by the President of the
5 Senate, no more than two of whom are members of the same
6 political party, one of whom has volunteer or paid experience in the
7 provision of services to survivors of suicide or youth at risk of
8 attempting suicide, one of whom is an alcohol and drug counselor,
9 and one of whom is a representative of the New Jersey Traumatic
10 Loss Coalition; and

11 (4) three public members appointed by the Speaker of the
12 General Assembly, no more than two of whom are members of the
13 same political party, one of whom has knowledge of and interest in
14 the prevention of youth suicide and the provision of education about
15 suicide to high-risk populations, including religious, racial, ethnic
16 or sexual minorities, one of whom is a pediatrician, and one of
17 whom is a school-based counselor.

18 c. The public members shall be appointed no later than 60 days
19 after the date of enactment of this act.

20 d. The public members shall serve for a term of five years; but,
21 of the members first appointed, three shall serve for a term of two
22 years, three for a term of three years, three for a term of four years
23 and three for a term of five years. Members are eligible for
24 reappointment upon the expiration of their terms. Vacancies in the
25 membership of the council shall be filled in the same manner
26 provided for the original appointments.

27 e. The council shall organize as soon as practicable following
28 the appointment of its members and shall select a chairperson and
29 vice-chairperson from among the members. The chairperson shall
30 appoint a secretary who need not be a member of the council.

31 f. The public members shall serve without compensation, but
32 shall be reimbursed for necessary expenses incurred in the
33 performance of their duties and within the limits of funds available
34 to the council.

35 g. The council shall be entitled to call to its assistance and avail
36 itself of the services of the employees of any State, county or
37 municipal department, board, bureau, commission or agency as it
38 may require and as may be available to it for its purposes.

39 h. The Department of **【Human Services】** Children and
40 Families shall provide staff support to the council.

41 (cf: P.L.2003, c.214, s.4)

42

43 176. Section 1 of P.L.1977, c.448, (C.30:11B-1) is amended to
44 read as follows:

45 1. The Legislature finds that many developmentally disabled
46 persons who are now housed in large institutions can be better cared
47 for and given training for independent living in small community
48 residences. Such persons have a right to the fuller, more normal life

1 that care in such residences brings, and it is, therefore, the intention
2 of the Legislature, through this act, to encourage the development
3 of community residences for the developmentally disabled and to
4 provide for the licensing and regulation of such residences by the
5 Department of Human Services.

6 The Legislature further finds that there are many persons who
7 have been hospitalized due to mental illness and are recovered to
8 the extent that they no longer require such hospitalization, but
9 would benefit from the specialized independent-living training
10 available to residents of small community residences for the
11 mentally ill. These community residences for the mentally ill may
12 also be utilized by persons who have not been hospitalized for
13 mental illness but who are participating in community mental health
14 counseling or training programs provided by a State-affiliated
15 community mental health agency. These persons have a right to the
16 fuller, more normal life that care in community residences brings,
17 and it is, therefore, the intention of the Legislature through this act,
18 to encourage the development of community residences for the
19 mentally ill and to provide for the licensing and regulation of the
20 residences by the Department of Human Services or the Department
21 of Children and Families, as applicable.

22 In addition, the Legislature finds that many persons who have
23 sustained head injuries which impair their cognitive, behavioral,
24 social or physical functioning, and who are now housed in large
25 institutions can be better cared for and given training for
26 independent living in small community residences. These persons
27 have a right to the fuller, more normal life that care in these
28 residences brings, and it is, therefore, the intention of the
29 Legislature, through this act, to encourage the development of
30 community residences for persons with head injuries and to provide
31 for the licensing and regulation of these residences by the
32 Department of Human Services.

33 (cf: P.L.1993, c.329, s.1)

34

35 177. Section 2 of P.L.1977, c.448, (C.30:11B-2) is amended to
36 read as follows:

37 2. "Community residence for the developmentally disabled"
38 means any community residential facility housing up to 16
39 developmentally disabled persons which provides food, shelter and
40 personal guidance for developmentally disabled persons who
41 require assistance, temporarily or permanently, in order to live
42 independently in the community. Such residences shall not be
43 considered health care facilities within the meaning of the "Health
44 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)
45 and shall include, but not be limited to, group homes, halfway
46 houses, supervised apartment living arrangements and hostels.

47 "Community residence for the mentally ill" means any
48 community residential facility which provides food, shelter and

1 personal guidance, under such supervision as required, to not more
2 than 15 mentally ill persons who require assistance temporarily or
3 permanently, in order to live independently in the community.
4 These residences shall be approved for a purchase of service
5 contract or an affiliation agreement pursuant to procedures
6 established by the Division of Mental Health Services in the
7 Department of Human Services or the Division of Child Behavioral
8 Health Services in the Department of Children and Families, as
9 applicable. These residences shall not house persons who have been
10 assigned to a State psychiatric hospital after having been found not
11 guilty of a criminal offense by reason of insanity or unfit to be tried
12 on a criminal charge. These residences shall not be considered
13 health care facilities within the meaning of the "Health Care
14 Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) and
15 shall include, but not be limited to, group homes, halfway houses,
16 supervised apartment living arrangements, family care homes and
17 hostels.

18 "Community residence for persons with head injuries" means a
19 community residential facility providing food, shelter and personal
20 guidance, under such supervision as required, to not more than 15
21 persons with head injuries, who require assistance, temporarily or
22 permanently, in order to live in the community, and shall include,
23 but not be limited to: group homes, halfway houses, supervised
24 apartment living arrangements, and hostels. Such a residence shall
25 not be considered a health care facility within the meaning of the
26 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1
27 et seq.).

28 "Developmental disability" or "developmentally disabled" means
29 a severe, chronic disability of a person which: a. is attributable to a
30 mental or physical impairment or combination of mental or physical
31 impairments; b. is manifest before age 22; c. is likely to continue
32 indefinitely; d. results in substantial functional limitations in three
33 or more of the following areas of major life activity, that is, self-
34 care, receptive and expressive language, learning, mobility, self-
35 direction and capacity for independent living or economic self-
36 sufficiency; and e. reflects the need for a combination and sequence
37 of special interdisciplinary or generic care, treatment or other
38 services which are of lifelong or extended duration and are
39 individually planned and coordinated. Developmental disability
40 includes, but is not limited to, severe disabilities attributable to
41 mental retardation, autism, cerebral palsy, epilepsy, spina bifida and
42 other neurological impairments where the above criteria are met.

43 "Mentally ill" means any psychiatric disorder which has required
44 an individual to receive either inpatient psychiatric care or
45 outpatient psychiatric care on an extended basis.

46 "Person with head injury" means a person who has sustained an
47 injury, illness or traumatic changes to the skull, the brain contents
48 or its coverings which results in a temporary or permanent

1 physiobiological decrease of cognitive, behavioral, social or
2 physical functioning which causes partial or total disability.

3 (cf: P.L.1995, c.4, s.9)

4

5 178. Section 4 of P.L.1977, c.448, (C.30:11B-4) is amended to
6 read as follows:

7 4. All such residences which are operated by any individual or
8 individuals, corporation, partnership, society or association,
9 whether public or private, whether incorporated or unincorporated,
10 whether for profit or nonprofit, shall be licensed by the Department
11 of Human Services or Department of Children and Families, as
12 applicable, under appropriate regulations promulgated by the
13 commissioner or the Commissioner of Children and Families, as
14 applicable. Such regulations shall govern the operation and
15 maintenance of residences, and prescribe conditions for admission
16 and discharge of residents. The regulations shall assure that
17 essential life-safety, health and comfort conditions exist in a home-
18 like atmosphere.

19 (cf: P.L.1977, c.448, s.4)

20

21 179. Section 10 of P.L.1987, c.112 (C.30:11B-4.2) is amended
22 to read as follows:

23 10. a. Within six months of the effective date of this act, the
24 Director of the Division of Mental Health Services in the
25 Department of Human Services or the Division of Child Behavioral
26 Health Services in the Department of Children and Families, as
27 applicable shall develop program standards which include criteria
28 for educational and professional experience of employees of a
29 community residence for the mentally ill and staffing ratios
30 appropriate to the needs of the residents of the community
31 residences for the mentally ill.

32 b. Within six months after the effective date of P.L.1993,
33 c.329, the Commissioner of Human Services or the Commissioner
34 of Children and Families, as applicable, shall develop program
35 standards which include criteria for educational and professional
36 experience of employees of a community residence for persons with
37 head injuries and staffing ratios appropriate to the needs of the
38 residents of these community residences.

39 (cf: P.L.1995, c.4, s.10)

40

41 180. Section 5 of P.L.1977, c.448 (C.30:11B-5) is amended to
42 read as follows:

43 5. The geographic location of community residences for the
44 developmentally disabled, community residences for the mentally
45 ill and community residences for persons with head injuries shall be
46 monitored by the Department of Human Services or Department of
47 Children and Families, as applicable. Through the granting or
48 withholding of licenses, the respective department shall insure that

1 these residences are available throughout the State, without
2 unnecessary concentration in any area.

3 (cf: P.L.1993, c.329, s.5)

4

5 181. Section 4 of P.L.1979, c.337 (C.30:14-4) is amended to
6 read as follows:

7 4. a. There is created an Advisory Council on Domestic
8 Violence which shall consist of 20 members: the Director of the
9 Division on Women in the Department of Community Affairs, the
10 Director of the Division of Youth and Family Services in the
11 Department of Children and Families and the Director of the
12 Division of Family Development in the Department of Human
13 Services, the Director of the Administrative Office of the Courts,
14 the Commissioner of the Department of Education, the
15 Commissioner of Labor and Workforce Development, the Attorney
16 General, or their designees, and one representative of Legal
17 Services of New Jersey, one former domestic violence shelter
18 resident, one representative of the Police Chiefs Association, one
19 representative of the County Prosecutors Association, one
20 representative of the New Jersey State Nurses Association, one
21 representative of the Mental Health Association in New Jersey, one
22 representative of the New Jersey Crime Prevention Officers
23 Association, one representative of the New Jersey Hospital
24 Association, one representative of the Violent Crimes
25 Compensation Board, and four representatives of the New Jersey
26 Coalition for Battered Women to be appointed by the Governor.

27 b. The advisory council shall:

28 (1) Monitor the effectiveness of the laws concerning domestic
29 violence and make recommendations for their improvement;

30 (2) Review proposed legislation governing domestic violence
31 and make recommendations to the Governor and the Legislature;

32 (3) Study the needs, priorities, programs, and policies relating to
33 domestic violence throughout the State; and

34 (4) Ensure that all service providers and citizens are aware of
35 the needs of and services available to victims of domestic violence
36 and make recommendations for community education and training
37 programs.

38 c. The advisory council shall periodically advise the Director
39 of the Division of Youth and Family Services in the Department of
40 **[Human Services]** Children and Families and the Director of the
41 Division on Women in the Department of Community Affairs on its
42 activities, findings and recommendations.

43 (cf: P.L.2005, c.309, s.4)

44

45 182. Section 3 of P.L.2001, c.195 (C.30:14-15) is amended to
46 read as follows:

47 3. a. There is hereby established the "Domestic Violence
48 Victims' Fund," a dedicated fund within the General Fund and

1 administered by the Division of Youth and Family Services in the
2 Department of ~~Human Services~~ Children and Families. The fund
3 shall be the depository of moneys realized from the civil penalty
4 imposed pursuant to section 1 of P.L.2001, c.195 (C.2C:25-29.1)
5 and any other moneys made available for the purposes of the fund.

6 b. All moneys deposited in the "Domestic Violence Victims'
7 Fund" shall be used for direct services to victims of domestic
8 violence, including, but not limited to, shelter services, legal
9 advocacy services and legal assistance services, and for related
10 administrative costs of the Division of Youth and Family Services.

11 (cf: P.L.2001, c.195, s.3)

12

13 183. Section 5 of P.L.1997, c.364 (C.34:5A-10.5) is amended to
14 read as follows:

15 5. The Department of Health and Senior Services, in
16 consultation with the Departments of Education, Human Services,
17 Children and Families and Environmental Protection, and within
18 180 days of the enactment of P.L.1997, c.364 (C.34:5A-10.1 et
19 seq.), shall adopt, pursuant to the "Administrative Procedure Act,"
20 P.L.1968, c.410 (C.52:14B-1 et seq.), regulations necessary to
21 implement the provisions of this act which are consistent with
22 federal and State indoor air quality standards and standards
23 governing the exposure of children to hazardous substances as they
24 are adopted by the federal government.

25 (cf: P.L.1997, c.364, s.5)

26

27 184. Section 3 of P.L.1999, c.279 (C.34:15F-3) is amended to
28 read as follows:

29 3. There is established in the Department of Labor and
30 Workforce Development an At-Risk Youth Mentoring Program to
31 be administered by the Commissioner of Labor and Workforce
32 Development pursuant to the provisions of this act. The
33 commissioner shall consult with the Department of Human
34 Services, the Department of Children and Families, and the
35 Department of Education and other appropriate State agencies
36 regarding the development, operation and administration of the
37 program. The commissioner shall also consult with the Community
38 Agencies Corporation of New Jersey and other public and private
39 nonprofit organizations providing youth mentoring services. The
40 program shall provide for the training of volunteer mentors through
41 local collaborative partnerships between the school district, the
42 educational foundation and other community based organizations
43 and for the assignment of mentors to at-risk students enrolled within
44 a participating school district. The program shall also provide for
45 collaboration with public and private organizations that provide
46 comprehensive health, employment, and social services to youth.
47 The purpose of the program shall be to enable at-risk students to
48 develop a relationship with a caring and responsible adult to

1 provide the personal and emotional support necessary for school
2 success and future successful functioning in society.

3 (cf: P.L.1999, c.279, s.3)

4

5 185. Section 53 of P.L.1975, c.291 (C.40:55D-66) is amended to
6 read as follows:

7 53. a. For purposes of this act, model homes or sales offices
8 within a subdivision and only during the period necessary for the
9 sale of new homes within such subdivision shall not be considered a
10 business use.

11 b. No zoning ordinance governing the use of land by or for
12 schools shall, by any of its provisions or by any regulation adopted
13 in accordance therewith, discriminate between public and private
14 nonprofit day schools of elementary or high school grade accredited
15 by the State Department of Education.

16 c. No zoning ordinance shall, by any of its provisions or by any
17 regulation adopted in accordance therewith, discriminate between
18 children who are members of families by reason of their
19 relationship by blood, marriage or adoption, and resource family
20 children placed with such families in a dwelling by the Division of
21 Youth and Family Services in the Department of **[Human Services]**
22 Children and Families or a duly incorporated child care agency and
23 children placed pursuant to law in single family dwellings known as
24 group homes. As used in this section, the term "group home"
25 means and includes any single family dwelling used in the
26 placement of children pursuant to law recognized as a group home
27 by the Department of **[Human Services]** Children and Families in
28 accordance with rules and regulations adopted by the Commissioner
29 of **[Human Services]** Children and Families provided, however,
30 that no group home shall contain more than 12 children.

31 (cf: P.L.2004, c.130, s.113)

32

33 186. Section 1 of P.L.1983, c.191 (C.40A:10-34.1) is amended
34 to read as follows:

35 1. Any municipality or county, or agency thereof, hereinafter
36 referred to as employers, may enter into contracts of group legal
37 insurance with any insurer authorized, pursuant to P.L.1981, c.160
38 (C.17:46C-1 et seq.), to engage in the business of legal insurance in
39 this State or may contract with a duly recognized prepaid legal
40 services plan with respect to the benefits which they are authorized
41 to provide. Such contract or contracts shall provide such coverage
42 for the employees of such employer and may include their
43 dependents. "Dependents" shall include an employee's spouse and
44 the employee's unmarried children, including stepchildren and
45 legally adopted children, and, at the option of the employer and the
46 carrier, children placed by the Division of Youth and Family
47 Services in the Department of **[Human Services]** Children and
48 Families, under the age of 19 who live with the employee in a

1 regular parent-child relationship, and may also include, at the
2 option of the employer and the carrier, other unmarried children of
3 the employee under the age of 23 who are dependent upon the
4 employee for support and maintenance. A spouse or child enlisting
5 or inducted into military service shall not be considered a dependent
6 during such military service.

7 Elected officials may be considered, at the option of the
8 employer, to be "employees" for the purposes hereof, but
9 "employees" shall not otherwise include persons employed on a
10 short-term, seasonal, intermittent or emergency basis, persons
11 compensated on a fee basis, or persons whose compensation from
12 the public employer is limited to reimbursement of necessary
13 expenses actually incurred in the discharge of their duties.

14 The contract shall include provisions to prevent duplication of
15 benefits and shall condition the eligibility of any employee for
16 coverage upon satisfying a waiting period stated in the contract.

17 The coverage of any employee, and of his dependents, if any,
18 shall cease upon the discontinuance of his employment or upon
19 cessation of active full-time employment in the classes eligible for
20 coverage, subject to such provision as may be made in any contract
21 by his employer for limited continuance of coverage during
22 disability, part-time employment, leave of absence other than leave
23 for military service or layoff, or for continuance of coverage after
24 retirement.

25 (cf: P.L.2004, c.130, s.115)

26

27 187. R.S. 43:21-4 is amended to read as follows:

28 43:21-4. Benefit eligibility conditions. An unemployed
29 individual shall be eligible to receive benefits with respect to any
30 week only if:

31 (a) The individual has filed a claim at an unemployment
32 insurance claims office and thereafter continues to report at an
33 employment service office or unemployment insurance claims
34 office, as directed by the division in accordance with such
35 regulations as the division may prescribe, except that the division
36 may, by regulation, waive or alter either or both of the requirements
37 of this subsection as to individuals attached to regular jobs, and as
38 to such other types of cases or situations with respect to which the
39 division finds that compliance with such requirements would be
40 oppressive, or would be inconsistent with the purpose of this act;
41 provided that no such regulation shall conflict with subsection (a) of
42 R.S.43:21-3.

43 (b) The individual has made a claim for benefits in accordance
44 with the provisions of subsection (a) of R.S.43:21-6.

45 (c) (1) The individual is able to work, and is available for work,
46 and has demonstrated to be actively seeking work, except as
47 hereinafter provided in this subsection or in subsection (f) of this
48 section.

1 (2) The director may modify the requirement of actively seeking
2 work if such modification of this requirement is warranted by
3 economic conditions.

4 (3) No individual, who is otherwise eligible, shall be deemed
5 ineligible, or unavailable for work, because the individual is on
6 vacation, without pay, during said week, if said vacation is not the
7 result of the individual's own action as distinguished from any
8 collective action of a collective bargaining agent or other action
9 beyond the individual's control.

10 (4) (A) Subject to such limitations and conditions as the division
11 may prescribe, an individual, who is otherwise eligible, shall not be
12 deemed unavailable for work or ineligible because the individual is
13 attending a training program approved for the individual by the
14 division to enhance the individual's employment opportunities or
15 because the individual failed or refused to accept work while
16 attending such program.

17 (B) For the purpose of this paragraph (4), any training program
18 shall be regarded as approved by the division for the individual if
19 the program and the individual meet the following requirements:

20 (i) The training is for a labor demand occupation and is likely to
21 enhance the individual's marketable skills and earning power;

22 (ii) The training is provided by a competent and reliable private
23 or public entity approved by the Commissioner of Labor and
24 Workforce Development pursuant to the provisions of section 8 of
25 the "1992 New Jersey Employment and Workforce Development
26 Act," P.L.1992, c.43 (C.34:15D-8);

27 (iii) The individual can reasonably be expected to complete the
28 program, either during or after the period of benefits;

29 (iv) The training does not include on the job training or other
30 training under which the individual is paid by an employer for work
31 performed by the individual during the time that the individual
32 receives benefits; and

33 (v) The individual enrolls in vocational training, remedial
34 education or a combination of both on a full-time basis.

35 (C) If the requirements of subparagraph (B) of this paragraph (4)
36 are met, the division shall not withhold approval of the training
37 program for the individual for any of the following reasons:

38 (i) The training includes remedial basic skills education
39 necessary for the individual to successfully complete the vocational
40 component of the training;

41 (ii) The training is provided in connection with a program under
42 which the individual may obtain a college degree, including a post-
43 graduate degree;

44 (iii) The length of the training period under the program; or

45 (iv) The lack of a prior guarantee of employment upon
46 completion of the training.

47 (D) For the purpose of this paragraph (4), "labor demand
48 occupation" means an occupation for which there is or is likely to

1 be an excess of demand over supply for adequately trained workers,
2 including, but not limited to, an occupation designated as a labor
3 demand occupation by the New Jersey Occupational Information
4 Coordinating Committee pursuant to the provisions of subsection h.
5 of section 1 of P.L.1987, c.457 (C.34:1A-76) or section 12 of
6 P.L.1992, c.43 (C.34:1A-78).

7 (5) An unemployed individual, who is otherwise eligible, shall
8 not be deemed unavailable for work or ineligible solely by reason of
9 the individual's attendance before a court in response to a summons
10 for service on a jury.

11 (6) An unemployed individual, who is otherwise eligible, shall
12 not be deemed unavailable for work or ineligible solely by reason of
13 the individual's attendance at the funeral of an immediate family
14 member, provided that the duration of the attendance does not
15 extend beyond a two-day period.

16 For purposes of this paragraph, "immediate family member"
17 includes any of the following individuals: father, mother, mother-
18 in-law, father-in-law, grandmother, grandfather, grandchild, spouse,
19 child, child placed by the Division of Youth and Family Services in
20 the Department of **[Human Services]** Children and Families, sister
21 or brother of the unemployed individual and any relatives of the
22 unemployed individual residing in the unemployed individual's
23 household.

24 (7) No individual, who is otherwise eligible, shall be deemed
25 ineligible or unavailable for work with respect to any week because,
26 during that week, the individual fails or refuses to accept work
27 while the individual is participating on a full-time basis in self-
28 employment assistance activities authorized by the division,
29 whether or not the individual is receiving a self-employment
30 allowance during that week.

31 (8) Any individual who is determined to be likely to exhaust
32 regular benefits and need reemployment services based on
33 information obtained by the worker profiling system shall not be
34 eligible to receive benefits if the individual fails to participate in
35 available reemployment services to which the individual is referred
36 by the division or in similar services, unless the division determines
37 that:

38 (A) The individual has completed the reemployment services; or
39 (B) There is justifiable cause for the failure to participate, which
40 shall include participation in employment and training, self-
41 employment assistance activities or other activities authorized by
42 the division to assist reemployment or enhance the marketable skills
43 and earning power of the individual and which shall include any
44 other circumstance indicated pursuant to this section in which an
45 individual is not required to be available for and actively seeking
46 work to receive benefits.

47 (9) An unemployed individual, who is otherwise eligible, shall
48 not be deemed unavailable for work or ineligible solely by reason of

1 the individual's work as a board worker for a county board of
2 elections on an election day.

3 (d) With respect to any benefit year commencing before January
4 1, 2002, the individual has been totally or partially unemployed for
5 a waiting period of one week in the benefit year which includes that
6 week. When benefits become payable with respect to the third
7 consecutive week next following the waiting period, the individual
8 shall be eligible to receive benefits as appropriate with respect to
9 the waiting period. No week shall be counted as a week of
10 unemployment for the purposes of this subsection:

11 (1) If benefits have been paid, or are payable with respect
12 thereto; provided that the requirements of this paragraph shall be
13 waived with respect to any benefits paid or payable for a waiting
14 period as provided in this subsection;

15 (2) If it has constituted a waiting period week under the
16 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
17 et seq.);

18 (3) Unless the individual fulfills the requirements of subsections
19 (a) and of this section;

20 (4) If with respect thereto, claimant was disqualified for benefits
21 in accordance with the provisions of subsection (d) of R.S.43:21-5.

22 The waiting period provided by this subsection shall not apply to
23 benefit years commencing on or after January 1, 2002. An
24 individual whose total benefit amount was reduced by the
25 application of the waiting period to a claim which occurred on or
26 after January 1, 2002 and before the effective date of P.L.2002,
27 c.13, shall be permitted to file a claim for the additional benefits
28 attributable to the waiting period in the form and manner prescribed
29 by the division, but not later than the 180th day following the
30 effective date of P.L.2002, c.13 unless the division determines that
31 there is good cause for a later filing.

32 (e) (1) (Deleted by amendment, P.L.2001, c.17).

33 (2) With respect to benefit years commencing on or after
34 January 1, 1996 and before January 7, 2001, except as otherwise
35 provided in paragraph (3) of this subsection, the individual has,
36 during his base year as defined in subsection of R.S.43:21-19:

37 (A) Established at least 20 base weeks as defined in paragraph
38 (2) of subsection (t) of R.S.43:21-19; or

39 (B) If the individual has not met the requirements of
40 subparagraph (A) of this paragraph (2), earned remuneration not
41 less than an amount 12 times the Statewide average weekly
42 remuneration paid to workers, as determined under R.S.43:21-3(c),
43 which amount shall be adjusted to the next higher multiple of \$100
44 if not already a multiple thereof; or

45 If the individual has not met the requirements of subparagraph
46 (A) or (B) of this paragraph (2), earned remuneration not less than
47 an amount 1,000 times the minimum wage in effect pursuant to
48 section 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the

1 calendar year preceding the calendar year in which the benefit year
2 commences, which amount shall be adjusted to the next higher
3 multiple of \$100 if not already a multiple thereof.

4 (3) With respect to benefit years commencing before January 7,
5 2001, notwithstanding the provisions of paragraph (2) of this
6 subsection, an unemployed individual claiming benefits on the basis
7 of service performed in the production and harvesting of
8 agricultural crops shall, subject to the limitations of subsection (i)
9 of R.S.43:21-19, be eligible to receive benefits if during his base
10 year, as defined in subsection of R.S.43:21-19, the individual:

11 (A) Has established at least 20 base weeks as defined in
12 paragraph (2) of subsection (t) of R.S.43:21-19; or

13 (B) Has earned 12 times the Statewide average weekly
14 remuneration paid to workers, as determined under R.S.43:21-3(c),
15 raised to the next higher multiple of \$100.00 if not already a
16 multiple thereof, or more; or

17 (C) Has performed at least 770 hours of service in the
18 production and harvesting of agricultural crops.

19 (4) With respect to benefit years commencing on or after
20 January 7, 2001, except as otherwise provided in paragraph (5) of
21 this subsection, the individual has, during his base year as defined
22 in subsection of R.S.43:21-19:

23 (A) Established at least 20 base weeks as defined in paragraphs
24 (2) and (3) of subsection (t) of R.S.43:21-19; or

25 (B) If the individual has not met the requirements of
26 subparagraph (A) of this paragraph (4), earned remuneration not
27 less than an amount 1,000 times the minimum wage in effect
28 pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October
29 1 of the calendar year preceding the calendar year in which the
30 benefit year commences, which amount shall be adjusted to the next
31 higher multiple of \$100 if not already a multiple thereof.

32 (5) With respect to benefit years commencing on or after
33 January 7, 2001, notwithstanding the provisions of paragraph (4) of
34 this subsection, an unemployed individual claiming benefits on the
35 basis of service performed in the production and harvesting of
36 agricultural crops shall, subject to the limitations of subsection (i)
37 of R.S.43:21-19, be eligible to receive benefits if during his base
38 year, as defined in subsection of R.S.43:21-19, the individual:

39 (A) Has established at least 20 base weeks as defined in
40 paragraphs (2) and (3) of subsection (t) of R.S.43:21-19; or

41 (B) Has earned remuneration not less than an amount 1,000
42 times the minimum wage in effect pursuant to section 5 of
43 P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year
44 preceding the calendar year in which the benefit year commences,
45 which amount shall be adjusted to the next higher multiple of \$100
46 if not already a multiple thereof; or

47 (C) Has performed at least 770 hours of service in the
48 production and harvesting of agricultural crops.

1 (6) The individual applying for benefits in any successive
2 benefit year has earned at least six times his previous weekly
3 benefit amount and has had four weeks of employment since the
4 beginning of the immediately preceding benefit year. This
5 provision shall be in addition to the earnings requirements specified
6 in paragraph (2), (3), (4) or (5) of this subsection, as applicable.

7 (f) (1) The individual has suffered any accident or sickness not
8 compensable under the workers' compensation law, R.S.34:15-1 et
9 seq. and resulting in the individual's total disability to perform any
10 work for remuneration, and would be eligible to receive benefits
11 under this chapter (R.S.43:21-1 et seq.) (without regard to the
12 maximum amount of benefits payable during any benefit year)
13 except for the inability to work and has furnished notice and proof
14 of claim to the division, in accordance with its rules and
15 regulations, and payment is not precluded by the provisions of
16 R.S.43:21-3(d); provided, however, that benefits paid under this
17 subsection (f) shall be computed on the basis of only those base
18 year wages earned by the claimant as a "covered individual," as
19 defined in R.S.43:21-27(b); provided further that no benefits shall
20 be payable under this subsection to any individual:

21 (A) For any period during which such individual is not under the
22 care of a legally licensed physician, dentist, optometrist, podiatrist,
23 practicing psychologist or chiropractor;

24 (B) (Deleted by amendment, P.L.1980, c.90.)

25 (C) For any period of disability due to willfully or intentionally
26 self-inflicted injury, or to injuries sustained in the perpetration by
27 the individual of a crime of the first, second or third degree;

28 (D) For any week with respect to which or a part of which the
29 individual has received or is seeking benefits under any
30 unemployment compensation or disability benefits law of any other
31 state or of the United States; provided that if the appropriate agency
32 of such other state or the United States finally determines that the
33 individual is not entitled to such benefits, this disqualification shall
34 not apply;

35 (E) For any week with respect to which or part of which the
36 individual has received or is seeking disability benefits under the
37 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
38 et seq.);

39 (F) For any period of disability commencing while such
40 individual is a "covered individual," as defined in subsection (b) of
41 section 3 of the "Temporary Disability Benefits Law," P.L.1948,
42 c.110 (C.43:21-27).

43 (2) Benefit payments under this subsection (f) shall be charged
44 to and paid from the State disability benefits fund established by the
45 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
46 et seq.), and shall not be charged to any employer account in
47 computing any employer's experience rate for contributions payable
48 under this chapter.

1 (g) Benefits based on service in employment defined in
2 subparagraphs (B) and of R.S.43:21-19 (i)(1) shall be payable in the
3 same amount and on the terms and subject to the same conditions as
4 benefits payable on the basis of other service subject to the
5 “unemployment compensation law”; except that, notwithstanding
6 any other provisions of the “unemployment compensation law”:

7 (1) With respect to service performed after December 31, 1977,
8 in an instructional research, or principal administrative capacity for
9 an educational institution, benefits shall not be paid based on such
10 services for any week of unemployment commencing during the
11 period between two successive academic years, or during a similar
12 period between two regular terms, whether or not successive, or
13 during a period of paid sabbatical leave provided for in the
14 individual’s contract, to any individual if such individual performs
15 such services in the first of such academic years (or terms) and if
16 there is a contract or a reasonable assurance that such individual
17 will perform services in any such capacity for any educational
18 institution in the second of such academic years or terms;

19 (2) With respect to weeks of unemployment beginning after
20 September 3, 1982, on the basis of service performed in any other
21 capacity for an educational institution, benefits shall not be paid on
22 the basis of such services to any individual for any week which
23 commences during a period between two successive academic years
24 or terms if such individual performs such services in the first of
25 such academic years or terms and there is a reasonable assurance
26 that such individual will perform such services in the second of
27 such academic years or terms, except that if benefits are denied to
28 any individual under this paragraph (2) and the individual was not
29 offered an opportunity to perform these services for the educational
30 institution for the second of any academic years or terms, the
31 individual shall be entitled to a retroactive payment of benefits for
32 each week for which the individual filed a timely claim for benefits
33 and for which benefits were denied solely by reason of this clause;

34 (3) With respect to those services described in paragraphs (1)
35 and (2) above, benefits shall not be paid on the basis of such
36 services to any individual for any week which commences during
37 an established and customary vacation period or holiday recess if
38 such individual performs such services in the period immediately
39 before such vacation period or holiday recess, and there is a
40 reasonable assurance that such individual will perform such
41 services in the period immediately following such period or holiday
42 recess;

43 (4) With respect to any services described in paragraphs (1) and
44 (2) above, benefits shall not be paid as specified in paragraphs (1),
45 (2), and (3) above to any individual who performed those services
46 in an educational institution while in the employ of an educational
47 service agency, and for this purpose the term “educational service
48 agency” means a governmental agency or governmental entity

1 which is established and operated exclusively for the purpose of
2 providing those services to one or more educational institutions.

3 (h) Benefits shall not be paid to any individual on the basis of
4 any services, substantially all of which consist of participating in
5 sports or athletic events or training or preparing to so participate,
6 for any week which commences during the period between two
7 successive sports seasons (or similar periods) if such individual
8 performed such services in the first of such seasons (or similar
9 periods) and there is a reasonable assurance that such individual
10 will perform such services in the later of such seasons (or similar
11 periods).

12 (i) (1) Benefits shall not be paid on the basis of services
13 performed by an alien unless such alien is an individual who was
14 lawfully admitted for permanent residence at the time the services
15 were performed and was lawfully present for the purpose of
16 performing the services or otherwise was permanently residing in
17 the United States under color of law at the time the services were
18 performed (including an alien who is lawfully present in the United
19 States as a result of the application of the provisions of section
20 212(d)(5) (8 U.S.C. s.1182 (d)(5)) of the Immigration and
21 Nationality Act (8 U.S.C. s.1101 et seq.)); provided that any
22 modifications of the provisions of section 3304(a)(14) of the
23 Federal Unemployment Tax Act (26 U.S.C. s.3304 (a)(14)), as
24 provided by Pub.L.94-566, which specify other conditions or other
25 effective dates than stated herein for the denial of benefits based on
26 services performed by aliens and which modifications are required
27 to be implemented under State law as a condition for full tax credit
28 against the tax imposed by the Federal Unemployment Tax Act,
29 shall be deemed applicable under the provisions of this section.

30 (2) Any data or information required of individuals applying for
31 benefits to determine whether benefits are not payable to them
32 because of their alien status shall be uniformly required from all
33 applicants for benefits.

34 (3) In the case of an individual whose application for benefits
35 would otherwise be approved, no determination that benefits to such
36 individual are not payable because of alien status shall be made
37 except upon a preponderance of the evidence.

38 (j) Notwithstanding any other provision of this chapter, the
39 director may, to the extent that it may be deemed efficient and
40 economical, provide for consolidated administration by one or more
41 representatives or deputies of claims made pursuant to subsection
42 (f) of this section with those made pursuant to Article III (State
43 plan) of the "Temporary Disability Benefits Law," P.L.1948, c.110
44 (C.43:21-25 et seq.).

45 (cf: P.L.2004, c.130, s.116)

46

47 188. Section 13 of P.L.1971, c.182 (C.52:13D-24) is amended to
48 read as follows:

1 13. a. No State officer or employee, special State officer or
2 employee, or member of the Legislature shall solicit, receive or
3 agree to receive, whether directly or indirectly, any compensation,
4 reward, employment, gift, honorarium, out-of-State travel or
5 subsistence expense or other thing of value from any source other
6 than the State of New Jersey, for any service, advice, assistance,
7 appearance, speech or other matter related to the officer, employee,
8 or member's official duties, except as authorized in this section.

9 b. A State officer or employee, special State officer or
10 employee, or member of the Legislature may, in connection with
11 any service, advice, assistance, appearance, speech or other matter
12 related to the officer, employee, or member's official duties, solicit,
13 receive or agree to receive, whether directly or indirectly, from
14 sources other than the State, the following:

15 (1) reasonable fees for published books on matters within the
16 officer, employee, or member's official duties;

17 (2) reimbursement or payment of actual and reasonable
18 expenditures for travel or subsistence and allowable entertainment
19 expenses associated with attending an event in New Jersey if
20 expenditures for travel or subsistence and entertainment expenses
21 are not paid for by the State of New Jersey;

22 (3) reimbursement or payment of actual and reasonable
23 expenditures for travel or subsistence outside New Jersey, not to
24 exceed \$500.00 per trip, if expenditures for travel or subsistence
25 and entertainment expenses are not paid for by the State of New
26 Jersey. The \$500 per trip limitation shall not apply if the
27 reimbursement or payment is made by (a) a nonprofit organization
28 of which the officer, employee, or member is, at the time of
29 reimbursement or payment, an active member as a result of the
30 payment of a fee or charge for membership to the organization by
31 the State or the Legislature in the case of a member of the
32 Legislature; (b) a nonprofit organization that does not contract with
33 the State to provide goods, materials, equipment, or services; or (c)
34 any agency of the federal government, any agency of another state
35 or of two or more states, or any political subdivision of another
36 state.

37 Members of the Legislature shall obtain the approval of the
38 presiding officer of the member's House before accepting any
39 reimbursement or payment of expenditures for travel or subsistence
40 outside New Jersey.

41 As used in this subsection, "reasonable expenditures for travel or
42 subsistence" means commercial travel rates directly to and from an
43 event and food and lodging expenses which are moderate and
44 neither elaborate nor excessive; and "allowable entertainment
45 expenses" means the costs for a guest speaker, incidental music and
46 other ancillary entertainment at any meal at an event, provided they
47 are moderate and not elaborate or excessive, but does not include
48 the costs of personal recreation, such as being a spectator at or

1 engaging in a sporting or athletic activity which may occur as part
2 of that event.

3 c. This section shall not apply to the solicitation or acceptance
4 of contributions to the campaign of an announced candidate for
5 elective public office, except that campaign contributions may not
6 be accepted if they are known to be given in lieu of a payment
7 prohibited pursuant to this section.

8 d. (1) Notwithstanding any other provision of law, a designated
9 State officer as defined in paragraph (2) of this subsection shall not
10 solicit, receive or agree to receive, whether directly or indirectly,
11 any compensation, salary, honorarium, fee, or other form of income
12 from any source, other than the compensation paid or reimbursed to
13 him or her by the State for the performance of official duties, for
14 any service, advice, assistance, appearance, speech or other matter,
15 except for investment income from stocks, mutual funds, bonds,
16 bank accounts, notes, a beneficial interest in a trust, financial
17 compensation received as a result of prior employment or
18 contractual relationships, and income from the disposition or rental
19 of real property, or any other similar financial instrument and
20 except for reimbursement for travel as authorized in subsections (2)
21 and (3) of paragraph b. of this section. To receive such income, a
22 designated State officer shall first seek review and approval by the
23 State Ethics Commission to ensure that the receipt of such income
24 does not violate the "New Jersey Conflicts of Interest Law,"
25 P.L.1971, c.182 (C.52:13D-12 et seq.) or any applicable code of
26 ethics, and does not undermine the full and diligent performance of
27 the designated State officer's duties.

28 (2) For the purposes of this subsection, "designated State
29 officer" shall include: the Governor, the Adjutant General, the
30 Secretary of Agriculture, the Attorney General, the Commissioner
31 of Banking and Insurance, the Secretary and Chief Executive
32 Officer of the Commerce and Economic Growth Commission, the
33 Commissioner of Community Affairs, the Commissioner of
34 Corrections, the Commissioner of Education, the Commissioner of
35 Environmental Protection, the Commissioner of Health and Senior
36 Services, the Commissioner of Human Services, the Commissioner
37 of Children and Families, the Commissioner of Labor and
38 Workforce Development, the Commissioner of Personnel, the
39 President of the State Board of Public Utilities, the Secretary of
40 State, the Superintendent of State Police, the Commissioner of
41 Transportation, the State Treasurer, the head of any other
42 department in the Executive Branch, and the following members of
43 the staff of the Office of the Governor: Chief of Staff, Chief of
44 Management and Operations, Chief of Policy and Communications,
45 Chief Counsel to the Governor, Director of Communications, Policy
46 Counselor to the Governor, and any deputy or principal
47 administrative assistant to any of the aforementioned members of
48 the staff of the Office of the Governor listed in this subsection.

1 e. A violation of this section shall not constitute a crime or
2 offense under the laws of this State.

3 (cf: P.L.2005, c.382, s.11)

4

5 189. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to
6 read as follows:

7 1. Notwithstanding the provisions of the annual appropriations
8 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor
9 shall fix and establish the annual salary, not to exceed \$133,330 in
10 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000
11 in calendar year 2002 and thereafter, for each of the following
12 officers:

13 Title

14 Agriculture Department

15 Secretary of Agriculture

16 Children and Families Department

17 Commissioner of Children and Families

18 Community Affairs Department

19 Commissioner of Community Affairs

20 Corrections Department

21 Commissioner of Corrections

22 Education Department

23 Commissioner of Education

24 Environmental Protection Department

25 Commissioner of Environmental Protection

26 Health and Senior Services Department

27 Commissioner of Health and Senior

28 Services

29 Human Services Department

30 Commissioner of Human Services

31 Banking and Insurance Department

32 Commissioner of Banking and Insurance

33 Labor and Workforce Development Department

34 Commissioner of Labor and Workforce Development

35 Law and Public Safety Department

36 Attorney General

37 Military and Veterans' Affairs Department

38 Adjutant General

39 Personnel Department

40 Commissioner of Personnel

41 State Department

42 Secretary of State

43 Transportation Department

44 Commissioner of Transportation

45 Treasury Department

46 State Treasurer

47 Members, Board of Public Utilities

48 Public Advocate Department

1 Public Advocate

2 Notwithstanding the provisions of this section to the contrary,
3 the Chief Executive Officer and Secretary of the New Jersey
4 Commerce and Economic Growth Commission shall receive such
5 salary as shall be fixed by the Governor pursuant to subsection b. of
6 section 8 of P.L.1998, c.44 (C.52:27C-68).
7 (cf: P.L. 2005, c.155, s.93)

8

9 190. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to
10 read as follows:

11 2. As used in this act:

12 (a) The term "State" means the State of New Jersey.

13 (b) The term "commission" means the State Health Benefits
14 Commission, created by section 3 of this act.

15 (c) The term "employee" means an appointive or elective officer
16 or full-time employee of the State of New Jersey. For the purposes
17 of this act an employee of Rutgers, The State University of New
18 Jersey, shall be deemed to be an employee of the State, and an
19 employee of the New Jersey Institute of Technology shall be
20 considered to be an employee of the State during such time as the
21 Trustees of the Institute are party to a contractual agreement with
22 the State Treasurer for the provision of educational services. The
23 term "employee" shall further mean, for purposes of this act, a
24 former employee of the South Jersey Port Corporation, who is
25 employed by a subsidiary corporation or other corporation, which
26 has been established by the Delaware River Port Authority pursuant
27 to subdivision (m) of Article I of the compact creating the Delaware
28 River Port Authority (R.S.32:3-2), as defined in section 3 of
29 P.L.1997, c.150 (C.34:1B-146), and who is eligible for continued
30 membership in the Public Employees' Retirement System pursuant
31 to subsection j. of section 7 of P.L.1954, c.84 (C.43:15A-7).

32 For the purposes of this act the term "employee" shall not
33 include persons employed on a short-term, seasonal, intermittent or
34 emergency basis, persons compensated on a fee basis, persons
35 having less than two months of continuous service or persons whose
36 compensation from the State is limited to reimbursement of
37 necessary expenses actually incurred in the discharge of their
38 official duties. An employee paid on a 10-month basis, pursuant to
39 an annual contract, will be deemed to have satisfied the two-month
40 waiting period if the employee begins employment at the beginning
41 of the contract year. The term "employee" shall also not include
42 retired persons who are otherwise eligible for benefits under this act
43 but who, although they meet the age eligibility requirement of
44 Medicare, are not covered by the complete federal program. A
45 determination by the commission that a person is an eligible
46 employee within the meaning of this act shall be final and shall be
47 binding on all parties.

1 (d) (1) The term "dependents" means an employee's spouse, or an
2 employee's domestic partner as defined in section 3 of P.L.2003,
3 c.246 (C.26:8A-3), and the employee's unmarried children under the
4 age of 23 years who live with the employee in a regular parent-child
5 relationship. "Children" shall include stepchildren, legally adopted
6 children and children placed by the Division of Youth and Family
7 Services in the Department of Children and Families, provided they
8 are reported for coverage and are wholly dependent upon the
9 employee for support and maintenance. A spouse, domestic partner
10 or child enlisting or inducted into military service shall not be
11 considered a dependent during the military service. The term
12 "dependents" shall not include spouses or domestic partners of
13 retired persons who are otherwise eligible for the benefits under this
14 act but who, although they meet the age eligibility requirement of
15 Medicare, are not covered by the complete federal program.

16 (2) Notwithstanding the provisions of paragraph (1) of this
17 subsection to the contrary and subject to the provisions of paragraph
18 (3) of this subsection, for the purposes of an employer other than
19 the State that is participating in the State Health Benefits Program
20 pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term
21 "dependents" means an employee's spouse and the employee's
22 unmarried children under the age of 23 years who live with the
23 employee in a regular parent-child relationship. "Children" shall
24 include stepchildren, legally adopted children and children placed
25 by the Division of Youth and Family Services in the Department of
26 **[Human Services]** Children and Families provided they are
27 reported for coverage and are wholly dependent upon the employee
28 for support and maintenance. A spouse or child enlisting or
29 inducted into military service shall not be considered a dependent
30 during the military service. The term "dependents" shall not
31 include spouses of retired persons who are otherwise eligible for
32 benefits under P.L.1961, c.49 (C.52:14-17.25 et seq.) but who,
33 although they meet the age eligibility requirement of Medicare, are
34 not covered by the complete federal program.

35 (3) An employer other than the State that is participating in the
36 State Health Benefits Program pursuant to section 3 of P.L.1964,
37 c.125 (C.52:14-17.34) may adopt a resolution providing that the
38 term "dependents" as defined in paragraph (2) of this subsection
39 shall include domestic partners as provided in paragraph (1) of this
40 subsection.

41 (e) The term "carrier" means a voluntary association, corporation
42 or other organization, including a health maintenance organization
43 as defined in section 2 of the "Health Maintenance Organizations
44 Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully engaged in
45 providing or paying for or reimbursing the cost of, personal health
46 services, including hospitalization, medical and surgical services,
47 under insurance policies or contracts, membership or subscription

1 contracts, or the like, in consideration of premiums or other periodic
2 charges payable to the carrier.

3 (f) The term "hospital" means (1) an institution operated
4 pursuant to law which is primarily engaged in providing on its own
5 premises, for compensation from its patients, medical diagnostic
6 and major surgical facilities for the care and treatment of sick and
7 injured persons on an inpatient basis, and which provides such
8 facilities under the supervision of a staff of physicians and with 24
9 hour a day nursing service by registered graduate nurses, or (2) an
10 institution not meeting all of the requirements of (1) but which is
11 accredited as a hospital by the Joint Commission on Accreditation
12 of Hospitals. In no event shall the term "hospital" include a
13 convalescent nursing home or any institution or part thereof which
14 is used principally as a convalescent facility, residential center for
15 the treatment and education of children with mental disorders, rest
16 facility, nursing facility or facility for the aged or for the care of
17 drug addicts or alcoholics.

18 (g) The term "State managed care plan" means a health care
19 plan under which comprehensive health care services and supplies
20 are provided to eligible employees, retirees, and dependents: (1)
21 through a group of doctors and other providers employed by the
22 plan; or (2) through an individual practice association, preferred
23 provider organization, or point of service plan under which services
24 and supplies are furnished to plan participants through a network of
25 doctors and other providers under contracts or agreements with the
26 plan on a prepayment or reimbursement basis and which may
27 provide for payment or reimbursement for services and supplies
28 obtained outside the network. The plan may be provided on an
29 insured basis through contracts with carriers or on a self-insured
30 basis, and may be operated and administered by the State or by
31 carriers under contracts with the State.

32 (h) The term "Medicare" means the program established by the
33 "Health Insurance for the Aged Act," Title XVIII of the "Social
34 Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended,
35 or its successor plan or plans.

36 (i) The term "traditional plan" means a health care plan which
37 provides basic benefits, extended basic benefits and major medical
38 expense benefits as set forth in section 5 of P.L.1961, c.49
39 (C.52:14-17.29) by indemnifying eligible employees, retirees, and
40 dependents for expenses for covered health care services and
41 supplies through payments to providers or reimbursements to
42 participants.

43 (cf: P.L.2004, c.130, s.118)

44

45 191. Section 2 of P.L.2000, c.24 (C.52:17B-88.10) is amended
46 to read as follows:

47 2. a. The State Medical Examiner, in consultation with the
48 Commissioner of Health and Senior Services, shall develop

1 standardized protocols for autopsies performed in those cases in
2 which the suspected cause of death of a child under one year of age
3 is sudden infant death syndrome and in which the child is between
4 one and three years of age and the death is sudden and unexpected.

5 b. The State Medical Examiner shall establish a Sudden Child
6 Death Autopsy Protocol Committee to assist in developing and
7 reviewing the protocol. The committee shall include, but shall not
8 be limited to, the State Medical Examiner or his designee, the
9 Assistant Commissioner of the Division of Family Health Services
10 in the Department of Health and Senior Services or his designee,
11 the Director of the Division of Youth and Family Services in the
12 Department of **【Human Services】** Children and Families or his
13 designee, the director of the SIDS Resource Center established
14 pursuant to P.L.1987, c.331 (C.26:5D-4), an epidemiologist, a
15 forensic pathologist, a pediatric pathologist, a county medical
16 examiner, a pediatrician who is knowledgeable about sudden infant
17 death syndrome and child abuse, a law enforcement officer, an
18 emergency medical technician or a paramedic, a family member of
19 a sudden infant death syndrome victim and a family member of a
20 sudden unexpected death victim who was between one and three
21 years of age at the time of death.

22 The committee shall annually review the protocol and make
23 recommendations to the State Medical Examiner to revise the
24 protocol, as appropriate.

25 c. The protocols shall include requirements and standards for
26 scene investigation, criteria for ascertaining the cause of death
27 based on autopsy, criteria for specific tissue sampling, and such
28 other requirements as the committee deems appropriate. The
29 protocols shall take into account nationally recognized standards for
30 pediatric autopsies.

31 The State Medical Examiner shall be responsible for ensuring
32 that the protocols are followed by all medical examiners and other
33 persons authorized to conduct autopsies in those cases in which the
34 suspected cause of death is sudden infant death syndrome or in
35 which the child is between one and three years of age and the death
36 is sudden and unexpected.

37 d. The protocols shall authorize the State Medical Examiner,
38 county medical examiner or other authorized person to take tissue
39 samples for research purposes, as provided in section 2 of P.L.2005,
40 c.227 (C.52:17B-88.11).

41 e. The sudden infant death syndrome autopsy protocol shall
42 provide that if the findings in the autopsy are consistent with the
43 definition of sudden infant death syndrome specified in the
44 protocol, the person who conducts the autopsy shall state on the
45 death certificate that sudden infant death syndrome is the cause of
46 death.

47 (cf: P.L.2005, c.227, s.1)

1 192. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to
2 read as follows:

3 2. a. A Juvenile Justice Commission is established in, but not
4 of, the Department of Law and Public Safety. The commission is
5 allocated to the Department of Law and Public Safety for the
6 purpose of complying with Article V, Section IV, paragraph 1 of
7 the New Jersey Constitution. The Attorney General shall be the
8 request officer for the commission within the meaning of section 6
9 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall exercise that
10 authority and other administrative functions, powers and duties
11 consistent with the provisions of this act.

12 b. The commission shall consist of an executive director, an
13 executive board, an advisory council and such facilities, officers,
14 employees and organizational units as provided herein or as
15 otherwise necessary to performance of the commission's duties and
16 responsibilities.

17 c. The executive director shall be appointed by the Governor
18 with the advice and consent of the Senate and shall serve at the
19 pleasure of the Governor during the Governor's term of office and
20 until a successor is appointed and qualified.

21 d. The executive board shall consist of the following members:
22 The Attorney General, who shall serve as chair of the executive
23 board; the Commissioner of Corrections and the Commissioner of
24 **[Human Services] Children and Families**, who shall serve as vice-
25 chairs of the executive board; the Commissioner of Education; the
26 chair of the Juvenile Justice Commission advisory council,
27 established pursuant to section 4 of P.L.1995, c.284 (C.52:17B-
28 172); and two members who serve as chairs of a county youth
29 services commission, established pursuant to P.L.1995, c.282
30 (C.52:17B-180), to be appointed by the Governor to serve at the
31 Governor's pleasure. The Administrative Director of the
32 Administrative Office of the Courts is invited to participate on the
33 executive board, subject to the approval of the Supreme Court. A
34 member of the executive board may name a designee who shall
35 have the authority to act for the member. Members of the executive
36 board shall serve without compensation for their services to the
37 commission. The executive board shall meet at least quarterly and
38 at such other times as designated by the chair. Except with respect
39 to matters concerning distribution of funds to counties, four
40 members of the executive board shall constitute a quorum to
41 transact business of the executive board and action of the executive
42 board shall require an affirmative vote of four members. A member
43 of the executive board who is also a member of a county youth
44 services commission shall not participate in matters concerning
45 distribution of funds to counties; in these matters, three members of
46 the executive board shall constitute a quorum to transact business
47 and an action of the executive board shall require an affirmative
48 vote of three members.

- 1 e. The commission shall have the following powers, duties and
2 responsibilities:
- 3 (1) To specify qualifications for and to employ, within the limits
4 of available appropriations and subject to the provisions of
5 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New
6 Jersey Statutes, such staff as are necessary to accomplish the work
7 of the commission or as are needed for the proper performance of
8 the functions and duties of the commission, including but not
9 limited to:
- 10 (a) The number of deputy directors, assistant directors,
11 superintendents, assistant superintendents and other assistants who
12 shall be in the unclassified service and shall be deemed confidential
13 employees for the purposes of the "New Jersey Employer-Employee
14 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and
- 15 (b) Juvenile corrections officers;
- 16 (2) To utilize such staff of the Department of Law and Public
17 Safety as the Attorney General, within the limits of available
18 appropriations, may make available to the commission;
- 19 (3) To organize the work of the commission in appropriate
20 bureaus and other organization units;
- 21 (4) To enter into contracts and agreements with State, county
22 and municipal governmental agencies and with private entities for
23 the purpose of providing services and sanctions for juveniles
24 adjudicated or charged as delinquent and programs for prevention
25 of juvenile delinquency;
- 26 (5) To contract for the services of professional and technical
27 personnel and consultants as necessary to fulfill the statutory
28 responsibilities of the commission;
- 29 (6) To establish minimum standards for the care, treatment,
30 government and discipline of juveniles confined pending, or as a
31 result of, an adjudication of delinquency;
- 32 (7) To assume the custody and care of all juveniles committed
33 by court order, law, classification, regulation or contract to the
34 custody of the commission or transferred to the custody of the
35 commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-
36 176);
- 37 (8) To manage and operate all State secure juvenile facilities
38 which shall include the New Jersey Training School for Boys
39 created pursuant to R.S.30:1-7 and transferred to the Commissioner
40 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)
41 and the Juvenile Medium Security Facility created pursuant to
42 R.S.30:1-7 and both transferred to the commission pursuant to
43 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any
44 other secure juvenile facility established by the commission in the
45 future;
- 46 (9) To manage and operate all State juvenile facilities or
47 juvenile programs for juveniles adjudicated delinquent which shall
48 include facilities and programs transferred to the commission

- 1 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or
2 established or contracted for in the future by the commission;
- 3 (10) To prepare a State Juvenile Justice Master Plan every third
4 year which identifies facilities, sanctions and services available for
5 juveniles adjudicated or charged as delinquent and juvenile
6 delinquency prevention programs and which identifies additional
7 needs based upon the extent and nature of juvenile delinquency and
8 the adequacy and effectiveness of available facilities, services,
9 sanctions and programs;
- 10 (11) To approve plans for each county submitted by the county
11 youth services commission pursuant to P.L.1995, c.282 (C.52:17B-
12 180);
- 13 (12) To administer the State/Community Partnership Grant
14 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);
- 15 (13) To accept from any governmental department or agency,
16 public or private body or any other source, grants or contributions
17 to be used in exercising its power, and in meeting its duties and
18 responsibilities;
- 19 (14) To formulate and adopt standards and rules for the efficient
20 conduct of the work of the commission, the facilities, services,
21 sanctions and programs within its jurisdiction, and its officers and
22 employees;
- 23 (15) To provide for the development of the facilities, services,
24 sanctions and programs within its jurisdiction and to promote the
25 integration of State, county and local facilities, sanctions, services
26 and programs, including probation and parole;
- 27 (16) To institute, or cause to be instituted, such legal proceedings
28 or processes as may be necessary to enforce properly and give
29 effect to any of its powers or duties including the authority to
30 compel by subpoena, subject to the sanction for contempt of
31 subpoena issued by a court, attendance and production of records;
- 32 (17) To provide for the timely and efficient collection and
33 analysis of data regarding the juvenile justice system to insure the
34 continuing review and evaluation of services, policies and
35 procedures;
- 36 (18) To receive and classify juveniles committed to the custody
37 of the commission;
- 38 (19) To supervise compliance with conditions of parole;
- 39 (20) To establish appropriate dispositions of juveniles for whom
40 parole has been revoked;
- 41 (21) To perform such other functions as may be prescribed by
42 law; and
- 43 (22) To promulgate, pursuant to the "Administrative Procedure
44 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
45 necessary to implement and effectuate the purposes of this act.
46 (cf: P.L.2005, c.164, s.1)

1 193. Section 7 of P.L.1995, c.284 (C.52:17B-175) is amended to
2 read as follows:

3 7. a. Notwithstanding the Juvenile Justice Commission's
4 responsibility for State secure juvenile facilities and State juvenile
5 facilities and programs, the Department of Corrections, through
6 agreement with the commission, shall provide central
7 transportation, communication and other services required by the
8 commission in connection with the operation of these facilities and
9 the custody and care of juveniles confined in the facilities.

10 b. Notwithstanding the commission's responsibility for State
11 secure juvenile facilities and State juvenile facilities, the
12 Department of **【Human Services】** Children and Families shall
13 provide care and custody for juveniles placed under the care and
14 custody or committed to the department pursuant to paragraphs (5),
15 (6) and (7) of subsection b. of section 24 of P.L.1982, c.77
16 (C.2A:4A-43).

17 c. The commission and the Commissioner of **【the Department**
18 **of Human Services】** Children and Families shall formulate a plan to
19 provide adequate and appropriate mental health services to
20 juveniles in secure juvenile facilities and juvenile facilities operated
21 by the commission. The commission and the Commissioner of **【the**
22 **Department of Human Services】** Children and Families shall jointly
23 adopt regulations pursuant to the "Administrative Procedure Act,"
24 P.L.1968, c.410 (C.52:14B-1 et seq.), establishing the procedures
25 included in the plan. The plan shall include the following:

26 (1) Procedures for identifying juveniles in need of such services
27 upon admission to and while in a facility, including procedures for
28 evaluation;

29 (2) Procedures for providing appropriate and adequate treatment
30 and for terminating treatment when it is no longer needed;

31 (3) Procedures for ensuring cooperation between employees of
32 the commission and the Department of **【Human Services】** Children
33 and Families; and

34 (4) Procedures for review and revision of the plan.

35 d. The commission, through agreement with the Attorney
36 General, the Commissioner of Corrections or the Commissioner of
37 **【Human Services】** Children and Families as appropriate, shall
38 arrange to provide such other services as may be required by the
39 commission and may enter into other agreements as authorized
40 pursuant to R.S.52:14-1 et seq. or any other law of this State.

41 e. The commission and the Commissioner of the Department of
42 Corrections shall, consistent with applicable State and federal
43 standards, formulate a plan setting forth procedures for transferring
44 custody of any juvenile incarcerated in a juvenile facility who has
45 reached the age of 16 during confinement and whose continued
46 presence in the juvenile facility threatens the public safety, the
47 safety of juvenile offenders, or the ability of the commission to

1 operate the program in the manner intended. The commission and
2 the Commissioner of the Department of Corrections shall jointly
3 adopt regulations pursuant to the “Administrative Procedure Act,”
4 P.L.1968, c.410 (C.52:14B-1 et seq.), establishing the procedures
5 included in the plan.

6 (cf: P.L.1995, c.284, s.7)

7

8 194. Section 69 of P.L.2005, c.155 (C.52:27EE-69) is amended
9 to read as follows:

10 69. Office of the Child Advocate; duties.

11 a. The child advocate shall:

12 (1) administer the work of the Office of the Child Advocate;

13 (2) appoint and remove such officers, investigators,
14 stenographic and clerical assistants and other personnel, in the
15 career or unclassified service, as may be required for the conduct of
16 the office, subject to the provisions of Title 11A of the New Jersey
17 Statutes (Civil Service), and other applicable statutes, except as
18 provided otherwise herein;

19 (3) formulate and adopt rules and regulations for the efficient
20 conduct of the work and general administration of the office, its
21 officers and employees, in accordance with the “Administrative
22 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.); and

23 (4) institute or cause to be instituted such legal proceedings or
24 processes consistent with the Rules Governing the Courts of New
25 Jersey as may be necessary to properly enforce and give effect to
26 any of the child advocate’s powers or duties.

27 b. Consistent with the provisions of federal and State law,

28 (1) the child advocate shall have access to, and the right to
29 inspect and copy, any records, including pupil records in
30 accordance with the provisions of N.J.S.18A:36-19, necessary to
31 carry out the responsibilities under this act; and

32 (2) the child advocate shall have reasonable access to, and the
33 right to copy any records from, the Division of Youth and Family
34 Services’ Service Information System, or its successor, necessary to
35 carry out its responsibilities under this act, and only with regard to
36 individuals who are or may be the subject of an investigation by the
37 child advocate, or to assess the status of an individual complaint or
38 inquiry to determine whether further action by the child advocate is
39 appropriate; except that, access provided to the successor system,
40 including the Statewide Automated Child Welfare Information
41 System, shall be limited to information available through the
42 Service Information System, unless otherwise agreed to by the child
43 advocate and the Department of **Human Services** Children and
44 Families.

45 c. The child advocate may issue subpoenas to compel the
46 attendance and testimony of witnesses or the production of books,
47 papers and other documents, and administer oaths to witnesses in
48 any matter under the investigation of the office.

1 If any person to whom such subpoena is issued fails to appear or,
2 having appeared, refuses to give testimony, or fails to produce the
3 books, papers or other documents required, the child advocate may
4 apply to the Superior Court, which may order the person to appear
5 and give testimony or produce the books, papers or other
6 documents, as applicable.

7 d. The child advocate shall disseminate information to the
8 public on the objectives of the office, the services the office
9 provides and the methods by which the office may be contacted.

10 e. The child advocate shall aid the Governor in proposing
11 methods of achieving increased coordination and collaboration
12 among State agencies to ensure maximum effectiveness and
13 efficiency in the provision of services to children.

14 (cf: P.L.2005, c.155, s.69)

15
16 195. Section 70 of P.L.2005, c.155 (C.52:27EE-70) is amended
17 to read as follows:

18 70. Office of the Child Advocate; powers.

19 The child advocate may:

20 a. investigate, review, monitor or evaluate any State agency
21 response to, or disposition of, an allegation of child abuse or neglect
22 in this State;

23 b. inspect and review the operations, policies and procedures
24 of:

25 (1) juvenile detention centers operated by the counties and all
26 juvenile justice facilities operated by or under contract with the
27 Juvenile Justice Commission, including, but not limited to, secure
28 correctional facilities and residential and day treatment programs;

29 (2) resource family homes, group homes, residential treatment
30 facilities, shelters for the care of abused or neglected children,
31 shelters for the care of juveniles considered as juvenile-family crisis
32 cases, shelters for the care of homeless youth, or independent living
33 arrangements operated, licensed, or approved for payment, by the
34 Department of Human Services, Department of Children and
35 Families, Department of Community Affairs or Department of
36 Health and Senior Services; and

37 (3) any other public or private setting in which a child has been
38 placed by a State or county agency or department;

39 c. review, evaluate, report on and make recommendations
40 concerning the procedures established by any State agency
41 providing services to children who are at risk of abuse or neglect,
42 children in State or institutional custody, or children who receive
43 child protective or permanency services;

44 d. review, monitor and report on the performance of State-
45 funded private entities charged with the care and supervision of
46 children due to abuse or neglect by conducting research audits or
47 other studies of case records, policies, procedures and protocols, as

- 1 deemed necessary by the child advocate to assess the performance
2 of the entities;
- 3 e. receive, investigate and make referrals to other agencies or
4 take other appropriate actions with respect to a complaint received
5 by the office regarding the actions of a State, county or municipal
6 agency or a State-funded private entity providing services to
7 children who are at risk of abuse or neglect;
- 8 f. hold a public hearing on the subject of an investigation or
9 study underway by the office, and receive testimony from agency
10 and program representatives, the public and other interested parties,
11 as the child advocate deems appropriate;
- 12 g. establish and maintain a 24-hour toll-free telephone hotline
13 to receive and respond to calls from citizens referring problems to
14 the child advocate, both individual and systemic, in how the State,
15 through its agencies or contract services, protects children;
- 16 h. in exercising the authority provided in subsection a. of this
17 section, the child advocate may conduct unannounced site visits to
18 any institution or facility to which children are committed, placed
19 or otherwise disposed if the child advocate, prior to conducting an
20 unannounced site visit, has initiated a project or investigation into
21 the response or disposition of an allegation of abuse or neglect and
22 there is a reasonable basis to believe that an unannounced site visit
23 is necessary to carry out the child advocate's responsibilities under
24 this act, provided, however, that any unannounced site visit shall be
25 conducted at a reasonable time and in a reasonable manner;
- 26 i. in exercising the authority provided under subsections a.
27 through e. of this section, the child advocate shall consult with any
28 appropriate State, county or municipal agency or a State-funded
29 private entity providing services to children, and may request from
30 any such entity, and the entity is hereby authorized and directed to
31 provide, such cooperation and assistance as will enable the child
32 advocate to properly perform its responsibilities under this act; and
- 33 j. notwithstanding the provisions of section 11 of P.L.1944,
34 c.20 (C.52:17A-11) to the contrary, hire independent counsel on a
35 case-by-case basis to provide competent representation in light of
36 the nature of the case, the services to be performed, the experience
37 of the particular attorney and other relevant factors.
38 (cf: P.L.2005, c.155, s.70)

39
40 196. Section 75 of P.L.2005, c.155 (C.52:27EE-75) is amended
41 to read as follows:

42 75. Office of the Child Advocate; reports.

43 The child advocate shall report annually to the Governor, the
44 Public Advocate, the **Commissioner** Commissioners of Human
45 Services and Children and Families, and, pursuant to section 2 of
46 P.L.1991, c.164 (C.52:14-19.1), the Legislature on: the activities of
47 the office; priorities for children's services that have been identified
48 by the child advocate; and recommendations for improvement or

1 needed changes concerning the provision of services to children
2 who are at risk of abuse or neglect, and are in State or institutional
3 custody or receive child protective or permanency services by State
4 agencies and State-funded private entities.

5 The annual report shall be made available to the public.

6 (cf: P.L.2005, c.155, s.75)

7

8 197. Section 76 of P.L.2005, c.155 (C.52:27EE-76) is amended
9 to read as follows:

10 76. Office of the Child Advocate; disclosure; confidentiality.

11 a. The child advocate shall make public its findings of
12 investigation reports or other studies undertaken by the office,
13 including its investigatory findings to complaints received pursuant
14 to section 70 of this act, and shall forward any publicly reported
15 findings to the Governor, the Legislature, the Public Advocate, the
16 **【Commissioner】** Commissioners of Human Services and Children
17 and Families, the affected public agencies and the Governor's
18 Cabinet for Children.

19 b. The child advocate shall not disclose:

20 (1) any information that would likely endanger the life, safety,
21 or physical or emotional well-being of a child or the life or safety of
22 a person who filed a complaint or which may compromise the
23 integrity of a State or county department or agency investigation,
24 civil or criminal investigation or judicial or administrative
25 proceeding; and

26 (2) the name of or any other information identifying the person
27 who filed a complaint with, or otherwise provided information to,
28 the office without the written consent of that person.

29 The information subject to the provisions of this subsection shall
30 not be considered a public record pursuant to the provisions of
31 P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5
32 et al.).

33 c. The child advocate shall not disclose any information that
34 may be deemed confidential by federal or State law, except when
35 necessary to allow the Department of the Public Advocate,
36 Department of Human Services, Department of Children and
37 Families, Attorney General, Juvenile Justice Commission and other
38 State or county department or agency to perform its duties and
39 obligations under the law.

40 (cf: P.L.2005, c.155, s.76)

41

42 198. Section 6 of P.L.2005, c.370 (C.52:27G-37) is amended to
43 read as follows:

44 6. a. Upon receipt of an application for registration as a
45 professional guardian, the Office of the Public Guardian for Elderly
46 Adults is authorized to determine whether criminal history record
47 information exists on file in the Federal Bureau of Investigation,
48 Identification Division or in the State Bureau of Identification in the

1 Division of State Police that would disqualify the person from being
2 registered as a professional guardian.

3 The Office of the Public Guardian for Elderly Adults is
4 authorized to access the child abuse registry in the Department of
5 **[Human Services]** Children and Families and the domestic violence
6 central registry in the Administrative Office of the Courts.

7 A person shall be disqualified from registration if the person's
8 criminal history record background check reveals a record of
9 conviction of any of the following crimes and offenses:

10 (1) In New Jersey, any crime or disorderly persons offense:

11 (a) involving danger to the person, meaning those crimes and
12 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
13 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
14 or N.J.S.2C:15-1 et seq.;

15 (b) against the family, children or incompetents, meaning those
16 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
17 seq.;

18 (c) involving theft as set forth in chapter 20 of Title 2C of the
19 New Jersey Statutes, or fraud relating to any health care plan or
20 program as set forth in section 15 of P.L.1989, c.300 (C.2C:21-4.1),
21 sections 2 and 3 of P.L.1997, c.353 (C.2C:21-4.2 and 2C:21-4.3),
22 P.L.1999, c.162 (C.2C:21-22.1) or section 17 of P.L.1968, c.413
23 (C.30:4D-17); or

24 (d) involving any controlled dangerous substance or controlled
25 substance analog as set forth in chapter 35 of Title 2C of the New
26 Jersey Statutes except paragraph (4) of subsection a. of
27 N.J.S.2C:35-10.

28 (2) In any other state or jurisdiction, of conduct which, if
29 committed in New Jersey, would constitute any of the crimes or
30 disorderly persons offenses described in paragraph (1) of this
31 subsection.

32 A person shall also be disqualified from registration if a check of
33 the child abuse registry reveals that the person has a history of child
34 abuse.

35 In a case in which a check of the domestic violence central
36 registry reveals that the person has a history of domestic violence,
37 the public guardian shall review the record with respect to the type
38 and date of the criminal offense or the provisions and date of the
39 final domestic violence restraining order and make a determination
40 as to the suitability of the person to be a registered professional
41 guardian.

42 b. Notwithstanding the provisions of subsection a. of this
43 section to the contrary, no person shall be disqualified from
44 registration on the basis of any conviction disclosed by a criminal
45 history record background check performed pursuant to this act if
46 the person has affirmatively demonstrated to the public guardian
47 clear and convincing evidence of the applicant's rehabilitation. In

1 determining whether a person has affirmatively demonstrated
2 rehabilitation, the following factors shall be considered:

3 (1) the nature and responsibility of the position which the
4 person would hold, has held or currently holds, as the case may be;

5 (2) the nature and seriousness of the offense;

6 (3) the circumstances under which the offense occurred;

7 (4) the date of the offense;

8 (5) the age of the person when the offense was committed;

9 (6) whether the offense was an isolated or repeated incident;

10 (7) any social conditions which may have contributed to the
11 offense; and

12 (8) any evidence of rehabilitation, including good conduct in
13 prison or in the community, counseling or psychiatric treatment
14 received, acquisition of additional academic or vocational
15 schooling, work history, or the recommendation of those who have
16 had the person under their supervision.

17 c. If a person refuses to consent to, or cooperate in, the
18 securing of a criminal history record background check, the public
19 guardian shall not register that person as a professional guardian
20 and shall notify the person of that denial.

21 (cf: P.L.2005, c.370, s.6)

22

23 199. Section 7 of P.L.2005, c.370 (C.52:27G-38) is amended to
24 read as follows:

25 7. a. A person who is required to undergo a criminal history
26 record background, child abuse registry and domestic violence
27 central registry check pursuant to section 6 of this act shall submit
28 to the public guardian his name, address and fingerprints, in
29 accordance with the applicable State and federal laws, rules and
30 regulations. The Office of the Public Guardian is authorized to
31 exchange fingerprint data with and receive criminal history record
32 information from the Federal Bureau of Investigation and the
33 Division of State Police for use in making the determinations
34 required pursuant to this act.

35 b. Upon receipt of the criminal history record information for a
36 person from the Federal Bureau of Investigation or the Division of
37 State Police, the public guardian shall, within a reasonable time,
38 notify the person in writing of his qualification or disqualification
39 for registration under this act. If the person is disqualified, the
40 conviction or convictions which constitute the basis for the
41 disqualification shall be identified in the notice to the person.

42 c. Upon receipt of the information for a person from the child
43 abuse registry in the Department of **Human Services** Children and
44 Families or the domestic violence central registry in the
45 Administrative Office of the Courts, the public guardian shall,
46 within a reasonable time, notify the person in writing of his
47 qualification or disqualification for registration under this act. If
48 the person is disqualified, the incident or incidents which constitute

1 the basis for the disqualification shall be identified in the notice to
2 the person.

3 d. The person has a right to be heard by the Office of the Public
4 Guardian for Elderly Adults, within 30 days from the date of the
5 written notice of disqualification, on the accuracy of his criminal
6 history record, child abuse registry or domestic violence central
7 registry information or to establish his rehabilitation under
8 subsection b. of section 6 of this act. Upon the issuance of a final
9 decision by the public guardian, pursuant to this subsection, the
10 Office of the Public Guardian for Elderly Adults shall notify the
11 person as to whether he remains disqualified. A person disputing
12 an adverse determination by the Office of the Public Guardian for
13 Elderly Adults may file with the Office of Administrative Law for
14 an administrative hearing.
15 (cf: P.L.2005, c.370, s.7)

16

17 200. Section 2 of P.L.1985, c.69 (C.53:1-20.6) is amended to
18 read as follows:

19 2. a. The Superintendent of State Police, with the approval of
20 the Attorney General, shall, pursuant to the "Administrative
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules
22 and regulations authorizing the dissemination, by the State Bureau
23 of Identification, of criminal history record background information
24 requested by State, county and local government agencies,
25 including the Division of State Police, in noncriminal matters, or
26 requested by individuals, nongovernmental entities or other
27 governmental entities whose access to such criminal history record
28 background information is not prohibited by law. A fee not to
29 exceed \$30 shall be imposed for processing fingerprint
30 identification checks; a fee not to exceed \$18 shall be imposed for
31 processing criminal history name search identification checks.
32 These fees shall be in addition to any other fees required by law. In
33 addition to any fee specified herein, a nonrefundable fee, the
34 amount of which shall be determined by the Superintendent of State
35 Police, with the approval of the Attorney General, shall be collected
36 to cover the cost of securing and processing a federal criminal
37 records check for each applicant.

38 b. State, county and local government agencies, including the
39 Division of State Police, and nongovernmental entities are
40 authorized to impose and collect the processing fee established
41 pursuant to subsection a. of this section from the person for whom
42 the criminal history record background check is being processed or
43 from the party requesting the criminal history record background
44 check. The Superintendent of State Police shall provide this
45 processing service without the collection of fees from the applicants
46 in processing background checks of prospective resource family
47 parents or members of their immediate families. In such cases, the
48 Department of **[Human Services]** Children and Families shall be

1 responsible for paying the fees imposed pursuant to subsection a.
2 of this section. Nothing in this section shall prohibit the
3 Superintendent of State Police, with the approval of the Attorney
4 General, from providing this processing service without the
5 collection of fees from the applicant in other circumstances which
6 in his sole discretion he deems appropriate, if the applicants would
7 not receive a wage or salary for the time and services they provide
8 to an organization or who are considered volunteers. In those
9 circumstances where the Superintendent of State Police, with the
10 approval of the Attorney General, determines to provide this
11 processing service without the collection of fees to the individual
12 applicants, the superintendent may assess the fees for providing this
13 service on behalf of the applicants to any department of State,
14 county or municipal government which is responsible for operating
15 or overseeing that volunteer program. The agencies shall transfer
16 all moneys collected for the processing fee to the Division of State
17 Police.

18 (cf: P.L.2004, c.130, s.121)

19

20 201. Section 8 of P.L.2000 , c.77 (C.53:1-20.9b) is amended to
21 read as follows:

22 8. a. The Commissioner of **【Human Services】** Children and
23 Families is authorized to exchange fingerprint data with, and to
24 receive information from, the Division of State Police in the
25 Department of Law and Public Safety and the Federal Bureau of
26 Investigation.

27 Upon receipt of the criminal history record information for an
28 applicant or staff member of a child care center from the Federal
29 Bureau of Investigation and the Division of State Police, the
30 Department of **【Human Services】** Children and Families shall
31 notify the applicant or staff member, as applicable, and the child
32 care center, in writing, of the applicant's or staff member's
33 qualification or disqualification for employment or service under
34 P.L.2000, c.77 (C.30:5B-6.10 et al.). If the applicant or staff
35 member is disqualified, the convictions that constitute the basis for
36 the disqualification shall be identified in the written notice to the
37 applicant or staff member. The applicant or staff member shall
38 have 14 days from the date of the written notice of disqualification
39 to challenge the accuracy of the criminal history record information.
40 If no challenge is filed or if the determination of the accuracy of the
41 criminal history record information upholds the disqualification, the
42 Department of **【Human Services】** Children and Families shall
43 notify the center that the applicant or staff member has been
44 disqualified from employment.

45 b. The Division of State Police shall promptly notify the
46 Department of **【Human Services】** Children and Families in the
47 event an applicant or staff member who was the subject of a
48 criminal history record background check conducted pursuant to

1 subsection a. of this section, is convicted of a crime or offense in
2 this State after the date the background check was performed. Upon
3 receipt of such notification, the Department of **[Human Services]**
4 Children and Families shall make a determination regarding the
5 employment of the applicant or staff member.

6 (cf: P.L.2004, c.130, s.122)

7
8 202. Section 7 of P.L.2003, c.186 (C.53:1-20.9d) is amended to
9 read as follows:

10 7. a. The Commissioner of **[Human Services]** Children and
11 Families is authorized to exchange fingerprint data with, and to
12 receive criminal history record information from, the Division of
13 State Police in the Department of Law and Public Safety and the
14 Federal Bureau of Investigation.

15 Upon receipt of the criminal history record information for an
16 applicant or staff member of a residential child care facility from
17 the Federal Bureau of Investigation and the Division of State
18 Police, the Department of **[Human Services]** Children and Families
19 shall notify the applicant or staff member, as applicable, and the
20 residential child care facility, in writing, of the applicant's or staff
21 member's qualification or disqualification for employment or
22 service under section 4 or 5 of P.L.2003, c.186 (C.30:4C-27.19 or
23 C.30:4C-27.20). If the applicant or staff member is disqualified, the
24 convictions that constitute the basis for the disqualification shall be
25 identified in the written notice to the applicant or staff member.
26 The applicant or staff member shall have 14 days from the date of
27 the written notice of disqualification to challenge the accuracy of
28 the criminal history record information. If no challenge is filed or if
29 the determination of the accuracy of the criminal history record
30 information upholds the disqualification, the department shall notify
31 the facility that the applicant or staff member has been disqualified
32 from employment.

33 b. The Division of State Police shall promptly notify the
34 Department of **[Human Services]** Children and Families in the
35 event an applicant or staff member, who was the subject of a
36 criminal history record background check conducted pursuant to
37 subsection a. of this section, is convicted of a crime or offense in
38 this State after the date the background check was performed. Upon
39 receipt of such notification, the department shall make a
40 determination regarding the employment of the applicant or staff
41 member.

42 (cf: P.L.2003, c.186, s.7)

43
44 203. (New section) Notwithstanding any provision of P.L.1968,
45 c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
46 Children and Families may, with the approval of the Governor,
47 adopt, immediately upon filing with the Office of Administrative
48 Law, such regulations as the commissioner deems necessary to

1 implement the provisions of this act, which regulations shall be
2 effective for a period not to exceed six months and may, thereafter,
3 be amended, adopted or readopted by the commissioner in
4 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1
5 et seq.).

6
7 204. The following are repealed:

8 Section 7 of P.L.1998, c.19 (C.9:6-8.105);

9 Sections 4, 5, and 6 of P.L.1985, c.197 (C.9:6A-2 through 9:6A-
10 4);

11 Section 2 of P.L.2004, c.130 (C.30:4C-2.2); and

12 P.L.2001, c.252 (C.30:4C-3.1 through 30:4C-3.6).

13
14 205. This act shall take effect July 1, 2006 and, if enacted after
15 that date, shall be retroactive to July 1, 2006.

16

17

18

STATEMENT

19

20 This bill establishes as a new principal department within the
21 Executive Branch, the Department of Children and Families.

22 The variety and magnitude of programs in the State's child
23 welfare system warrant the creation of a separate cabinet-level
24 department devoted exclusively to providing for the safety and
25 well-being of children and their families. The purpose of this
26 legislation is to provide the most effective means of protecting the
27 children of this State by creating a department which focuses
28 exclusively on protecting children and strengthening families, so
29 that our State's children are able to grow and prosper. The intent of
30 this legislation is to achieve a more efficient and effective child
31 welfare services delivery system in a manner that does not disrupt
32 the current provision of services to consumers of child welfare
33 services.

34 The bill transfers the functions of the current Office of
35 Children's Services in the Department of Human Services, as well
36 as licensing of child care centers, youth residential programs and
37 resource family homes, to the new Department of Children and
38 Families, and authorizes the Governor to appoint, with the advice
39 and consent of the Senate, a Commissioner of Children and
40 Families, who will be responsible for the administration of the new
41 department. The new department will contain, but not be limited to,
42 the Division of Youth and Family Services, the Division of Child
43 Behavioral Health Services, the Division of Prevention and
44 Community Partnerships and the New Jersey Child Welfare
45 Training Academy, all of which are currently allocated to DHS.

46 Although the bill amends numerous statutes to reflect the
47 nominal changes from the Department of Human Services (DHS) to
48 the Department of Children and Families (DCF), the bill primarily

1 amends the following three main statutory frameworks to transfer
2 the functions of DHS to DCF:

- 3 • Title 2A, which concerns the juvenile justice system;
- 4 • Title 9, which concerns adoptions, investigations of child
5 abuse and neglect, and homeless youth; and
- 6 • Title 30, which concerns the care, custody and supervision of
7 abused and neglected children, termination of parental rights,
8 visitation requirements, licensing of resource family homes,
9 child care centers, and other children's residential placements,
10 and the Safe Haven Infant Protection Act.

11 The bill also provides that the Department of Children and
12 Families replaces the Department of Human Services in the
13 following:

- 14 • Task Force on Child Abuse and Neglect;
- 15 • Child Fatality and Near Fatality Review Board;
- 16 • Safe Haven Awareness Promotion Task Force;
- 17 • Child Abuse Registry;
- 18 • Domestic Violence Victims' Fund; and
- 19 • Juvenile Justice Commission.

20 The bill provides that the Commissioner of Children and
21 Families is added as a member of the following bodies:

- 22 • Commission on Early Childhood Education in the Department
23 of Education;
- 24 • Advisory Council on Adolescent Pregnancy;
- 25 • Governor's Council on Alcoholism and Drug Abuse in the
26 Department of the Treasury;
- 27 • State Health Planning Board in the Department of Health and
28 Senior Services;
- 29 • Catastrophic Illness in Children Relief Fund Commission in
30 the Department of Human Services; and
- 31 • New Jersey Youth Suicide Prevention Advisory Council,
32 which is moved from DHS to the new department.

33 The bill moves the Office of Education from DHS to DCF, and
34 the Commissioner of Children and Families, rather than the
35 Commissioner of Human Services, will appoint the Director of
36 Educational Services. Also, the New Jersey Youth Suicide
37 Prevention Advisory Council is moved from DHS to DCF.

38 The bill also eliminates certain panels, commissions, and
39 councils within the Department of Human Services and expands the
40 responsibilities and membership of the "New Jersey Task Force on
41 Child Abuse and Neglect." Specifically, the bill dissolves the
42 "Child Life Protection Commission" established under the
43 "Children's Trust Fund Act," N.J.S.A.9:6A-1 et seq., the Diagnostic
44 and Treatment Advisory Council established under N.J.S.A.9:6-8.99
45 et seq., and the Division of Youth and Family Services Staffing and
46 Outcome Review Panel established under N.J.S.A.30:4C-3.1 et seq.

1 Under current law, the Child Life Protection Commission is
2 authorized to evaluate and award grant money appropriated from
3 the Children's Trust Fund to agencies that provide programs and
4 services for the prevention of child abuse and neglect. This bill
5 provides that the commission's responsibility will be assumed by
6 the New Jersey Task Force on Child Abuse and Neglect.
7 Additionally, it is anticipated that the work performed by the
8 diagnostic and treatment advisory council will be assumed by the
9 protection subcommittee of the task force.

10 The bill also expands the membership of the task force from 25
11 to 29 members to include the Commissioner of Children and
12 Families, a county prosecutor appointed by the Attorney General,
13 and two additional public members. Further, the bill specifies that
14 of the 13 public members on the task force: one shall be the director
15 of a regional diagnostic and treatment center for child abuse and
16 neglect; one shall be a representative of the Association for
17 Children of New Jersey; one shall be a representative of Foster and
18 Adoptive Services; one shall be a representative of a faith-based
19 organization; one shall be the director of a county department of
20 human services; one shall be a youth 18 years of age or younger,
21 who is or has been placed under the care and custody of DYFS
22 because of an allegation of child abuse and neglect; and two shall
23 be representatives of a service provider under contract with DYFS.

24 The bill also provides that the Commissioner of Labor and
25 Workforce Development consult with the Commissioner of
26 Children and Families in connection with the At-Risk Youth
27 Mentoring Program, and that the Child Advocate also provide to the
28 Commissioner of Children and Families an annual report regarding
29 the Child Advocate's activities.

30 Finally, the bill repeals the following sections of law:

- 31 • Section 7 of P.L.1998, c.19 (C.9:6-8.105), which established
32 the Diagnostic and Treatment Advisory Council;
- 33 • Sections 4, 5, and 6 of P.L.1985, c.197 (C.9:6A-2 through
34 9:6A-4), which established the Child Life Protection
35 Commission;
- 36 • Section 2 of P.L.2004, c.130 (C.30:4C-2.2), which established
37 the Office of Children's Services in the Department of Human
38 Services; and
- 39 • P.L.2001, c.252 (C.30:4C-3.1 through 30:4C-3.6), which
40 established the DYFS Staffing and Outcomes Review Panel.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2069

STATE OF NEW JERSEY

DATED: JUNE 26, 2006

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 2069.

This bill establishes as a new principal department within the Executive Branch, the Department of Children and Families.

The bill transfers the functions of the current Office of Children's Services in the Department of Human Services, as well as licensing of child care centers, youth residential programs and resource family homes, to the new Department of Children and Families, and authorizes the Governor to appoint, with the advice and consent of the Senate, a Commissioner of Children and Families, who will be responsible for the administration of the new department. The new department will contain, but not be limited to, the Division of Youth and Family Services, the Division of Child Behavioral Health Services, the Division of Prevention and Community Partnerships and the New Jersey Child Welfare Training Academy, all of which are currently allocated to the Department of Human Services.

Although the bill amends numerous statutes to reflect the nominal changes from the Department of Human Services (DHS) to the Department of Children and Families (DCF), the bill primarily amends the following three main statutory frameworks to transfer the functions of DHS to DCF:

- Title 2A, which concerns the juvenile justice system;
- Title 9, which concerns adoptions, investigations of child abuse and neglect, and homeless youth; and
- Title 30, which concerns the care, custody and supervision of abused and neglected children, termination of parental rights, visitation requirements, licensing of resource family homes, child care centers, and other children's residential placements, and the Safe Haven Infant Protection Act.

The bill also provides that the Department of Children and Families replaces the Department of Human Services in the following:

- New Jersey Task Force on Child Abuse and Neglect;
- Child Fatality and Near Fatality Review Board;
- Safe Haven Awareness Promotion Task Force;
- Child Abuse Registry;

- Domestic Violence Victims' Fund; and
- Juvenile Justice Commission.

The bill provides that the Commissioner of Children and Families is added as a member of the following bodies:

- Commission on Early Childhood Education in the Department of Education;
- Advisory Council on Adolescent Pregnancy;
- Governor's Council on Alcoholism and Drug Abuse in the Department of the Treasury;
- State Health Planning Board in the Department of Health and Senior Services;
- Catastrophic Illness in Children Relief Fund Commission in the Department of Human Services; and
- New Jersey Youth Suicide Prevention Advisory Council, which is moved from DHS to the new department.

The bill moves the Office of Education from DHS to DCF, and the Commissioner of Children and Families, rather than the Commissioner of Human Services, will appoint the Director of Educational Services. Also, the New Jersey Youth Suicide Prevention Advisory Council is moved from DHS to DCF.

The bill also eliminates certain panels, commissions, and councils within the Department of Human Services and expands the responsibilities and membership of the New Jersey Task Force on Child Abuse and Neglect. Specifically, the bill dissolves the Child Life Protection Commission established under the "Children's Trust Fund Act," N.J.S.A.9:6A-1 et seq., the Diagnostic and Treatment Advisory Council established under N.J.S.A.9:6-8.99 et seq., and the Division of Youth and Family Services Staffing and Outcome Review Panel established under N.J.S.A.30:4C-3.1 et seq.

Under current law, the Child Life Protection Commission is authorized to evaluate and award grant money appropriated from the Children's Trust Fund to agencies that provide programs and services for the prevention of child abuse and neglect. This bill provides that the commission's responsibility will be assumed by the New Jersey Task Force on Child Abuse and Neglect. Additionally, it is anticipated that the work performed by the Diagnostic and Treatment Advisory Council will be assumed by the protection subcommittee of the task force.

The bill also expands the membership of the task force from 25 to 29 members to include the Commissioner of Children and Families, a county prosecutor appointed by the Attorney General, and two additional public members. Further, the bill specifies that of the 13 public members on the task force: one shall be the director of a regional diagnostic and treatment center for child abuse and neglect; one shall be a representative of the Association for Children of New Jersey; one shall be a representative of Foster and Adoptive Services; one shall be a representative of a faith-based organization; one shall be

the director of a county department of human services; one shall be a youth 21 years of age or younger, who is or has been placed under the care and custody of DYFS because of an allegation of child abuse and neglect; and two shall be representatives of a service provider under contract with DYFS.

The bill also provides that the Commissioner of Labor and Workforce Development consult with the Commissioner of Children and Families in connection with the At-Risk Youth Mentoring Program, and that the Child Advocate also provide to the Commissioner of Children and Families an annual report regarding the Child Advocate's activities.

Finally, the bill repeals the following sections of law:

- Section 7 of P.L.1998, c.19 (C.9:6-8.105), which established the Diagnostic and Treatment Advisory Council;
- Sections 4, 5, and 6 of P.L.1985, c.197 (C.9:6A-2 through 9:6A-4), which established the Child Life Protection Commission;
- Section 2 of P.L.2004, c.130 (C.30:4C-2.2), which established the Office of Children's Services in the Department of Human Services; and
- P.L.2001, c.252 (C.30:4C-3.1 through 30:4C-3.6), which established the DYFS Staffing and Outcomes Review Panel.

The variety and magnitude of programs in the State's child welfare system warrant the creation of a separate cabinet-level department devoted exclusively to providing for the safety and well-being of children and their families. The purpose of this legislation is to provide the most effective means of protecting the children of this State by creating a department which focuses exclusively on protecting children and strengthening families, so that our State's children are able to grow and prosper to the benefit of themselves, their families, and society as a whole. The intent of this legislation is to achieve a more efficient and effective child welfare services delivery system in a manner that does not disrupt the current provision of services to consumers of child welfare services.

The establishment of the new department will begin a process that seeks to maximize coordination and integration of children and family services. Based on the forthcoming recommendations of the Governor's Policy Advisory Council on Human Services Restructuring in early July, additional divisions and programs will be added to the department in the future in a carefully planned and coordinated manner. In this respect, the Division of Family Development in DHS should be one of the first divisions considered for transfer to DCF to ensure that children and families are best served through the new structure.

This bill is identical to Assembly Bill No.3356 (Cryan/Oliver/Cruz Perez), which is pending before the Assembly Budget Committee.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2069

with committee amendments

STATE OF NEW JERSEY

DATED: JULY 7, 2006

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 2069.

As amended by committee, this bill establishes as a new principal department within the Executive Branch, the Department of Children and Families.

The bill transfers the functions of the current Office of Children's Services in the Department of Human Services, as well as licensing of child care centers, youth residential programs and resource family homes, to the new Department of Children and Families, and authorizes the Governor to appoint, with the advice and consent of the Senate, a Commissioner of Children and Families, who will be responsible for the administration of the new department. The new department will contain, but not be limited to, the Division of Youth and Family Services, the Division of Child Behavioral Health Services, the Division of Prevention and Community Partnerships and the New Jersey Child Welfare Training Academy, all of which are currently allocated to the Department of Human Services.

Although the bill amends numerous statutes to reflect the nominal changes from the Department of Human Services (DHS) to the Department of Children and Families (DCF), the bill primarily amends the following three main statutory frameworks to transfer the functions of DHS to DCF:

- Title 2A, which concerns the juvenile justice system;
- Title 9, which concerns adoptions, investigations of child abuse and neglect, and homeless youth; and
- Title 30, which concerns the care, custody and supervision of abused and neglected children, termination of parental rights, visitation requirements, licensing of resource family homes, child care centers, and other children's residential placements, and the Safe Haven Infant Protection Act.

The bill also provides that the Department of Children and Families replaces the Department of Human Services in the following:

- New Jersey Task Force on Child Abuse and Neglect;
- Child Fatality and Near Fatality Review Board;

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- Child Abuse Registry;
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The bill provides that the Commissioner of Children and Families is added as a member of the following bodies:

- Commission on Early Childhood Education in the Department of Education;
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The bill moves the Office of Education from DHS to DCF, and the Commissioner of Children and Families, rather than the Commissioner of Human Services, will appoint the Director of Educational Services. Also, the New Jersey Youth Suicide Prevention Advisory Council is moved from DHS to DCF.

The bill also eliminates certain panels, commissions, and councils within the Department of Human Services and expands the responsibilities and membership of the New Jersey Task Force on Child Abuse and Neglect. Specifically, the bill dissolves the Child Life Protection Commission established under the "Children's Trust Fund Act," N.J.S.A.9:6A-1 et seq., the Diagnostic and Treatment Advisory Council established under N.J.S.A.9:6-8.99 et seq., and the Division of Youth and Family Services Staffing and Outcome Review Panel established under N.J.S.A.30:4C-3.1 et seq.

Under current law, the Child Life Protection Commission is authorized to evaluate and award grant money appropriated from the Children's Trust Fund to agencies that provide programs and services for the prevention of child abuse and neglect. This bill provides that the commission's responsibility will be assumed by the New Jersey Task Force on Child Abuse and Neglect. Additionally, it is anticipated that the work performed by the Diagnostic and Treatment Advisory Council will be assumed by the protection subcommittee of the task force.

The bill also expands the membership of the task force from 25 to 29 members to include the Commissioner of Children and Families, a county prosecutor appointed by the Attorney General, and two additional public members. Further, the bill specifies that of the 13 public members on the task force: one shall be the director of a regional diagnostic and treatment center for child abuse and neglect; one shall be a representative of the Association for Children of New

Jersey; one shall be a representative of Foster and Adoptive Family Services; one shall be a representative of a faith-based organization; one shall be the director of a county department of human services; one shall be a youth 21 years of age or younger, who is or has been placed under the care and custody of DYFS because of an allegation of child abuse and neglect; and two shall be representatives of a service provider under contract with DYFS.

The bill also provides that the Commissioner of Labor and Workforce Development consult with the Commissioner of Children and Families in connection with the At-Risk Youth Mentoring Program, and that the Child Advocate also provide to the Commissioner of Children and Families an annual report regarding the Child Advocate's activities.

Finally, the bill repeals the following sections of law:

- Section 7 of P.L.1998, c.19 (C.9:6-8.105), which established the Diagnostic and Treatment Advisory Council;
- Sections 4, 5, and 6 of P.L.1985, c.197 (C.9:6A-2 through 9:6A-4), which established the Child Life Protection Commission;
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- P.L.2001, c.252 (C.30:4C-3.1 through 30:4C-3.6), which established the DYFS Staffing and Outcomes Review Panel.

The variety and magnitude of programs in the State's child welfare system warrant the creation of a separate cabinet-level department devoted exclusively to providing for the safety and well-being of children and their families. The purpose of this legislation is to provide the most effective means of protecting the children of this State by creating a department which focuses exclusively on protecting children and strengthening families, so that our State's children are able to grow and prosper to the benefit of themselves, their families, and society as a whole. The intent of this legislation is to achieve a more efficient and effective child welfare services delivery system in a manner that does not disrupt the current provision of services to consumers of child welfare services.

The establishment of the new department will begin a process that seeks to maximize coordination and integration of children and family services. Based on the forthcoming recommendations of the Governor's Policy Advisory Council on Human Services Restructuring in early July, additional divisions and programs will be added to the department in the future in a carefully planned and coordinated manner. In this respect, the Division of Family Development in DHS should be one of the first divisions considered for transfer to DCF to ensure that children and families are best served through the new structure.

COMMITTEE AMENDMENTS

The committee amended the bill (section 55) to add to the New Jersey Task Force on Child Abuse and Neglect a Staffing and Oversight Review Subcommittee, which will assume the responsibilities of the Division of Youth and Family Services Staffing and Outcomes Review Panel. The subcommittee shall review staffing levels of the division in order to develop recommendations regarding staffing levels and the most effective methods of recruiting, hiring, and retaining staff within the Division of Youth and Family Services. In addition, the subcommittee shall review the division's performance in the achievement of management and client outcomes, and shall issue a preliminary report with its findings and recommendations no later than January 1, 2007, and subsequent reports annually thereafter with the first full report due no later than July 1, 2007. The subcommittee shall issue its reports directly to the Governor and the Legislature.

FISCAL IMPACT:

No fiscal information has been provided to estimate the cost impact of this bill. However, it is reasonable to estimate that the cost to establish a new principal department of State government is between \$250,000 and \$1million, consisting mostly of the salaries and related expenses of a commissioner and essential staff under his or her direct supervision.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2069
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: JULY 14, 2006

SUMMARY

Synopsis: Establishes Department of Children and Families.

Type of Impact: The Department of Human Services (DHS) has provided information that it would cost approximately \$1.4 million for 14 positions and incidental costs to establish the Department of Children and Families. DHS has also indicated that 15 positions valued at \$1.6 million have been eliminated in anticipation that the new Department of Children and Families will be established. Thus, establishment of the new department will produce a net savings of about \$200,000.

Agencies Affected: Department of Human Services.

Office of Legislative Services Estimate

Fiscal Impact	<u>Years 1 - 3</u>
State Cost	The DHS has provided information that it would cost approximately \$1.4 million for 14 positions and incidental costs to establish the Department of Children and Families. The DHS has also indicated that 15 positions valued at \$1.6 million have been eliminated in anticipation that the new Department of Children and Families will be established. Thus, establishment of the new department will produce a net savings of about \$200,000.

BILL DESCRIPTION

Senate Bill No. 2069 of 2006 establishes the Department of Children and Families and transfers various divisions, offices and programs from the DHS to the new department, including: the Divisions of Youth and Family Services, Child Behavioral Health Services, Prevention and Community Partnerships, the New Jersey Child Welfare Training Academy, and the Office of Education. The legislation also transfers to the new department from DHS responsibility for the licensing of child care centers, resource family homes, and youth residential facilities.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The DHS has provided information that it would cost approximately \$1.4 million for 14 positions and incidental costs to establish the Department of Children and Families. The DHS has also indicated that 15 positions valued at \$1.6 million have been eliminated in anticipation that the new Department of Children and Families will be established. Thus, establishment of the new department will produce a net savings of about \$200,000. The Commissioner of Human Services has further indicated that various administrative functions such as personnel, information technology, etc. would be shared by the two departments.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services notes that DHS has provided information that approximately \$1.6 million in positions were eliminated in anticipation of establishment of a new Department of Children and Families, and that approximately \$1.4 million in personnel and miscellaneous costs would be incurred to establish the new department. It is also noted that at the present time, the two departments will share many administrative services. What may happen in subsequent fiscal years with respect to costs of operating the new department is speculative, and cannot be determined at this time.

Section: Human Services

*Analyst: Jay Hershberg
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 3356

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 22, 2006

Sponsored by:

Assemblyman JOSEPH CRYAN

District 20 (Union)

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Establishes Department of Children and Families.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/27/2006)

1 AN ACT establishing the Department of Children and Families as a
2 principal department in the Executive Branch, supplementing
3 Title 9 of the Revised Statutes, and revising various parts of the
4 statutory law.

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

8
9 1. (New section) Sections 2 through 15 of this act shall be
10 known and may be cited as the “Department of Children and
11 Families Act.”

12
13 2. (New section) The Legislature finds and declares that:

14 a. In 2003, New Jersey settled a class action lawsuit alleging
15 that the State’s child welfare system, which was primarily
16 administered through the Division of Youth and Family Services in
17 the Department of Human Services, failed to protect the State’s
18 most vulnerable children from child abuse and neglect. Under the
19 terms of the settlement agreement, a New Jersey Child Welfare
20 Panel was created to provide technical assistance to the State on
21 child welfare issues in order to monitor the development and
22 implementation of a State plan to reform New Jersey's child welfare
23 system;

24 b. Although the State has committed substantial financial
25 resources to the reform of the child welfare system between the date
26 of the settlement agreement and 2005, the New Jersey Child
27 Welfare Panel concluded that the department has not been able to
28 demonstrate substantial progress in the implementation of the
29 reform plan, and the Child Welfare Panel and other child advocates
30 have concluded that children continue to remain at risk;

31 c. One of the concerns about the reform is that the child welfare
32 system is administered through and is one of several large units
33 within one of the largest agencies in State government, the
34 Department of Human Services, which is responsible for so many of
35 our State’s vulnerable citizens. The department consists of
36 approximately 22,000 employees and includes, in addition to the
37 Division of Youth and Family Services: the Division of Medical
38 Assistance and Health Services, which administers the State’s
39 Medicaid and NJ FamilyCare programs; the Division of Family
40 Development, which administers the Temporary Assistance for
41 Needy Families program and other public assistance programs; the
42 Division of Developmental Disabilities, which provides services to
43 developmentally disabled persons in the community and operates
44 seven developmental centers; the Division of Mental Health

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 Services, which provides services to persons with mental illness in
2 the community and operates five psychiatric hospitals; the Division
3 of Addiction Services, which administers the State's substance
4 abuse programs; the Division of Disability Services, which provides
5 various services to disabled adults; and the Commission for the
6 Blind and Visually Impaired and the Division of the Deaf and Hard
7 of Hearing, which are responsible for providing services to persons
8 who are blind or visually impaired and persons with hearing
9 impairments, respectively; and

10 d. In order to facilitate aggressive reform of the child welfare
11 system and ensure that the reform effort is successful, it is,
12 therefore, in the best interest of the citizens of this State to establish
13 a principal department within the Executive Branch that focuses
14 exclusively on protecting children and strengthening families, so
15 that our State's children will have the optimum conditions in which
16 to grow and prosper to the benefit of themselves, their families, and
17 society as a whole. The department shall have the goal of ensuring
18 safety, permanency, and well-being for all children, and shall have
19 direct responsibility for child welfare and other children and family
20 services, supported by strong inter-agency partnerships among other
21 State departments also responsible for family services.

22
23 3. (New section) There is established in the Executive Branch of
24 the State Government a principal department that shall be known as
25 the Department of Children and Families.

26
27 4. (New section) As used in this act:
28 "Commissioner" means the Commissioner of Children and
29 Families.

30 "Department" means the Department of Children and Families
31 established by this act.

32
33 5. (New section) a. The head and chief administrative officer of
34 the department shall be the Commissioner of Children and Families.
35 The commissioner shall be a person qualified by training and
36 experience to perform the duties of his office. The commissioner
37 shall be appointed by the Governor, with the advice and consent of
38 the Senate, and shall serve at the pleasure of the Governor during
39 the Governor's term of office and until the appointment and
40 qualification of the commissioner's successor. He shall receive
41 such salary as shall be provided by law and shall devote his entire
42 time and attention to the duties of the office and shall not engage in
43 any other profession or occupation.

44 b. The commissioner shall delegate such of his powers as he
45 deems appropriate for the efficient administration of the
46 department, to be exercised under the commissioner's direction and
47 supervision by one or more deputy commissioners. A deputy
48 commissioner shall devote his entire time and attention to the duties

1 of that office and shall receive such salary as the commissioner
2 deems appropriate.

3
4 6. (New section) Notwithstanding any provision of P.L.1968,
5 c.410 (C.52:14B-1 et seq.) to the contrary, the commissioner may
6 designate an appropriate officer of the department to serve as the
7 final decision maker in any contested case or group of contested
8 cases filed with the Office of Administrative Law. The designation
9 shall be in writing and shall be filed with the Office of
10 Administrative Law. The designation shall remain in effect until
11 amended by the commissioner.

12
13 7. (New section) The commissioner, as administrator and chief
14 executive officer of the department, shall:

15 a. Administer the work of the department;

16 b. Appoint and remove officers and other personnel employed
17 within the department, subject to the provisions of Title 11A of the
18 New Jersey Statutes, Civil Service, and other applicable statutes,
19 except as herein otherwise specifically provided;

20 c. Appoint such deputy and assistant commissioners, directors
21 and other personnel in the unclassified service as the commissioner
22 deems appropriate to receive such compensation as may be
23 provided by law;

24 d. Perform, exercise and discharge the functions, powers and
25 duties of the department through such divisions as may be
26 established by this act or otherwise by law;

27 e. Organize the work of the department in such divisions, not
28 inconsistent with the provisions of this act, and in such other
29 organizational units as he may determine to be necessary for
30 efficient and effective operation;

31 f. Adopt, issue and promulgate, in the name of the department,
32 such rules and regulations as may be authorized by law, consistent
33 with the "Administrative Procedure Act," P.L.1968, c.410
34 (C.52:14B-1 et seq.);

35 g. Formulate and adopt rules and regulations for the efficient
36 conduct of the work and general administration of the department,
37 its officers and employees;

38 h. Institute or cause to be instituted such legal proceedings or
39 processes as may be necessary to enforce and give effect to any of
40 his powers or duties;

41 i. Make such reports of the department's operation as the
42 Governor or the Legislature shall from time to time request, or as
43 may be required by law;

44 j. Coordinate the activities of the department, and the several
45 divisions and other agencies therein, in a manner designed to
46 eliminate overlapping and duplicating functions;

- 1 k. Integrate within the department, so far as practicable, all staff
2 services of the department and of the several divisions and other
3 agencies therein;
- 4 l. Maintain suitable headquarters for the department and such
5 other quarters as are necessary to the proper functioning of the
6 department;
- 7 m. Solicit, apply for, and accept on behalf of the State any
8 contributions, donations of money, goods, services, real or personal
9 property or grants from the federal government or any agency
10 thereof, or from any foundation, corporation, association or
11 individual, and comply with the terms, conditions and limitations
12 thereof, for any of the purposes of the department;
- 13 n. Enter into contracts and agreements with public and private
14 entities, as may be appropriate to carry out the purposes of the
15 department;
- 16 o. Be the request officer for the department within the meaning
17 of such term as defined in P.L.1944, c.112 (C.52:27B-1 et seq.); and
- 18 p. Perform such other functions as may be prescribed in this act
19 or by any other law.

20

21 8. (New section) The commissioner may make, or cause to be
22 made, such investigations as he deems necessary in the
23 administration of the Department of Children and Families. For the
24 purpose of any such investigation he may cause to be examined
25 under oath any and all persons whatsoever and compel by subpoena
26 the attendance of witnesses and the production of such books,
27 records, accounts, papers and other documents as are appropriate.
28 If a witness fails without good cause to attend, testify or produce
29 such records or documents as directed in the subpoena, he shall be
30 punished in the manner provided for the punishment of any witness
31 who disobeys a summons or subpoena issued from a court of record
32 in this State.

33

34 9. (New section) All of the functions, powers and duties of the
35 Office of Children's Services in the Department of Human Services,
36 and the power to receive, allocate, expend, and authorize the
37 expenditure of federal moneys available for children and families
38 are hereby transferred and assigned to, assumed by and devolved
39 upon the Department of Children and Families. To effectuate such
40 transfer there shall also be transferred such officers and employees
41 as are necessary, all appropriations or reappropriations, to the extent
42 of remaining unexpended or unencumbered balances thereof,
43 whether allocated or unallocated and whether obligated or
44 unobligated, and all necessary books, papers, records and property.
45 All rules, regulations, acts, determinations and decisions in force at
46 the time of such transfer and proceedings or other such matters
47 undertaken, commenced or pending by or before the Office of
48 Children's Services at the time of such transfer shall continue in

1 force and effect until duly modified, abrogated or completed by the
2 Department of Children and Families.

3 As used in this section, the Office of Children's Services
4 includes, but is not limited to, the Division of Youth and Family
5 Services, the Division of Child Behavioral Health Services, the
6 Division of Prevention and Community Partnerships and the New
7 Jersey Child Welfare Training Academy in the Department of
8 Human Services.

9
10 10. (New section) a. Whenever the term "Office of Children's
11 Services" occurs or any reference is made thereto in any law,
12 regulation, contract or document, the same shall be deemed to mean
13 or refer to the Department of Children and Families.

14 b. Whenever the terms "Division of Youth and Family
15 Services," "Division of Child Behavioral Health Services,"
16 "Division of Prevention and Community Partnerships" and "New
17 Jersey Child Welfare Training Academy" occur or any reference is
18 made thereto in any law, regulation, contract or document, the same
19 shall be deemed to mean or refer to, respectively, the "Division of
20 Youth and Family Services," "Division of Child Behavioral Health
21 Services," "Division of Prevention and Community Partnerships,"
22 and "New Jersey Child Welfare Training Academy" in the
23 Department of Children and Families established herein.

24
25 11. (New section) A proportionate share of the programmatic,
26 administrative, and support staff of the Department of Human
27 Services supporting the functions, powers and duties transferred
28 under this act are transferred to the Department of Children and
29 Families.

30 The transfer of specific facilities, resources and personnel shall
31 be determined by agreement between the Commissioner of Children
32 and Families and the Commissioner of Human Services, after
33 considering the number and type of positions currently used for
34 support for the functions, powers and duties transferred and the
35 appropriateness of transferring personnel, positions, and funding.

36
37 12. (New section) This act shall be subject to the provisions of
38 the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et
39 seq.), except as may otherwise be provided under this act.

40
41 13. (New section) This act shall not:
42 a. affect the tenure, compensation, and pension rights, if any, of
43 the lawful holder thereof, in any position not specifically abolished
44 herein; and
45 b. alter the term of any member of any board, commission, or
46 public body, not specifically abolished herein, lawfully in office on
47 the effective date of this act, or require the reappointment thereof.

1 14. (New Section) The Department of Children and Families
2 shall not employ any individual as a direct care staff member unless
3 the Commissioner of Children and Families has first determined,
4 consistent with the requirements and standards of this section, that
5 no criminal history record information exists on file in the Federal
6 Bureau of Investigation, Identification Division, or in the State
7 Bureau of Identification in the Division of State Police, which
8 would disqualify that individual from being employed at the
9 department. A criminal history record background check shall be
10 conducted at least once every two years for an individual employed
11 as a direct care staff member.

12 As used in this section, “direct care staff member” means an
13 individual employed at the department in a position which involves
14 unsupervised, regular contact with individuals receiving services
15 from the department.

16 a. An individual shall be disqualified from employment as a
17 direct care staff member if that individual's criminal history record
18 check reveals a record of conviction of any of the following crimes
19 and offenses:

20 (1) In New Jersey, any crime or disorderly persons offense:

21 (a) involving danger to the person, meaning those crimes and
22 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
23 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
24 or N.J.S.2C:15-1 et seq.; or

25 (b) against the family, children or incompetents, meaning those
26 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
27 seq.; or

28 (2) In any other state or jurisdiction, of conduct which, if
29 committed in New Jersey, would constitute any of the crimes or
30 disorderly persons offenses described in paragraph (1) of this
31 subsection.

32 b. Notwithstanding the provisions of subsection a. of this section
33 to the contrary, no individual shall be disqualified from
34 employment under this act on the basis of any conviction disclosed
35 by a criminal history record check performed pursuant to this
36 section if the individual has affirmatively demonstrated to the
37 Commissioner of Children and Families clear and convincing
38 evidence of his rehabilitation. In determining whether an individual
39 has affirmatively demonstrated rehabilitation, the following factors
40 shall be considered:

41 (1) The nature and responsibility of the position which the
42 convicted individual would hold;

43 (2) The nature and seriousness of the offense;

44 (3) The circumstances under which the offense occurred;

45 (4) The date of the offense;

46 (5) The age of the individual when the offense was committed;

47 (6) Whether the offense was an isolated or repeated incident;

1 (7) Any social conditions which may have contributed to the
2 offense; and

3 (8) Any evidence of rehabilitation, including good conduct in
4 prison or in the community, counseling or psychiatric treatment
5 received, acquisition of additional academic or vocational
6 schooling, successful participation in correctional work-release
7 programs, or the recommendation of persons who have had the
8 individual under their supervision.

9 c. If a prospective direct care staff member refuses to consent to,
10 or cooperate in, the securing of a criminal history record
11 background check, the commissioner shall not consider the
12 individual for employment as a direct care staff member. The
13 prospective staff member shall, however, retain any available right
14 of review by the Merit System Board in the Department of
15 Personnel.

16 d. If a current direct care staff member refuses to consent to, or
17 cooperate in, the securing of a criminal history record background
18 check, the commissioner shall immediately remove the individual
19 from his position as a direct care staff member and terminate the
20 individual's employment. The staff member shall, however, retain
21 any available right of review by the Merit System Board in the
22 Department of Personnel.

23 e. Notwithstanding the provisions of subsection a. of this section
24 to the contrary, the department may provisionally employ an
25 individual as a direct care staff member for a period not to exceed
26 six months if that individual's State Bureau of Identification
27 criminal history record background check does not contain any
28 information that would disqualify the individual from employment
29 at the department and if the individual submits to the commissioner
30 a sworn statement attesting that the individual has not been
31 convicted of any crime or disorderly persons offense as described in
32 this section, pending a determination that no criminal history record
33 background information which would disqualify the individual
34 exists on file in the Federal Bureau of Investigation, Identification
35 Division. An individual who is provisionally employed pursuant to
36 this subsection shall perform his duties under the direct supervision
37 of a superior who acts in a supervisory capacity over that individual
38 until the determination concerning the federal information is
39 complete.

40 f. All applicants or current direct care staff members from whom
41 criminal history record background checks are required shall submit
42 their fingerprints in a manner acceptable to the commissioner. The
43 commissioner is authorized to exchange fingerprint data with and
44 receive criminal history record information from the Federal Bureau
45 of Investigation and the Division of State Police for use in making
46 the determinations required by this section. No criminal history
47 record background check shall be performed pursuant to this section

1 unless the applicant shall have furnished his written consent to the
2 check.

3 g. (1) Upon receipt of an applicant or direct care staff member's
4 criminal history record information from the Federal Bureau of
5 Investigation or the Division of State Police, as applicable, the
6 commissioner shall notify the applicant or staff member, in writing,
7 of the applicant's or staff member's qualification or disqualification
8 for employment under this act. If the applicant or staff member is
9 disqualified, the conviction or convictions which constitute the
10 basis for the disqualification shall be identified in the written
11 notice.

12 (2) The applicant or staff member shall have 30 days from the
13 date of written notice of disqualification to petition the
14 commissioner for a hearing on the accuracy of the criminal history
15 record information or to establish his rehabilitation under
16 subsection b. of this section. The commissioner may refer any case
17 arising hereunder to the Office of Administrative Law for
18 administrative proceedings pursuant to P.L.1978, c.67 (C.52:14F-1
19 et al.).

20 (3) The commissioner shall not maintain any individual's
21 criminal history record information or evidence of rehabilitation
22 submitted under this section for more than six months from the date
23 of a final determination by the commissioner as to the individual's
24 qualification or disqualification to be a direct care staff member
25 pursuant to this section.

26 h. The commissioner shall initiate a criminal history record
27 background check on all prospective direct care staff members.
28 Current direct care staff members who have had a criminal history
29 record background check conducted and stored in a manner
30 approved by the commissioner shall have up to two years from the
31 effective date of this act until the next criminal history background
32 check is conducted.

33 i. The department shall assume the cost of all criminal history
34 record background checks conducted on current and prospective
35 direct care staff members.

36

37 15. (New section) a. The Commissioner of Children and
38 Families is authorized to exchange fingerprint data with, and to
39 receive information from, the Division of State Police in the
40 Department of Law and Public Safety and the Federal Bureau of
41 Investigation in accordance with the provisions of section 14 of
42 P.L. , c. (C.)(pending before the Legislature as this bill).

43 b. The Division of State Police shall promptly notify the
44 Department of Children and Families in the event an applicant for a
45 direct care staff member position or a direct care staff member who
46 was the subject of a criminal history record background check
47 conducted pursuant to subsection a. of this section, is convicted of a
48 crime or offense in this State after the date the background check

1 was performed. Upon receipt of such notification, the Department
2 of Children and Families shall make a determination regarding the
3 employment of the applicant or staff member.

4
5 16. Section 18 of P.L.1982, c.77 (C.2A:4A-37) is amended to
6 read as follows:

7 18. Place of detention or shelter. a. The Juvenile Justice
8 Commission established pursuant to section 2 of P.L.1995, c.284
9 (C.52:17B-170) shall specify the place where a juvenile may be
10 detained; and the Department of **【Human Services】** Children and
11 Families shall specify where a juvenile may be placed in shelter.

12 b. No juvenile shall be placed in detention or shelter care in
13 any place other than that specified by the Juvenile Justice
14 Commission or Department of **【Human Services】** Children and
15 Families as provided in subsection a.

16 c. A juvenile being held for a charge under this act or for a
17 violation of or contempt in connection with a violation of Title 39
18 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes
19 or N.J.S.2C:33-13, including a juvenile who has reached the age of
20 18 years after being charged, shall not be placed in any prison, jail
21 or lockup nor detained in any police station, except that if no other
22 facility is reasonably available a juvenile may be held in a police
23 station in a place other than one designed for the detention of
24 prisoners and apart from any adult charged with or convicted of a
25 crime for a brief period if such holding is necessary to allow release
26 to his parent, guardian, other suitable person, or approved facility.
27 No juvenile shall be placed in a detention facility which has reached
28 its maximum population capacity, as designated by the Juvenile
29 Justice Commission.

30 d. No juvenile charged with delinquency shall be transferred to
31 an adult county jail solely by reason of having reached age 18. The
32 following standards shall apply to any juvenile who has been placed
33 on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43)
34 and who violates the conditions of that probation after reaching the
35 age of 18; who has been placed on parole pursuant to the provisions
36 of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et
37 seq.) and who violates the conditions of that parole after reaching
38 the age of 18; or who is arrested after reaching the age of 18 on a
39 warrant emanating from the commission of an act of juvenile
40 delinquency:

41 (1) In the case of a person 18 years of age but less than 20 years
42 of age, the court, upon application by any interested party, shall
43 determine the place of detention, taking into consideration the age
44 and maturity of the person, whether the placement of the person in a
45 juvenile detention facility would present a risk to the safety of
46 juveniles residing at the facility, the likelihood that the person
47 would influence in a negative manner juveniles incarcerated at the
48 facility, whether the facility has sufficient space available for

1 juveniles and any other factor the court deems appropriate. Upon
2 application at any time by the juvenile detention facility
3 administrator or any other interested party, the court may order that
4 the person be relocated to the county jail. The denial of an
5 application shall not preclude subsequent applications based on a
6 change in circumstances or information that was not previously
7 made available to the court. The determination of the place of
8 detention shall be made in a summary manner;

9 (2) In the case of a person 20 years of age or older, the person
10 shall be incarcerated in the county jail unless good cause is shown.

11 e. (1) The Juvenile Justice Commission and the Department of
12 **【Human Services】** Children and Families shall promulgate such
13 rules and regulations from time to time as deemed necessary to
14 establish minimum physical facility and program standards for
15 juvenile detention facilities or shelters under their respective
16 supervision.

17 (2) The Juvenile Justice Commission and the Department of
18 **【Human Services】** Children and Families, in consultation with the
19 appropriate county administrator of the county facility or shelter,
20 shall assign a maximum population capacity for each juvenile
21 detention facility or shelter based on minimum standards for these
22 facilities.

23 f. (1) Where either the Juvenile Justice Commission or the
24 Department of **【Human Services】** Children and Families determines
25 that a juvenile detention facility or shelter under its control or
26 authority is regularly over the maximum population capacity or is in
27 willful and continuous disregard of the minimum standards for
28 these facilities or shelters, the commission or department may
29 restrict new admissions to the facility or shelter.

30 (2) Upon making such determination, the commission or
31 department shall notify the governing body of the appropriate
32 county of its decision to impose such a restriction, which
33 notification shall include a written statement specifying the reasons
34 therefor and corrections to be made. If the commission or
35 department shall determine that no appropriate action has been
36 initiated by the administrator of the facility or shelter within 60
37 days following such notification to correct the violations specified
38 in the notification, it shall order that such juvenile detention facility
39 or shelter shall immediately cease to admit juveniles. The county
40 shall be entitled to a hearing where such a restriction is imposed by
41 the commission or department.

42 (3) Any juvenile detention facility or shelter so restricted shall
43 continue under such order until such time as the commission or
44 department determines that the violation specified in the notice has
45 been corrected or that the facility or shelter has initiated actions
46 which will ensure the correction of said violations.

47 (4) Upon the issuance of an order to cease admissions to a
48 juvenile detention facility or shelter, the commission or department

1 shall determine whether other juvenile detention facilities or
2 shelters have adequate room for admitting juveniles and shall assign
3 the juveniles to the facilities or shelters on the basis of available
4 space; provided that the department shall not assign the juvenile to
5 a facility or shelter where such facility or shelter is at the maximum
6 population. A juvenile detention facility or shelter ordered to
7 accept a juvenile shall do so within five days following the receipt
8 of an order to accept admission of such juvenile.

9 (5) A juvenile detention facility or shelter restricted by an order
10 to cease admissions shall assume responsibility for the
11 transportation of a juvenile sent to another juvenile detention
12 facility or shelter so long as the order shall remain in effect.

13 (6) A facility or shelter receiving juveniles pursuant to
14 paragraph (4) of this subsection shall receive from the sending
15 county a reasonable and appropriate per diem allowance for each
16 juvenile sent to the facility, such allowance to be used for the
17 custody, care, maintenance, and any other services normally
18 provided by the county to juveniles in the facility or shelter and
19 which reflects all county expenditures in maintaining such juvenile,
20 including a proportionate share of all buildings and grounds costs,
21 personnel costs, including fringe benefits, administrative costs and
22 all other direct and indirect costs.

23 (7) The governing body of a county whose juvenile detention
24 facility or shelter has been prohibited from accepting new
25 admissions, and whose juveniles have been assigned to other
26 juvenile detention facilities or shelters, shall appropriate an amount
27 to pay the county receiving such juveniles for all expenses incurred
28 pursuant to paragraph (6) of this subsection.

29 (cf: P.L.2003, c.287, s.1)

30

31 17. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to
32 read as follows:

33 23. Predispositional evaluation. a. Before making a disposition,
34 the court may refer the juvenile to an appropriate individual, agency
35 or institution for examination and evaluation.

36 b. In arriving at a disposition, the court may also consult with
37 such individuals and agencies as may be appropriate to the
38 juvenile's situation, including the county probation division, the
39 Department of **[Human Services]** Children and Families, the
40 Juvenile Justice Commission established pursuant to section 2 of
41 P.L.1995, c.284 (C.52:17B-170), the county youth services
42 commission, school personnel, clergy, law enforcement authorities,
43 family members and other interested and knowledgeable parties. In
44 so doing, the court may convene a predispositional conference to
45 discuss and recommend disposition.

46 c. The predisposition report ordered pursuant to the Rules of
47 Court may include a statement by the victim of the offense for
48 which the juvenile has been adjudicated delinquent or by the nearest

1 relative of a homicide victim. The statement may include the nature
2 and extent of any physical harm or psychological or emotional harm
3 or trauma suffered by the victim, the extent of any loss to include
4 loss of earnings or ability to work suffered by the victim and the
5 effect of the crime upon the victim's family. The probation division
6 shall notify the victim or nearest relative of a homicide victim of his
7 right to make a statement for inclusion in the predisposition report
8 if the victim or relative so desires. Any statement shall be made
9 within 20 days of notification by the probation division. The report
10 shall further include information on the financial resources of the
11 juvenile. This information shall be made available on request to the
12 Victims of Crime Compensation Board established pursuant to
13 section 3 of P.L.1971, c.317 (C.52:4B-3) or to any officer
14 authorized under section 3 of P.L.1979, c.396 (C.2C:46-4) to collect
15 payment of an assessment, restitution or fine. Any predisposition
16 prepared pursuant to this section shall include an analysis of the
17 circumstances attending the commission of the act, the impact of
18 the offense on the community, the offender's history of delinquency
19 or criminality, family situation, financial resources, the financial
20 resources of the juvenile's parent or guardian, and information
21 concerning the parent or guardian's exercise of supervision and
22 control relevant to commission of the act.

23 Information concerning financial resources included in the report
24 shall be made available to any officer authorized to collect payment
25 on any assessment, restitution or fine.
26 (cf: P.L.2004, c.130, s.5)

27
28 18. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to
29 read as follows:

30 24. Disposition of delinquency cases. a. In determining the
31 appropriate disposition for a juvenile adjudicated delinquent the
32 court shall weigh the following factors:

33 (1) The nature and circumstances of the offense;

34 (2) The degree of injury to persons or damage to property
35 caused by the juvenile's offense;

36 (3) The juvenile's age, previous record, prior social service
37 received and out-of-home placement history;

38 (4) Whether the disposition supports family strength,
39 responsibility and unity and the well-being and physical safety of
40 the juvenile;

41 (5) Whether the disposition provides for reasonable
42 participation by the child's parent, guardian, or custodian, provided,
43 however, that the failure of a parent or parents to cooperate in the
44 disposition shall not be weighed against the juvenile in arriving at
45 an appropriate disposition;

46 (6) Whether the disposition recognizes and treats the unique
47 physical, psychological and social characteristics and needs of the
48 child;

- 1 (7) Whether the disposition contributes to the developmental
 - 2 needs of the child, including the academic and social needs of the
 - 3 child where the child has mental retardation or learning disabilities;
 - 4 (8) Any other circumstances related to the offense and the
 - 5 juvenile's social history as deemed appropriate by the court;
 - 6 (9) The impact of the offense on the victim or victims;
 - 7 (10) The impact of the offense on the community; and
 - 8 (11) The threat to the safety of the public or any individual
 - 9 posed by the child.
- 10 b. If a juvenile is adjudged delinquent, and except to the extent
- 11 that an additional specific disposition is required pursuant to
- 12 subsection e. or f. of this section, the court may order incarceration
- 13 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one
- 14 or more of the following dispositions:
- 15 (1) Adjourn formal entry of disposition of the case for a period
 - 16 not to exceed 12 months for the purpose of determining whether the
 - 17 juvenile makes a satisfactory adjustment, and if during the period of
 - 18 continuance the juvenile makes such an adjustment, dismiss the
 - 19 complaint; provided that if the court adjourns formal entry of
 - 20 disposition of delinquency for a violation of an offense defined in
 - 21 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court
 - 22 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but
 - 23 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for
 - 24 juveniles adjudicated delinquent;
 - 25 (2) Release the juvenile to the supervision of the juvenile's
 - 26 parent or guardian;
 - 27 (3) Place the juvenile on probation to the chief probation officer
 - 28 of the county or to any other suitable person who agrees to accept
 - 29 the duty of probation supervision for a period not to exceed three
 - 30 years upon such written conditions as the court deems will aid
 - 31 rehabilitation of the juvenile;
 - 32 (4) Transfer custody of the juvenile to any relative or other
 - 33 person determined by the court to be qualified to care for the
 - 34 juvenile;
 - 35 (5) Place the juvenile under the care and responsibility of the
 - 36 Department of **【Human Services】** Children and Families so that the
 - 37 commissioner may designate a division or organizational unit in the
 - 38 department pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the
 - 39 purpose of providing services in or out of the home. Within 14
 - 40 days, unless for good cause shown, but not later than 30 days, the
 - 41 Department of **【Human Services】** Children and Families shall
 - 42 submit to the court a service plan, which shall be presumed valid,
 - 43 detailing the specifics of any disposition order. The plan shall be
 - 44 developed within the limits of fiscal and other resources available to
 - 45 the department. If the court determines that the service plan is
 - 46 inappropriate, given existing resources, the department may request
 - 47 a hearing on that determination;

1 (6) Place the juvenile under the care and custody of the
2 Commissioner of Human Services for the purpose of receiving the
3 services of the Division of Developmental Disabilities of that
4 department, provided that the juvenile has been determined to be
5 eligible for those services under P.L.1965, c.59, s.16 (C.30:4-25.4);

6 (7) Commit the juvenile, pursuant to applicable laws and the
7 Rules of Court governing civil commitment, to the Department of
8 **【Human Services】** Children and Families under the responsibility
9 of the Division of Child Behavioral Health Services for the purpose
10 of placement in a suitable public or private hospital or other
11 residential facility for the treatment of persons who are mentally ill,
12 on the ground that the juvenile is in need of involuntary
13 commitment;

14 (8) Fine the juvenile an amount not to exceed the maximum
15 provided by law for such a crime or offense if committed by an
16 adult and which is consistent with the juvenile's income or ability
17 to pay and financial responsibility to the juvenile's family, provided
18 that the fine is specially adapted to the rehabilitation of the juvenile
19 or to the deterrence of the type of crime or offense. If the fine is
20 not paid due to financial limitations, the fine may be satisfied by
21 requiring the juvenile to submit to any other appropriate disposition
22 provided for in this section;

23 (9) Order the juvenile to make restitution to a person or entity
24 who has suffered loss resulting from personal injuries or damage to
25 property as a result of the offense for which the juvenile has been
26 adjudicated delinquent. The court may determine the reasonable
27 amount, terms and conditions of restitution. If the juvenile
28 participated in the offense with other persons, the participants shall
29 be jointly and severally responsible for the payment of restitution.
30 The court shall not require a juvenile to make full or partial
31 restitution if the juvenile reasonably satisfies the court that the
32 juvenile does not have the means to make restitution and could not
33 reasonably acquire the means to pay restitution;

34 (10) Order that the juvenile perform community services under
35 the supervision of a probation division or other agency or individual
36 deemed appropriate by the court. Such services shall be
37 compulsory and reasonable in terms of nature and duration. Such
38 services may be performed without compensation, provided that any
39 money earned by the juvenile from the performance of community
40 services may be applied towards any payment of restitution or fine
41 which the court has ordered the juvenile to pay;

42 (11) Order that the juvenile participate in work programs which
43 are designed to provide job skills and specific employment training
44 to enhance the employability of job participants. Such programs
45 may be without compensation, provided that any money earned by
46 the juvenile from participation in a work program may be applied
47 towards any payment of restitution or fine which the court has
48 ordered the juvenile to pay;

- 1 (12) Order that the juvenile participate in programs emphasizing
2 self-reliance, such as intensive outdoor programs teaching survival
3 skills, including but not limited to camping, hiking and other
4 appropriate activities;
- 5 (13) Order that the juvenile participate in a program of academic
6 or vocational education or counseling, such as a youth service
7 bureau, requiring attendance at sessions designed to afford access to
8 opportunities for normal growth and development. This may
9 require attendance after school, evenings and weekends;
- 10 (14) Place the juvenile in a suitable residential or nonresidential
11 program for the treatment of alcohol or narcotic abuse, provided
12 that the juvenile has been determined to be in need of such services;
- 13 (15) Order the parent or guardian of the juvenile to participate in
14 appropriate programs or services when the court has found either
15 that such person's omission or conduct was a significant
16 contributing factor towards the commission of the delinquent act,
17 or, under its authority to enforce litigant's rights, that such person's
18 omission or conduct has been a significant contributing factor
19 towards the ineffective implementation of a court order previously
20 entered in relation to the juvenile;
- 21 (16) (a) Place the juvenile in a nonresidential program operated
22 by a public or private agency, providing intensive services to
23 juveniles for specified hours, which may include education,
24 counseling to the juvenile and the juvenile's family if appropriate,
25 vocational training, employment counseling, work or other services;
- 26 (b) Place the juvenile under the custody of the Juvenile Justice
27 Commission established pursuant to section 2 of P.L.1995, c.284
28 (C.52:17B-170) for placement with any private group home or
29 private residential facility with which the commission has entered
30 into a purchase of service contract;
- 31 (17) Instead of or in addition to any disposition made according
32 to this section, the court may postpone, suspend, or revoke for a
33 period not to exceed two years the driver's license, registration
34 certificate, or both of any juvenile who used a motor vehicle in the
35 course of committing an act for which the juvenile was adjudicated
36 delinquent. In imposing this disposition and in deciding the duration
37 of the postponement, suspension, or revocation, the court shall
38 consider the severity of the delinquent act and the potential effect of
39 the loss of driving privileges on the juvenile's ability to be
40 rehabilitated. Any postponement, suspension, or revocation shall be
41 imposed consecutively with any custodial commitment;
- 42 (18) Order that the juvenile satisfy any other conditions
43 reasonably related to the rehabilitation of the juvenile;
- 44 (19) Order a parent or guardian who has failed or neglected to
45 exercise reasonable supervision or control of a juvenile who has
46 been adjudicated delinquent to make restitution to any person or
47 entity who has suffered a loss as a result of that offense. The court

1 may determine the reasonable amount, terms and conditions of
2 restitution; or

3 (20) Place the juvenile, if eligible, in an appropriate juvenile
4 offender program established pursuant to P.L.1997, c.81 (C.30:8-61
5 et al.).

6 c. (1) Except as otherwise provided in subsections e. and f. of
7 this section, if the county in which the juvenile has been adjudicated
8 delinquent has a juvenile detention facility meeting the physical and
9 program standards established pursuant to this subsection by the
10 Juvenile Justice Commission, the court may, in addition to any of
11 the dispositions not involving placement out of the home
12 enumerated in this section, incarcerate the juvenile in the youth
13 detention facility in that county for a term not to exceed 60
14 consecutive days. Counties which do not operate their own juvenile
15 detention facilities may contract for the use of approved
16 commitment programs with counties with which they have
17 established agreements for the use of pre-disposition juvenile
18 detention facilities. The Juvenile Justice Commission shall
19 promulgate such rules and regulations from time to time as deemed
20 necessary to establish minimum physical facility and program
21 standards for the use of juvenile detention facilities pursuant to this
22 subsection.

23 (2) No juvenile may be incarcerated in any county detention
24 facility unless the county has entered into an agreement with the
25 Juvenile Justice Commission concerning the use of the facility for
26 sentenced juveniles. Upon agreement with the county, the Juvenile
27 Justice Commission shall certify detention facilities which may
28 receive juveniles sentenced pursuant to this subsection and shall
29 specify the capacity of the facility that may be made available to
30 receive such juveniles; provided, however, that in no event shall the
31 number of juveniles incarcerated pursuant to this subsection exceed
32 50% of the maximum capacity of the facility.

33 (3) The court may fix a term of incarceration under this
34 subsection where:

35 (a) The act for which the juvenile was adjudicated delinquent, if
36 committed by an adult, would have constituted a crime or repetitive
37 disorderly persons offense;

38 (b) Incarceration of the juvenile is consistent with the goals of
39 public safety, accountability and rehabilitation and the court is
40 clearly convinced that the aggravating factors substantially
41 outweigh the mitigating factors as set forth in section 25 of
42 P.L.1982, c.77 (C.2A:4A-44); and

43 (c) The detention facility has been certified for admission of
44 adjudicated juveniles pursuant to paragraph (2).

45 (4) If as a result of incarceration of adjudicated juveniles
46 pursuant to this subsection, a county is required to transport a
47 predisposition juvenile to a juvenile detention facility in another

1 county, the costs of such transportation shall be borne by the
2 Juvenile Justice Commission.

3 d. Whenever the court imposes a disposition upon an
4 adjudicated delinquent which requires the juvenile to perform a
5 community service, restitution, or to participate in any other
6 program provided for in this section other than subsection c., the
7 duration of the juvenile's mandatory participation in such
8 alternative programs shall extend for a period consistent with the
9 program goal for the juvenile and shall in no event exceed one year
10 beyond the maximum duration permissible for the delinquent if the
11 juvenile had been committed to a term of incarceration.

12 e. In addition to any disposition the court may impose pursuant
13 to this section or section 25 of P.L.1982, c.77 (C.2A:4A-44), the
14 following orders shall be included in dispositions of the
15 adjudications set forth below:

16 (1) An order of incarceration for a term of the duration
17 authorized pursuant to this section or section 25 of P.L.1982, c.77
18 (C.2A:4A-44) or an order to perform community service pursuant to
19 paragraph (10) of subsection b. of this section for a period of at
20 least 60 days, if the juvenile has been adjudicated delinquent for an
21 act which, if committed by an adult, would constitute the crime of
22 theft of a motor vehicle, or the crime of unlawful taking of a motor
23 vehicle in violation of subsection c. of N.J.S.2C:20-10, or the third
24 degree crime of eluding in violation of subsection b. of
25 N.J.S.2C:29-2;

26 (2) An order of incarceration for a term of the duration
27 authorized pursuant to this section or section 25 of P.L.1982, c.77
28 (C.2A:4A-44) which shall include a minimum term of 60 days
29 during which the juvenile shall be ineligible for parole, if the
30 juvenile has been adjudicated delinquent for an act which, if
31 committed by an adult, would constitute the crime of aggravated
32 assault in violation of paragraph (6) of subsection b. of
33 N.J.S.2C:12-1, the second degree crime of eluding in violation of
34 subsection b. of N.J.S.2C:29-2, or theft of a motor vehicle, in a case
35 in which the juvenile has previously been adjudicated delinquent for
36 an act, which if committed by an adult, would constitute unlawful
37 taking of a motor vehicle or theft of a motor vehicle;

38 (3) An order to perform community service pursuant to
39 paragraph (10) of subsection b. of this section for a period of at
40 least 30 days, if the juvenile has been adjudicated delinquent for an
41 act which, if committed by an adult, would constitute the fourth
42 degree crime of unlawful taking of a motor vehicle in violation of
43 subsection b. of N.J.S.2C:20-10;

44 (4) An order of incarceration for a term of the duration
45 authorized pursuant to this section or section 25 of P.L.1982, c.77
46 (C.2A:4A-44) which shall include a minimum term of 30 days
47 during which the juvenile shall be ineligible for parole, if the
48 juvenile has been adjudicated delinquent for an act which, if

1 committed by an adult, would constitute the crime of unlawful
2 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third
3 degree crime of eluding in violation of subsection b. of
4 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated
5 delinquent for an act which, if committed by an adult, would
6 constitute either theft of a motor vehicle, the unlawful taking of a
7 motor vehicle or eluding.

8 f. (1) The minimum terms of incarceration required pursuant to
9 subsection e. of this section shall be imposed regardless of the
10 weight or balance of factors set forth in this section or in section 25
11 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of
12 those factors shall determine the length of the term of incarceration
13 appropriate, if any, beyond any mandatory minimum term required
14 pursuant to subsection e. of this section.

15 (2) When a court in a county that does not have a juvenile
16 detention facility or a contractual relationship permitting
17 incarceration pursuant to subsection c. of this section is required to
18 impose a term of incarceration pursuant to subsection e. of this
19 section, the court may, subject to limitations on commitment to
20 State correctional facilities of juveniles who are under the age of 11
21 or developmentally disabled, set a term of incarceration consistent
22 with subsection c. which shall be served in a State correctional
23 facility. When a juvenile who because of age or developmental
24 disability cannot be committed to a State correctional facility or
25 cannot be incarcerated in a county facility, the court shall order a
26 disposition appropriate as an alternative to any incarceration
27 required pursuant to subsection e.

28 (3) For purposes of subsection e. of this section, in the event
29 that a "boot camp" program for juvenile offenders should be
30 developed and is available, a term of commitment to such a
31 program shall be considered a term of incarceration.

32 g. Whenever the court imposes a disposition upon an
33 adjudicated delinquent which requires the juvenile to perform a
34 community service, restitution, or to participate in any other
35 program provided for in this section, the order shall include
36 provisions which provide balanced attention to the protection of the
37 community, accountability for offenses committed, fostering
38 interaction and dialogue between the offender, victim and
39 community and the development of competencies to enable the
40 child to become a responsible and productive member of the
41 community.

42 (cf: P.L.2004, c.130, s.6)

43
44 19. Section 1 of P.L.1982, c.79 (2A:4A-60) is amended to read
45 as follows:

46 1. Disclosure of juvenile information; penalties for disclosure.

47 a. Social, medical, psychological, legal and other records of the
48 court and probation division, and records of law enforcement

1 agencies, pertaining to juveniles charged as a delinquent or found to
2 be part of a juvenile-family crisis, shall be strictly safeguarded from
3 public inspection. Such records shall be made available only to:

- 4 (1) Any court or probation division;
- 5 (2) The Attorney General or county prosecutor;
- 6 (3) The parents or guardian and to the attorney of the juvenile;
- 7 (4) The Department of Human Services or Department of
8 Children and Families, if providing care or custody of the juvenile;
- 9 (5) Any institution or facility to which the juvenile is currently
10 committed or in which the juvenile is placed;
- 11 (6) Any person or agency interested in a case or in the work of
12 the agency keeping the records, by order of the court for good cause
13 shown, except that information concerning adjudications of
14 delinquency, records of custodial confinement, payments owed on
15 assessments imposed pursuant to section 2 of P.L.1979, c.396
16 (C.2C:43-3.1) or restitution ordered following conviction of a crime
17 or adjudication of delinquency, and the juvenile's financial
18 resources, shall be made available upon request to the Victims of
19 Crime Compensation Board established pursuant to section 3 of
20 P.L.1971, c.317 (C.52:4B-3), which shall keep such information
21 and records confidential;
- 22 (7) The Juvenile Justice Commission established pursuant to
23 section 2 of P.L.1995, c.284 (C.52:17B-170);
- 24 (8) Law enforcement agencies for the purpose of reviewing
25 applications for a permit to purchase a handgun or firearms
26 purchaser identification card;
- 27 (9) Any potential party in a subsequent civil action for damages
28 related to an act of delinquency committed by a juvenile, including
29 the victim or a member of the victim's immediate family, regardless
30 of whether the action has been filed against the juvenile; provided,
31 however, that records available under this paragraph shall be
32 limited to official court documents, such as complaints, pleadings
33 and orders, and that such records may be disclosed by the recipient
34 only in connection with asserting legal claims or obtaining
35 indemnification on behalf of the victim or the victim's family and
36 otherwise shall be safeguarded from disclosure to other members of
37 the public. Any potential party in a civil action related to the
38 juvenile offense may file a motion with the civil trial judge seeking
39 to have the juvenile's social, medical or psychological records
40 admitted into evidence in a civil proceeding for damages;
- 41 (10) Any potential party in a subsequent civil action for damages
42 related to an act of delinquency committed by a juvenile, including
43 the victim or a member of the victim's immediate family, regardless
44 of whether the action has been filed against the juvenile; provided,
45 however, that records available under this paragraph shall be
46 limited to police or investigation reports concerning acts of
47 delinquency, which shall be disclosed by a law enforcement agency
48 only with the approval of the County Prosecutor's Office or the

1 Division of Criminal Justice. Prior to disclosure, all personal
2 information regarding all individuals, other than the requesting
3 party and the arresting or investigating officer, shall be redacted.
4 Such records may be disclosed by the recipient only in connection
5 with asserting legal claims or obtaining indemnification on behalf
6 of the victim or the victim's family, and otherwise shall be
7 safeguarded from disclosure to other members of the public;

8 (11) The Office of the Child Advocate established pursuant to
9 P.L.2005, c.155 (C.52:27EE-1 et al.). Disclosure of juvenile
10 information received by the child advocate pursuant to this
11 paragraph shall be in accordance with the provisions of section 76
12 of P.L.2005, c.155 (C.52:27EE-76); and

13 (12) Law enforcement agencies with respect to information
14 available on the juvenile central registry maintained by the courts
15 pursuant to subsection g. of this section, including, but not limited
16 to: records of official court documents, such as complaints,
17 pleadings and orders for the purpose of obtaining juvenile arrest
18 information; juvenile disposition information; juvenile pretrial
19 information; and information concerning the probation status of a
20 juvenile.

21 b. Records of law enforcement agencies may be disclosed for
22 law enforcement purposes, or for the purpose of reviewing
23 applications for a permit to purchase a handgun or a firearms
24 purchaser identification card to any law enforcement agency of this
25 State, another state or the United States, and the identity of a
26 juvenile under warrant for arrest for commission of an act that
27 would constitute a crime if committed by an adult may be disclosed
28 to the public when necessary to execution of the warrant.

29 c. At the time of charge, adjudication or disposition,
30 information as to the identity of a juvenile charged with an offense,
31 the offense charged, the adjudication and disposition shall, upon
32 request, be disclosed to:

33 (1) The victim or a member of the victim's immediate family;

34 (2) (Deleted by amendment P.L.2005, c.165).

35 (3) On a confidential basis, the principal of the school where the
36 juvenile is enrolled for use by the principal and such members of
37 the staff and faculty of the school as the principal deems
38 appropriate for maintaining order, safety or discipline in the school
39 or to planning programs relevant to the juvenile's educational and
40 social development, provided that no record of such information
41 shall be maintained except as authorized by regulation of the
42 Department of Education; or

43 (4) A party in a subsequent legal proceeding involving the
44 juvenile, upon approval by the court.

45 d. A law enforcement or prosecuting agency shall, at the time
46 of a charge, adjudication or disposition, advise the principal of the
47 school where the juvenile is enrolled of the identity of the juvenile

1 charged, the offense charged, the adjudication and the disposition
2 if:

3 (1) The offense occurred on school property or a school bus,
4 occurred at a school-sponsored function or was committed against
5 an employee or official of the school; or

6 (2) The juvenile was taken into custody as a result of
7 information or evidence provided by school officials; or

8 (3) The offense, if committed by an adult, would constitute a
9 crime, and the offense:

10 (a) resulted in death or serious bodily injury or involved an
11 attempt or conspiracy to cause death or serious bodily injury; or

12 (b) involved the unlawful use or possession of a firearm or other
13 weapon; or

14 (c) involved the unlawful manufacture, distribution or
15 possession with intent to distribute a controlled dangerous
16 substance or controlled substance analog; or

17 (d) was committed by a juvenile who acted with a purpose to
18 intimidate an individual or group of individuals because of race,
19 color, religion, sexual orientation or ethnicity; or

20 (e) would be a crime of the first or second degree.

21 Information provided to the principal pursuant to this subsection
22 shall be treated as confidential but may be made available to such
23 members of the staff and faculty of the school as the principal
24 deems appropriate for maintaining order, safety or discipline in the
25 school or for planning programs relevant to a juvenile's educational
26 and social development, and no record of such information shall be
27 maintained except as authorized by regulation of the Department of
28 Education.

29 e. Nothing in this section prohibits a law enforcement or
30 prosecuting agency from providing the principal of a school with
31 information identifying one or more juveniles who are under
32 investigation or have been taken into custody for commission of any
33 act that would constitute an offense if committed by an adult when
34 the law enforcement or prosecuting agency determines that the
35 information may be useful to the principal in maintaining order,
36 safety or discipline in the school or in planning programs relevant
37 to the juvenile's educational and social development. Information
38 provided to the principal pursuant to this subsection shall be treated
39 as confidential but may be made available to such members of the
40 staff and faculty of the school as the principal deems appropriate for
41 maintaining order, safety or discipline in the school or for planning
42 programs relevant to the juvenile's educational and social
43 development. No information provided pursuant to this section
44 shall be maintained.

45 f. Information as to the identity of a juvenile adjudicated
46 delinquent, the offense, the adjudication and the disposition shall be
47 disclosed to the public where the offense for which the juvenile has
48 been adjudicated delinquent if committed by an adult, would

1 constitute a crime of the first, second or third degree, or aggravated
2 assault, destruction or damage to property to an extent of more than
3 \$500.00, unless upon application at the time of disposition the
4 juvenile demonstrates a substantial likelihood that specific and
5 extraordinary harm would result from such disclosure in the specific
6 case. Where the court finds that disclosure would be harmful to the
7 juvenile, the reasons therefor shall be stated on the record.

8 g. (1) Nothing in this section shall prohibit the establishment and
9 maintaining of a central registry of the records of law enforcement
10 agencies relating to juveniles for the purpose of exchange between
11 State and local law enforcement agencies and prosecutors of this
12 State, another state, or the United States. These records of law
13 enforcement agencies shall be available on a 24-hour basis.

14 (2) Certain information and records relating to juveniles in the
15 central registry maintained by the courts, as prescribed in paragraph
16 (12) of subsection a. of this section, shall be available to State and
17 local law enforcement agencies and prosecutors on a 24-hour basis.

18 h. Whoever, except as provided by law, knowingly discloses,
19 publishes, receives, or makes use of or knowingly permits the
20 unauthorized use of information concerning a particular juvenile
21 derived from records listed in subsection a. or acquired in the
22 course of court proceedings, probation, or police duties, shall, upon
23 conviction thereof, be guilty of a disorderly persons offense.

24 i. Juvenile delinquency proceedings.

25 (1) Except as provided in paragraph (2) of this subsection, the
26 court may, upon application by the juvenile or his parent or
27 guardian, the prosecutor or any other interested party, including the
28 victim or complainant or members of the news media, permit public
29 attendance during any court proceeding at a delinquency case,
30 where it determines that a substantial likelihood that specific harm
31 to the juvenile would not result. The court shall have the authority
32 to limit and control attendance in any manner and to the extent it
33 deems appropriate;

34 (2) The court or, in cases where the county prosecutor has
35 entered an appearance, the county prosecutor shall notify the victim
36 or a member of the victim's immediate family of any court
37 proceeding involving the juvenile and the court shall permit the
38 attendance of the victim or family member at the proceeding except
39 when, prior to completing testimony as a witness, the victim or
40 family member is properly sequestered in accordance with the law
41 or the Rules Governing the Courts of the State of New Jersey or
42 when the juvenile or the juvenile's family member shows, by clear
43 and convincing evidence, that such attendance would result in a
44 substantial likelihood that specific harm to the juvenile would result
45 from the attendance of the victim or a family member at a
46 proceeding or any portion of a proceeding and that such harm
47 substantially outweighs the interest of the victim or family member
48 to attend that portion of the proceeding;

1 (3) The court shall permit a victim, or a family member of a
2 victim to make a statement prior to ordering a disposition in any
3 delinquency proceeding involving an offense that would constitute a
4 crime if committed by an adult.

5 j. The Department of Education, in consultation with the
6 Attorney General, shall adopt, pursuant to the "Administrative
7 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
8 regulations concerning the creation, maintenance and disclosure of
9 pupil records including information acquired pursuant to this
10 section.

11 (cf: P.L.2005, c.165, s.1)

12

13 20. Section 14 of P.L.1982, c.80 (C.2A:4A-89) is amended to
14 read as follows:

15 14. When intake has filed with the court a petition for out of
16 home placement, the court shall, within 24 hours, conduct a hearing
17 on the petition. The court shall notify the parents, the juvenile and
18 his counsel and, if indigent, have counsel appointed by the court.
19 The hearing shall be conducted in accordance with the Rules of
20 Court and shall be attended by the parents, the juvenile, and when
21 requested by the court, a representative of the **【Division of Youth
22 and Family Services】** Department of Children and Families. The
23 following procedure shall be followed for the hearing:

24 a. The court shall hold the hearing to consider the petition and
25 may approve or disapprove the temporary out of home placement.
26 The court may approve the temporary out of home placement if
27 either of the following factors exists:

28 (1) A serious conflict or other problem between the parent and
29 the juvenile which cannot be resolved by delivery of services to the
30 family during continued placement of the juvenile in the parental
31 home; or

32 (2) The physical safety and well-being of the juvenile would be
33 threatened if the juvenile were placed in the parental home.

34 b. If the court disapproves a petition for an out of home
35 placement, a written statement of reasons shall be filed, and the
36 court shall order that the juvenile is to remain at or return to the
37 parental home.

38 c. Temporary out of home placement shall continue until
39 otherwise provided by the court. The order approving the
40 temporary out of home placement shall direct the **【Division of
41 Youth and Family Services】** Department of Children and Families,
42 or other service or agency to submit a family service plan that is
43 designed to resolve the family crisis consistent with the well-being
44 and physical safety of the juvenile. The court shall direct such
45 **【division】** department, service or agency to make recommendations
46 as to which agency or person shall have physical custody of the

1 child, the extent of the parental powers to be awarded to such
2 agency or person and parental visitation rights.

3 d. Within 14 days of the date of the order approving the petition
4 for temporary out of home placement is entered, unless for good
5 cause shown, but no later than 30 days, the **[division]** department,
6 service or agency shall submit to the court a family service plan,
7 which shall be presumed valid, detailing the specifics of the court
8 order. The plan shall be developed within the limits of fiscal and
9 other resources available to the **[division]** department, service or
10 agency. If the court determines that the service plan is
11 inappropriate, given existing resources, the **[division]** department,
12 service or agency may request a hearing on that determination.

13 e. At the hearing held to consider the family service plan
14 presented by the **[division]** department or other service or agency,
15 the court shall consider all such recommendations included therein.
16 The court, consistent with this section, may modify such plan and
17 shall make its dispositional order for the juvenile. The court's
18 dispositional order shall specify the responsibility of the
19 Department of **[Human Services]** Children and Families or other
20 service with respect to the juvenile who shall be placed, those
21 parental powers temporarily ordered to the department or service
22 and parental visitation rights. Where placement cannot be
23 immediately made, the **[division]** department or other service or
24 agency shall report to the court every 14 days on the status of the
25 placement and progress toward implementation of the plan.

26 (cf: P.L.1982, c.80, s.14)

27

28 21. N.J.S.2A:12-6 is amended to read as follows:

29 2A:12-6. The Administrative Director of the Courts is authorized
30 to distribute or cause to be distributed any bound volumes of the
31 New Jersey Reports and the New Jersey Superior Court Reports
32 heretofore or hereafter published and delivered to him, as follows:

33 To each member of the Legislature, one copy of each volume of
34 such reports.

35 To the following named, for official use, to remain the property
36 of the State, the following number of copies of each volume of such
37 reports:

38 a. To the Governor, four copies;

39 b. To the Department of Law and Public Safety, for the
40 Division of Law, four copies; and the Division of Alcoholic
41 Beverage Control, one copy;

42 c. To the Department of the Treasury, for the State Treasurer,
43 one copy; the Division of Taxation, three copies; and the Division
44 of Local Government Services in the Department of Community
45 Affairs, one copy;

46 d. To the Department of State, one copy;

47 e. To the Department of Personnel, one copy;

- 1 f. To the Department of Banking and Insurance, two copies;
- 2 g. To the Board of Public Utilities in the Department of the
3 Treasury, one copy;
- 4 h. To the Department of Labor and Workforce Development,
5 for the commissioner, one copy; the Division of Workers'
6 Compensation, five copies; the State Board of Mediation, one copy;
7 and the Division of Employment Security, three copies;
- 8 i. To the Department of Education, for the commissioner, one
9 copy;
- 10 j. To the Department of Transportation, one copy;
- 11 k. To the Department of Human Services, one copy; **[and]** the
12 Department of Corrections, one copy; and the Department of
13 Children and Families, one copy;
- 14 l. To each judge of the federal courts in and for the district of
15 New Jersey, one copy;
- 16 m. To each justice of the Supreme Court, one copy;
- 17 n. To each judge of the Superior Court, one copy;
- 18 o. To the Administrative Director of the Courts, one copy;
- 19 p. To each standing master of the Superior Court, one copy;
- 20 q. (Deleted by amendment, P.L.1983, c.36.)
- 21 r. To the clerk of the Supreme Court, one copy;
- 22 s. To the clerk of the Superior Court, one copy;
- 23 t. (Deleted by amendment, P.L.1983, c.36.)
- 24 u. (Deleted by amendment, P.L.1983, c.36.)
- 25 v. (Deleted by amendment, P.L.1991, c.91.)
- 26 w. (Deleted by amendment, P.L.1991, c.91.)
- 27 x. To each county prosecutor, one copy;
- 28 y. To the Central Management Unit in the Office of Legislative
29 Services, one copy;
- 30 z. To each surrogate, one copy;
- 31 aa. To each county clerk, one copy;
- 32 ab. To each sheriff, one copy;
- 33 ac. To Rutgers, The State University, two copies; and the law
34 schools, five copies each;
- 35 ad. To the law school of Seton Hall University, five copies;
- 36 ae. To Princeton University, two copies;
- 37 af. To the Library of Congress, four copies;
- 38 ag. To the New Jersey Historical Society, one copy;
- 39 ah. To every library provided by the board of chosen freeholders
40 of any county at the courthouse in each county, one copy;
- 41 ai. To the library of every county bar association in this State,
42 one copy;
- 43 aj. To each incorporated library association in this State, which
44 has a law library at the county seat of the county in which it is
45 located, one copy;
- 46 ak. To each judge of the tax court, one copy;
- 47 al. The State Library, 60 copies, five of which shall be
48 deposited in the Law Library, and 55 of which shall be used by the

1 State Librarian to send one copy to the state library of each state
2 and territory of the United States, the same to be in exchange for the
3 law reports of such states and territories sent to the State Library,
4 which reports shall be deposited in and become part of the
5 collection of the Law Library.

6 The remaining copies of such reports shall be retained by the
7 administrative director for the use of the State and for such further
8 distribution as he may determine upon.

9 (cf: P.L.2001, c.137, s.1)

10

11 22. Section 6 of P.L.2004, c.157 (C.2A:23C-6) is amended to
12 read as follows:

13 6. Exceptions to Privilege.

14 a. There is no privilege under section 4 of P.L.2004, c.157
15 (C.2A:23C-4) for a mediation communication that is:

16 (1) in an agreement evidenced by a record signed by all parties
17 to the agreement;

18 (2) made during a session of a mediation that is open, or is
19 required by law to be open, to the public;

20 (3) a threat or statement of a plan to inflict bodily injury or
21 commit a crime;

22 (4) intentionally used to plan a crime, attempt to commit a
23 crime, or to conceal an ongoing crime or ongoing criminal activity;

24 (5) sought or offered to prove or disprove a claim or complaint
25 filed against a mediator arising out of a mediation;

26 (6) except as otherwise provided in subsection c., sought or
27 offered to prove or disprove a claim or complaint of professional
28 misconduct or malpractice filed against a mediation party, nonparty
29 participant, or representative of a party based on conduct occurring
30 during a mediation; or

31 (7) sought or offered to prove or disprove child abuse or neglect
32 in a proceeding in which the Division of Youth and Family Services
33 in the Department of **[Human Services]** Children and Families is a
34 party, unless the Division of Youth and Family Services participates
35 in the mediation.

36 b. There is no privilege under section 4 of P.L.2004, c.157
37 (C.2A:23C-4) if a court, administrative agency, or arbitrator finds,
38 after a hearing in camera, that the party seeking discovery or the
39 proponent of the evidence has shown that the evidence is not
40 otherwise available, that there is a need for the evidence that
41 substantially outweighs the interest in protecting confidentiality,
42 and that the mediation communication is sought or offered in:

43 (1) a court proceeding involving a crime as defined in the "New
44 Jersey Code of Criminal Justice," N.J.S.2C:1-1 et seq.; or

45 (2) except as otherwise provided in subsection c., a proceeding
46 to prove a claim to rescind or reform or a defense to avoid liability
47 on a contract arising out of the mediation.

1 c. A mediator may not be compelled to provide evidence of a
2 mediation communication referred to in paragraph (6) of subsection
3 a. or paragraph (2) of subsection b.

4 d. If a mediation communication is not privileged under
5 subsection a. or b., only the portion of the communication necessary
6 for the application of the exception from nondisclosure may be
7 admitted. Admission of evidence under subsection a. or b. does not
8 render the evidence, or any other mediation communication,
9 discoverable or admissible for any other purpose.
10 (cf: P.L.2004, c.157, s.6)

11
12 23. Section 5 of P.L.1994, c.133 (C.2C:7-5) is amended to read
13 as follows:

14 5. a. Records maintained pursuant to this act shall be open to any
15 law enforcement agency in this State, the United States or any other
16 state and may be released to the Division of Youth and Family
17 Services in the Department of **【Human Services】** Children and
18 Families for use in carrying out its responsibilities under law. Law
19 enforcement agencies in this State shall be authorized to release
20 relevant and necessary information regarding sex offenders to the
21 public when the release of the information is necessary for public
22 protection in accordance with the provisions of P.L.1994, c.128
23 (C.2C:7-6 et seq.).

24 b. An elected public official, public employee, or public
25 agency is immune from civil liability for damages for any
26 discretionary decision to release relevant and necessary
27 information, unless it is shown that the official, employee, or
28 agency acted with gross negligence or in bad faith. The immunity
29 provided under this section applies to the release of relevant
30 information to other employees or officials or to the general public.

31 c. Nothing in this act shall be deemed to impose any liability
32 upon or to give rise to a cause of action against any public official,
33 public employee, or public agency for failing to release information
34 as authorized in subsection d. of this section.

35 d. Nothing in this section shall be construed to prevent law
36 enforcement officers from notifying members of the public exposed
37 to danger of any persons that pose a danger under circumstances
38 that are not enumerated in this act.

39 (cf: P.L.2006, c.6, s.1)

40

41 24. N.J.S.2C:13-1 is amended to read as follows:

42 2C:13-1. Kidnapping. a. Holding for ransom, reward or as a
43 hostage. A person is guilty of kidnapping if he unlawfully removes
44 another from the place where he is found or if he unlawfully
45 confines another with the purpose of holding that person for ransom
46 or reward or as a shield or hostage.

47 b. Holding for other purposes. A person is guilty of kidnapping
48 if he unlawfully removes another from his place of residence or

1 business, or a substantial distance from the vicinity where he is
2 found, or if he unlawfully confines another for a substantial period,
3 with any of the following purposes:

- 4 (1) To facilitate commission of any crime or flight thereafter;
- 5 (2) To inflict bodily injury on or to terrorize the victim or
6 another;
- 7 (3) To interfere with the performance of any governmental or
8 political function; or
- 9 (4) To permanently deprive a parent, guardian or other lawful
10 custodian of custody of the victim.

11 c. Grading of kidnapping. (1) Except as provided in paragraph
12 (2) of this subsection, kidnapping is a crime of the first degree and
13 upon conviction thereof, a person may, notwithstanding the
14 provisions of paragraph (1) of subsection a. of N.J.S.2C:43-6, be
15 sentenced to an ordinary term of imprisonment between 15 and 30
16 years. If the actor releases the victim unharmed and in a safe place
17 prior to apprehension, it is a crime of the second degree.

18 (2) Kidnapping is a crime of the first degree and upon
19 conviction thereof, an actor shall be sentenced to a term of
20 imprisonment by the court, if the victim of the kidnapping is less
21 than 16 years of age and if during the kidnapping:

- 22 (a) A crime under N.J.S.2C:14-2 or subsection a. of
23 N.J.S.2C:14-3 is committed against the victim;
- 24 (b) A crime under subsection b. of N.J.S.2C:24-4 is committed
25 against the victim; or
- 26 (c) The actor sells or delivers the victim to another person for
27 pecuniary gain other than in circumstances which lead to the return
28 of the victim to a parent, guardian or other person responsible for
29 the general supervision of the victim.

30 Notwithstanding the provisions of paragraph (1) of subsection a.
31 of N.J.S.2C:43-6, the term of imprisonment imposed under this
32 paragraph shall be either a term of 25 years during which the actor
33 shall not be eligible for parole, or a specific term between 25 years
34 and life imprisonment, of which the actor shall serve 25 years
35 before being eligible for parole; provided, however, that the crime
36 of kidnapping under this paragraph and underlying aggravating
37 crimes listed in subparagraph (a), (b) or (c) of this paragraph shall
38 merge for purposes of sentencing. If the actor is convicted of the
39 criminal homicide of a victim of a kidnapping under the provisions
40 of chapter 11, any sentence imposed under provisions of this
41 paragraph shall be served consecutively to any sentence imposed
42 pursuant to the provisions of chapter 11.

43 d. "Unlawful" removal or confinement. A removal or
44 confinement is unlawful within the meaning of this section and of
45 sections 2C:13-2 and 2C:13-3, if it is accomplished by force, threat
46 or deception, or, in the case of a person who is under the age of 14
47 or is incompetent, if it is accomplished without the consent of a

1 parent, guardian or other person responsible for general supervision
2 of his welfare.

3 e. It is an affirmative defense to a prosecution under paragraph
4 (4) of subsection b. of this section, which must be proved by clear
5 and convincing evidence, that:

6 (1) The actor reasonably believed that the action was necessary
7 to preserve the victim from imminent danger to his welfare.
8 However, no defense shall be available pursuant to this subsection
9 if the actor does not, as soon as reasonably practicable but in no
10 event more than 24 hours after taking a victim under his protection,
11 give notice of the victim's location to the police department of the
12 municipality where the victim resided, the office of the county
13 prosecutor in the county where the victim resided, or the Division
14 of Youth and Family Services in the Department of **[Human**
15 **Services]** Children and Families;

16 (2) The actor reasonably believed that the taking or detaining of
17 the victim was consented to by a parent, or by an authorized State
18 agency; or

19 (3) The victim, being at the time of the taking or concealment
20 not less than 14 years old, was taken away at his own volition by
21 his parent and without purpose to commit a criminal offense with or
22 against the victim.

23 f. It is an affirmative defense to a prosecution under paragraph
24 (4) of subsection b. of this section that a parent having the right of
25 custody reasonably believed he was fleeing from imminent physical
26 danger from the other parent, provided that the parent having
27 custody, as soon as reasonably practicable:

28 (1) Gives notice of the victim's location to the police
29 department of the municipality where the victim resided, the office
30 of the county prosecutor in the county where the victim resided, or
31 the Division of Youth and Family Services in the Department of
32 **[Human Services]** Children and Families; or

33 (2) Commences an action affecting custody in an appropriate
34 court.

35 g. As used in subsections e. and f. of this section, "parent"
36 means a parent, guardian or other lawful custodian of a victim.

37 (cf: P.L.1999, c.190, s.1)

38

39 25. N.J.S.2C:13-4 is amended to read as follows:

40 2C:13-4. Interference with custody.

41 a. Custody of children. A person, including a parent, guardian or
42 other lawful custodian, is guilty of interference with custody if he:

43 (1) Takes or detains a minor child with the purpose of concealing
44 the minor child and thereby depriving the child's other parent of
45 custody or parenting time with the minor child; or

46 (2) After being served with process or having actual knowledge
47 of an action affecting marriage or custody but prior to the issuance
48 of a temporary or final order determining custody and parenting

1 time rights to a minor child, takes, detains, entices or conceals the
2 child within or outside the State for the purpose of depriving the
3 child's other parent of custody or parenting time, or to evade the
4 jurisdiction of the courts of this State;

5 (3) After being served with process or having actual knowledge
6 of an action affecting the protective services needs of a child
7 pursuant to Title 9 of the Revised Statutes in an action affecting
8 custody, but prior to the issuance of a temporary or final order
9 determining custody rights of a minor child, takes, detains, entices
10 or conceals the child within or outside the State for the purpose of
11 evading the jurisdiction of the courts of this State; or

12 (4) After the issuance of a temporary or final order specifying
13 custody, joint custody rights or parenting time, takes, detains,
14 entices or conceals a minor child from the other parent in violation
15 of the custody or parenting time order.

16 Interference with custody is a crime of the second degree if the
17 child is taken, detained, enticed or concealed: (i) outside the United
18 States or (ii) for more than 24 hours Otherwise, interference with
19 custody is a crime of the third degree but the presumption of non-
20 imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first
21 offense of a crime of the third degree shall not apply.

22 b. Custody of committed persons. A person is guilty of a crime
23 of the fourth degree if he knowingly takes or entices any committed
24 person away from lawful custody when he is not privileged to do
25 so. "Committed person" means, in addition to anyone committed
26 under judicial warrant, any orphan, neglected or delinquent child,
27 mentally defective or insane person, or other dependent or
28 incompetent person entrusted to another's custody by or through a
29 recognized social agency or otherwise by authority of law.

30 c. It is an affirmative defense to a prosecution under subsection
31 a. of this section, which must be proved by clear and convincing
32 evidence, that:

33 (1) The actor reasonably believed that the action was necessary
34 to preserve the child from imminent danger to his welfare.
35 However, no defense shall be available pursuant to this subsection
36 if the actor does not, as soon as reasonably practicable but in no
37 event more than 24 hours after taking a child under his protection,
38 give notice of the child's location to the police department of the
39 municipality where the child resided, the office of the county
40 prosecutor in the county where the child resided, or the Division of
41 Youth and Family Services in the Department of **[Human Services]**
42 Children and Families;

43 (2) The actor reasonably believed that the taking or detaining of
44 the minor child was consented to by the other parent, or by an
45 authorized State agency; or

46 (3) The child, being at the time of the taking or concealment not
47 less than 14 years old, was taken away at his own volition and

1 without purpose to commit a criminal offense with or against the
2 child.

3 d. It is an affirmative defense to a prosecution under subsection
4 a. of this section that a parent having the right of custody
5 reasonably believed he was fleeing from imminent physical danger
6 from the other parent, provided that the parent having custody, as
7 soon as reasonably practicable:

8 (1) Gives notice of the child's location to the police department
9 of the municipality where the child resided, the office of the county
10 prosecutor in the county where the child resided, or the Division of
11 Youth and Family Services in the Department of **[Human Services]**
12 Children and Families; or

13 (2) Commences an action affecting custody in an appropriate
14 court.

15 e. The offenses enumerated in this section are continuous in
16 nature and continue for so long as the child is concealed or
17 detained.

18 f. (1) In addition to any other disposition provided by law, a
19 person convicted under subsection a. of this section shall make
20 restitution of all reasonable expenses and costs, including
21 reasonable counsel fees, incurred by the other parent in securing the
22 child's return.

23 (2) In imposing sentence under subsection a. of this section the
24 court shall consider, in addition to the factors enumerated in chapter
25 44 of Title 2C of the New Jersey Statutes:

26 (a) Whether the person returned the child voluntarily; and

27 (b) The length of time the child was concealed or detained.

28 g. As used in this section, "parent" means a parent, guardian or
29 other lawful custodian of a minor child.

30 (cf: P.L.1999, c.190, s.2)

31

32 26. Section 1 of P.L.1999, c.421 (C.2C:25-34) is amended to
33 read as follows:

34 1. The Administrative Office of the Courts shall establish and
35 maintain a central registry of all persons who have had domestic
36 violence restraining orders entered against them, all persons who
37 have been charged with a crime or offense involving domestic
38 violence, and all persons who have been charged with a violation of
39 a court order involving domestic violence. All records made
40 pursuant to this section shall be kept confidential and shall be
41 released only to:

42 a. A public agency authorized to investigate a report of domestic
43 violence;

44 b. A police or other law enforcement agency investigating a
45 report of domestic violence, or conducting a background
46 investigation involving a person's application for a firearm permit
47 or employment as a police or law enforcement officer or for any

1 other purpose authorized by law or the Supreme Court of the State
2 of New Jersey;

3 c. A court, upon its finding that access to such records may be
4 necessary for determination of an issue before the court; **[or]**

5 d. A surrogate, in that person's official capacity as deputy clerk
6 of the Superior Court, in order to prepare documents that may be
7 necessary for a court to determine an issue in an adoption
8 proceeding; or

9 e. The Division of Youth and Family Services in the Department
10 of Children and Families when the division is conducting a
11 background investigation involving:

12 (1) an allegation of child abuse or neglect, to include any adult
13 member of the same household as the individual who is the subject
14 of the abuse or neglect allegation; or

15 (2) an out-of-home placement for a child being placed by the
16 Division of Youth and Family Services, to include any adult
17 member of the prospective placement household.

18 Any individual, agency, surrogate or court which receives from
19 the Administrative Office of the Courts the records referred to in
20 this section shall keep such records and reports, or parts thereof,
21 confidential and shall not disseminate or disclose such records and
22 reports, or parts thereof; provided that nothing in this section shall
23 prohibit a receiving individual, agency, surrogate or court from
24 disclosing records and reports, or parts thereof, in a manner
25 consistent with and in furtherance of the purpose for which the
26 records and reports or parts thereof were received.

27 Any individual who disseminates or discloses a record or report,
28 or parts thereof, of the central registry, for a purpose other than
29 investigating a report of domestic violence, conducting a
30 background investigation involving a person's application for a
31 firearm permit or employment as a police or law enforcement
32 officer, making a determination of an issue before the court,
33 conducting a background investigation as specified in subsection e.
34 of this section, or for any other purpose other than that which is
35 authorized by law or the Supreme Court of the State of New Jersey,
36 shall be guilty of a crime of the fourth degree.

37 (cf: P.L.2003, c.286, s.1)

38

39 27. Section 4 of P.L.1999, c.334 (C.2C:35-5.7) is amended to
40 read as follows:

41 4. a. When a person is charged with a criminal offense on a
42 warrant and the person is released from custody before trial on bail
43 or personal recognizance, the court, upon application of a law
44 enforcement officer or prosecuting attorney pursuant to section 3 of
45 P.L.2001, c.365 (C.2C:35-5.9) and except as provided in subsection
46 e. of this section, shall as a condition of release issue an order
47 prohibiting the person from entering any place defined by
48 subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-5.6),

1 including a buffer zone surrounding the place or modifications as
2 provided by subsection f. of this section.

3 b. When a person is charged with a criminal offense on a
4 summons, the court, upon application of a law enforcement officer
5 or prosecuting attorney pursuant to section 3 of P.L.2001, c.365
6 (C.2C:35-5.9) and except as provided in subsection e. of this
7 section, shall, at the time of the defendant's first appearance, issue
8 an order prohibiting the person from entering any place defined by
9 subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-5.6),
10 including a buffer zone surrounding the place or modifications as
11 provided by subsection f. of this section.

12 c. When a person is charged with a criminal offense on a
13 juvenile delinquency complaint and is released from custody at a
14 detention hearing pursuant to section 19 of P.L.1982, c.77
15 (C.2A:4A-38), the court, upon application of a law enforcement
16 officer or prosecuting attorney pursuant to section 3 of P.L.2001,
17 c.365 (C.2C:35-5.9) and except as provided in subsection e. of this
18 section, shall issue an order prohibiting the person from entering
19 any place defined by subsection b. of section 3 of P.L.1999, c.334
20 (C.2C:35-5.6), including a buffer zone surrounding the place or
21 modifications as provided by subsection f. of this section.

22 d. When a person is charged with a criminal offense on a
23 juvenile delinquency complaint and is released without being
24 detained pursuant to section 15 or 16 of P.L.1982, c.77
25 (~~C.2A:4A:34~~ C.2A:4A-34 or C.2A:4A-35), the law enforcement
26 officer or prosecuting attorney shall prepare an application pursuant
27 to section 3 of P.L.2001, c.365 (C.2C:35-5.9) for filing on the next
28 court day.

29 The law enforcement officer releasing the juvenile shall serve the
30 juvenile and his parent or guardian with written notice that an order
31 shall be issued by the Family Part of the Superior Court on the next
32 court day prohibiting the juvenile from entering any place defined
33 by subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-5.6),
34 including a buffer zone surrounding the place or modifications as
35 provided by subsection f. of this section.

36 The court shall issue such order on the first court day following
37 the release of the juvenile. If the restraints contained in the court
38 order differ from the restraints contained in the notice, the order
39 shall not be effective until the third court day following the issuance
40 of the order. The juvenile may apply to the court to stay or modify
41 the order on the grounds set forth in subsection e. of this section.

42 e. The court may forego issuing a restraining order for which
43 application has been made pursuant to section 3 of P.L.2001, c.365
44 (C.2C:35-5.9) only if the defendant establishes by clear and
45 convincing evidence that:

46 (1) the defendant lawfully resides at or has legitimate business
47 on or near the place, or otherwise legitimately needs to enter the
48 place. In such an event, the court shall not issue an order pursuant

1 to this section unless the court is clearly convinced that the need to
2 bar the person from the place in order to protect the public safety
3 and the rights, safety and health of the residents and persons
4 working in the place outweighs the person's interest in returning to
5 the place. If the balance of the interests of the person and the public
6 so warrants, the court may issue an order imposing conditions upon
7 the person's entry at, upon or near the place; or

8 (2) the issuance of an order would cause undue hardship to
9 innocent persons and would constitute a serious injustice which
10 overrides the need to protect the rights, safety and health of persons
11 residing in or having business in the place.

12 f. A restraining order issued pursuant to subsection a., b., c., d.
13 or h. of this section shall describe the place from which the person
14 has been barred and any conditions upon the person's entry into the
15 place, with sufficient specificity to enable the person to guide his
16 conduct accordingly and to enable a law enforcement officer to
17 enforce the order. The order shall also prohibit the person from
18 entering an area of up to 500 feet surrounding the place, unless the
19 court rules that a different buffer zone would better effectuate the
20 purposes of this act. In the discretion of the court, the order may
21 contain modifications to permit the person to enter the area during
22 specified times for specified purposes, such as attending school
23 during regular school hours. When appropriate, the court may
24 append to the order a map depicting the place. The person shall be
25 given a copy of the restraining order and any appended map and
26 shall acknowledge in writing the receipt thereof.

27 g. (1) The court shall provide notice of the restraining order to
28 the local law enforcement agency where the arrest occurred and to
29 the county prosecutor.

30 (2) Notwithstanding the provisions of section 1 of P.L.1982,
31 c.79 (C.2A:4A-60), prior to the person's conviction or adjudication
32 of delinquency for a criminal offense, the local law enforcement
33 agency may post a copy of any orders issued pursuant to this
34 section, or an equivalent notice containing the terms of the order,
35 upon one or more of the principal entrances of the place or in any
36 other conspicuous location. Such posting shall be for the purpose
37 of informing the public, and the failure to post a copy of the order
38 shall in no way excuse any violation of the order.

39 (3) Notwithstanding the provisions of section 1 of P.L.1982,
40 c.79 (C.2A:4A-60), prior to the person's conviction or adjudication
41 of delinquency for a criminal offense, any law enforcement agency
42 may publish a copy of any orders issued pursuant to this section, or
43 an equivalent notice containing the terms of the order, in a
44 newspaper circulating in the area of the restraining order. Such
45 publication shall be for the purpose of informing the public, and the
46 failure to publish a copy of the order shall in no way excuse any
47 violation of the order.

1 (4) Notwithstanding the provisions of section 1 of P.L.1982,
2 c.79 (C.2A:4A-60), prior to the person's conviction or adjudication
3 of delinquency for a criminal offense, any law enforcement agency
4 may distribute copies of any orders issued pursuant to this section,
5 or an equivalent notice containing the terms of the order, to
6 residents or businesses located within the area delineated in the
7 order or, in the case of a school or any government-owned property,
8 to the appropriate administrator, or to any tenant association
9 representing the residents of the affected area. Such distribution
10 shall be for the purpose of informing the public, and the failure to
11 publish a copy of the order shall in no way excuse any violation of
12 the order.

13 h. When a person is convicted of or adjudicated delinquent for
14 any criminal offense, the court, upon application of a law
15 enforcement officer or prosecuting attorney pursuant to section 3 of
16 P.L.2001, c.365 (C.2C:35-5.9) and except as provided in subsection
17 e. of this section, shall, by separate order or within the judgment of
18 conviction, issue an order prohibiting the person from entering any
19 place defined by subsection b. of section 3 of P.L.1999, c.334
20 (C.2C:35-5.6), including a buffer zone surrounding the place or
21 modifications as provided by subsection f. of this section. Upon the
22 person's conviction or adjudication of delinquency for a criminal
23 offense, a law enforcement agency, in addition to posting,
24 publishing, and distributing the order or an equivalent notice
25 pursuant to paragraphs (2), (3) and (4) of subsection g. of this
26 section, may also post, publish and distribute a photograph of the
27 person.

28 i. When a juvenile has been adjudicated delinquent for an act
29 which, if committed by an adult, would be a criminal offense, in
30 addition to an order required by subsection h. of this section or any
31 other disposition authorized by law, the court may order the
32 juvenile and any parent, guardian or any family member over whom
33 the court has jurisdiction to take such actions or obey such restraints
34 as may be necessary to facilitate the rehabilitation of the juvenile or
35 to protect public safety or to safeguard or enforce the rights of
36 residents of the place. The court may commit the juvenile to the
37 care and responsibility of the Department of **[Human Services]**
38 Children and Families until such time as the juvenile reaches the
39 age of 18 or until the order of removal and restraint expires,
40 whichever first occurs, or to such alternative residential placement
41 as is practicable.

42 j. An order issued pursuant to subsection a., b., c. or d. of this
43 section shall remain in effect until the case has been adjudicated or
44 dismissed, or for not less than two years, whichever is less. An
45 order issued pursuant to subsection h. of this section shall remain in
46 effect for such period of time as shall be fixed by the court but not
47 longer than the maximum term of imprisonment or incarceration
48 allowed by law for the underlying offense or offenses. When the

1 court issues a restraining order pursuant to subsection h. of this
2 section and the person is also sentenced to any form of probationary
3 supervision or participation in the Intensive Supervision Program,
4 the court shall make continuing compliance with the order an
5 express condition of probation or the Intensive Supervision
6 Program. When the person has been sentenced to a term of
7 incarceration, continuing compliance with the terms and conditions
8 of the order shall be made an express condition of the person's
9 release from confinement or incarceration on parole. At the time of
10 sentencing or, in the case of a juvenile, at the time of disposition of
11 the juvenile case, the court shall advise the defendant that the
12 restraining order shall include a fixed time period in accordance
13 with this subsection and shall include that provision in the judgment
14 of conviction, dispositional order, separate order or order vacating
15 an existing restraining order, to the law enforcement agency that
16 made the arrest and to the county prosecutor.

17 k. All applications to stay or modify an order issued pursuant
18 to this act, including an order originally issued in municipal court,
19 shall be made in the Superior Court. The court shall immediately
20 notify the county prosecutor in writing whenever an application is
21 made to stay or modify an order issued pursuant to this act. If the
22 court does not issue a restraining order, the sentence imposed by the
23 court for a criminal offense as defined in subsection b. of this
24 section shall not become final for ten days in order to permit the
25 appeal of the court's findings by the prosecution.

26 l. Nothing in this section shall be construed in any way to limit
27 the authority of the court to take such other actions or to issue such
28 orders as may be necessary to protect the public safety or to
29 safeguard or enforce the rights of others with respect to the place.

30 m. Notwithstanding any other provision of this section, the court
31 may permit the person to return to the place to obtain personal
32 belongings and effects and, by court order, may restrict the time and
33 duration and provide for police supervision of such a visit.

34 (cf: P.L.2004, c.130, s.14)

35

36 28. Section 1 of P.L.2003, c.301 (C.2C:44-6.2) is amended to
37 read as follows:

38 1. a. In any case in which a person has been convicted of a crime
39 for which the person will be incarcerated, the court shall order, as
40 part of the presentence investigation required pursuant to
41 N.J.S.2C:44-6, that a determination be made as to whether the
42 person is the sole caretaker of a minor child and, if so, who will
43 assume responsibility for the child's care and custody during the
44 period the person is incarcerated.

45 b. If the determination is made that the person is the sole
46 caretaker of the child, the presentence investigation shall also
47 include:

1 (1) verification that the person who will be responsible for the
2 child's care and custody during the period of incarceration has
3 agreed to assume responsibility for the child's care and custody;

4 (2) an inquiry as to the willingness of the person to assume
5 responsibility for the child's care and custody during the period of
6 incarceration; and

7 (3) a PROMIS/GAVEL network check, juvenile central registry
8 check and domestic violence central registry check on the person
9 who will be responsible for the child's care and custody during the
10 period of incarceration and on any adult and juvenile over 12 years
11 of age in the person's household.

12 c. The court shall provide the information compiled pursuant to
13 subsection b. of this section, from the presentence investigation, to
14 the Division of Youth and Family Services in the Department of
15 **【Human Services】 Children and Families**.

16 (cf: P.L.2003,c.301, s.1)

17

18 29. Section 3 of P.L.2003, c.301 (C.2C:44-6.3) is amended to
19 read as follows:

20 3. a. In any case in which a person has been convicted of a crime
21 enumerated in subsection b. of this section and:

22 (1) the victim of the crime was either a person under the age of
23 18 at the time of the commission of the crime, or a person defined
24 in paragraph (9) of subsection b. of this section; and

25 (2) the person convicted of the crime resides in a household
26 with other minor children or is a parent of a minor child,
27 the court, based on an interview with the defendant, shall make a
28 referral to the Division of Youth and Family Services in the
29 Department of **【Human Services】 Children and Families** and
30 provide the division with the name and address of the person
31 convicted of the crime, information on the person's criminal history
32 and the name and address of each child referred to in paragraph (2)
33 of this subsection.

34 b. For purposes of this section, "crime" includes any of the
35 following:

36 (1) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant
37 to N.J.S.2C:11-4;

38 (2) simple assault or aggravated assault pursuant to
39 N.J.S.2C:12-1;

40 (3) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

41 (4) terrorist threats pursuant to N.J.S.2C:12-3;

42 (5) kidnaping and related offenses including criminal restraint;
43 false imprisonment; interference with custody; criminal coercion; or
44 enticing a child into a motor vehicle, structure, or isolated area
45 pursuant to N.J.S.2C:13-1 through 2C:13-6;

46 (6) sexual assault, criminal sexual contact or lewdness pursuant
47 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

1 (7) arson pursuant to N.J.S.2C:17-1, or causing or risking
2 widespread injury or damage which would constitute a crime of the
3 second degree pursuant to N.J.S.2C:17-2;

4 (8) a crime against a child, including endangering the welfare of
5 a child and child pornography pursuant to N.J.S.2C:24-4; or child
6 abuse, neglect, or abandonment pursuant to R.S.9:6-3;

7 (9) endangering the welfare of an incompetent person pursuant
8 to N.J.S.2C:24-7 or endangering the welfare of an elderly or
9 disabled person pursuant to N.J.S.2C:24-8;

10 (10) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17
11 et seq.); or

12 (11) an attempt or conspiracy to commit an offense listed in
13 paragraphs (1) through (10) of this subsection.

14 (cf: P.L.2003, c.301, s.3)

15

16 30. Section 3 of P.L.1995, c.76 (C.3B:12-69) is amended to read
17 as follows:

18 3. As used in this act:

19 “Appointed standby guardian” means a person appointed
20 pursuant to section 6 of this act to assume the duties of guardian
21 over the person and, when applicable, the property of a minor child
22 upon the death or a determination of incapacity or debilitation, and
23 with the consent, of the parent or legal custodian.

24 “Attending physician” means the physician who has primary
25 responsibility for the treatment and care for the petitioning parent or
26 legal custodian. When more than one physician shares this
27 responsibility, or when a physician is acting on the primary
28 physician’s behalf, any such physician may act as the attending
29 physician pursuant to this act. When no physician has this
30 responsibility, a physician who is familiar with the petitioner’s
31 medical condition may act as the attending physician pursuant to
32 this act.

33 “Consent” means written consent signed by the parent or legal
34 custodian in the presence of two witnesses who shall also sign the
35 document. The written consent shall constitute the terms for the
36 commencement of the duties of the standby guardian.

37 “Debilitation” means a chronic and substantial inability, as a
38 result of a physically debilitating illness, disease, or injury, to care
39 for one’s minor child.

40 “Designated standby guardian” means a person designated
41 pursuant to section 8 of this act to assume temporarily the duties of
42 guardianship over the person and, when applicable, the property of
43 a minor child upon the death or a determination of incapacity or
44 debilitation, and with the consent, of the parent or legal custodian.

45 “Designation” means a written document voluntarily executed
46 by the designator pursuant to this act.

47 “Designator” means a competent parent or legal custodian of a
48 minor child who makes a designation pursuant to this act.

1 “Determination of debilitation” means a written determination
2 made by the attending physician which contains the physician’s
3 opinion to a reasonable degree of medical certainty regarding the
4 nature, cause, extent and probable duration of the parent’s or legal
5 custodian’s debilitation.

6 “Determination of incapacity” means a written determination
7 made by the attending physician which contains the physician’s
8 opinion to a reasonable degree of medical certainty regarding the
9 nature, cause, extent and probable duration of the parent’s or legal
10 custodian’s incapacity.

11 “Incapacity” means a chronic and substantial inability, as a
12 result of mental or organic impairment, to understand the nature and
13 consequences of decisions concerning the care of one’s minor child,
14 and a consequent inability to make these decisions.

15 “Minor child” means a child under the age of eighteen years but
16 excludes a child residing in a placement funded or approved by the
17 Division of Youth and Family Services in the Department of
18 **【Human Services】** Children and Families pursuant to either a
19 voluntary placement agreement or court order.

20 “Triggering event” means an event stated in the designation,
21 petition or decree which empowers the standby guardian to assume
22 the duties of the office, which event may be the death, incapacity or
23 debilitation, with the consent, of the custodial parent or legal
24 custodian, whichever occurs first.

25 (cf: P.L.1995, c.76, s.3)

26

27 31. Section 2 of P.L.2001, c.250 (C.3B:12A-2) is amended to
28 read as follows:

29 2. As used in sections 1 through 6 of P.L.2001, c.250
30 (C.3B:12A-1 et seq.):

31 “Caregiver” means a person over 18 years of age, other than a
32 child’s parent, who has a kinship relationship with the child and has
33 been providing care and support for the child, while the child has
34 been residing in the caregiver’s home, for **【at least】** either the last
35 12 consecutive months or 15 of the last 22 months. “Caregiver”
36 includes a resource family parent as defined in section 1 of
37 P.L.1962, c.136 (C.30:4C-26.4).

38 “Child” means a person under 18 years of age, except as
39 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

40 “Commissioner” means the Commissioner of **【Human Services】**
41 Children and Families.

42 “Court” means the Superior Court, Chancery Division, Family
43 Part.

44 “Department” means the Department of **【Human Services】**
45 Children and Families.

46 “Division” means the Division of Youth and Family Services in
47 the Department of **【Human Services】** Children and Families.

1 “Family friend” means a person who is connected to a child or
2 the child’s parent by an established positive psychological or
3 emotional relationship that is not a biological or legal relationship.

4 “Home review” means the basic review of the information
5 provided by the petitioner and a visit to the petitioner’s home where
6 the child will continue to reside, in accordance with the provisions
7 of P.L.2001, c.250 (C.3B:12A-1 et al.) and pursuant to regulations
8 adopted by the commissioner.

9 “Kinship caregiver assessment” means a written report prepared
10 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1
11 et al.) and pursuant to regulations adopted by the commissioner.

12 “Kinship legal guardian” means a caregiver who is willing to
13 assume care of a child due to parental incapacity, with the intent to
14 raise the child to adulthood, and who is appointed the kinship legal
15 guardian of the child by the court pursuant to P.L.2001, c.250
16 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible
17 for the care and protection of the child and for providing for the
18 child’s health, education and maintenance.

19 “Kinship relationship” means a family friend or a person with a
20 biological or legal relationship with the child.

21 “Parental incapacity” means incapacity of such a serious nature
22 as to demonstrate that the parent is unable, unavailable or unwilling
23 to perform the regular and expected functions of care and support of
24 the child.

25 (cf: P.L.2001, c.250, s.2)

26

27 32. Section 6 of P.L.2001, c.250 (C.3B:12A-6) is amended to
28 read as follows:

29 6. a. In making its determination about whether to appoint the
30 caregiver as kinship legal guardian, the court shall consider:

31 (1) if proper notice was provided to the child's parents;

32 (2) the best interests of the child;

33 (3) the kinship caregiver assessment;

34 (4) in cases in which the division is involved with the child as
35 provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-
36 85), the recommendation of the division, including any parenting
37 time or visitation restrictions;

38 (5) the potential kinship legal guardian's ability to provide a safe
39 and permanent home for the child;

40 (6) the wishes of the child's parents, if known to the court;

41 (7) the wishes of the child if the child is 12 years of age or older,
42 unless unique circumstances exist that make the child's age
43 irrelevant;

44 (8) the suitability of the kinship caregiver and the caregiver's
45 family to raise the child;

46 (9) the ability of the kinship caregiver to assume full legal
47 responsibility for the child;

1 (10) the commitment of the kinship caregiver and the caregiver's
2 family to raise the child to adulthood;

3 (11) the results from the child abuse record check conducted
4 pursuant to section 9 of P.L.2001, c.250 (C.30:4C-86); and

5 (12) the results from the criminal history record background
6 check and domestic violence check conducted pursuant to section 9
7 of P.L.2001, c.250 (C.30:4C-86). In any case in which the caregiver
8 petitioning for kinship legal guardianship, or any adult residing in
9 the prospective caregiver's home, has a record of criminal history or
10 a record of being subjected to a final domestic violence restraining
11 order under P.L.1991, c.261 (C.2C:25-17 et seq.), the court shall
12 review the record with respect to the type and date of the criminal
13 offense or the provisions and date of the final domestic violence
14 restraining order and make a determination as to the suitability of
15 the person to become a kinship legal guardian. For the purposes of
16 this paragraph, with respect to criminal history, the court shall
17 consider convictions for offenses specified in subsections c., d. and
18 e. of section 1 of P.L.1985, c.396 (C.30:4C-26.8).

19 b. The court shall not award kinship legal guardianship of the
20 child unless proper notice was served upon the parents of the child
21 and any other party to whom the court has awarded custody or
22 parenting time for that child, in accordance with the Rules of Court.

23 c. The court shall not award kinship legal guardianship of the
24 child solely because of parental incapacity.

25 d. The court shall appoint the caregiver as a kinship legal
26 guardian if, based upon clear and convincing evidence, the court
27 finds that:

28 (1) each parent's incapacity is of such a serious nature as to
29 demonstrate that the parents are unable, unavailable or unwilling to
30 perform the regular and expected functions of care and support of
31 the child;

32 (2) the parents' inability to perform those functions is unlikely to
33 change in the foreseeable future;

34 (3) in cases in which the division is involved with the child as
35 provided in subsection a. of section 8 of P.L.2001, c.250 (C.30:4C-
36 85), (a) the division exercised reasonable efforts to reunify the child
37 with the birth parents and these reunification efforts have proven
38 unsuccessful or unnecessary; and (b) adoption of the child is neither
39 feasible nor likely; and

40 (4) awarding kinship legal guardianship is in the child's best
41 interests.

42 e. The court order appointing the kinship legal guardian shall
43 specify, as appropriate, that:

44 (1) a kinship legal guardian shall have the same rights,
45 responsibilities and authority relating to the child as a birth parent,
46 including, but not limited to: making decisions concerning the
47 child's care and well-being; consenting to routine and emergency
48 medical and mental health needs; arranging and consenting to

1 educational plans for the child; applying for financial assistance and
2 social services for which the child is eligible; applying for a motor
3 vehicle operator's license; applying for admission to college;
4 responsibility for activities necessary to ensure the child's safety,
5 permanency and well-being; and ensuring the maintenance and
6 protection of the child; except that a kinship legal guardian may not
7 consent to the adoption of the child or a name change for the child;

8 (2) the birth parent of the child retains the authority to consent
9 to the adoption of the child or a name change for the child;

10 (3) the birth parent of the child retains the obligation to pay
11 child support;

12 (4) the birth parent of the child retains the right to visitation or
13 parenting time with the child, as determined by the court;

14 (5) the appointment of a kinship legal guardian does not limit or
15 terminate any rights or benefits derived from the child's parents,
16 including, but not limited to, those relating to inheritance or
17 eligibility for benefits or insurance; and

18 (6) kinship legal guardianship terminates when the child reaches
19 18 years of age or when the child is no longer continuously enrolled
20 in a secondary education program, whichever event occurs later, or
21 when kinship legal guardianship is otherwise terminated.

22 f. An order or judgment awarding kinship legal guardianship
23 may be vacated by the court prior to the child's 18th birthday if the
24 court finds that the kinship legal guardianship is no longer in the
25 best interests of the child or, in cases where there is an application
26 to return the child to the parent, based upon clear and convincing
27 evidence, the court finds that the parental incapacity or inability to
28 care for the child that led to the original award of kinship legal
29 guardianship is no longer the case and termination of kinship legal
30 guardianship is in the child's best interests.

31 In cases in which the division was involved, when determining
32 whether a child should be returned to a parent, the court may refer a
33 parent for an assessment prepared by the division, in accordance
34 with regulations adopted by the commissioner.

35 g. An order or judgment awarding kinship legal guardianship
36 may be vacated by the court if, based upon clear and convincing
37 evidence, the court finds that the guardian failed or is unable,
38 unavailable or unwilling to provide proper care and custody of the
39 child, or that the guardianship is no longer in the child's best
40 interests.

41 (cf: P.L.2001, c.250, s.6)

42

43 33. Section 2 of P.L.1977, c.367 (C.9:3-38) is amended to read
44 as follows:

45 2. For the purposes of this act:

46 a. "Approved agency" means a nonprofit corporation,
47 association or agency, including any public agency, approved by the

- 1 Department of **[Human Services]** Children and Families for the
2 purpose of placing children for adoption in New Jersey;
- 3 b. “Child” means a person under 18 years of age;
- 4 c. “Custody” means the general right to exercise continuing
5 control over the person of a child derived from court order or
6 otherwise;
- 7 d. “Guardianship” means the right to exercise continuing
8 control over the person or property or both of a child which
9 includes any specific right of control over an aspect of the child's
10 upbringing derived from court order;
- 11 e. “Guardian ad litem” means a qualified person, not
12 necessarily an attorney, appointed by the court under the provisions
13 of this act or at the discretion of the court to represent the interests
14 of the child whether or not the child is a named party in the action;
- 15 f. “Parent” means a birth parent or parents, including the birth
16 father of a child born out of wedlock who has acknowledged the
17 child or to whom the court has ordered notice to be given, or a
18 parent or parents by adoption;
- 19 g. “Placement for adoption” means the transfer of custody of a
20 child to a person for the purpose of adoption by that person;
- 21 h. “Plaintiff” means a prospective parent or parents who have
22 filed a complaint for adoption;
- 23 i. “Legal services” means the provision of counseling or
24 advice related to the law and procedure for adoption of a child,
25 preparation of legal documents, or representation of any person
26 before a court or administrative agency;
- 27 j. “Surrender” means a voluntary relinquishment of all parental
28 rights by a birth parent, previous adoptive parent, or other person or
29 agency authorized to exercise these rights by law, court order or
30 otherwise, for purposes of allowing a child to be adopted;
- 31 k. “Home study” means an approved agency's formal
32 assessment of the capacity and readiness of prospective adoptive
33 parents to adopt a child, including the agency's written report and
34 recommendations conducted in accordance with rules and
35 regulations promulgated by the Director of the Division of Youth
36 and Family Services; and
- 37 l. “Intermediary” means any person, firm, partnership,
38 corporation, association or agency, which is not an approved agency
39 as defined in this section, who acts for or between any parent and
40 any prospective parent or acts on behalf of either in connection with
41 the placement of the parent's child for adoption in the State or in
42 any other state or country. An intermediary in any other state or
43 country shall not receive money or other valuable consideration in
44 connection with the placement of a child for adoption in this State.
45 An intermediary in this State shall not receive money or other
46 valuable consideration in connection with the placement of a child
47 for adoption in this State or in any other state or country. The
48 provisions of this subsection shall not be construed to prohibit the

1 receipt of money or other valuable consideration specifically
2 authorized in section 18 of P.L.1993, c.345 (C.9:3-39.1).

3 (cf: P.L.1999, c.53, s.2)

4

5 34. Section 18 of P.L.1993, c.345 (C.9:3-39.1) is amended to
6 read as follows:

7 18. a. A person, firm, partnership, corporation, association or
8 agency shall not place, offer to place or materially assist in the
9 placement of any child for adoption in New Jersey unless:

10 (1) the person is the parent or guardian of the child, or

11 (2) the firm, partnership, corporation, association or agency is
12 an approved agency to act as agent, finder or to otherwise
13 materially assist in the placement of any child for adoption in this
14 State, or

15 (3) the placement for adoption is with a brother, sister, aunt,
16 uncle, grandparent, birth father or stepparent of the child, or

17 (4) the placement is through an intermediary and (a) the person
18 with whom the child is to be placed has been approved for
19 placement for adoption by an approved agency home study which
20 consists of the agency's formal written assessment of the capacity
21 and readiness of the prospective adoptive parents to adopt a child,
22 conducted in accordance with rules and regulations promulgated by
23 the Director of the Division of Youth and Family Services;

24 (b) The birth parent, except one who cannot be identified or
25 located prior to the placement of the child for adoption, shall be
26 offered counseling as to his or her options other than placement of
27 the child for adoption. Such counseling shall be made available by
28 or through an approved licensed agency in New Jersey or in the
29 birth parent's state or country of residence. The fact that counseling
30 has been made available, and the name, address and telephone
31 number of the agency through which the counseling is available,
32 shall be confirmed in a written document signed by the birth parent
33 and acknowledged in this State pursuant to section 1 of P.L.1991,
34 c.308 (R.S.46:14-2.1) or acknowledged in another state or country
35 pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-6.1) a copy of
36 which shall be provided to the birth parent and the agency
37 conducting the adoption complaint investigation pursuant to section
38 12 of P.L.1977, c.367 (C.9:3-48) and shall be filed with the court
39 prior to termination of parental rights; and

40 (c) Written notice shall be given to the birth parent, except one
41 who cannot be identified or located prior to the placement of the
42 child for adoption, and the adoptive parent that the decision not to
43 place the child for adoption or the return of the child to the birth
44 parent cannot be conditioned upon reimbursement of expenses by
45 the birth parent to the adoptive parent, and that payments by the
46 adoptive parent are non-refundable. Provision of such notice shall
47 be confirmed in a written document signed by the birth parent and
48 adoptive parent in separate documents which shall be acknowledged

1 in this State pursuant to section 1 of P.L.1991, c.308 [(C.46:14-
2 2.1)] (R.S.46:14-2.1) or acknowledged in another state or country
3 pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-6.1), a copy of
4 which shall be provided to the birth parent, and the agency
5 conducting the adoption complaint investigation pursuant to section
6 12 of P.L.1977, c.367 (C.9:3-48), and shall be filed with the court
7 prior to termination of parental rights.

8 b. The Superior Court in an action by the Commissioner of
9 [Human Services] Children and Families may enjoin any party
10 found by the court to have violated this section from any further
11 violation of this section.

12 c. A person, firm, partnership, corporation, association, or
13 agency violating subsection a. of this section shall be guilty of a
14 crime of the third degree.

15 d. A person, firm, partnership, corporation, association,
16 intermediary or agency other than an approved agency which pays,
17 seeks to pay, receives, or seeks to receive money or other valuable
18 consideration in connection with the placement of a child for
19 adoption shall be guilty of a crime of the second degree.

20 e. It shall not be a violation of subsection d. of this section: (1)
21 to pay, provide or reimburse to a parent of the child, or for a parent
22 of the child to receive payment, provision or reimbursement for
23 medical, hospital, counseling or other similar expenses incurred in
24 connection with the birth or any illness of the child, or the
25 reasonable living expenses of the mother of the child during her
26 pregnancy including payments for reasonable food, clothing,
27 medical expenses, shelter, and religious, psychological, vocational,
28 or similar counseling services during the period of the pregnancy
29 and for a period not to exceed four weeks after the termination of
30 the pregnancy by birth or otherwise. These payments may be made
31 directly to the birth mother or on the mother's behalf to the supplier
32 of the goods or services, or

33 (2) where the child is from a foreign country, reasonable and
34 customary fees and expenses of a foreign agency or attorney for the
35 care or representation of the child during any period of foster or
36 institutional care in the child's country of origin, or

37 (3) reasonable attorney fees and costs for legal services.

38 (cf: P.L.1993, c.345, s.18)

39

40 35. Section 4 of P.L.1977, c.367 (C.9:3-40) is amended to read
41 as follows:

42 4. The Commissioner of [Human Services] Children and
43 Families shall promulgate rules and regulations relating to the
44 qualification of agencies for approval to make placements for
45 adoption in New Jersey. The rules and regulations shall include, but
46 shall not be limited to, standards of professional training and
47 experience of staff, requirements relating to responsibilities and the
48 character of trustees, officers or other persons supervising or

1 conducting the placement for adoption program, adequacy of
2 facilities, maintenance and confidentiality of casework records and
3 furnishing of reports. The requirements relating to the character of
4 trustees, officers or other persons supervising or conducting the
5 placement for adoption program at the agency shall include a
6 prohibition on engaging in, or the permitting of, any conduct that is
7 deemed inappropriate to the purposes of the agency. In the
8 selection of adoptive parents the standard shall be the best interests
9 of the child; and an approved agency shall not discriminate with
10 regard to the selection of adoptive parents for any child on the basis
11 of age, sex, race, national origin, religion or marital status provided,
12 however, that these factors may be considered in determining
13 whether the best interests of a child would be served by a particular
14 placement for adoption or adoption.
15 (cf: P.L.2003, c.11, s.1)

16
17 36. Section 2 of P.L.2003, c.11 (C.9:3-40.1) is amended to read
18 as follows:

19 2. The Department of **[Human Services]** Children and
20 Families may deny, suspend, revoke or refuse to renew an adoption
21 agency's certificate of approval if the agency is in violation of the
22 requirements relating to the character of trustees, officers or other
23 persons supervising or conducting a placement for adoption
24 program established pursuant to section 4 of P.L.1977, c.367
25 (C.9:3-40).
26 (cf: P.L.2003, c.11, s.2)

27
28 37. Section 1 of P.L.1979, c.292 (C.9:3-41.1) is amended to read
29 as follows:

30 1. a. An approved agency making an investigation of the facts
31 and circumstances surrounding the surrender of a child shall
32 provide a prospective parent with all available information, other
33 than information which would identify or permit the identification
34 of the birth parent of the child, relevant to the child's development,
35 including his developmental and medical history, personality and
36 temperament, the parent's complete medical histories, including
37 conditions or diseases which are believed to be hereditary, any
38 drugs or medications taken during pregnancy and any other
39 conditions of the parent's health which may be a factor influencing
40 the child's present or future health. This information shall be made
41 available to the prospective parent prior to the actual adoptive
42 placement to the extent available and supplemented upon the
43 completion of an investigation conducted by an approved agency
44 pursuant to section 12 of P.L.1977, c.367 (C.9:3-48).

45 b. The available information required of an approved agency by
46 subsection a. of this section shall be presented to the adoptive
47 parents on standardized forms prepared by the Commissioner of

1 **【Human Services】** Children and Families.

2 (cf: P.L.1993,c.345,s.4)

3

4 38. Section 6 of P.L.1998, c.20 (C.9:3-45.1) is amended to read
5 as follows:

6 6. The Department of **【Human Services】** Children and
7 Families, in consultation with the Department of Health and Senior
8 Services, pursuant to the “Administrative Procedure Act,” P.L.1968,
9 c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to
10 implement the provisions of this act and to publicize throughout the
11 State the necessity for a father, within 120 days of the birth of a
12 child or prior to the date of the preliminary hearing, whichever
13 occurs first, to acknowledge paternity by amending the original
14 birth certificate record with the local registrar's office in the
15 municipality of birth of the child who is the subject of the adoption
16 or by filing a paternity action in court in order to be entitled to
17 notice of an adoption pursuant to section 9 of P.L.1977, c.367
18 (C.9:3-45).

19 (cf: P.L.1998, c.20, s.6)

20

21 39. Section 19 of P.L.1993, c.345 (C.9:3-54.1) is amended to
22 read as follows:

23 19. The Commissioner of **【Human Services】** Children and
24 Families shall, pursuant to the “Administrative Procedure Act,”
25 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations
26 necessary to implement the provisions of this act.

27 (cf: P.L.1993, c.345, s.19)

28

29 40. Section 21 of P.L.1993, c.345 (C.9:3-54.2) is amended to
30 read as follows:

31 21. a. (1) In addition to meeting the other requirements
32 established by the Department of **【Human Services】** Children and
33 Families, a home study completed by an approved agency shall
34 include a recommendation regarding the suitability of the home for
35 the placement of a child based upon the results of State and federal
36 criminal history record checks for each prospective adoptive parent
37 and each adult residing in the home.

38 For the purposes of this section, the federal criminal history
39 record check conducted by the **【Immigration and Naturalization**
40 **Service in the federal Department of Justice】** U.S. Citizenship and
41 Immigration Services in the Department of Homeland Security on a
42 prospective adoptive parent shall be valid for the prospective
43 adoptive parent in fulfilling the home study requirement for the
44 State.

45 (2) Each prospective adoptive parent and each member of the
46 prospective adoptive parent's household, age 18 or older, shall
47 submit to the approved agency standard fingerprint cards containing

1 his name, address and fingerprints taken by a State or municipal law
2 enforcement agency.

3 (3) The cost of all criminal history record checks conducted
4 pursuant to this section shall be paid by the prospective adoptive
5 parent or household member at the time the fingerprint cards are
6 submitted.

7 (4) The approved agency shall forward the fingerprint cards and
8 payment to the commissioner.

9 (5) The commissioner is authorized to exchange fingerprint data
10 and receive criminal history record information from the Federal
11 Bureau of Investigation and the Division of State Police for use in
12 making the recommendations provided for in this section.

13 (6) The department shall advise the approved agency of
14 information received from State and federal criminal history record
15 checks based upon the fingerprints submitted by the agency.
16 Information provided to the approved agency shall be confidential
17 and not disclosed by the approved agency to any individual or entity
18 without the written permission of the person who is the subject of
19 the record check.

20 (7) The commissioner shall adopt regulations for the use of
21 criminal history record information by approved agencies when
22 determining the suitability of a home for the placement of a child
23 for the purposes of adoption.

24 b. (1) Beginning one year after the effective date of this act, a
25 home study completed by an approved agency shall include a
26 recommendation regarding the suitability of the home for the
27 placement of the child based upon a check for any records which
28 might reveal a history of child abuse or neglect by the proposed
29 adoptive parent or member of the parent's household who is 18
30 years of age or older.

31 (2) Beginning one year after the effective date, at the request of
32 an approved agency, the commissioner or his designee shall conduct
33 a search of the records of the Division of Youth and Family
34 Services regarding referrals of dispositions of child abuse or neglect
35 matters as to the proposed adoptive parent and any member of the
36 parent's household 18 years of age or older, and, if there is
37 information that would raise a question of the suitability of the
38 proposed adoptive parent or member of the parent's household to
39 have guardianship of a child, shall provide that information to the
40 approved agency for its consideration. Information provided to the
41 approved agency pursuant to this paragraph shall be confidential.
42 The commissioner shall establish penalties for disclosure of this
43 confidential information.

44 (cf: P.L.1997, c.176, s. 1)

45

46 41. Section 7 of P.L.1987, c.341 (C.9:6-3.1) is amended to read
47 as follows:

1 7. a. A teacher, employee, volunteer or staff person of an
2 institution as defined in section 1 of P.L.1974, c.119 (C.9:6-8.21)
3 who is alleged to have committed an act of child abuse or neglect as
4 defined in R.S.9:6-1, section 2 of P.L.1971, c.437 (C.9:6-8.9) and
5 section 1 of P.L.1974, c.119 (C.9:6-8.21) shall be temporarily
6 suspended by the appointing authority from his position at the
7 institution with pay, or reassigned to other duties which would
8 remove the risk of harm to the child under the person's custody or
9 control, if there is reasonable cause for the appointing authority to
10 believe that the life or health of the alleged victim or other children
11 at the institution is in imminent danger due to continued contact
12 between the alleged perpetrator and a child at the institution.

13 A public employee suspended pursuant to this subsection shall
14 be accorded and may exercise due process rights, including notice
15 of the proposed suspension and a presuspension opportunity to
16 respond and any other due process rights provided under the laws of
17 this State governing public employment and under any applicable
18 individual or group contractual agreement. A private employee
19 suspended pursuant to this subsection shall be accorded and may
20 exercise due process rights provided for under the laws of this State
21 governing private employment and under any applicable individual
22 or group employee contractual agreement.

23 b. If the child abuse or neglect is the result of a single act
24 occurring in an institution, within 30 days of receipt of the report of
25 child abuse or neglect, the Department of **[Human Services]**
26 Children and Families may request that the chief administrator of
27 the institution formulate a plan of remedial action. The plan may
28 include, but shall not be limited to, action to be taken with respect
29 to a teacher, employee, volunteer or staff person of the institution to
30 assure the health and safety of the alleged victim and other children
31 at the institution and to prevent future acts of abuse or neglect.
32 Within 30 days of the date the department requested the remedial
33 plan, the chief administrator shall notify the department in writing
34 of the progress in preparing the plan. The chief administrator shall
35 complete the plan within 90 days of the date the department
36 requested the plan.

37 c. If the child abuse or neglect is the result of several incidents
38 occurring in an institution, within 30 days of receipt of the report of
39 child abuse or neglect, the department may request that the chief
40 administrator of the institution make administrative, personnel or
41 structural changes at the institution. Within 30 days of the date the
42 department made its request, the chief administrator shall notify the
43 department of the progress in complying with the terms of the
44 department's request. The department and chief administrator shall
45 determine a time frame for completion of the terms of the request.

46 d. If a chief administrator of an institution does not formulate
47 or implement a remedial plan or make the changes requested by the
48 department, the department may impose appropriate sanctions or

1 actions if the department licenses, oversees, approves or authorizes
2 the operation of the institution. If the department does not license,
3 oversee, approve or authorize the operation of the institution, the
4 department may recommend to the authority which licenses,
5 oversees, approves or authorizes the operation of the institution that
6 appropriate sanctions or actions be imposed against the institution.
7 (cf: P.L.2004, c.130, s.21)

8
9 42. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to
10 read as follows:

11 1. a. All records of child abuse reports made pursuant to section
12 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained by the
13 Department of **【Human Services】** Children and Families in
14 investigating such reports including reports received pursuant to
15 section 20 of P.L.1974, c.119 (C.9:6-8.40), and all reports of
16 findings forwarded to the child abuse registry pursuant to section 4
17 of P.L.1971, c.437 (C.9:6-8.11) shall be kept confidential and may
18 be disclosed only under the circumstances expressly authorized
19 under subsections b., c., d., e., f. and g. herein. The department
20 shall disclose information only as authorized under subsections b.,
21 c., d., e., f. and g. of this section that is relevant to the purpose for
22 which the information is required, provided, however, that nothing
23 may be disclosed which would likely endanger the life, safety, or
24 physical or emotional well-being of a child or the life or safety of
25 any other person or which may compromise the integrity of a
26 department investigation or a civil or criminal investigation or
27 judicial proceeding. If the department denies access to specific
28 information on this basis, the requesting entity may seek disclosure
29 through the Chancery Division of the Superior Court. This section
30 shall not be construed to prohibit disclosure pursuant to paragraphs
31 (2) and (7) of subsection b. of this section.

32 Nothing in this act shall be construed to permit the disclosure of
33 any information deemed confidential by federal or State law.

34 b. The department may and upon written request, shall release
35 the records and reports referred to in subsection a., or parts thereof,
36 consistent with the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.)
37 to:

38 (1) A public or private child protective agency authorized to
39 investigate a report of child abuse or neglect;

40 (2) A police or other law enforcement agency investigating a
41 report of child abuse or neglect;

42 (3) A physician who has before him a child whom he reasonably
43 suspects may be abused or neglected or an authorized member of
44 the staff of a duly designated regional child abuse diagnostic and
45 treatment center which is involved with a particular child who is the
46 subject of the request;

47 (4) A physician, a hospital director or his designate, a police
48 officer or other person authorized to place a child in protective

1 custody when such person has before him a child whom he
2 reasonably suspects may be abused or neglected and requires the
3 information in order to determine whether to place the child in
4 protective custody;

5 (5) An agency, whether public or private, including any division
6 or unit in the Department of Human Services or the Department of
7 Children and Families, authorized to care for, treat, assess, evaluate
8 or supervise a child who is the subject of a child abuse report, or a
9 parent, guardian, resource family parent or other person who is
10 responsible for the child's welfare, or both, when the information is
11 needed in connection with the provision of care, treatment,
12 assessment, evaluation or supervision to such child or such parent,
13 guardian, resource family parent or other person and the provision
14 of information is in the best interests of the child as determined by
15 the Division of Youth and Family Services;

16 (6) A court or the Office of Administrative Law, upon its
17 finding that access to such records may be necessary for
18 determination of an issue before it, and such records may be
19 disclosed by the court or the Office of Administrative Law in whole
20 or in part to the law guardian, attorney or other appropriate person
21 upon a finding that such further disclosure is necessary for
22 determination of an issue before the court or the Office of
23 Administrative Law;

24 (7) A grand jury upon its determination that access to such
25 records is necessary in the conduct of its official business;

26 (8) Any appropriate State legislative committee acting in the
27 course of its official functions, provided, however, that no names or
28 other information identifying persons named in the report shall be
29 made available to the legislative committee unless it is absolutely
30 essential to the legislative purpose;

31 (9) (Deleted by amendment, P.L.1997, c.175).

32 (10) A family day care sponsoring organization for the purpose
33 of providing information on child abuse or neglect allegations
34 involving prospective or current providers or household members
35 pursuant to P.L.1993, c.350 (C.30:5B-25.1 et seq.) and as
36 necessary, for use in administrative appeals related to information
37 obtained through a child abuse registry search;

38 (11) The Victims of Crime Compensation Board, for the purpose
39 of providing services available pursuant to the "Criminal Injuries
40 Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) to
41 a child victim who is the subject of such report;

42 (12) Any person appealing a department service or status action
43 or a substantiated finding of child abuse or neglect and his attorney
44 or authorized lay representative upon a determination by the
45 department or the presiding Administrative Law Judge that such
46 disclosure is necessary for a determination of the issue on appeal;

47 (13) Any person or entity mandated by statute to consider child
48 abuse or neglect information when conducting a background check

1 or employment-related screening of an individual employed by or
2 seeking employment with an agency or organization providing
3 services to children;

4 (14) Any person or entity conducting a disciplinary,
5 administrative or judicial proceeding to determine terms of
6 employment or continued employment of an officer, employee, or
7 volunteer with an agency or organization providing services for
8 children. The information may be disclosed in whole or in part to
9 the appellant or other appropriate person only upon a determination
10 by the person or entity conducting the proceeding that the
11 disclosure is necessary to make a determination;

12 (15) The members of a county multi-disciplinary team,
13 established in accordance with State guidelines, for the purpose of
14 coordinating the activities of agencies handling alleged cases of
15 child abuse and neglect;

16 (16) A person being evaluated by the department or the court as
17 a potential care-giver to determine whether that person is willing
18 and able to provide the care and support required by the child;

19 (17) The legal counsel of a child, parent or guardian, whether
20 court-appointed or retained, when information is needed to discuss
21 the case with the department in order to make decisions relating to
22 or concerning the child;

23 (18) A person who has filed a report of suspected child abuse or
24 neglect for the purpose of providing that person with only the
25 disposition of the investigation;

26 (19) A parent, resource family parent or legal guardian when the
27 information is needed in a department matter in which that parent,
28 resource family parent or legal guardian is directly involved. The
29 information may be released only to the extent necessary for the
30 requesting parent, resource family parent or legal guardian to
31 discuss services or the basis for the department's involvement or to
32 develop, discuss, or implement a case plan for the child;

33 (20) A federal, State or local government entity, to the extent
34 necessary for such entity to carry out its responsibilities under law
35 to protect children from abuse and neglect;

36 (21) Citizen review panels designated by the State in compliance
37 with the federal "Child Abuse Prevention and Treatment Act
38 Amendments of 1996," Pub.L.104-235;

39 (22) The Child Fatality and Near Fatality Review Board
40 established pursuant to P.L.1997, c.175 (C.9:6-8.83 et al.); or

41 (23) Members of a family team or other case planning group
42 formed by the Division of Youth and Family Services and
43 established in accordance with regulations adopted by the
44 Commissioner of **[Human Services]** Children and Families for the
45 purpose of addressing the child's safety, permanency or well-being,
46 when the provision of such information is in the best interests of the
47 child as determined by the Division of Youth and Family Services.

1 Any individual, agency, board, court, grand jury, legislative
2 committee, or other entity which receives from the department the
3 records and reports referred to in subsection a., shall keep such
4 records and reports, or parts thereof, confidential and shall not
5 disclose such records and reports or parts thereof except as
6 authorized by law.

7 c. The department may share information with a child who is
8 the subject of a child abuse or neglect report, as appropriate to the
9 child's age or condition, to enable the child to understand the basis
10 for the department's involvement and to participate in the
11 development, discussion, or implementation of a case plan for the
12 child.

13 d. The department may release the records and reports referred
14 to in subsection a. of this section to any person engaged in a bona
15 fide research purpose, provided, however, that no names or other
16 information identifying persons named in the report shall be made
17 available to the researcher unless it is absolutely essential to the
18 research purpose and provided further that the approval of the
19 Commissioner of **[Human Services]** Children and Families or his
20 designee shall first have been obtained.

21 e. For incidents determined by the department to be
22 substantiated, the department shall forward to the police or law
23 enforcement agency in whose jurisdiction the child named in the
24 report resides, the identity of persons alleged to have committed
25 child abuse or neglect and of victims of child abuse or neglect, their
26 addresses, the nature of the allegations, and other relevant
27 information, including, but not limited to, prior reports of abuse or
28 neglect and names of siblings obtained by the department during its
29 investigation of a report of child abuse or neglect. The police or
30 law enforcement agency shall keep such information confidential.

31 f. The department may disclose to the public the findings or
32 information about a case of child abuse or neglect which has
33 resulted in a child fatality or near fatality. Nothing may be
34 disclosed which would likely endanger the life, safety, or physical
35 or emotional well-being of a child or the life or safety of any other
36 person or which may compromise the integrity of a department
37 investigation or a civil or criminal investigation or judicial
38 proceeding. If the department denies access to specific information
39 on this basis, the requesting entity may seek disclosure of the
40 information through the Chancery Division of the Superior Court.
41 No information may be disclosed which is deemed confidential by
42 federal or State law. The name or any other information identifying
43 the person or entity who referred the child to the department shall
44 not be released to the public.

45 g. The department shall release the records and reports referred
46 to in subsection a. of this section to a unified child care agency
47 contracted with the department pursuant to N.J.A.C.10:15-2.1 for
48 the purpose of providing information on child abuse or neglect

1 allegations involving a prospective approved home provider or any
2 adult household member pursuant to section 2 of P.L.2003, c.185
3 (C.30:5B-32) to a child's parent when the information is necessary
4 for the parent to make a decision concerning the placement of the
5 child in an appropriate child care arrangement.

6 The department shall not release any information that would
7 likely endanger the life, safety, or physical or emotional well-being
8 of a child or the life or safety of any other person.

9 (cf: P.L.2004, c.130, s.22)

10

11 43. Section 2 of P.L.2003, c.301 (C.9:6-8.10c) is amended to
12 read as follows:

13 2. a. Upon receiving the presentencing investigation information
14 from the court pursuant to section 1 of P.L.2003, c.301 (C.2C:44-
15 6.2) concerning a sole caretaker of a child who will be incarcerated
16 and the person who will assume care and custody of the child
17 during the period of incarceration, the Division of Youth and
18 Family Services in the Department of **【Human Services】** Children
19 and Families shall conduct a child abuse record information check
20 of its child abuse records to determine if an incident of child abuse
21 or neglect has been substantiated against the person who will be
22 responsible for the child's care and custody or any adult and
23 juvenile over 12 years of age in the person's household.

24 b. If, based on the information provided by the court and the
25 check of its child abuse records, the division determines that the
26 incarcerated person's minor child may be at risk for abuse or neglect
27 or the child's emotional, physical, health care and educational needs
28 will not be met during the period of incarceration, the division shall
29 take appropriate action to ensure the safety of the child.

30 (cf: P.L.2003, c.301, s.2)

31

32 44. Section 4 of P.L.2003, c.301 (C.9:6-8.10d) is amended to
33 read as follows:

34 4. The Commissioner of **【Human Services】** Children and
35 Families shall adopt rules and regulations pursuant to the
36 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
37 seq.) to carry out the purposes of sections 2 and 3 of this act.

38 (cf: P.L.2003, c.301, s.4)

39

40 45. Section 9 of P.L.2005, c.370 (C.9:6-8.10e) is amended to
41 read as follows:

42 9. a. In accordance with the provisions of sections 6 and 7 of
43 P.L.2005, c.370 (C.52:27G-37 and C.52:27G-38), the Department
44 of **【Human Services】** Children and Families shall conduct a check
45 of its child abuse registry for each person seeking registration as a
46 professional guardian who is required to undergo such a check
47 pursuant to P.L.2005, c.370 (C.52:27G-32 et al.). The department

1 shall immediately forward the information obtained as a result of
2 the check to the Office of the Public Guardian for Elderly Adults.

3 b. **【**The department shall promptly notify the Office of the
4 Public Guardian for Elderly Adults in the event a person who is
5 required to undergo a check of the child abuse registry pursuant to
6 section 6 of P.L.2005, c.370 (C.52:27G-37) is listed in the registry
7 after the date the child abuse registry check was performed.**】**
8 Subsequent to the initial registration of an individual as a
9 professional guardian, the public guardian may submit the name of
10 a registered professional guardian for an additional child abuse
11 registry check. Upon receipt of **【**such notification**】** a response from
12 the department, the public guardian shall make a determination
13 regarding the continuation of the registration of the person as a
14 professional guardian.

15 (cf: P.L.2005, c.370, s.9)

16

17 46. Section 4 of P.L.1971, c.437 (C.9:6-8.11) is amended to read
18 as follows:

19 4. Upon receipt of any such report, the Division of Youth and
20 Family Services, or such another entity in the Department of
21 **【**Human Services**】** Children and Families as may be designated by
22 the Commissioner of **【**Human Services**】** Children and Families to
23 investigate child abuse or neglect, shall immediately take such
24 action as shall be necessary to insure the safety of the child and to
25 that end may request and shall receive appropriate assistance from
26 local and State law enforcement officials. A representative of the
27 division or other designated entity shall initiate an investigation
28 within 24 hours of receipt of the report, unless the division or other
29 entity authorizes a delay based upon the request of a law
30 enforcement official. The division or other entity shall also, within
31 72 hours, forward a report of such matter to the child abuse registry
32 operated by the division in Trenton.

33 The child abuse registry shall be the repository of all information
34 regarding child abuse or neglect that is accessible to the public
35 pursuant to State and federal law. No information received in the
36 child abuse registry shall be considered as a public record within
37 the meaning of P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001,
38 c.404 (C.47:1A-5 et al.).

39 (cf: P.L.2004, c.130, s.23)

40

41 47. Section 1 of P.L.1974, c.119 (C.9:6-8.21) is amended to read
42 as follows:

43 1. As used in this act, unless the specific context indicates
44 otherwise:

45 a. "Parent or guardian" means any natural parent, adoptive
46 parent, resource family parent, stepparent, paramour of a parent or
47 any person, who has assumed responsibility for the care, custody or

1 control of a child or upon whom there is a legal duty for such care.
2 Parent or guardian includes a teacher, employee or volunteer,
3 whether compensated or uncompensated, of an institution who is
4 responsible for the child's welfare and any other staff person of an
5 institution regardless of whether or not the person is responsible for
6 the care or supervision of the child. Parent or guardian also
7 includes a teaching staff member or other employee, whether
8 compensated or uncompensated, of a day school as defined in
9 section 1 of P.L.1974, c.119 (C.9:6-8.21).

10 b. "Child" means any child alleged to have been abused or
11 neglected.

12 c. "Abused or neglected child" means a child less than 18 years
13 of age whose parent or guardian, as herein defined, (1) inflicts or
14 allows to be inflicted upon such child physical injury by other than
15 accidental means which causes or creates a substantial risk of death,
16 or serious or protracted disfigurement, or protracted impairment of
17 physical or emotional health or protracted loss or impairment of the
18 function of any bodily organ; (2) creates or allows to be created a
19 substantial or ongoing risk of physical injury to such child by other
20 than accidental means which would be likely to cause death or
21 serious or protracted disfigurement, or protracted loss or
22 impairment of the function of any bodily organ; (3) commits or
23 allows to be committed an act of sexual abuse against the child; (4)
24 or a child whose physical, mental, or emotional condition has been
25 impaired or is in imminent danger of becoming impaired as the
26 result of the failure of his parent or guardian, as herein defined, to
27 exercise a minimum degree of care (a) in supplying the child with
28 adequate food, clothing, shelter, education, medical or surgical care
29 though financially able to do so or though offered financial or other
30 reasonable means to do so, or (b) in providing the child with proper
31 supervision or guardianship, by unreasonably inflicting or allowing
32 to be inflicted harm, or substantial risk thereof, including the
33 infliction of excessive corporal punishment; or by any other acts of
34 a similarly serious nature requiring the aid of the court; (5) or a
35 child who has been willfully abandoned by his parent or guardian,
36 as herein defined; (6) or a child upon whom excessive physical
37 restraint has been used under circumstances which do not indicate
38 that the child's behavior is harmful to himself, others or property;
39 (7) or a child who is in an institution and (a) has been placed there
40 inappropriately for a continued period of time with the knowledge
41 that the placement has resulted or may continue to result in harm to
42 the child's mental or physical well-being or (b) who has been
43 willfully isolated from ordinary social contact under circumstances
44 which indicate emotional or social deprivation.

45 A child shall not be considered abused or neglected pursuant to
46 paragraph (7) of subsection c. of this section if the acts or omissions
47 described therein occur in a day school as defined in this section.

1 No child who in good faith is under treatment by spiritual means
2 alone through prayer in accordance with the tenets and practices of
3 a recognized church or religious denomination by a duly accredited
4 practitioner thereof shall for this reason alone be considered to be
5 abused or neglected.

6 d. "Law guardian" means an attorney admitted to the practice
7 of law in this State, regularly employed by the Office of the Public
8 Defender or appointed by the court, and designated under this act to
9 represent minors in alleged cases of child abuse or neglect and in
10 termination of parental rights proceedings.

11 e. "Attorney" means an attorney admitted to the practice of law
12 in this State who shall be privately retained; or, in the instance of an
13 indigent parent or guardian, an attorney from the Office of the
14 Public Defender or an attorney appointed by the court who shall be
15 appointed in order to avoid conflict between the interests of the
16 child and the parent or guardian in regard to representation.

17 f. "Division" means the Division of Youth and Family
18 Services in the Department of **[Human Services]** Children and
19 Families unless otherwise specified.

20 g. "Institution" means a public or private facility in the State
21 which provides children with out of home care, supervision or
22 maintenance. Institution includes, but is not limited to, a
23 correctional facility, detention facility, treatment facility, day care
24 center, residential school, shelter and hospital.

25 h. "Day school" means a public or private school which
26 provides general or special educational services to day students in
27 grades kindergarten through 12. Day school does not include a
28 residential facility, whether public or private, which provides care
29 on a 24-hour basis.

30 (cf: P.L. 2005, c.169, s.1)

31

32 48. Section 7 of P.L.1974, c.119 (C.9:6-8.27) is amended to read
33 as follows:

34 7. a. A police officer or an agency or institution or individual
35 may temporarily remove a child from the place where he is residing
36 with the consent of his parent or other person legally responsible
37 for his care, if, there is reasonable cause to suspect that the child's
38 life or health is in imminent danger. If the child is not returned
39 within 3 working days from the date of removal, the procedure
40 required pursuant to this act shall be applied immediately.

41 b. **[However, if the Division of Youth and Family Services**
42 **removes a child with the written consent of the parent or guardian,**
43 **the proceedings under this act shall not apply, unless the division**
44 **files a complaint to commence proceedings under this act.]**

45 (Deleted by amendment, P.L. , c.) (pending before the
46 Legislature as this bill)

47 (cf: P.L.1977, c.209, s.6)

1 49. Section 10 of P.L.1974, c.119 (C.9:6-8.30) is amended to
2 read as follows:

3 10. a. The division when informed that there has been an
4 emergency removal of a child from his home without court order
5 shall make every reasonable effort to communicate immediately
6 with the child's parent or guardian that such emergency removal has
7 been made and the location of the facility to which the child has
8 been taken, and advise the parent or guardian to appear in the
9 appropriate Superior Court, Chancery Division, Family Part within
10 two court days. The division shall make a reasonable effort, at least
11 24 hours prior to the court hearing, to: notify the parent or guardian
12 of the time to appear in court; and inform the parent or guardian of
13 his right to obtain counsel, and how to obtain counsel through the
14 Office of the Public Defender if the parent or guardian is indigent.
15 The division shall also advise the party making the removal to
16 appear. If the removed child is returned to his home prior to the
17 court hearing, there shall be no court hearing to determine the
18 sufficiency of cause for the child's removal, unless the child's parent
19 or guardian makes application to the court for review. For the
20 purposes of this section, "facility" means a hospital, shelter or child
21 care institution in which a child may be placed for temporary care,
22 but does not include a resource family home.

23 b. The division shall cause a complaint to be filed under this
24 act within two court days after such removal takes place.

25 c. Whenever a child has been removed pursuant to section 7 or
26 9 of **[this act]** P.L.1974, c.119 (C.9:6-8.27 and 9:6-8.29), the
27 division shall arrange for immediate medical **[examination]**
28 screening of the child and shall have legal authority to consent to
29 such **[examination]** screening. If necessary to safeguard the child's
30 health or life, the division also is authorized to arrange for and
31 consent to medical care or treatment of the child. Consent by the
32 division pursuant to this subsection shall be deemed legal and valid
33 for all purposes with respect to any person, hospital, or other health
34 care facility screening, examining or providing care or treatment to
35 a child in accordance with and in reliance upon such consent.
36 Medical reports resulting from such screening, examination or care
37 or treatment shall be released to the division for the purpose of
38 aiding in the determination of whether the child has been abused or
39 neglected. Any person or health care facility acting in good faith in
40 the screening of, examination of or provision of care and treatment
41 to a child or in the release of medical records shall have immunity
42 from any liability, civil or criminal, that might otherwise be
43 incurred or imposed as a result of such act.

44 (cf: P.L.2004, c.130, s.29)

45
46 50. Section 1 of P.L.1977, c.210 (C.9:6-8.36a) is amended to
47 read as follows:

1 1. The Department of **【Human Services】** Children and
2 Families shall immediately report all instances of suspected child
3 abuse and neglect, as defined by regulations, to the county
4 prosecutor of the county in which the child resides. The regulations
5 shall be developed jointly by the department and the county
6 prosecutors, approved by the Attorney General, and promulgated by
7 the Commissioner of **【Human Services】** Children and Families.

8 (cf: P.L.2004, c.130, s.30)

9
10 51. Section 20 of P.L.1974, c.119 (C.9:6-8.40) is amended to
11 read as follows:

12 20. Records involving abuse or neglect. When the Department
13 of **【Human Services】** Children and Families receives a report or
14 complaint that a child may be abused or neglected; when the
15 department provides services to a child; or when the department
16 receives a request from the Superior Court, Chancery Division,
17 Family Part to investigate an allegation of abuse or neglect, the
18 department may request of any and all public or private institutions,
19 or agencies including law enforcement agencies, or any private
20 practitioners, their records past and present pertaining to that child
21 and other children under the same care, custody and control. The
22 department shall not be charged a fee for the copying of the records.
23 Records kept pursuant to the “New Jersey Code of Juvenile
24 Justice,” P.L.1982, c.77 (C.2A:4A-20 et seq.) may be obtained by
25 the department, upon issuance by a court of an order on good cause
26 shown directing these records to be released to the department for
27 the purpose of aiding in evaluation to determine if the child is
28 abused or neglected. In the release of the aforementioned records,
29 the source shall have immunity from any liability, civil or criminal.

30 (cf: P.L.2004, c.130, s.31)

31
32 52. Section 1 of P.L.1997, c.62 (C.9:6-8.40a) is amended to read
33 as follows:

34 1. a. The Division of Youth and Family Services in the
35 Department of **【Human Services】** Children and Families shall
36 expunge from its records all information relating to a report,
37 complaint or allegation of an incident of child abuse or neglect with
38 respect to which the division or other entity designated by the
39 Commissioner of **【Human Services】** Children and Families to
40 investigate allegations of child abuse or neglect has determined,
41 based upon its investigation thereof, that the report, complaint or
42 allegation of the incident was unfounded.

43 b. (Deleted by amendment, P.L.2004, c.130).

44 The definition of, and process for, making a determination of an
45 unfounded report, complaint or allegation of an incident of child
46 abuse or neglect shall be defined in regulations promulgated by the

1 department pursuant to the "Administrative Procedure Act,"
2 P.L.1968, c.410 (C.52:14B-1 et seq.).

3 (cf: P.L.2004, c.130, s.32)

4

5 53. Section 2 of P.L.1998, c.127 (C.9:6-8.58b) is amended to
6 read as follows:

7 2. The Commissioner of **Human Services** Children and
8 Families pursuant to the "Administrative Procedure Act," P.L.1968,
9 c.410 (C.52:14B-1 et seq.), shall adopt regulations to effectuate the
10 purposes of this act.

11 (cf: P.L.1998, c.127, s.2)

12

13 54. Section 8 of P.L.1987, c.341 (C.9:6-8.72a) is amended to
14 read as follows:

15 8. The Commissioner of Education shall, in cooperation and
16 consultation with the Commissioner of **Human Services** Children
17 and Families, adopt rules and regulations, pursuant to the
18 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
19 seq.), concerning the relationship, rights and responsibilities of the
20 Department of **Human Services** Children and Families and local
21 school districts regarding the reporting and investigation of
22 allegations of child abuse.

23 (cf: P.L.2004, c.130, s.34)

24

25 55. Section 2 of P.L.1994, c.119 (C.9:6-8.75) is amended to read
26 as follows:

27 2. There is established the "New Jersey Task Force on Child
28 Abuse and Neglect."

29 a. The purpose of the task force is to study and develop
30 recommendations regarding the most effective means of improving
31 the quality and scope of child protective services provided or
32 supported by State government, including a review of the practices
33 and policies utilized by the Division of Youth and Family Services
34 in the Department of **Human Services** Children and Families in
35 order to optimize coordination of child abuse-related services and
36 investigations, promote the safety of children at risk of abuse or
37 neglect, and ensure a timely determination with regard to reports of
38 alleged child abuse.

39 b. The task force shall receive, evaluate and approve
40 applications of public and private agencies and organizations for
41 grants from moneys annually appropriated from the "Children's
42 Trust Fund" established pursuant to section 2 of P.L.1985, c.197
43 (C.54A:9-25.4). Any portion of the moneys actually appropriated
44 which are remaining at the end of a fiscal year shall lapse to the
45 "Children's Trust Fund."

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

1 services for the prevention of child abuse and neglect, including
2 activities which:

3 (1) Provide Statewide educational and public informational
4 seminars for the purpose of developing appropriate public
5 awareness regarding the problems of child abuse and neglect;

6 (2) Encourage professional persons and groups to recognize and
7 deal with problems of child abuse and neglect;

8 (3) Make information about the problems of child abuse and
9 neglect available to the public and organizations and agencies
10 which deal with problems of child abuse and neglect; and

11 (4) Encourage the development of community prevention
12 programs, including:

13 (a) community-based educational programs on parenting,
14 prenatal care, prenatal bonding, child development, basic child care,
15 care of children with special needs, coping with family stress,
16 personal safety and sexual abuse prevention training for children,
17 and self-care training for latchkey children; and

18 (b) community-based programs relating to crisis care, aid to
19 parents, child abuse counseling, peer support groups for abusive or
20 potentially abusive parents and their children, lay health visitors,
21 respite of crisis child care, and early identification of families where
22 the potential for child abuse and neglect exists.

23 The task force shall, in awarding grants, establish such priorities
24 respecting the programs or services to be funded and the amounts of
25 funding to be provided as it deems appropriate, except that the task
26 force shall place particular emphasis on community-based programs
27 and services which are designed to develop and demonstrate
28 strategies for the early identification, intervention and assistance of
29 families and children at risk in order to prevent child abuse and
30 neglect.

31 The task force shall adopt such rules and regulations pursuant to
32 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
33 seq.) to govern the awarding of grants pursuant to this subsection as
34 may be necessary to establish adequate reporting requirements on
35 the use of grant funds by recipient agencies and organizations and
36 to permit the task force to evaluate the programs and services for
37 which grants are awarded.

38 (cf: P.L.1994, c.119, s.2)

39

40 56. Section 3 of P.L.1994, c.119 (C.9:6-8.76) is amended to read
41 as follows:

42 3. The task force shall consist of **[25]** 29 members as follows:
43 the Commissioners of Human Services, Children and Families,
44 Education, Community Affairs, Corrections, and Health and Senior
45 Services, the Attorney General, the Chief Justice of the Supreme
46 Court, the Public Defender, the Child Advocate and the
47 Superintendent of State Police, or their designees, as ex officio
48 members; two members of the Senate and the General Assembly,

1 respectively, no more than one of whom in each case shall be of the
2 same political party; and a county prosecutor appointed by the
3 Attorney General. [and the remaining] The 13 public members
4 [to] shall be appointed by the Governor as follows: one member
5 who is a director of a regional diagnostic and treatment center for
6 child abuse and neglect; one member who represents the
7 Association for Children of New Jersey; one member who
8 represents Foster and Adoptive Services; one member who
9 represents a faith-based organization; one member who is a director
10 of a county department of human services; one member who is a
11 youth 21 years of age or younger who is or has been placed under
12 the care and custody of the Division of Youth and Family Services
13 because of an allegation of child abuse or neglect; two members
14 who represent service providers under contract with the Division of
15 Youth and Family Services; and five members of the public who
16 have an interest or expertise in issues concerning child welfare.
17 The public members shall reflect the diversity of the residents of the
18 State and the children and families served by the State's child
19 welfare system.

20 The task force membership shall comply with the
21 multidisciplinary requirements set forth in the "Child Abuse
22 Prevention and Treatment Act," Pub.L.93-247 (42 U.S.C.s.5101 et
23 seq.).

24 The task force shall be co-chaired, one co-chair shall be the
25 Commissioner of **[Human Services]** Children and Families and the
26 other shall be appointed by the Governor with the advice and
27 consent of the Senate. The second co-chair shall be selected from
28 among the public members and shall serve at the pleasure of the
29 Governor. The public members shall serve for a term **[not to**
30 **exceed]** of three years. **[The second co-chair shall be allowed to**
31 **serve two three-year terms].**

32 (cf: P.L.2005, c.155, s.107)

33

34 57. Section 5 of P.L.1994, c.119 (C.9:6-8.78) is amended to read
35 as follows:

36 5. The Department of **[Human Services]** Children and Families
37 shall provide professional and clerical staff to the task force as
38 necessary to effectuate the purposes of this act.

39 (cf: P.L.1994, c.119, s.5)

40

41 58. Section 2 of P.L.1997, c.175 (C.9:6-8.84) is amended to read
42 as follows:

43 2. As used in this act:

44 "Board" means the Child Fatality and Near Fatality Review
45 Board established under P.L.1997, c.175 (C.9:6-8.83 et al.).

46 "Child" means any person under the age of 18.

1 “Commissioner” means the Commissioner of **[Human Services]**
2 Children and Families.

3 “Division” means the Division of Youth and Family Services in
4 the Department of **[Human Services]** Children and Families.

5 “Near fatality” means a case in which a child is in serious or
6 critical condition, as certified by a physician.

7 “Panel” means a citizen review panel as established under
8 P.L.1997, c.175 (C.9:6-8.83 et al.).

9 “Parent or guardian” means a person defined pursuant to section
10 1 of P.L.1974, c.119 (C.9:6-8.21) who has the responsibility for the
11 care, custody or control of a child or upon whom there is a legal
12 duty for such care.

13 “Reasonable efforts” means attempts by an agency authorized by
14 the Division of Youth and Family Services to assist the parents in
15 remedying the circumstances and conditions that led to the
16 placement of the child and in reinforcing the family structure, as
17 defined in section 7 of P.L.1991, c.275 (C.30:4C-15.1).

18 “Sexual abuse” means contacts or actions between a child and a
19 parent or caretaker for the purpose of sexual stimulation of either
20 that person or another person. Sexual abuse includes:

21 a. the employment, use, persuasion, inducement, enticement or
22 coercion of any child to engage in, or assist any other person to
23 engage in, any sexually explicit conduct or simulation of such
24 conduct;

25 b. sexual conduct including molestation, prostitution, other
26 forms of sexual exploitation of children or incest; or

27 c. sexual penetration and sexual contact as defined in
28 N.J.S.2C:14-1 and a prohibited sexual act as defined in
29 N.J.S.2C:24-4.

30 “Significant bodily injury” means a temporary loss of the
31 functioning of any bodily member or organ or temporary loss of any
32 one of the five senses.

33 “Withholding of medically indicated treatment” means the
34 failure to respond to a child's life-threatening conditions by
35 providing treatment, including appropriate nutrition, hydration, and
36 medication which, in the treating physician's reasonable judgment,
37 will most likely be effective in ameliorating or correcting all such
38 conditions. The term does not include the failure to provide
39 treatment, other than appropriate nutrition, hydration, or medication
40 to a child when, in the treating physician's reasonable medical
41 judgment:

42 a. the child is chronically and irreversibly comatose;

43 b. the provision of such treatment would merely prolong dying,
44 not be effective in ameliorating or correcting all of the child's life-
45 threatening conditions, or otherwise be futile in terms of the
46 survival of the child; or

1 c. the provision of such treatment would be virtually futile in
2 terms of the survival of the child and the treatment itself under such
3 circumstances would be inhumane.

4 (cf: P.L.1999, c.53, s.16)

5
6 59. Section 6 of P.L.1997, c.175 (C.9:6-8.88) is amended to read
7 as follows:

8 6. There is established the Child Fatality and Near Fatality
9 Review Board. For the purposes of complying with the provisions
10 of Article V, Section IV, paragraph 1 of the New Jersey
11 Constitution, the board is established within the Department of
12 **【Human Services】** Children and Families, but notwithstanding the
13 establishment, the board shall be independent of any supervision or
14 control by the department or any board or officer thereof.

15 The purpose of the board is to review fatalities and near fatalities
16 of children in New Jersey in order to identify their causes, their
17 relationship to governmental support systems, and methods of
18 prevention. The board shall describe trends and patterns of child
19 fatalities and near fatalities in New Jersey; identify risk factors and
20 their prevalence in these populations of children; evaluate the
21 responses of governmental systems to children in families who are
22 considered to be at high risk and to offer recommendations for
23 improvement in those responses; characterize risk groups in terms
24 that are compatible with the development of public policy; improve
25 the sources of data collection by developing protocols for autopsies,
26 death investigations, and complete recording of cause of death on
27 the death certificate; and provide case consultation to individuals or
28 agencies represented by the board.

29 (cf: P.L.1997, c.175, s.6)

30
31 60. Section 7 of P.L.1997, c.175 (C.9:6-8.89) is amended to read
32 as follows:

33 7. a. The board shall consist of 14 members as follows: the
34 Commissioner of **【Human Services】** Children and Families, the
35 Commissioner of Health and Senior Services, the Director of the
36 Division of Youth and Family Services in the Department of
37 **【Human Services】** Children and Families, the Attorney General, the
38 Child Advocate and the Superintendent of State Police, or their
39 designees, the State Medical Examiner, and the Chairperson or
40 Executive Director of the New Jersey Task Force on Child Abuse
41 and Neglect, who shall serve ex officio; and six public members
42 appointed by the Governor, one of whom shall be a representative
43 of the New Jersey Prosecutors' Association, one of whom shall be a
44 Law Guardian, one of whom shall be a pediatrician with expertise
45 in child abuse and neglect, one of whom shall be a psychologist
46 with expertise in child abuse and neglect, one of whom shall be a
47 social work educator with experience and expertise in the area of

1 child abuse or a related field and one of whom shall have expertise
2 in substance abuse.

3 b. The public members of the board shall serve for three-year
4 terms. Of the public members first appointed, three shall serve for a
5 period of two years, and three shall serve for a term of three years.
6 They shall serve without compensation but shall be eligible for
7 reimbursement for necessary and reasonable expenses incurred in
8 the performance of their official duties and within the limits of
9 funds appropriated for this purpose. Vacancies in the membership
10 of the board shall be filled in the same manner as the original
11 appointments were made.

12 c. The Governor shall appoint a public member to serve as
13 chairperson of the board who shall be responsible for the
14 coordination of all activities of the board and who shall provide the
15 technical assistance needed to execute the duties of the board.

16 d. The board is entitled to call to its assistance and avail itself
17 of the services of employees of any State, county or municipal
18 department, board, bureau, commission or agency as it may require
19 and as may be available for the purposes of reviewing a case
20 pursuant to the provisions of P.L.1997, c.175 (C.9:6-8.83 et al.).
21 The board may also seek the advice of experts, such as persons
22 specializing in the fields of pediatric, radiological, neurological,
23 psychiatric, orthopedic and forensic medicine; nursing; psychology;
24 social work; education; law enforcement; family law; substance
25 abuse; child advocacy or other related fields, if the facts of a case
26 warrant additional expertise.

27 (cf: P.L.2005, c.155, s.108)

28

29 61. Section 19 of P.L.1997, c.175 (C.9:6-8.98) is amended to
30 read as follows:

31 19. The Department of **【Human Services】** Children and
32 Families shall adopt rules and regulations pursuant to the
33 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
34 seq.) to effectuate the purposes of this act.

35 (cf.: P.L.1997, c.175, s.19)

36

37 62. Section 1 of P.L.1998, c.19 (C.9:6-8.99) is amended to read
38 as follows:

39 1. The Commissioner of **【Human Services】** Children and
40 Families shall establish four regional diagnostic and treatment
41 centers for child abuse and neglect affiliated with medical teaching
42 institutions in the State that meet the standards adopted by the
43 commissioner, in consultation with the New Jersey Task Force on
44 Child Abuse and Neglect. The regional centers shall be located in
45 the northern, north central, south central and southern regions of the
46 State. Each center shall have experience in addressing the medical

1 and mental health diagnostic and treatment needs of abused and
2 neglected children in the region in which it is located.

3 (cf: P.L.1998, c.19, s.1)

4

5 63. Section 2 of P.L.1998, c.19 (C.9:6-8.100) is amended to read
6 as follows:

7 2. Each center shall demonstrate a multidisciplinary approach
8 to identifying and responding to child abuse and neglect. The
9 center staff shall include, at a minimum, a pediatrician, a consulting
10 psychiatrist, a psychologist and a social worker who are trained to
11 evaluate and treat children who have been abused or neglected and
12 their families. Each center shall establish a liaison with the district
13 office of the Division of Youth and Family Services in the
14 Department of **[Human Services]** Children and Families and the
15 prosecutor's office from the county in which the child who is
16 undergoing evaluation and treatment resides. At least one member
17 of the staff shall also have an appropriate professional credential or
18 significant training and experience in the identification and
19 treatment of substance abuse.

20 Each center shall develop an intake, referral and case tracking
21 process which assists the division and prosecutor's office in
22 assuring that child victims receive appropriate and timely diagnostic
23 and treatment services.

24 (cf: P.L.1998, c.19, s.2)

25

26 64. Section 4 of P.L.1998, c.19 (C.9:6-8.102) is amended to read
27 as follows:

28 4. Services provided by the center's staff shall include, but not
29 be limited to:

30 a. Providing psychological and medical evaluation and
31 treatment of the child, counseling for family members and
32 substance abuse assessment and mental health and substance abuse
33 counseling for the parents or guardians of the child;

34 b. Providing referral for appropriate social services and
35 medical care;

36 c. Providing testimony regarding alleged child abuse or neglect
37 at judicial proceedings;

38 d. Providing treatment recommendations for the child and
39 mental health and substance abuse treatment recommendations for
40 his family, and providing mental health and substance abuse
41 treatment recommendations for persons convicted of child abuse or
42 neglect;

43 e. Receiving referrals from the Department of **[Human
44 Services]** Children and Families and the county prosecutor's office
45 and assisting them in any investigation of child abuse or neglect;

46 f. Providing educational material and seminars on child abuse
47 and neglect and the services the center provides to children, parents,

1 teachers, law enforcement officials, the judiciary, attorneys and
2 other citizens.

3 (cf: P.L.2004, c.130, s.35)

4

5 65. Section 6 of P.L.1998, c.19 (C.9:6-8.104) is amended to read
6 as follows:

7 6. Regional centers shall act as a resource in the establishment
8 and maintenance of county-based multidisciplinary teams which
9 work in conjunction with the county prosecutor and the Department
10 of **【Human Services】** Children and Families in the investigation of
11 child abuse and neglect in the county in which the child who is
12 undergoing evaluation and treatment resides. The Commissioner of
13 **【Human Services】** Children and Families, in consultation with the
14 New Jersey Task Force on Child Abuse and Neglect, shall establish
15 standards for a county team. The county team shall consist of
16 representatives of the following disciplines: law enforcement; child
17 protective services; mental health; substance abuse identification
18 and treatment; and medicine; and, in those counties where a child
19 advocacy center has been established, shall include a staff
20 representative of a child advocacy center, all of whom have been
21 trained to recognize child abuse and neglect. The county team shall
22 provide: facilitation of the investigation, management and
23 disposition of cases of criminal child abuse and neglect; referral
24 services to the regional diagnostic center; appropriate referrals to
25 medical and social service agencies; information regarding the
26 identification and treatment of child abuse and neglect; and
27 appropriate follow-up care for abused children and their families.

28 As used in this section, “child advocacy center” means a county-
29 based center which meets the standards for a county team
30 established by the commissioner pursuant to this section and
31 demonstrates a multidisciplinary approach in providing
32 comprehensive, culturally competent child abuse prevention,
33 intervention and treatment services to children who are victims of
34 child abuse or neglect.

35 (cf: P.L.2004, c.130, s.36)

36

37 66. Section 8 of P.L.1998, c.19 (C.9:6-8.106) is amended to read
38 as follows:

39 8. The Commissioner of **【Human Services】** Children and
40 Families shall adopt rules and regulations pursuant to the
41 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
42 seq.) necessary to effectuate the provisions of this act.

43 (cf: P.L.1998, c.19, s.8)

44

45 67. Section 7 of P.L.1985, c.197 (C.9:6A-5) is amended to read
46 as follows:

47 7. In addition to moneys deposited into the “Children's Trust
48 Fund” pursuant to **【section 3 of this act】** P.L.1985, c.197 (C.9:6A-1

1 et al.), the Commissioner of **[the Department of Human Services]**
2 Children and Families may designate moneys to be deposited into
3 the fund which have been appropriated from the General Fund to
4 the Department of **[Human Services]** Children and Families as he
5 deems necessary to effect the establishment of the “Children's Trust
6 Fund.”

7 (cf: P.L.1985, c.197, s.7)

8

9 68. Section 8 of P.L.1985, c.197 (C.9:6A-6) is amended to read
10 as follows:

11 8. Any costs incurred for collection or administration
12 attributable to this act by the Division of Taxation may be deducted
13 from receipts collected pursuant to section **[1]** 2 of **[this act]**
14 P.L.1985, c.197 (C.54A:9-25.4), as determined by the Director of
15 the Division of Budget and Accounting.

16 (cf: P.L.1985, c.197, s.8)

17

18 69. Section 2 of P.L.1986, c.27 (C.9:6A-11) is amended to read
19 as follows:

20 The Department of **[Human Services]** Children and Families
21 shall establish a program, using county human services advisory
22 councils, to encourage each county in this State to establish a
23 special county commission on child abuse and missing children.
24 The special county commission shall address the problems of child
25 abuse and missing children in the county and its activities may
26 include, but shall not be limited to, arranging for educational
27 programs for parents and children, providing information
28 concerning the available services in the county and in the State for
29 abused children and their parents and the parents of missing
30 children, and coordinating the provision of services and programs
31 concerning child abuse and missing children that are offered in the
32 county and neighboring counties.

33 (cf: P.L.1986, c.27, s.2)

34

35 70. Section 2 of P.L.1991, c.290 (C.9:6B-2) is amended to read
36 as follows:

37 2. The Legislature finds and declares that:

38 a. A child placed outside his home by the Department of
39 Human Services, the Department of Children and Families, the
40 Department of Health and Senior Services or a board of education,
41 or an agency or organization with which the applicable department
42 contracts to provide services has certain specific rights separate
43 from and independent of the child's parents or legal guardian by
44 virtue of his placement in another residential setting;

45 b. The State has an affirmative obligation to recognize and
46 protect these rights through its articulation of a clear and specific
47 bill of rights that reflects the best interests of the child whereby the
48 safety of the child is of paramount concern and an affirmation by

1 the State of its commitment to enforce these rights in order to
2 protect and promote the welfare of the child placed outside his
3 home; and

4 c. The obligation of the State to recognize and protect the
5 rights of the child placed outside his home shall be fulfilled in the
6 context of a clear and consistent policy to promote the child's
7 eventual return to his home or placement in an alternative
8 permanent setting, which this Legislature has expressly declared to
9 be in the public interest in section 2 of the "Child Placement
10 Review Act," P.L.1977, c.424 (C.30:4C-51).

11 (cf: P.L.1999, c.53, s.18)

12

13 71. Section 3 of P.L.1991, c.290 (C.9:6B-3) is amended to read
14 as follows:

15 3. As used in this act:

16 "Child placed outside his home" means a child placed outside his
17 home by the Department of Human Services, the Department of
18 Children and Families, the Department of Health and Senior
19 Services or a board of education.

20 "Department" means the Department of Human Services, the
21 Department of Children and Families, the Department of Health and
22 Senior Services or board of education, as applicable.

23 (cf: P.L.1991, c.290, s.3)

24

25 72. Section 5 of P.L.1991, c.290 (C.9:6B-5) is amended to read
26 as follows:

27 5. The Departments of Human Services, Children and Families,
28 Health and Senior Services, and Education shall each prepare and
29 update at least every six months, and shall make available to the
30 public upon request, aggregate non-identifying data about children
31 under their care, custody or supervision who are placed in out-of-
32 home settings, by category as appropriate. The data shall include
33 the following:

34 a. The number of children placed outside their homes during the
35 six-month period and the cumulative number of children residing in
36 out-of-home settings;

37 b. The age, sex and race of the children residing in out-of-home
38 settings;

39 c. The reasons for placement of these children;

40 d. The types of settings in which these children reside;

41 e. The length of time that these children have resided in these
42 settings;

43 f. The number of placements for those children who have been
44 placed in more than one setting;

45 g. The number of children who have been placed in the same
46 county in which their parents or legal guardians reside and the
47 number who have been placed outside of the State;

1 h. The number of children who have been permanently placed or
2 returned to their homes during the six-month period, and a
3 projection of the number of children who will be permanently
4 placed or returned to their homes during the following six-month
5 period; and

6 i. The number of children who have been permanently placed or
7 returned to their homes who are subsequently returned to an out-of-
8 home setting during the six-month period.

9 (cf: P.L.1991, c.290, s.5)

10

11 73. Section 6 of P.L.1991, c.290 (C.9:6B-6) is amended to read
12 as follows:

13 6. The Commissioners of Human Services, Children and
14 Families, Health and Senior Services, and Education, pursuant to
15 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
16 et seq.), shall each adopt rules and regulations to effectuate the
17 purposes of this act.

18 (cf: P.L.1991, c.290, s.6)

19

20 74. Section 3 of P.L.1999, c.224 (C.9:12A-4) is amended to read
21 as follows:

22 3. As used in this act:

23 “Department” means the Department of **[Human Services]**
24 Children and Families.

25 “Division” means the Division of Youth and Family Services in
26 the Department of **[Human Services]** Children and Families.

27 “Homeless youth” means a person 21 years of age or younger
28 who is without shelter where appropriate care and supervision are
29 available.

30 (cf: P.L.1999, c.224, s.3)

31

32 75. Section 8 of P.L.1999, c.224 (C.9:12A-9) is amended to read
33 as follows:

34 8. Subject to the “Administrative Procedure Act,” P.L.1968,
35 c.410 (C.52:14B-1 et seq.), the Commissioner of **[Human Services]**
36 Children and Families shall adopt rules and regulations for the
37 licensing by the department of organizations and agencies that
38 provide street outreach or basic center shelter or transitional living
39 programs for homeless youth.

40 (cf: P.L.1999, c.224, s.8)

41

42 76. Section 2 of P.L.1989, c.284 (C.9:23-6) is amended to read
43 as follows:

44 2. As used in Article III of the compact “appropriate public
45 authorities” and as used in subsection a. of paragraph 1. of Article
46 V of the compact, “appropriate authority in the receiving state”
47 means, with reference to New Jersey, the Department of **[Human**

1 Services] Children and Families and the department shall receive
2 and act with reference to notices required by Article III.

3 (cf: P.L.1989, c.284, s.2)

4

5 77. Section 12 of P.L.1989, c.284 (C.9:23-16) is amended to
6 read as follows:

7 The Commissioner of [Human Services] Children and Families
8 shall have the power to adopt regulations for the enforcement of
9 this act pursuant to the “Administrative Procedure Act,” P.L.1968,
10 c.410 (C.52:14B-1 et seq.).

11 (cf: P.L.1989, c.284, s.12)

12

13 78. Section 19 of P.L.1999, c.53 (C.9:23-18) is amended to read
14 as follows:

15 19. a. The Commissioner of [Human Services] Children and
16 Families is authorized on behalf of this State to develop, negotiate
17 and enter into the Interstate Compact on Adoption and Medical
18 Assistance and other interstate compacts, as determined by the
19 commissioner to enhance protection and permanency for children.
20 When so entered into, and for so long as it shall remain in force,
21 such a compact shall have the force and effect of law.

22 b. A compact entered into pursuant to the authority conferred
23 by subsection a. of this section shall include:

24 (1) a provision making it available for joinder by all states;

25 (2) a provision for withdrawal from the compact upon written
26 notice to the parties, with a period of one year between the date of
27 the notice and the effective date of the withdrawal;

28 (3) a requirement that the protections afforded by or pursuant to
29 the compact be covered by a written agreement between the agency
30 providing services and the parents, adoptive parents, or other
31 caregiver for the child and that the protections continue in force for
32 the duration of the written agreement for all children who, on the
33 effective date of the withdrawal, are receiving services from a party
34 state other than the one in which they reside; and

35 (4) such other provisions as may be appropriate to implement
36 the proper administration of the compact.

37 (cf: P.L.1999, c.53, s.19)

38

39 79. Section 1 of P.L.1995, c.34 (C.18A:6-7a) is amended to read
40 as follows:

41 1. When a complaint made against a school employee alleging
42 child abuse or neglect is investigated by the Department of [Human
43 Services] Children and Families, the department shall notify the
44 school district and the employee of its findings. Upon receipt of a
45 finding by the department that such a complaint is unfounded, the
46 school district shall remove any references to the complaint and
47 investigation by the department from the employee's personnel

1 records. A complaint made against a school employee that has been
2 classified as unfounded by the department shall not be used against
3 the employee for any purpose relating to employment, including but
4 not limited to, discipline, salary, promotion, transfer, demotion,
5 retention or continuance of employment, termination of
6 employment or any right or privilege relating to employment.
7 (cf: P.L.2004, c.130, s.38)

8
9 80. Section 2 of P.L.2005, c.310 (C.18A:6-112) is amended to
10 read as follows:

11 2. The State Board of Education, in consultation with the New
12 Jersey Youth Suicide Prevention Advisory Council established in
13 the Department of **【Human Services】** Children and Families
14 pursuant to P.L.2003, c.214 (C.30:9A-22 et seq.), shall, as part of
15 the professional development requirement established by the State
16 board for public school teaching staff members, require each public
17 school teaching staff member to complete at least two hours of
18 instruction in suicide prevention, to be provided by a licensed
19 health care professional with training and experience in mental
20 health issues, in each professional development period.
21 (cf: P.L.2005, c.310, s.2)

22
23 81. Section 6 of P.L.1979, c.207, s.6 (C.18A:7B-2) is amended
24 to read as follows:

25 6. a. For each State-placed child who is resident in a district and
26 in a State facility on the last school day prior to October 16 of the
27 prebudget year, and for each district-placed child who is resident in
28 a district and in a State facility on the last school day prior to
29 October 16 of the budget year, the Commissioner of Education shall
30 deduct from the State aid payable to that district an amount equal to
31 the approved per pupil cost established pursuant to the provisions of
32 section 24 of P.L.1996, c.138 (C.18A:7F-24); except that for a child
33 in a county juvenile detention center, no deduction shall be made
34 until Fiscal Year 1999, in which year and thereafter 50% of the per
35 pupil cost shall be deducted.

36 b. If, for any district, the amount to be deducted pursuant to
37 subsection a. of this section is greater than State aid payable to the
38 district, the district shall pay to the Department of Education the
39 difference between the amount to be deducted and the State aid
40 payable to the district.

41 c. The amount deducted pursuant to subsection a. of this section
42 and the amount paid to the Department of Education pursuant to
43 subsection b. of this section shall be forwarded to the Department of
44 Human Services or Department of Children and Families, as
45 applicable, if the facility is operated by or under contract with that
46 department, or to the Department of Corrections if the facility is
47 operated by or under contract with that department, or to the
48 Juvenile Justice Commission established pursuant to section 2 of

1 P.L.1995, c.284 (C.52:17B-170) if the facility is operated by or
2 under contract with that commission, and shall serve as payment by
3 the district of tuition for the child. In the case of county juvenile
4 detention centers, the tuition shall be deemed to supplement funds
5 currently provided by the county for this purpose under chapter 10
6 and chapter 11 of Title 9 of the Revised Statutes. In Fiscal Year
7 1998, a county shall not decrease its level of contribution as a result
8 of the payment of tuition pursuant to this section. In Fiscal Year
9 1999 and thereafter, a county shall be required to pay 50% of the
10 approved per pupil costs established pursuant to the provisions of
11 section 24 of P.L.1996, c.138 (C.18A:7F-24) for the purpose of
12 implementing chapters 10 and 11 of Title 9 of the Revised Statutes.
13 Amounts so deducted shall be used solely for the support of
14 educational programs and shall be maintained in a separate account
15 for that purpose. No district shall be responsible for the tuition of
16 any child admitted by the State to a State facility after the last
17 school day prior to October 16 of the prebudget year.

18 (cf: P.L.1996, c.138, s.41)

19

20 82. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to
21 read as follows:

22 8. Funds received pursuant to this act by the Department of
23 Human Services, **[by the]** Department of Children and Families,
24 Department of Corrections or **[by]** the Juvenile Justice Commission
25 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
26 shall be used only for the salaries of teachers, educational
27 administrators at the program level, child study team personnel,
28 clerical staff assigned to child study teams or to educational day
29 programs, paraprofessionals assigned to educational programs in
30 State facilities, and for diagnostic services required as part of the
31 child study team evaluations and related educational services
32 personnel whose function requires an educational certificate issued
33 by the State Department of Education, and for the costs of
34 educational materials, supplies and equipment for these programs.
35 No such funds shall be used for the renovation or construction of
36 capital facilities, for the maintenance and operation of educational
37 facilities, or for custodial, habilitation or other noneducational
38 costs.

39 There are hereby authorized to be appropriated to the
40 Departments of Human Services, Children and Families and
41 Corrections such funds as may be necessary to provide for adult,
42 post-secondary and college programs.

43 (cf: P.L.1995, c.280, s.25)

44

45 83. Section 11 of P.L.1979, c.207 (C.18A:7B-7) is amended to
46 read as follows:

47 11. a. Any parent or guardian of a pupil in a State facility and
48 any pupil in a State facility between 18 and 20 years of age, may

1 request an administrative review on matters of educational
2 classification or educational program.

3 b. The administrative review process shall include the following
4 sequence:

5 (1) A conference with teaching staff members or child study
6 team personnel;

7 (2) A conference with the Director of Educational Services of
8 the Department of Human Services, the Department of Children and
9 Families, the Department of Corrections, or the Juvenile Justice
10 Commission, whichever is appropriate;

11 (3) A hearing by the Commissioner of Education pursuant to law
12 and regulation.

13 c. The due process rights available to children, parents and
14 guardians in the public schools on matters of educational
15 classification or educational program shall be available to children,
16 parents and guardians in State facilities.

17 d. The placement of a child in a particular State facility shall not
18 be subject to an administrative review or hearing pursuant to this
19 section.

20 (cf: P.L.1996, c.138, s.43)

21

22 84. Section 13 of P.L.1979, c.207 (C.18A:7B-9) is amended to
23 read as follows:

24 13. There is hereby created and established in the Department of
25 **【Human Services】** Children and Families an Office of Education to
26 be headed by a Director of Educational Services who shall
27 supervise the educational programs in all the State facilities
28 operated by or under contract with that department and shall
29 approve all personnel hired by the State for such programs.

30 The director shall hold the appropriate certificate issued by the
31 State Board of Examiners and shall be qualified by training and
32 experience for his position and shall be appointed by the
33 Commissioner of **【Human Services】** Children and Families. He
34 shall serve at the pleasure of the commissioner and shall receive
35 such salary as shall be fixed by the commissioner.

36 The director shall establish primary, secondary, and vocational
37 programs which meet the educational needs of school age persons
38 for whom the department is responsible. Appropriate credit and
39 certification shall be given for the successful completion of such
40 programs.

41 Within any available appropriation, the program of education
42 shall include adult, post-secondary and college programs offered by
43 institutions licensed by the Department of Education or the
44 Commission on Higher Education.

45 (cf: P.L.1994, c.48, s.57)

46

47 85. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to
48 read as follows:

1 19. For school funding purposes, the Commissioner of
2 Education shall determine district of residence as follows:

3 a. The district of residence for children in resource family
4 homes shall be the district in which the resource family parents
5 reside. If a child in a resource family home is subsequently placed
6 in a State facility or by a State agency, the district of residence of
7 the child shall then be determined as if no such resource family
8 placement had occurred.

9 b. The district of residence for children who are in residential
10 State facilities, or who have been placed by State agencies in group
11 homes, skill development homes, private schools or out-of-State
12 facilities, shall be the present district of residence of the parent or
13 guardian with whom the child lived prior to his most recent
14 admission to a State facility or most recent placement by a State
15 agency.

16 If this cannot be determined, the district of residence shall be the
17 district in which the child resided prior to such admission or
18 placement.

19 c. The district of residence for children whose parent or
20 guardian temporarily moves from one school district to another as
21 the result of being homeless shall be the district in which the parent
22 or guardian last resided prior to becoming homeless. For the
23 purpose of this amendatory and supplementary act, "homeless"
24 shall mean an individual who temporarily lacks a fixed, regular and
25 adequate residence.

26 d. If the district of residence cannot be determined according to
27 the criteria contained herein, or if the criteria contained herein
28 identify a district of residence outside of the State, the State shall
29 assume fiscal responsibility for the tuition of the child. The tuition
30 shall equal the approved per pupil cost established pursuant to
31 P.L.1996, c.138 (C.18A:7F-1 et seq.). This amount shall be
32 appropriated in the same manner as other State aid under this act.
33 The Department of Education shall pay the amount to the
34 Department of Human Services, the Department of Children and
35 Families, the Department of Corrections or the Juvenile Justice
36 Commission established pursuant to section 2 of P.L.1995, c.284
37 (C.52:17B-170) or, in the case of a homeless child, the Department
38 of Education shall pay the appropriate T&E amount and any
39 appropriate additional cost factor for special education pursuant to
40 section 19 of P.L.1996, c.138 (C.18A:7F-19) to the school district
41 in which the child is enrolled.

42 e. If the State has assumed fiscal responsibility for the tuition
43 of a child in a private educational facility approved by the
44 Department of Education to serve children who are classified as
45 needing special education services, the department shall pay to the
46 Department of Human Services, the Department of Children and
47 Families or the Juvenile Justice Commission, as appropriate, the aid
48 specified in subsection d. of this section and in addition, such aid as

1 required to make the total amount of aid equal to the actual cost of
2 the tuition.

3 (cf: P.L.2004, c.130, s.39)

4

5 86. Section 20 of P.L.1979, c.207 (C.18A:7B-13) is amended to
6 read as follows:

7 20. Beginning in the school year 1997-98, the Commissioner of
8 Education shall annually report to the Legislature, describing the
9 condition of educational programs in State facilities, the efforts of
10 the Departments of Corrections, Children and Families, and Human
11 Services and the Juvenile Justice Commission in meeting the
12 standards of a thorough and efficient education in these facilities,
13 the steps underway to correct any deficiencies in their educational
14 programs, and the progress of the educational programs in New
15 Jersey State facilities in comparison with those in the state facilities
16 of other states. At that time the commissioner shall recommend to
17 the Legislature any necessary or desirable changes or modifications
18 in P.L.1979, c.207 (C.18A:7B-1 et al.).

19 (cf: P.L.1996, c.138, s.45)

20

21 87. Section 3 of P.L.1996, c.138 (C.18A:7F-3) is amended to
22 read as follows:

23 3. As used in this act, unless the context clearly requires a
24 different meaning:

25 "Abbott district" means one of the 28 urban districts in district
26 factor groups A and B specifically identified in the appendix to
27 Raymond Abbott, et al. v. Fred G. Burke, et al. decided by the New
28 Jersey Supreme Court on June 5, 1990 (119 N.J.287, 394) or any
29 other district classified as a special needs district under the "Quality
30 Education Act of 1990," P.L.1990, c.52 (C.18A:7D-1 et al.), or
31 Salem City School District;

32 "Bilingual education pupil" means a pupil enrolled in a program
33 of bilingual education or in an English as a second language
34 program approved by the State Board of Education;

35 "Budgeted local share" means the sum of designated general
36 fund balance, miscellaneous revenues estimated consistent with
37 GAAP, and that portion of the district's local tax levy contained in
38 the T&E budget certified for taxation purposes;

39 "Capital outlay" means capital outlay as defined in GAAP;

40 "Commissioner" means the Commissioner of Education;

41 "Concentration of low-income pupils" shall be based on
42 prebudget year pupil data and means, for a school district or a
43 county vocational school district, the number of low-income pupils
44 among those counted in modified district enrollment, divided by
45 modified district enrollment. For a school, it means the number of
46 low-income pupils recorded in the registers at that school, divided
47 by the total number of pupils recorded in the school's registers;

1 "CPI" means the average annual increase, expressed as a
2 decimal, in the consumer price index for the New York City and
3 Philadelphia areas during the fiscal year preceding the prebudget
4 year as reported by the United States Department of Labor;

5 "County special services school district" means any entity
6 established pursuant to article 8 of chapter 46 of Title 18A of the
7 New Jersey Statutes;

8 "County vocational school district" means any entity established
9 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey
10 Statutes;

11 "County vocational school, special education services pupil"
12 means a pupil who is attending a county vocational school and who
13 is receiving specific services pursuant to chapter 46 of Title 18A of
14 the New Jersey Statutes;

15 "Debt service" means and includes payments of principal and
16 interest upon school bonds and other obligations issued to finance
17 the purchase or construction of school facilities, additions to school
18 facilities, or the reconstruction, remodeling, alteration,
19 modernization, renovation or repair of school facilities, including
20 furnishings, equipment, architect fees and the costs of issuance of
21 such obligations and shall include payments of principal and
22 interest upon bonds heretofore issued to fund or refund such
23 obligations, and upon municipal bonds and other obligations which
24 the commissioner approves as having been issued for such
25 purposes. Debt service pursuant to the provisions of P.L.1978, c.74
26 (C.18A:58-33.22 et seq.), P.L.1971, c.10 (C.18A:58-33.6 et seq.)
27 and P.L.1968, c.177 (C.18A:58-33.2 et seq.) is excluded;

28 "District factor group A district" means a school district, other
29 than an Abbott district or a school district in which the equalized
30 valuation per pupil is more than twice the average Statewide
31 equalized valuation per pupil and in which resident enrollment
32 exceeds 2,000 pupils, which based on the 1990 federal census data
33 is included within the Department of Education's district factor
34 group A;

35 "District income" for the 1997-98 school year means the
36 aggregate income of the residents of the taxing district or taxing
37 districts, based upon data provided by the Bureau of the Census in
38 the United States Department of Commerce for 1989. Beginning
39 with the 1998-99 school year and thereafter, district income means
40 the aggregate income of the residents of the taxing district or taxing
41 districts, based upon data provided by the Division of Taxation in
42 the New Jersey Department of the Treasury and contained on the
43 New Jersey State Income Tax forms for the calendar year ending
44 prior to the prebudget year. The commissioner may supplement
45 data contained on the State Income Tax forms with data available
46 from other State or federal agencies in order to better correlate the
47 data to that collected on the federal census. With respect to
48 regional districts and their constituent districts, however, the district

1 income as described above shall be allocated among the regional
2 and constituent districts in proportion to the number of pupils
3 resident in each of them;

4 "Estimated minimum equalized tax rate" for a school district
5 means the district's required local share divided by its equalized
6 valuation; for the State it means the sum of the required local shares
7 of all school districts in the State, excluding county vocational and
8 county special services school districts as defined pursuant to this
9 section, divided by the sum of the equalized valuations for all the
10 school districts in the State except those for which there is no
11 required local share;

12 "Equalized valuation" means the equalized valuation of the
13 taxing district or taxing districts, as certified by the Director of the
14 Division of Taxation on October 1, or subsequently revised by the
15 tax court by January 15, of the prebudget year. With respect to
16 regional districts and their constituent districts, however, the
17 equalized valuations as described above shall be allocated among
18 the regional and constituent districts in proportion to the number of
19 pupils resident in each of them. In the event that the equalized table
20 certified by the director shall be revised by the tax court after
21 January 15 of the prebudget year, the revised valuations shall be
22 used in the recomputation of aid for an individual school district
23 filing an appeal, but shall have no effect upon the calculation of the
24 property value multiplier, Statewide equalized valuation per pupil,
25 estimated minimum equalized tax rate for the State, or Statewide
26 average equalized school tax rate;

27 "GAAP" means the generally accepted accounting principles
28 established by the Governmental Accounting Standards Board as
29 prescribed by the State board pursuant to N.J.S.18A:4-14;

30 "Household income" means income as defined in 7CFR 245.2
31 and 245.6 or any subsequent superseding federal law or regulation;

32 "Lease purchase payment" means and includes payments of
33 principal and interest for lease purchase agreements in excess of
34 five years approved pursuant to subsection f. of N.J.S.18A:20-4.2 to
35 finance the purchase or construction of school facilities, additions
36 to school facilities, or the reconstruction, remodeling, alteration,
37 modernization, renovation or repair of school facilities, including
38 furnishings, equipment, architect fees and issuance costs. Approved
39 lease purchase agreements in excess of five years shall be accorded
40 the same accounting treatment as school bonds;

41 "Low-income pupils" means those pupils from households with a
42 household income at or below the most recent federal poverty
43 guidelines available on October 15 of the prebudget year multiplied
44 by 1.30;

45 "Minimum permissible T&E budget" means the sum of a
46 district's core curriculum standards aid, and required local share
47 calculated pursuant to sections 5, 14 and 15 of this act;

1 "Modified district enrollment" means the number of pupils other
2 than preschool pupils, evening school pupils, post-graduate pupils,
3 and post-secondary vocational pupils who, on the last school day
4 prior to October 16, are enrolled in the school district or county
5 vocational school district; or are resident in the school district or
6 county vocational school district and are: (1) receiving home
7 instruction, (2) enrolled in an approved private school for the
8 handicapped, (3) enrolled in a regional day school, (4) enrolled in a
9 county special services school district, (5) enrolled in an
10 educational services commission including an alternative high
11 school program operated by an educational services commission,
12 (6) enrolled in a State college demonstration school, (7) enrolled in
13 the Marie H. Katzenbach School for the Deaf, or (8) enrolled in an
14 alternative high school program in a county vocational school.
15 Modified district enrollment shall be based on the prebudget year
16 count for the determination of concentration of low-income pupils,
17 and shall be projected to the current year and adjusted pursuant to
18 section 5 of this act when used in the calculation of aid;

19 "Net budget" unless otherwise stated in this act, means the sum
20 of the net T&E budget and the portion of the district's local levy
21 that is above the district's maximum T&E budget;

22 "Net T&E budget" means the sum of the T&E program budget,
23 early childhood program aid, demonstrably effective program aid,
24 instructional supplement aid, transportation aid, and categorical
25 program aid received pursuant to sections 19 through 22, 28, and 29
26 of this act;

27 "Prebudget year" means the school fiscal year preceding the year
28 in which the school budget is implemented;

29 "Prebudget year equalized tax rate" means the amount calculated
30 by dividing the district's general fund levy for the prebudget year by
31 its equalized valuation certified in the year prior to the prebudget
32 year;

33 "Prebudget year net budget" for the 1997-98 school year means
34 the sum of the foundation aid, transition aid, transportation aid,
35 special education aid, bilingual education aid, aid for at-risk pupils,
36 technology aid, and county vocational program aid received by a
37 school district or county vocational school district in the 1996-97
38 school year pursuant to P.L.1996, c.42, and the district's local levy
39 for the general fund;

40 "Report on the Cost of Providing a Thorough and Efficient
41 Education" or "Report" means the report issued by the Governor
42 pursuant to section 4 of this act;

43 "Resident enrollment" means the number of pupils other than
44 preschool pupils, post-graduate pupils, and post-secondary
45 vocational pupils who, on the last school day prior to October 16 of
46 the current school year, are residents of the district and are enrolled
47 in: (1) the public schools of the district, excluding evening schools,
48 (2) another school district, other than a county vocational school

1 district in the same county on a full-time basis, or a State college
2 demonstration school or private school to which the district of
3 residence pays tuition, or (3) a State facility in which they are
4 placed by the district; or are residents of the district and are: (1)
5 receiving home instruction, or (2) in a shared-time vocational
6 program and are regularly attending a school in the district and a
7 county vocational school district. In addition, resident enrollment
8 shall include the number of pupils who, on the last school day prior
9 to October 16 of the prebudget year, are residents of the district and
10 in a State facility in which they were placed by the State. Pupils in
11 a shared-time vocational program shall be counted on an equated
12 full-time basis in accordance with procedures to be established by
13 the commissioner. Resident enrollment shall include regardless of
14 nonresidence, the enrolled children of teaching staff members of the
15 school district or county vocational school district who are
16 permitted, by contract or local district policy, to enroll their
17 children in the educational program of the school district or county
18 vocational school district without payment of tuition. Handicapped
19 children between three and five years of age and receiving programs
20 and services pursuant to N.J.S.18A:46-6 shall be included in the
21 resident enrollment of the district;

22 "School district" means any local or regional school district
23 established pursuant to chapter 8 or chapter 13 of Title 18A of the
24 New Jersey Statutes;

25 "School enrollment" means the number of pupils other than
26 preschool pupils, evening school pupils, post-graduate pupils, and
27 post-secondary vocational pupils who, on the last school day prior
28 to October 16 of the current school year, are recorded in the
29 registers of the school;

30 "Special education services pupils" means a pupil receiving
31 specific services pursuant to chapter 46 of Title 18A of the New
32 Jersey Statutes;

33 "Spending growth limitation" means the annual rate of growth
34 permitted in the net budget of a school district, county vocational
35 school district or county special services school district as measured
36 between the net budget of the prebudget year and the net budget of
37 the budget year as calculated pursuant to subsection d. of section 5
38 of this act;

39 "Stabilization aid growth limit" means 10% or the rate of growth
40 in the district's projected resident enrollment over the prebudget
41 year, whichever is greater. For the 1997-98 school year, this means
42 8% or one-half the rate of growth in the district's projected resident
43 enrollment and preschool enrollment between the October 1991
44 enrollment report as contained on the district's Application for State
45 School Aid for 1992-93 and the 1997-98 school year, whichever is
46 greater. For the 1998-99 and 1999-2000 school years, this means
47 the greatest of the following: 10%, one-half the district's rate of
48 growth in projected resident enrollment and preschool enrollment

1 over the October 1991 enrollment report as contained on the
2 district's Application for State School Aid for 1992-93, or the
3 district's projected rate of growth in resident enrollment over the
4 prebudget year;

5 "State facility" means a State developmental center; a State
6 Division of Youth and Family Services' residential center; a State
7 residential mental health center; a **[DHS]** Department of Children
8 and Families Regional Day School; a State training school/Secure
9 care facility; a State juvenile community program; a juvenile
10 detention center or a boot camp under the supervisory authority of
11 the Juvenile Justice Commission pursuant to P.L.1995, c.284
12 (C.52:17B-169 et seq.); or an institution operated by or under
13 contract with the Department of Corrections, Children and Families
14 or Human Services, or the Juvenile Justice Commission;

15 "Statewide average equalized school tax rate" means the amount
16 calculated by dividing the general fund tax levy for all school
17 districts, which excludes county vocational school districts and
18 county special services school districts as defined pursuant to this
19 section, in the State for the prebudget year by the equalized
20 valuations certified in the year prior to the prebudget year of all
21 taxing districts in the State except taxing districts for which there
22 are no school tax levies;

23 "Statewide equalized valuation per pupil" means the equalized
24 valuations of all taxing districts having resident enrollment in the
25 State, divided by the resident enrollment for the State;

26 "T&E amount" means the cost per elementary pupil of delivering
27 the core curriculum content standards and extracurricular and
28 cocurricular activities necessary for a thorough regular education
29 under the assumptions of reasonableness and efficiency contained in
30 the Report on the Cost of Providing a Thorough and Efficient
31 Education;

32 "T&E flexible amount" means the dollar amount which shall be
33 applied to the T&E amount to determine the T&E range;

34 "T&E program budget" means the sum of core curriculum
35 standards aid, supplemental core curriculum standards aid,
36 stabilization aid, designated general fund balance, miscellaneous
37 local general fund revenue and that portion of the district's local
38 levy that supports the district's T&E budget;

39 "T&E range" means the range of regular education spending
40 which shall be considered thorough and efficient. The range shall
41 be expressed in terms of T&E budget spending per elementary
42 pupil, and shall be delineated by alternatively adding to and
43 subtracting from the T&E amount the T&E flexible amount;

44 "Total Statewide income" means the sum of the district incomes
45 of all taxing districts in the State.

46 (cf: P.L.2004, c.61, s.1).

1 88. Section 19 of P.L.1996, c.138 (C.18A:7F-19) is amended to
2 read as follows:

3 19. a. Special education categorical aid for each school district
4 and county vocational school district shall be calculated for the
5 1997-98 school year as follows:

6 Tier I is the number of pupils classified for other than speech
7 correction services resident in the district which receive related
8 services including, but not limited to, occupational therapy,
9 physical therapy, speech and counseling. Aid shall equal 0.0223 of
10 the T&E amount rounded to the nearest whole dollar for each of the
11 four service categories provided per classified pupil.

12 Tier II is the number of pupils resident in the district meeting the
13 classification definitions for perceptually impaired, neurologically
14 impaired, educable mentally retarded and preschool handicapped;
15 all classified pupils in shared time county vocational programs in a
16 county vocational school which does not have a child study team
17 receiving services pursuant to chapter 46 of Title 18A of the New
18 Jersey Statutes; and nonclassified pupils in State training schools or
19 secure care facilities. For the purpose of calculating State aid for
20 1997-98, each district, other than a county vocational school
21 district, shall have its pupil count for perceptually impaired reduced
22 by perceptually impaired classifications in excess of one standard
23 deviation above the State average classification rate at December
24 1995 or 9.8 percent of the district's resident enrollment. The
25 perceptually impaired limitation shall be phased down to the State
26 average of the prebudget year over a five-year period by adjusting
27 the standard deviation as follows: 75 percent in 1998-99, 50
28 percent in 1999-2000, 25 percent in 2000-2001 and the State
29 average in year five. No reduction in aid shall be assessed against
30 any district in which the perceptually impaired classification rate is
31 6.5% or less of resident enrollment. Aid shall equal 0.4382 of the
32 T&E amount rounded to the nearest whole dollar for each student
33 meeting the Tier II criteria.

34 The commissioner shall develop a system to provide that each
35 school district submits data to the department on the number of the
36 district's pupils with a classification definition of perceptually
37 impaired who are enrolled in a county vocational school. Such
38 pupils shall be counted in the district of residence's resident
39 enrollment for the purpose of calculating the limit on perceptually
40 impaired classifications for Tier II State aid.

41 Tier III is the number of classified pupils resident in the district
42 in categories other than speech correction services, perceptually
43 impaired, neurologically impaired, educable mentally retarded,
44 socially maladjusted, preschool handicapped, and who do not meet
45 the criteria of Tier IV, intensive services; and nonclassified pupils
46 in juvenile community programs. Aid shall equal 0.8847 of the
47 T&E amount for each pupil meeting the Tier III criteria.

1 Tier IV is the number of classified pupils resident in the district
2 receiving intensive services. For 1997-98, intensive services are
3 defined as those provided in a county special services school district
4 and services provided for pupils who meet the classification
5 definitions for autistic, chronically ill, day training eligible, or
6 visually handicapped, or are provided for pupils who meet the
7 classification definition for multiply handicapped and are in a
8 private school for the handicapped, educational services
9 commission, or jointure commission placement in the 1996-97
10 school year. The commissioner shall collect data and conduct a
11 study to determine intensive service criteria and the appropriate per
12 pupil cost factor to be universally applied to all service settings,
13 beginning in the 1998-99 school year. Aid shall equal 1.2277 of the
14 T&E amount for each pupil meeting the Tier IV criteria.

15 Classified pupils in Tiers II through IV shall be eligible for Tier I
16 aid. Classified pupils shall be eligible to receive aid for up to four
17 services under Tier I.

18 For the 1998-99 school year, these cost factors shall remain in
19 effect and special education aid growth shall be limited by the CPI
20 growth rate applied to the T&E amount and changes in classified
21 pupil counts. For subsequent years, the additional cost factors shall
22 be established biennially in the Report on the Cost of Providing a
23 Thorough and Efficient Education.

24 For the purposes of this section, classified pupil counts shall
25 include pupils attending State developmental centers, Department of
26 **[Human Services]** Children and Families Regional Day Schools,
27 Department of **[Human Services]** Children and Families residential
28 centers, State residential mental health centers, and institutions
29 operated by or under contract with the Department of Human
30 Services or the Department of Children and Families. Classified
31 pupils of elementary equivalent age shall include classified
32 preschool handicapped and kindergarten pupils.

33 b. In those instances in which the cost of providing education
34 for an individual classified pupil exceeds \$40,000:

35 (1) For costs in excess of \$40,000 incurred in the 2002-2003
36 through 2004-2005 school years, the district of residence shall, in
37 addition to any special education State aid to which the district is
38 entitled on behalf of the pupil pursuant to subsection a. of this
39 section, receive additional special education State aid as follows:

40 (a) with respect to the amount of any costs in excess of \$40,000 but
41 less than or equal to \$60,000, the additional State aid for the
42 classified pupil shall equal 60% of that amount; (b) with respect to
43 the amount of any costs in excess of \$60,000 but less than or equal
44 to \$80,000, the additional State aid for the classified pupil shall
45 equal 70% of that amount; and (c) with respect to the amount of any
46 costs in excess of \$80,000, the additional State aid for the classified
47 pupil shall equal 80% of that amount; provided that in the case of
48 an individual classified pupil for whom additional special education

1 State aid was awarded to a district for the 2001-2002 school year,
2 the amount of such aid awarded annually to the district for that
3 pupil for the 2002-2003, 2003-2004 or 2004-2005 school year shall
4 not be less than the amount for the 2001-2002 school year, except
5 that if the district's actual special education costs incurred for the
6 pupil in the 2002-2003, 2003-2004 or 2004-2005 school year are
7 reduced below the amount of such costs for the pupil in the 2001-
8 2002 school year, the amount of aid shall be decreased by the
9 amount of that reduction; and

10 (2) For costs in excess of \$40,000 incurred in the 2005-2006
11 school year and thereafter, a district shall receive additional special
12 education State aid equal to 100% of the amount of that excess.

13 A district, in order to receive funding pursuant to this subsection,
14 shall file an application with the department that details the
15 expenses incurred on behalf of the particular classified pupil for
16 which the district is seeking reimbursement. Additional State aid
17 awarded for extraordinary special education costs shall be recorded
18 by the district as revenue in the current school year and paid to the
19 district in the subsequent school year.

20 c. A school district may apply to the commissioner to receive
21 emergency special education aid for any classified pupil who
22 enrolls in the district prior to March of the budget year and who is
23 in a placement with a cost in excess of \$40,000. The commissioner
24 may debit from the student's former district of residence any special
25 education aid which was paid to that district on behalf of the
26 student.

27 d. The department shall review expenditures of federal and
28 State special education aid by a district in every instance in which
29 special education monitoring identifies a failure on the part of the
30 district to provide services consistent with a pupil's individualized
31 education program.

32 (cf: P.L.2004, c.130, s.40)

33

34 89. Section 24 of P.L.1996, c.138 (C.18A:7F-24) is amended to
35 read as follows:

36 24. Annually by December 15, the Department of Corrections,
37 the Department of Human Services, the Department of Children and
38 Families and the Juvenile Justice Commission shall each submit to
39 the commissioner for approval, with respect to the facilities under
40 their operational or supervisory authority, a budget for educational
41 programs as set forth in section 8 of P.L.1979, c.207 (C.18A:7B-4)
42 for the subsequent year, together with enrollments and per pupil
43 costs. For the purposes of calculating a per pupil cost, enrollment
44 shall be based on the number of pupils in the State facility on the
45 last school day prior to October 16 of the prebudget year. In the
46 subsequent year, pursuant to P.L.1979, c.207 (C.18A:7B-1 et seq.)
47 for students resident in a district, approved per pupil amounts shall
48 be deducted from each school district's State aid and remitted to the

1 appropriate agency, except that for county juvenile detention
2 centers, no deduction shall be made until Fiscal Year 1999; in that
3 year and thereafter, 50% of approved per pupil amounts shall be
4 deducted and remitted to the Juvenile Justice Commission.

5 (cf: P.L.1996, c.138, s.24)

6
7 90. Section 3 of P.L.2000, c.72 (C.18A:7G-3) is amended to
8 read as follows:

9 3. As used in sections 1 through 30 and 57 through 71 of this
10 act, unless the context clearly requires a different meaning:

11 "Abbott district" means an Abbott district as defined in section 3
12 of P.L.1996, c.138 (C.18A:7F-3);

13 "Area cost allowance" means \$138 per square foot for the school
14 year 2000-2001 and shall be inflated by an appropriate cost index
15 for the 2001-2002 school year. For the 2002-2003 school year and
16 subsequent school years, the area cost allowance shall be as
17 established in the biennial Report on the Cost of Providing a
18 Thorough and Efficient Education and inflated by an appropriate
19 cost index for the second year to which the report applies. The area
20 cost allowance used in determining preliminary eligible costs of
21 school facilities projects shall be that of the year of application for
22 approval of the project;

23 "Authority" means the New Jersey Economic Development
24 Authority established pursuant to P.L.1974, c.80 (C.34:1B-1 et
25 seq.);

26 "Community provider" means a private entity which has
27 contracted to provide early childhood education programs for an
28 ECPA district and which (a) is licensed by the Department of
29 **[Human Services]** Children and Families to provide day care
30 services pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.); and (b) is
31 a tax exempt nonprofit organization;

32 "Community early childhood education facilities project" means
33 a school facilities project consisting of facilities in which early
34 childhood education programs are provided to 3 or 4-year old
35 children under contract with the ECPA district but which are owned
36 and operated by a community provider;

37 "Commissioner" means the Commissioner of Education;

38 "Core curriculum content standards" means the standards
39 established pursuant to the provisions of subsection a. of section 4
40 of P.L.1996, c.138 (C.18A:7F-4);

41 "Cost index" means the average annual increase, expressed as a
42 decimal, in actual construction cost factors for the New York City
43 and Philadelphia areas during the second fiscal year preceding the
44 budget year as determined pursuant to regulations promulgated by
45 the authority pursuant to section 26 of this act;

46 "Debt service" means and includes payments of principal and
47 interest upon school bonds issued to finance the acquisition of
48 school sites and the purchase or construction of school facilities,

1 additions to school facilities, or the reconstruction, remodeling,
2 alteration, modernization, renovation or repair of school facilities,
3 including furnishings, equipment, architect fees and the costs of
4 issuance of such obligations and shall include payments of principal
5 and interest upon school bonds heretofore issued to fund or refund
6 such obligations, and upon municipal bonds and other obligations
7 which the commissioner approves as having been issued for such
8 purposes. Debt service pursuant to the provisions of P.L.1978, c.74
9 (C.18A:58-33.22 et seq.), P.L.1971, c.10 (C.18A:58-33.6 et seq.)
10 and P.L.1968, c.177 (C.18A:58-33.2 et seq.) is excluded;

11 "Demonstration project" means a school facilities project
12 selected by the State Treasurer for construction by a redevelopment
13 entity pursuant to section 6 of this act;

14 "District" means a local or regional school district established
15 pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey
16 Statutes, a county special services school district established
17 pursuant to article 8 of chapter 46 of Title 18A of the New Jersey
18 Statutes, a county vocational school district established pursuant to
19 article 3 of chapter 54 of Title 18A of the New Jersey Statutes, and
20 a State-operated school district established pursuant to P.L.1987,
21 c.399 (C.18A:7A-34 et seq.);

22 "District aid percentage" means the number expressed as a
23 percentage derived from dividing the district's core curriculum
24 standards aid calculated pursuant to section 15 of P.L.1996, c.138
25 (C.18A:7F-15) as of the date of the commissioner's determination
26 of preliminary eligible costs by the district's T & E budget
27 calculated pursuant to subsection d. of section 13 of P.L.1996,
28 c.138 (C.18A:7F-13) as of the date of the commissioner's
29 determination of preliminary eligible costs;

30 "ECPA district" means a district that qualifies for early
31 childhood program aid pursuant to section 16 of P.L.1996, c.138
32 (C.18A:7F-16);

33 "Excess costs" means the additional costs, if any, which shall be
34 borne by the district, of a school facilities project which result from
35 design factors that are not required to meet the facilities efficiency
36 standards and not approved pursuant to paragraph (1) of subsection
37 g. of section 5 of this act or are not authorized as community design
38 features included in final eligible costs pursuant to subsection c. of
39 section 6 of this act;

40 "Facilities efficiency standards" means the standards developed
41 by the commissioner pursuant to subsection h. of section 4 of this
42 act;

43 "Final eligible costs" means for school facilities projects to be
44 constructed by the authority, the final eligible costs of the school
45 facilities project as determined by the commissioner, in consultation
46 with the authority, pursuant to section 5 of this act; for
47 demonstration projects, the final eligible costs of the project as
48 determined by the commissioner and reviewed by the authority

1 which may include the cost of community design features
2 determined by the commissioner to be an integral part of the school
3 facility and which do not exceed the facilities efficiency standards,
4 and which were reviewed by the authority and approved by the
5 State Treasurer pursuant to section 6 of this act; and for districts
6 whose district aid percentage is less than 55% and which elect not
7 to have the authority construct a school facilities project, final
8 eligible costs as determined pursuant to paragraph (1) of subsection
9 h. of section 5 of this act;

10 "FTE" means a full-time equivalent student which shall be
11 calculated as follows: in districts that qualify for early childhood
12 program aid pursuant to section 16 of P.L.1996, c.138 (C.18A:7F-
13 16), each student in grades kindergarten through 12 shall be counted
14 at 100% of the actual count of students, and each preschool student
15 approved by the commissioner to be served in the district shall be
16 counted at 50% or 100% of the actual count of preschool students
17 for an approved half-day or full-day program, respectively; in
18 districts that do not qualify for early childhood program aid
19 pursuant to section 16 of P.L.1996, c.138 (C.18A:7F-16), each
20 student in grades 1 through 12 shall be counted at 100% of the
21 actual count of students, in the case of districts which operate a
22 half-day kindergarten program each kindergarten student shall be
23 counted at 50% of the actual count of kindergarten students, in the
24 case of districts which operate a full-day kindergarten program or
25 which currently operate a half-day kindergarten program but
26 propose to build facilities to house a full-day kindergarten program
27 each kindergarten student shall be counted at 100% of the actual
28 count of kindergarten students, and preschool students shall not be
29 counted. In addition, each preschool handicapped child who is
30 entitled to receive a full-time program pursuant to N.J.S.18A:46-6
31 shall be counted at 100% of the actual count of these students in the
32 district;

33 "Functional capacity" means the number of students that can be
34 housed in a building in order to have sufficient space for it to be
35 educationally adequate for the delivery of programs and services
36 necessary for student achievement of the core curriculum content
37 standards. Functional capacity is determined by dividing the
38 existing gross square footage of a school building by the minimum
39 area allowance per FTE student pursuant to subsection b. of section
40 8 of this act for the grade level students contained therein. The
41 difference between the projected enrollment determined pursuant to
42 subsection a. of section 8 of this act and the functional capacity is
43 the unhoused students that are the basis upon which the additional
44 costs of space to provide educationally adequate facilities for the
45 entire projected enrollment are determined. The existing gross
46 square footage for the purposes of defining functional capacity is
47 exclusive of existing spaces that are not contained in the facilities
48 efficiency standards but which are used to deliver programs and

1 services aligned to the core curriculum content standards, used to
2 provide support services directly to students, or other existing
3 spaces that the district can demonstrate would be structurally or
4 fiscally impractical to convert to other uses contained in the
5 facilities efficiency standards;

6 "Lease purchase payment" means and includes payment of
7 principal and interest for lease purchase agreements in excess of
8 five years approved pursuant to subsection f. of N.J.S.18A:20-4.2
9 prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) to
10 finance the purchase or construction of school facilities, additions
11 to school facilities, or the reconstruction, remodeling, alteration,
12 modernization, renovation or repair of school facilities, including
13 furnishings, equipment, architect fees and issuance costs. Approved
14 lease purchase agreements in excess of five years shall be accorded
15 the same accounting treatment as school bonds;

16 "Local share" means, in the case of a school facilities project to
17 be constructed by the authority, the total costs less the State share
18 as determined pursuant to section 5 of this act; in the case of a
19 demonstration project, the total costs less the State share as
20 determined pursuant to sections 5 and 6 of this act; and in the case
21 of a school facilities project not to be constructed by the authority,
22 but which shall be financed pursuant to section 15 of this act, the
23 total costs less the State share as determined pursuant to that
24 section;

25 "Local unit" means a county, municipality, board of education or
26 any other political subdivision or instrumentality authorized to
27 construct, operate and maintain a school facilities project and to
28 borrow money for those purposes pursuant to law;

29 "Local unit obligations" means bonds, notes, refunding bonds,
30 refunding notes, lease obligations and all other obligations of a
31 local unit which are issued or entered into for the purpose of paying
32 for all or a portion of the costs of a school facilities project,
33 including moneys payable to the authority;

34 "Long-range facilities plan" means the plan required to be
35 submitted to the commissioner by a district pursuant to section 4 of
36 this act;

37 "Maintenance" means expenditures which are approved for
38 repairs and replacements for the purpose of keeping a school
39 facility open and safe for use or in its original condition, including
40 repairs and replacements to a school facility's heating, lighting,
41 ventilation, security and other fixtures to keep the facility or
42 fixtures in effective working condition. Maintenance shall not
43 include contracted custodial or janitorial services, expenditures for
44 the cleaning of a school facility or its fixtures, the care and upkeep
45 of grounds or parking lots, and the cleaning of, or repairs and
46 replacements to, movable furnishings or equipment, or other
47 expenditures which are not required to maintain the original
48 condition over the school facility's useful life. Approved

1 maintenance expenditures shall be as determined by the
2 commissioner pursuant to regulations to be adopted by the
3 commissioner pursuant to section 26 of this act;

4 "Other allowable costs" means the costs of site development,
5 acquisition of land or other real property interests necessary to
6 effectuate the school facilities project, fees for the services of
7 design professionals, including architects, engineers, construction
8 managers and other design professionals, legal fees, financing costs
9 and the administrative costs of the authority or the district incurred
10 in connection with the school facilities project;

11 "Preliminary eligible costs" means the initial eligible costs of a
12 school facilities project as calculated pursuant to the formulas set
13 forth in section 7 of this act which shall be deemed to include the
14 costs of construction and other allowable costs;

15 "Redevelopment entity" means a redevelopment entity
16 authorized by a municipal governing body to implement plans and
17 carry out redevelopment projects in the municipality pursuant to the
18 "Local Redevelopment and Housing Law," P.L.1992, c.79
19 (C.40A:12A-1 et seq.);

20 "Report on the Cost of Providing a Thorough and Efficient
21 Education" or "Report" means the report issued by the
22 commissioner pursuant to section 4 of P.L.1996, c.138 (C.18A:7F-
23 4);

24 "School bonds" means, in the case of a school facilities project
25 which is to be constructed by the authority, a redevelopment entity,
26 or a district under section 15 of this act, bonds, notes or other
27 obligations issued by a district to finance the local share; and, in the
28 case of a school facilities project which is not to be constructed by
29 the authority or a redevelopment entity, or financed under section
30 15 of this act, bonds, notes or other obligations issued by a district
31 to finance the total costs;

32 "School enrollment" means the number of FTE students other
33 than evening school students, including post-graduate students and
34 post-secondary vocational students, who, on the last school day
35 prior to October 16 of the current school year, are recorded in the
36 registers of the school;

37 "School facility" means and includes any structure, building or
38 facility used wholly or in part for academic purposes by a district,
39 but shall exclude athletic stadiums, grandstands, and any structure,
40 building or facility used solely for school administration;

41 "School facilities project" means the acquisition, demolition,
42 construction, improvement, repair, alteration, modernization,
43 renovation, reconstruction or maintenance of all or any part of a
44 school facility or of any other personal property necessary for, or
45 ancillary to, any school facility, and shall include fixtures,
46 furnishings and equipment, and shall also include, but is not limited
47 to, site acquisition, site development, the services of design
48 professionals, such as engineers and architects, construction

1 management, legal services, financing costs and administrative
2 costs and expenses incurred in connection with the project;

3 "Special education services pupil" means a pupil receiving
4 specific services pursuant to chapter 46 of Title 18A of the New
5 Jersey Statutes;

6 "State aid" means State municipal aid and State school aid;

7 "State debt service aid" means for school bonds issued for school
8 facilities projects approved by the commissioner after the effective
9 date of P.L.2000, c.72 (C.18A:7G-1 et al.) of districts which elect
10 not to have the authority or a redevelopment entity construct the
11 project or which elect not to finance the project under section 15 of
12 this act, the amount of State aid determined pursuant to section 9 of
13 this act; and for school bonds or certificates of participation issued
14 for school facilities projects approved by the commissioner prior to
15 the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) the amount
16 of State aid determined pursuant to section 10 of this act;

17 "State municipal aid" means business personal property tax
18 replacement revenues, State urban aid and State revenue sharing, as
19 these terms are defined in section 2 of P.L.1976, c.38 (C.40A:3-3),
20 or other similar forms of State aid payable to the local unit and to
21 the extent permitted by federal law, federal moneys appropriated or
22 apportioned to the municipality or county by the State;

23 "State school aid" means the funds made available to school
24 districts pursuant to sections 15 and 17 of P.L.1996, c.138
25 (C.18A:7F-15 and 17);

26 "State share" means the State's proportionate share of the final
27 eligible costs of a school facilities project to be constructed by the
28 authority as determined pursuant to section 5 of this act; in the case
29 of a demonstration project, the State's proportionate share of the
30 final eligible costs of the project as determined pursuant to sections
31 5 and 6 of this act; and in the case of a school facilities project to be
32 financed pursuant to section 15 of this act, the State share as
33 determined pursuant to that section;

34 "Total costs" means, in the case of a school facilities project
35 which is to be constructed by the authority or a redevelopment
36 entity or financed pursuant to section 15 of this act, the final
37 eligible costs plus excess costs if any; and in the case of a school
38 facilities project which is not to be constructed by the authority or a
39 redevelopment entity or financed pursuant to section 15 of this act,
40 the total cost of the project as determined by the district.
41 (cf: P.L.2005, c.235, s.31)

42

43 91. Section 5 of P.L.2000, c.72 (C.18A:7G-5) is amended to
44 read as follows:

45 5. a. The authority shall construct and finance the school
46 facilities projects of Abbott districts, districts in level II monitoring
47 pursuant to section 14 of P.L.1975, c.212 (C.18A:7A-14) as of the

1 effective date of P.L.2000, c.72 (C.18A:7G-1 et al.), and districts
2 with a district aid percentage equal to or greater than 55%.

3 b. Any district whose district aid percentage is less than 55%
4 may elect to have the authority undertake the construction of a
5 school facilities project in the district and the State share shall be
6 determined pursuant to this section. In the event that the district
7 elects not to have the authority undertake the construction of the
8 project, State support for the project shall be determined pursuant to
9 section 9 or section 15 of this act, as applicable.

10 c. Notwithstanding any provision of N.J.S.18A:18A-16 to the
11 contrary, the procedures for obtaining approval of a school facilities
12 project shall be as set forth in this act; provided that any district
13 whose district aid percentage is less than 55%, which elects not to
14 have the authority or a redevelopment entity undertake the
15 construction of the project, shall also be required to comply with the
16 provisions of N.J.S.18A:18A-16.

17 d. Any district seeking to initiate a school facilities project
18 shall apply to the commissioner for approval of the project. The
19 application shall, at a minimum, contain the following information:
20 a description of the school facilities project; a schematic drawing of
21 the project or, at the option of the district, preliminary plans and
22 specifications; a delineation and description of each of the
23 functional components of the project; the number of unhoused
24 students to be housed in the project; the area allowances per FTE
25 student as calculated pursuant to section 8 of this act; and the
26 estimated cost to complete the project as determined by the district.

27 e. The commissioner shall review each proposed school
28 facilities project to determine whether it is consistent with the
29 district's long-range facilities plan and whether it complies with the
30 facilities efficiency standards and the area allowances per FTE
31 student derived from those standards. The commissioner shall
32 make a decision on a district's application within 90 days from the
33 date he determines that the application is fully and accurately
34 completed and that all information necessary for a decision has
35 been filed by the district, or from the date of the last revision made
36 by the district. If the commissioner is not able to make a decision
37 within 90 days, he shall notify the district in writing explaining the
38 reason for the delay and indicating the date on which a decision on
39 the project will be made, provided that the date shall not be later
40 than 60 days from the expiration of the original 90 days set forth in
41 this subsection. If the decision is not made by the subsequent date
42 indicated by the commissioner, then the project shall be deemed
43 approved and the preliminary eligible costs for new construction
44 shall be calculated by using the proposed square footage of the
45 building as the approved area for unhoused students.

46 f. If the commissioner determines that the school facilities
47 project complies with the facilities efficiency standards and the
48 district's long-range facilities plan and does not exceed the area

1 allowance per FTE student derived from those standards, the
2 commissioner shall calculate the preliminary eligible costs of the
3 project pursuant to the formulas set forth in section 7 of this act;
4 except that in the case of a county special services school district or
5 a county vocational school district, the commissioner shall calculate
6 the preliminary eligible costs to equal the amount determined by the
7 board of school estimate and approved by the board of chosen
8 freeholders pursuant to section 14 of P.L.1971, c.271 (C.18A:46-
9 42) or N.J.S.18A:54-31 as appropriate.

10 g. If the commissioner determines that the school facilities
11 project is inconsistent with the facilities efficiency standards or
12 exceeds the area allowances per FTE student derived from those
13 standards, the commissioner shall notify the district.

14 (1) The commissioner shall approve area allowances in excess
15 of the area allowances per FTE student derived from the facilities
16 efficiency standards if the board of education or State district
17 superintendent, as appropriate, demonstrates that school facilities
18 needs related to required programs cannot be addressed within the
19 facilities efficiency standards and that all other proposed spaces are
20 consistent with those standards. The commissioner shall approve
21 area allowances in excess of the area allowances per FTE student
22 derived from the facilities efficiency standards if the additional area
23 allowances are necessary to accommodate centralized facilities to
24 be shared among two or more school buildings within the district
25 and the centralized facilities represent a more cost effective
26 alternative.

27 (2) The commissioner may waive a facilities efficiency standard
28 if the board of education or State district superintendent, as
29 appropriate, demonstrates to the commissioner's satisfaction that the
30 waiver will not adversely affect the educational adequacy of the
31 school facility, including the ability to deliver the programs and
32 services necessary to enable all students to achieve the core
33 curriculum content standards.

34 (3) To house the district's central administration, a district may
35 request an adjustment to the approved areas for unhoused students
36 of 2.17 square feet for each FTE student in the projected total
37 district school enrollment if the proposed administrative offices will
38 be housed in a school facility and the district demonstrates either
39 that the existing central administrative offices are obsolete or that it
40 is more practical to convert those offices to instructional space. To
41 the extent that existing administrative space will continue to be used
42 for administrative purposes, the space shall be included in the
43 formulas set forth in section 7 of this act.

44 If the commissioner approves excess facilities efficiency
45 standards or additional area allowances pursuant to paragraph (1),
46 (2), or (3) of this subsection, the commissioner shall calculate the
47 preliminary eligible costs based upon the additional area allowances
48 or excess facilities efficiency standards pursuant to the formulas set

1 forth in section 7 of this act. In the event that the commissioner
2 does not approve the excess facilities efficiency standards or
3 additional area allowances, the district may either: modify its
4 submission so that the school facilities project meets the facilities
5 efficiency standards; or pay for the excess costs.

6 (4) The commissioner shall approve spaces in excess of, or
7 inconsistent with, the facilities efficiency standards, hereinafter
8 referred to as nonconforming spaces, upon a determination by the
9 district that the spaces are necessary to comply with State or federal
10 law concerning individuals with disabilities. A district may apply
11 for additional State aid for nonconforming spaces that will permit
12 pupils with disabilities to be educated to the greatest extent possible
13 in the same buildings or classes with their nondisabled peers. The
14 nonconforming spaces may: (a) allow for the return of pupils with
15 disabilities from private facilities; (b) permit the retention of pupils
16 with disabilities who would otherwise be placed in private facilities;
17 (c) provide space for regional programs in a host school building
18 that houses both disabled and nondisabled pupils; and (d) provide
19 space for the coordination of regional programs by a county special
20 services school district, educational services commission, jointure
21 commission, or other agency authorized by law to provide regional
22 educational services in a school building that houses both disabled
23 and nondisabled pupils. A district's State support ratio shall be
24 adjusted to equal the lesser of the sum of its district aid percentage
25 as defined in section 3 of this act plus 0.25, or 100% for any
26 nonconforming spaces approved by the commissioner pursuant to
27 this paragraph.

28 h. Upon approval of a school facilities project and
29 determination of the preliminary eligible costs:

30 (1) In the case of a district whose district aid percentage is less
31 than 55% and which has elected not to have the authority undertake
32 the construction of the school facilities project, the commissioner
33 shall notify the district whether the school facilities project is
34 approved and, if so approved, the preliminary eligible costs and the
35 excess costs, if any. Following the determination of preliminary
36 eligible costs and the notification of project approval, the district
37 may appeal to the commissioner for an increase in those costs if the
38 detailed plans and specifications completed by a design professional
39 for the school facilities project indicate that the cost of constructing
40 that portion of the project which is consistent with the facilities
41 efficiency standards and does not exceed the area allowances per
42 FTE student exceeds the preliminary eligible costs as determined by
43 the commissioner for the project by 10% or more. The district shall
44 file its appeal within 30 days of the preparation of the plans and
45 specifications. If the district chooses not to file an appeal, then the
46 final eligible costs shall equal the preliminary eligible costs.

47 The appeal shall outline the reasons why the preliminary eligible
48 costs calculated for the project are inadequate and estimate the

1 amount of the adjustment which needs to be made to the
2 preliminary eligible costs. The commissioner shall forward the
3 appeal information to the authority for its review and
4 recommendation. If the additional costs are the result of factors
5 that are within the control of the district or are the result of design
6 factors that are not required to meet the facilities efficiency
7 standards, the authority shall recommend to the commissioner that
8 the preliminary eligible costs be accepted as the final eligible costs.
9 If the authority determines the additional costs are not within the
10 control of the district or are the result of design factors required to
11 meet the facilities efficiency standards, the authority shall
12 recommend to the commissioner a final eligible cost based on its
13 experience for districts with similar characteristics, provided that,
14 notwithstanding anything to the contrary, the commissioner shall
15 not approve an adjustment to the preliminary eligible costs which
16 exceeds 10% of the preliminary eligible costs. The commissioner
17 shall make a determination on the appeal within 30 days of its
18 receipt. If the commissioner does not approve an adjustment to the
19 school facilities project's preliminary eligible costs, the
20 commissioner shall issue his findings in writing on the reasons for
21 the denial and on why the preliminary eligible costs as originally
22 calculated are sufficient.

23 (2) In all other cases, the commissioner shall promptly prepare
24 and submit to the authority a preliminary project report which shall
25 consist, at a minimum, of the following information: a complete
26 description of the school facilities project; the actual location of the
27 project; the total square footage of the project together with a
28 breakdown of total square footage by functional component; the
29 preliminary eligible costs of the project; the project's priority
30 ranking determined pursuant to subsection m. of this section; any
31 other factors to be considered by the authority in undertaking the
32 project; and the name and address of the person from the district to
33 contact in regard to the project.

34 i. Upon receipt by the authority of the preliminary project
35 report, the authority, upon consultation with the district, shall
36 prepare detailed plans and specifications and schedules which
37 contain the authority's estimated cost and schedule to complete the
38 school facilities project. The authority shall transmit to the
39 commissioner the authority's recommendations in regard to the
40 project which shall, at a minimum, contain the detailed plans and
41 specifications; whether the school facilities project can be
42 completed within the preliminary eligible costs; and any other
43 factors which the authority determines should be considered by the
44 commissioner.

45 (1) In the event that the authority determines that the school
46 facilities project can be completed within the preliminary eligible
47 costs: the final eligible costs shall be deemed to equal the
48 preliminary eligible costs; the commissioner shall be deemed to

1 have given final approval to the project; and the preliminary project
2 report shall be deemed to be the final project report delivered to the
3 authority pursuant to subsection j. of this section.

4 (2) In the event that the authority determines that the school
5 facilities project cannot be completed within the preliminary
6 eligible costs, prior to the submission of the authority's
7 recommendations to the commissioner, the authority shall, in
8 consultation with the district and the commissioner, determine
9 whether changes can be made in the project which will result in a
10 reduction in costs while at the same time meeting the facilities
11 efficiency standards approved by the commissioner.

12 (a) If the authority determines that changes in the school
13 facilities project are possible so that the project can be
14 accomplished within the scope of the preliminary eligible costs
15 while still meeting the facilities efficiency standards, the authority
16 shall so advise the commissioner, whereupon the commissioner
17 shall: calculate the final eligible costs to equal the preliminary
18 eligible costs; give final approval to the project with the changes
19 noted; and issue a final project report to the authority pursuant to
20 subsection j. of this section.

21 (b) If the authority determines that it is not possible to make
22 changes in the school facilities project so that it can be completed
23 within the preliminary eligible costs either because the additional
24 costs are the result of factors outside the control of the district or
25 the additional costs are required to meet the facilities efficiency
26 standards, the authority shall recommend to the commissioner that
27 the preliminary eligible costs be increased accordingly, whereupon
28 the commissioner shall: calculate the final eligible costs to equal the
29 sum of the preliminary eligible costs plus the increase
30 recommended by the authority; give final approval to the project;
31 and issue a final project report to the authority pursuant to
32 subsection j. of this section.

33 (c) If the additional costs are the result of factors that are within
34 the control of the district or are the result of design factors that are
35 not required to meet the facilities efficiency standards or approved
36 pursuant to paragraph (1) of subsection g. of this section, the
37 authority shall recommend to the commissioner that the preliminary
38 eligible costs be accepted, whereupon the commissioner shall:
39 calculate the final eligible costs to equal the preliminary eligible
40 costs and specify the excess costs which are to be borne by the
41 district; give final approval to the school facilities project; and issue
42 a final project report to the authority pursuant to subsection j. of
43 this section; provided that the commissioner may approve final
44 eligible costs which are in excess of the preliminary eligible costs
45 if, in his judgment, the action is necessary to meet the educational
46 needs of the district.

47 (d) For a school facilities project constructed by the authority,
48 the authority shall be responsible for any costs of construction, but

1 only from the proceeds of bonds issued by the authority pursuant to
2 this act, which exceed the amount originally projected by the
3 authority and approved for financing by the authority, provided that
4 the excess is the result of an underestimate of labor or materials
5 costs by the authority. After receipt by the authority of the final
6 project report, the district shall be responsible only for the costs
7 associated with changes, if any, made at the request of the district to
8 the scope of the school facilities project.

9 j. The authority shall not commence the acquisition or
10 construction of a school facilities project unless the commissioner
11 transmits to the authority a final project report and the district
12 complies with the approval requirements for the local share, if any,
13 pursuant to section 11 of this act. The final project report shall
14 contain all of the information contained in the preliminary project
15 report and, in addition, shall contain: the final eligible costs; the
16 excess costs, if any; the total costs which equals the final eligible
17 costs plus excess costs, if any; the State share; and the local share.

18 k. For the Abbott districts, the State share shall be 100% of the
19 final eligible costs. For all other districts, the State share shall be
20 an amount equal to 115% of the district aid percentage; except that
21 the State share shall not be less than 40% of the final eligible costs.

22 If any district which is included in district factor group A or B,
23 other than an Abbott district, is having difficulty financing the local
24 share of a school facilities project, the district may apply to the
25 commissioner to receive 100% State support for the project and the
26 commissioner may request the approval of the Legislature to
27 increase the State share of the project to 100%.

28 l. The local share for school facilities projects constructed by
29 the authority or a redevelopment entity shall equal the final eligible
30 costs plus any excess costs less the State share.

31 m. The commissioner shall establish, in consultation with the
32 Abbott districts, a priority ranking of all school facilities projects in
33 the Abbott districts based upon his determination of critical need,
34 and shall establish priority categories for all school facilities
35 projects in non-Abbott districts. The commissioner shall rank
36 projects from Tier I to Tier IV in terms of critical need according to
37 the following prioritization:

38 Tier I: health and safety, including electrical system upgrades;
39 required early childhood education programs; unhoused
40 students/class size reduction as required to meet the standards of the
41 "Comprehensive Educational Improvement and Financing Act of
42 1996," P.L.1996, c.138 (C.18A:7F-1 et seq.);

43 Tier II: educational adequacy - specialized instructional spaces,
44 media centers, cafeteriums, and other non-general classroom spaces
45 contained in the facilities efficiency standards; special education
46 spaces to achieve the least restrictive environment;

47 Tier III: technology projects; regionalization or consolidation
48 projects;

1 Tier IV: other local objectives.

2 n. The provisions of the "Public School Contracts Law,"
3 N.J.S.18A:18A-1 et seq., shall be applicable to any school facilities
4 project constructed by a district but shall not be applicable to
5 projects constructed by the authority or a redevelopment entity
6 pursuant to the provisions of this act.

7 o. In the event that a district whose district aid percentage is
8 less than 55% elects not to have the authority undertake
9 construction of a school facilities project, any proceeds of school
10 bonds issued by the district for the purpose of funding the project
11 which remain unspent upon completion of the project shall be used
12 by the district to reduce the outstanding principal amount of the
13 school bonds.

14 p. Upon completion by the authority of a school facilities
15 project, if the cost of construction and completion of the project is
16 less than the total costs, the district shall be entitled to receive a
17 portion of the local share based on a pro rata share of the difference
18 based on the ratio of the State share to the local share.

19 q. The authority shall determine the cause of any costs of
20 construction which exceed the amount originally projected by the
21 authority and approved for financing by the authority.

22 r. In the event that a district has engaged architectural services
23 to prepare the documents required for initial proposal of a school
24 facilities project, the district shall, if permitted by the terms of the
25 district's contract for architectural services, and at the option of the
26 authority assign the contract for architectural services to the
27 authority if the authority determines that the assignment would be
28 in the best interest of the school facilities project.

29 s. Notwithstanding anything to the contrary contained in
30 P.L.2000, c.72 (C.18A:7G-1 et al.), an ECPA district, at its option,
31 may provide in its long-range facilities plan submitted pursuant to
32 section 4 of this act, for one or more community early childhood
33 education facilities projects. If the district has requested
34 designation of a demonstration project pursuant to section 6 of this
35 act and is eligible to submit a plan for a community early childhood
36 education facilities project pursuant to this section, the district shall
37 be permitted to include the community early childhood education
38 facilities project as part of the demonstration project.

39 (1) An ECPA district seeking to initiate a community early
40 childhood education facilities project shall apply to the
41 commissioner for approval of the project. The application shall, at
42 a minimum, contain the following information: the name of the
43 community provider; evidence that the community provider is
44 licensed by the Department of **[Human Services]** Children and
45 Families pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.) and is a
46 tax exempt nonprofit organization; evidence that the community
47 provider is or shall provide early childhood education programs for
48 the district; a description of the community early childhood

1 education facilities project; a schematic drawing of the project, or at
2 the option of the district, preliminary plans and specifications; a
3 delineation and description of each of the functional components of
4 the project; identification of those portions of the proposed project
5 which shall be devoted in whole or in part to the provision of early
6 childhood education programs to 3 or 4-year old children from the
7 ECPA district; the estimated cost to complete the project as
8 determined by the district in consultation with the community
9 provider; and whether the facility provides services other than early
10 childhood education programs for 3 and 4-year old children,
11 pursuant to a contract with the ECPA district.

12 (2) The commissioner shall review the proposed early childhood
13 education facilities project to determine whether it is consistent
14 with the district's long-range facilities plan, whether it will provide
15 a facility which is structurally adequate and safe and capable of
16 providing a program which will enable preschool children being
17 served pursuant to the ECPA district's approved early childhood
18 education operational plan to meet the standards for early childhood
19 education programs established by the department and whether
20 there is a need for increased capacity or to rehabilitate existing
21 space to meet these standards. Only those facilities which are used
22 for 3 or 4-year old children pursuant to a contract with the ECPA
23 district shall be eligible for approval, provided that facilities which
24 are jointly used by 3 or 4-year old children from the ECPA district
25 and from other districts shall also be eligible for approval.

26 (3) If the commissioner approves the project, the commissioner
27 shall determine, in consultation with the authority, the cost to
28 complete the approved project, which shall be the reasonable,
29 estimated cost of the renovation or new construction necessary to
30 provide a facility which is structurally adequate and safe and
31 capable of providing a program which will enable preschool
32 children being served pursuant to the ECPA district's approved
33 early childhood education operation plan to meet the standards for
34 early childhood education programs established by the department.
35 For projects initiated by an Abbott district, the State support shall
36 be 100% of such reasonable, estimated cost. For projects initiated
37 by an ECPA district that is not an Abbott district, the State support
38 shall be an amount equal to 115% of the district aid percentage of
39 that ECPA district, of such reasonable, estimated cost, except that
40 the State support shall not be less than 40% of such reasonable,
41 estimated cost. The commissioner shall issue a final project report
42 to the authority which shall contain a complete description of the
43 project, the actual location of the project, the total square footage of
44 the project together with a breakdown of total square footage by
45 functional component; any other factors to be considered by the
46 authority in undertaking the project; the names and addresses of the
47 people to contact from the district and the community provider; the
48 amount of State support for the project; and the amount of local

1 support required from the community provider to pay for costs, if
2 any, of the project which have not been approved by the
3 commissioner for State support.

4 (4) Upon submission to the authority of a final project report,
5 the authority shall undertake the financing, acquisition, construction
6 and all other appropriate actions necessary to complete the
7 community early childhood education facilities project, provided,
8 that if there is local support required for the project, such actions
9 shall not commence until the authority receives the local support
10 from the community provider. The authority may, in its discretion,
11 and upon consultation with the commissioner, authorize a
12 community provider to undertake the acquisition, construction and
13 all other appropriate action necessary to complete the project, in
14 which case the authority shall not provide State support until the
15 community provider provides the local support, if any.

16 (5) In order to implement the arrangements established for
17 community early childhood education facilities projects, the
18 authority shall enter into an agreement with the district, the
19 commissioner and the community provider containing the terms and
20 conditions determined by the parties to be necessary to effectuate
21 the project.

22 (6) The authority shall require as a condition of providing State
23 support for any community early childhood education facilities
24 project that the State support must be repaid by the community
25 provider in the event that (a) the commissioner determines that the
26 project is no longer being used for the purposes for which it was
27 intended; or (b) the project is sold, leased or otherwise conveyed to
28 an individual or organization that does not have tax exempt
29 nonprofit or government status.

30 (cf: P.L.2005, c.235, s.32)

31

32 92. Section 1 of P.L.1979, c.391 (C.18A:16-12) is amended to
33 read as follows:

34 1. As used in this act:

35 a. "Dependents" means an employee's spouse and the
36 employee's unmarried children, including stepchildren, legally
37 adopted children, and, at the option of the local board of education
38 and the carrier, children placed by the Department of [Human
39 Services] Children and Families with a resource family, under the
40 age of 19 who live with the employee in a regular parent-child
41 relationship, and may also include, at the option of the local board
42 of education and the carrier, other unmarried children of the
43 employee under the age of 23 who are dependent upon the
44 employee for support and maintenance, but shall not include a
45 spouse or child while serving in the military service. At the option
46 of the local board of education, "dependent" may include an
47 employee's domestic partner as defined in section 3 of P.L.2003,
48 c.246 (C.26:8A-3);

1 b. “Employees” may, at the option of the local board of
2 education, include elected officials, but shall not include persons
3 employed on a short-term, seasonal, intermittent or emergency
4 basis, persons compensated on a fee basis, or persons whose
5 compensation from the local board of education is limited to
6 reimbursement of necessary expenses actually incurred in the
7 discharge of their duties;

8 c. “Federal Medicare Program” means the coverage provided
9 under Title XVIII of the Social Security Act as amended in 1965, or
10 its successor plan or plans.

11 (cf: P.L.2005, c.334, s.1)

12

13 93. Section 1 of P.L.1986, c.73 (C.18A:18A-3.2) is amended to
14 read as follows:

15 1. Any school district, hereinafter referred to as an employer,
16 may enter into contracts of group legal insurance with an insurer
17 authorized, pursuant to P.L.1981, c.160 (C.17:46C-1 et seq.), to
18 engage in the business of legal insurance in this State or may
19 contract with a duly recognized prepaid legal services plan with
20 respect to the benefits which they are authorized to provide. The
21 contract or contracts shall provide coverage for the employees of
22 the employer and may include their dependents. “Dependents”
23 shall include an employee’s spouse and the employee’s unmarried
24 children, including stepchildren and legally adopted children, and,
25 at the option of the employer and the carrier, children placed by the
26 Department of **[Human Services]** Children and Families with a
27 resource family, under the age of 19 who live with the employee in
28 a regular parent-child relationship, and may also include, at the
29 option of the employer and the carrier, other unmarried children of
30 the employee under the age of 23 who are dependent upon the
31 employee for support and maintenance. A spouse or child enlisting
32 or inducted into military service shall not be considered a dependent
33 during the military service.

34 “Employees” shall not include persons employed on a short-
35 term, seasonal, intermittent or emergency basis, persons
36 compensated on a fee basis, or persons whose compensation from
37 the public employer is limited to reimbursement of necessary
38 expenses actually incurred in the discharge of their duties.

39 The contract shall include provisions to prevent duplication of
40 benefits and shall condition the eligibility of an employee for
41 coverage upon satisfying a waiting period stated in the contract.

42 The coverage of an employee, and of his dependents, if any, shall
43 cease upon the discontinuance of his employment or upon cessation
44 of active full-time employment in the classes eligible for coverage,
45 subject to the provision as may be made in a contract by his
46 employer for limited continuance of coverage during disability,
47 part-time employment, leave of absence other than leave for

1 military service or layoff, or for continuance of coverage after
2 retirement.

3 A contract for group legal insurance entered into pursuant to this
4 act shall not include any legal services attendant to a claim brought
5 by a teaching staff member against a board of education or legal
6 services for the defense of a teaching staff member facing
7 disciplinary action pursuant to subarticle B of article 2 of chapter 6
8 of Title 18A of the New Jersey Statutes (N.J.S.18A:6-9 et seq.).
9 (cf: P.L.2004, c.130, s.42)

10

11 94. N.J.S.18A:38-1 is amended to read as follows:

12 18A:38-1. Public schools shall be free to the following persons
13 over five and under 20 years of age:

14 a. Any person who is domiciled within the school district;

15 b. (1) Any person who is kept in the home of another person
16 domiciled within the school district and is supported by such other
17 person gratis as if he were such other person's own child, upon
18 filing by such other person with the secretary of the board of
19 education of the district, if so required by the board, a sworn
20 statement that he is domiciled within the district and is supporting
21 the child gratis and will assume all personal obligations for the
22 child relative to school requirements and that he intends so to keep
23 and support the child gratuitously for a longer time than merely
24 through the school term, and a copy of his lease if a tenant, or a
25 sworn statement by his landlord acknowledging his tenancy if
26 residing as a tenant without a written lease, and upon filing by the
27 child's parent or guardian with the secretary of the board of
28 education a sworn statement that he is not capable of supporting or
29 providing care for the child due to a family or economic hardship
30 and that the child is not residing with the resident of the district
31 solely for the purpose of receiving a free public education within
32 the district. The statement shall be accompanied by documentation
33 to support the validity of the sworn statements, information from or
34 about which shall be supplied only to the board and only to the
35 extent that it directly pertains to the support or nonsupport of the
36 child. If in the judgment of the board of education the evidence
37 does not support the validity of the claim by the resident, the board
38 may deny admission to the child. The resident may contest the
39 board's decision to the commissioner within 21 days of the date of
40 the decision and shall be entitled to an expedited hearing before the
41 commissioner on the validity of the claim and shall have the burden
42 of proof by a preponderance of the evidence that the child is eligible
43 for a free education under the criteria listed in this subsection. The
44 board of education shall, at the time of its decision, notify the
45 resident in writing of his right to contest the board's decision to the
46 commissioner within 21 days. No child shall be denied admission
47 during the pendency of the proceedings before the commissioner.
48 In the event the child is currently enrolled in the district, the student

1 shall not be removed from school during the 21-day period in which
2 the resident may contest the board's decision nor during the
3 pendency of the proceedings before the commissioner. If in the
4 judgment of the commissioner the evidence does not support the
5 claim of the resident, he shall assess the resident tuition for the
6 student prorated to the time of the student's ineligible attendance in
7 the school district. Tuition shall be computed on the basis of 1/180
8 of the total annual per pupil cost to the local district multiplied by
9 the number of days of ineligible attendance and shall be collected in
10 the manner in which orders of the commissioner are enforced.
11 Nothing shall preclude a board from collecting tuition from the
12 resident, parent or guardian for a student's period of ineligible
13 attendance in the schools of the district where the issue is not
14 appealed to the commissioner;

15 (2) If the superintendent or administrative principal of a school
16 district finds that the parent or guardian of a child who is attending
17 the schools of the district is not domiciled within the district and the
18 child is not kept in the home of another person domiciled within the
19 school district and supported by him gratis as if the child was the
20 person's own child as provided for in paragraph (1) of this
21 subsection, the superintendent or administrative principal may
22 apply to the board of education for the removal of the child. The
23 parent or guardian shall be entitled to a hearing before the board
24 and if in the judgment of the board the parent or guardian is not
25 domiciled within the district or the child is not kept in the home of
26 another person domiciled within the school district and supported
27 by him gratis as if the child was the person's own child as provided
28 for in paragraph (1) of this subsection, the board may order the
29 transfer or removal of the child from school. The parent or
30 guardian may contest the board's decision before the commissioner
31 within 21 days of the date of the decision and shall be entitled to an
32 expedited hearing before the commissioner and shall have the
33 burden of proof by a preponderance of the evidence that the child is
34 eligible for a free education under the criteria listed in this
35 subsection. The board of education shall, at the time of its decision,
36 notify the parent or guardian in writing of his right to contest the
37 decision within 21 days. No child shall be removed from school
38 during the 21-day period in which the parent may contest the
39 board's decision or during the pendency of the proceedings before
40 the commissioner. If in the judgment of the commissioner the
41 evidence does not support the claim of the parent or guardian, the
42 commissioner shall assess the parent or guardian tuition for the
43 student prorated to the time of the student's ineligible attendance in
44 the schools of the district. Tuition shall be computed on the basis
45 of 1/180 of the total annual per pupil cost to the local district
46 multiplied by the number of days of ineligible attendance and shall
47 be collected in the manner in which orders of the commissioner are
48 enforced. Nothing shall preclude a board from collecting tuition

1 from the parent or guardian for a student's period of ineligible
2 attendance in the schools of the district where the issue is not
3 appealed to the commissioner;

4 The provisions of this section requiring proof of support,
5 custody or tenancy shall not apply to a person keeping a child in his
6 home whose parent or guardian is a member of the New Jersey
7 National Guard or a member of the reserve component of the armed
8 forces of the United States and who has been ordered into active
9 military service in any of the armed forces of the United States in
10 time of war or national emergency. In such a situation, the child
11 shall be eligible to enroll in the district in which he is being kept,
12 and no tuition shall be charged by the district. Following the return
13 of the child's parent or guardian from active military service, the
14 child's eligibility for enrollment without tuition in the district in
15 which he or she is being kept shall cease at the end of the current
16 school year;

17 c. Any person who fraudulently allows a child of another
18 person to use his residence and is not the primary financial
19 supporter of that child and any person who fraudulently claims to
20 have given up custody of his child to a person in another district
21 commits a disorderly persons offense;

22 d. Any person whose parent or guardian, even though not
23 domiciled within the district, is residing temporarily therein, but
24 any person who has had or shall have his all-year-round dwelling
25 place within the district for one year or longer shall be deemed to be
26 domiciled within the district for the purposes of this section;

27 e. Any person for whom the Division of Youth and Family
28 Services in the Department of **Human Services** Children and
29 Families is acting as guardian and who is placed in the district by
30 **said bureau** the division;

31 f. Any person whose parent or guardian moves from one school
32 district to another school district as a result of being homeless and
33 whose district of residence is determined pursuant to section 19 of
34 P.L.1979, c.207 (C.18A:7B-12).
35 (cf: P.L. 1994, c.169,s.1).

36
37 95. Section 1 of P.L.2000, c.138 (C.18A:44-5) is amended to
38 read as follows:

39 1. a. There is established a Commission on Early Childhood
40 Education in, but not of, the Department of Education. The
41 commission shall consist of **[23]** 24 members, including the
42 Commissioners of Education **[and]**, Human Services and Children
43 and Families and the State Treasurer, or their designees, who shall
44 serve as ex officio members, and 20 public members who shall be
45 appointed by the Governor, including two representatives of higher
46 education and one representative of each of the following
47 organizations: the New Jersey Child Care Advisory Council; the
48 Association for Children of New Jersey; the Center for Early

1 Education at Rutgers, the State University; the New Jersey
2 Association for the Education of Young Children; the New Jersey
3 Association of Child Care Resources and Referral Agencies; the
4 New Jersey Association of Early Childhood Teacher Educators; the
5 New Jersey Association of School Administrators; the New Jersey
6 Child Care Association; the New Jersey Congress of Parents and
7 Teachers; the Statewide Parent Advocacy Network; the New Jersey
8 Education Association; the New Jersey State Federation of
9 Teachers; the New Jersey School Boards Association; the New
10 Jersey Head Start Association; the New Jersey Policy Development
11 Board; the New Jersey Principals and Supervisors Association; the
12 Advisory Committee for Nonpublic Schools of the Department of
13 Education; and the New Jersey Professional Development Center of
14 New Jersey.

15 Within 60 days of the effective date of this act, and at least one
16 month prior to the expiration of the term of a member nominated by
17 an organization listed above, that organization shall submit to the
18 Governor three nominees for consideration, from which the
19 Governor may choose. If any organization does not submit three
20 nominees for consideration at any time required, the Governor may
21 appoint a member of her choice.

22 Of the 20 public members appointed by the Governor, no more
23 than 10 shall be of the same political party. Of the 20 public
24 members appointed by the Governor, at least six shall represent the
25 northern region of the State and reside in one of the following
26 counties: Bergen, Essex, Hudson, Morris, Passaic, Sussex, Union or
27 Warren. Of the 20 public members appointed by the Governor, at
28 least six shall represent the central region of the State and reside in
29 one of the following counties: Hunterdon, Somerset, Middlesex,
30 Mercer, Monmouth or Ocean. Of the 20 public members appointed
31 by the Governor, at least six shall represent the southern region of
32 the State and reside in one of the following counties: Atlantic,
33 Burlington, Camden, Cape May, Cumberland, Gloucester or Salem.

34 The public members shall serve for three-year terms, but of the
35 members first appointed, six shall be appointed for a term of one
36 year, seven shall be appointed for a term of two years and seven
37 shall be appointed for a term of three years. A member shall hold
38 office for the term of his appointment and until his successor has
39 been appointed.

40 Vacancies in the membership of the commission shall be filled in
41 the same manner as the original appointments are made and a
42 member may be eligible for reappointment. Vacancies occurring
43 other than by expiration of a term shall be filled for the unexpired
44 term.

45 The members of the commission shall serve without
46 compensation but shall be reimbursed for the reasonable expenses
47 necessarily incurred in the performance of their duties within the

1 limits of funds appropriated or otherwise made available to the
2 commission for its purposes.

3 b. The commission shall organize no later than 30 days after the
4 appointment of all the members and shall select a chairman from
5 among its members and a secretary who need not be a member of
6 the commission.

7 c. The department shall provide such stenographic, clerical and
8 other administrative assistants, and such professional staff, as the
9 commission requires to carry out its work.

10 d. It shall be the responsibility of the commission to provide
11 advice on early childhood education issues, including, but not
12 limited to:

13 (1) the appropriate staff credentials for pre-school educators;

14 (2) appropriate Statewide standards for early childhood
15 education program design, implementation and assessment;

16 (3) the development of standards for appropriate facilities for
17 early childhood education programs;

18 (4) coordination of early childhood programs and services
19 across State agencies;

20 (5) the identification and dissemination of information on model
21 early childhood programs;

22 (6) the funding levels necessary to support high quality early
23 childhood education programs, including funding for certified, well-
24 trained teachers, developmentally appropriate curriculum and
25 materials, appropriate facilities and particularized needs.

26 (cf: P.L.2000, c.138, s.1)

27

28 96. N.J.S.18A:46-13 is amended to read as follows:

29 18A:46-13. It shall be the duty of each board of education to
30 provide suitable facilities and programs of education for all the
31 children who are classified as handicapped under this chapter. The
32 absence or unavailability of a special class facility in any district
33 shall not be construed as relieving a board of education of the
34 responsibility for providing education for any child who qualifies
35 under this chapter.

36 The Department of Human Services, and the Department of
37 Children and Families, as applicable, shall provide transportation
38 for all children who attend day training centers operated by the
39 department.

40 A board of education is not required to provide any further
41 educational program for children who have been admitted to the
42 Marie H. Katzenbach School for the Deaf but shall be required to
43 furnish necessary daily transportation Monday through Friday to
44 and from the school for nonboarding pupils when such
45 transportation is approved by the county superintendent of schools
46 in accordance with such rules and regulations as the State board
47 shall promulgate for such transportation. Any special education
48 facility or program authorized and provided for a child attaining age

1 20 during a school year shall be continued for the remainder of that
2 school year.

3 (cf: P.L.1992, c.129, s.1)

4

5 97. Section 2 of P.L.1986, c.32 (C.18A:46-18.3) is amended to
6 read as follows:

7 2. a. The multidisciplinary treatment team at a State facility
8 shall provide written notice to the parent or legal guardian of a child
9 who is placed in the facility, when the child attains the age of 18,
10 or, if the child is over the age of 18 when placed in the facility, at
11 the time of placement, that the child is not entitled to receive tuition
12 free educational services after the age of 21.

13 b. Written notice given pursuant to this section shall describe in
14 detail the parent's or guardian's opportunity to consent to having the
15 child's name or other relevant information forwarded in a report to
16 the Commissioner of **【the Department of】** Human Services, the
17 Commissioner of Children and Families, or the Commissioner of
18 **【the Department of】** Corrections, as appropriate, for the purposes of
19 determining whether the child will likely need services after the age
20 of 21 and, if so, recommending possible adult educational services.
21 For the purposes of this subsection, "relevant information" means
22 that information in the possession of and used by the
23 multidisciplinary treatment team to ascertain the physical, mental,
24 emotional and cultural-educational factors which contribute to the
25 child's handicapping condition, including but not limited to: (1)
26 results of physical and psychological examinations performed by
27 private and school district physicians and psychologists; (2)
28 relevant information presented by the parent or legal guardian and
29 teacher; (3) school data which bear on the child's progress,
30 including the child's most recent individualized educational
31 program; (4) results of the most recent examinations and
32 evaluations performed; and (5) results of other suitable evaluations
33 and examinations possessed by the team. Nothing in this subsection
34 shall be construed to require a multidisciplinary treatment team to
35 perform any examination or evaluation not otherwise required by
36 law.

37 c. Upon the written consent of the parent or legal guardian, the
38 multidisciplinary treatment team shall forward the child's name and
39 other relevant information in a report to the Commissioner of
40 Human Services, the Commissioner of Children and Families, or the
41 Commissioner of Corrections, as appropriate, for the development
42 of a recommendation for adult educational services. A copy of the
43 report shall also be submitted to the Commissioner of Education at
44 the same time that the report is submitted to the Commissioner of
45 Human Services, the Commissioner of Children and Families or the
46 Commissioner of Corrections, as applicable.

47 (cf: P.L.1986, c.32, s.2)

1 98. Section 3 of P.L.1986, c.32 (C.18A:46-18.4) is amended to
2 read as follows:

3 3. a. The Commissioner of Human Services, the Commissioner
4 of Children and Families, or the Commissioner of Corrections, as
5 appropriate, or their designees, in consultation with the
6 Commissioner of Education, or his designee, shall determine
7 whether a child, whose report is submitted to the Department of
8 Human Services, Department of Children and Families, or the
9 Department of Corrections, as appropriate, pursuant to subsection c.
10 of section 2 of this act, will likely need adult educational services
11 and, if the need will likely exist, develop a recommendation of all
12 appropriate educational programs operated or approved by the
13 Department of Human Services, Department of Children and
14 Families, Department of Corrections or Department of Education
15 which may be available when the child attains the age of 21. If
16 necessary and appropriate, the Commissioner of Human Services,
17 the Commissioner of Children and Families, or the Commissioner
18 of Corrections, as appropriate, may conduct an evaluation of the
19 child to determine if adult educational services will be needed. The
20 recommendation of all programs shall be made available to the
21 parent or guardian of the child as soon as practicable but not later
22 than six months before the child attains the age of 21.

23 b. If the Commissioner of Human Services, Commissioner of
24 Children and Families, or Commissioner of Corrections, as
25 appropriate, determines, pursuant to subsection a. of this section,
26 that the child will not require adult educational services, the
27 commissioner shall notify the child's parent or guardian in writing
28 of the determination. The notice shall be given as soon as
29 practicable but no later than six months before the child attains the
30 age of 21.

31 (cf: P.L.1986, c.32, s.3)

32

33 99. Section 4 of P.L.1986, c.32 (C.18A:46-18.5) is amended to
34 read as follows:

35 5. The multidisciplinary treatment team shall prepare and submit
36 an annual report to the Departments of Education, Corrections,
37 Children and Families, and Human Services on October 1, 1986 and
38 thereafter on or before October 1 of each year. The annual report
39 shall contain the number of cases submitted to the Commissioner of
40 Human Services, the Commissioner of Children and Families, and
41 the Commissioner of Corrections pursuant to subsection c. of
42 section 2 of this act, the type and severity of the handicapping
43 condition involved with each case, and other necessary information.
44 The annual report shall not contain individually identifying
45 information.

46 (cf: P.L.1986, c.32, s.4)

1 100. Section 5 of P.L.1986, c.32 (C.18A:46-18.6) is amended to
2 read as follows:

3 5. The Commissioner of Human Services, the Commissioner of
4 Children and Families, and the Commissioner of Corrections shall
5 adopt, within six months from the date that this act takes effect,
6 rules and regulations in accordance with the "Administrative
7 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) that are
8 appropriate to implement this act.
9 (cf: P.L.1986, c.32, s.5)

10

11 101. N.J.S.18A:60-1 is amended to read as follows:

12 18A:60-1. The services of all professors, associate professors,
13 assistant professors, instructors, supervisors, registrars, teachers,
14 and other persons employed in a teaching capacity, who are or shall
15 hereafter be employed by the commissioner in the Marie H.
16 Katzenbach School for the Deaf or in any other educational
17 institution, or employed in any State college or in any county
18 college, and teachers and other certified persons employed in State
19 institutions within the Department of Corrections, the Department
20 of Children and Families, or the Department of Human Services,
21 with the exception of the Director of Educational Services, shall be
22 under tenure during good behavior and efficiency:

23 a. after the expiration of a period of employment of three
24 consecutive calendar years in any such institution or institutions; or

25 b. after employment for three consecutive academic years
26 together with employment at the beginning of the next succeeding
27 academic year in any such institution or institutions; or

28 c. after employment in any such institution or institutions,
29 within a period of any four consecutive academic years, for the
30 equivalent of more than three academic years.

31 An academic year, for the purpose of this section, means the
32 period between the time school opens in the institution after the
33 general summer vacation until the next succeeding summer
34 vacation.

35 The provisions of this section shall not apply to any faculty
36 member employed by a State or county college who begins
37 employment after the 1973-74 school year.

38 (cf: P.L.1999, c.46, s.33)

39

40 102. Section 1 of P.L.1986, c.158 (C.18A:60-1.1) is amended to
41 read as follows:

42 1. The Legislature hereby finds that it is in the best interests of
43 the State of New Jersey to provide job security during good
44 behavior and efficiency for the teachers and other certified
45 professional educators employed in State institutions within the
46 Department of Corrections, the Department of Children and
47 Families, and the Department of Human Services. To accomplish
48 this goal it is appropriate to provide tenure protection for such

1 professionals teaching in such State institutions, subject to the
2 provisions set forth in this act.

3 (cf: P.L.1986, c.158, s.1)

4

5 103. Section 3 of P.L.1986, c.158 (C.18A:60-1.2) is amended to
6 read as follows:

7 3. Any teacher or other certified individual serving in a teaching
8 capacity in a State institution within the Department of Corrections,
9 the Department of Children and Families, or the Department of
10 Human Services as of July 1, 1986, who has completed at least two
11 academic years of teaching service or its equivalent within three
12 calendar years with satisfactory evaluations, shall acquire tenure
13 under this act upon the completion of one additional calendar year
14 of satisfactory service in such capacity.

15 (cf: P.L.1986, c.158, s.3)

16

17 104. N.J.S.18A:60-3 is amended to read as follows:

18 18A:60-3. Nothing contained in this chapter shall be held to
19 limit the right of the commissioner, in the case of any educational
20 institution conducted under his jurisdiction, supervision or control;
21 or the Commissioner of Corrections, the Commissioner of Children
22 and Families, or the Commissioner of Human Services, in the case
23 of any State institution conducted under their jurisdiction,
24 supervision or control; or of the board of trustees of a college, in the
25 case of a college, to reduce the number of professors, associate
26 professors, assistant professors, instructors, supervisors, registrars,
27 teachers, or other persons employed in a teaching capacity in any
28 such institution or institutions when the reduction is due to natural
29 diminution of the number of students or pupils in the institution or
30 institutions. Dismissals resulting from such reduction shall not be
31 by reason of residence, age, sex, marriage, race, religion, or
32 political affiliation. When such professors, associate professors,
33 assistant professors, instructors, supervisors, registrars, teachers, or
34 other persons employed in a teaching capacity under tenure are
35 dismissed by reason of such reduction, those professors, associate
36 professors, assistant professors, instructors, supervisors, registrars,
37 teachers, or other persons employed in a teaching capacity having
38 the least number of years of service to their credit shall be
39 dismissed in preference to those having longer terms of service.
40 Should any such professor, associate professor, assistant professor,
41 instructor, supervisor, registrar, teacher, or other person employed
42 in a teaching capacity under tenure be dismissed as a result of such
43 reduction, such person shall be and remain upon a preferred eligible
44 list in the order of years of service for reemployment, whenever
45 vacancies occur, and shall be reemployed by the commissioner in
46 such order, when, and if, a vacancy in a position for which such
47 professor, associate professor, assistant professor, instructor,
48 supervisor, registrar, teacher, or other person employed in a

1 teaching capacity shall be qualified. Such reemployment shall give
2 full recognition to previous years of service.

3 (cf: P.L.1986, c.158, s.4)

4

5 105. Section 4 of P.L.1987, c.370 (C.26:2-151) is amended to
6 read as follows:

7 4. There is established in, but not of, the State Department of
8 Human Services the Catastrophic Illness in Children Relief Fund
9 Commission. The commission shall consist of the Commissioner of
10 ~~the State Department of~~ Health and Senior Services, the
11 Commissioner of ~~the Department of~~ Human Services, the
12 Commissioner of Children and Families, the Commissioner of ~~the~~
13 ~~Department of~~ Banking and Insurance, and the State Treasurer,
14 who shall be members ex officio, and seven public members who
15 are residents of this State, appointed by the Governor with the
16 advice and consent of the Senate for terms of five years, two of
17 whom are appointed upon the recommendation of the President of
18 the Senate, one of whom is a provider of health care services to
19 children in this State and two of whom are appointed upon the
20 recommendation of the Speaker of the General Assembly, one of
21 whom is a provider of health care services to children in this State.
22 The five public members first appointed by the Governor shall serve
23 for terms of one, two, three, four and five years, respectively.

24 Each member shall hold office for the term of his appointment
25 and until his successor has been appointed and qualified. A
26 member of the commission is eligible for reappointment.

27 Each ex officio member of the commission may designate an
28 officer or employee of his department to represent him at meetings
29 of the commission, and each designee may lawfully vote and
30 otherwise act on behalf of the member for whom he constitutes the
31 designee. Any designation shall be in writing delivered to the
32 commission and filed with the office of the Secretary of State and
33 shall continue in effect until revoked or amended in the same
34 manner as provided for designation.

35 (cf: P.L.1998, c.143, s.2)

36

37 106. Section 2 of P.L.1997, c.229 (C.26:2-171) is amended to
38 read as follows:

39 2. a. There is established in the Executive Branch of the State
40 Government an Advisory Council on Adolescent Pregnancy. For
41 the purposes of complying with the provisions of Article V, Section
42 IV, paragraph 1 of the New Jersey Constitution, the advisory
43 council is allocated within the Department of Health and Senior
44 Services, but notwithstanding that allocation, the advisory council
45 shall be independent of any supervision or control by the
46 department or by any board or officer thereof.

1 b. The advisory council shall consist of **[23]** 24 members as
2 follows: the Commissioners of the Departments of Health and
3 Senior Services, Human Services, Children and Families,
4 Education, Community Affairs, and Labor and Workforce
5 Development, who shall serve as ex officio members, and 18 public
6 members, four of whom shall be teenagers, including two teenage
7 parents and two teenagers who are not parents, and fourteen of
8 whom shall be representatives of community based religious, health
9 and social service organizations which serve adolescents and health
10 professionals and educators with recognized expertise in the field of
11 adolescent pregnancy. Of the public members, three shall be
12 appointed by the President of the Senate, no more than two of
13 whom shall be of the same political party; three shall be appointed
14 by the Speaker of the General Assembly, no more than two of
15 whom shall be of the same political party; and 12 shall be appointed
16 by the Governor with the advice and consent of the Senate, no more
17 than six of whom shall be of the same political party. The advisory
18 council shall organize within 30 days after the appointment of its
19 members. The members shall select one person from among them
20 to serve as the chairperson and the members shall select a secretary,
21 who need not be a member of the advisory council.

22 c. Each ex officio member may designate an employee of the
23 member's department to represent the member at hearings of the
24 advisory council. All designees may lawfully vote and otherwise
25 act on behalf of the member for whom they constitute the designee.

26 d. Each public member shall be appointed for a term of three
27 years, but of the members first appointed, six shall serve for a term
28 of one year, six for a term of two years and six for a term of three
29 years. Members shall serve until their successors are appointed and
30 qualified. Vacancies shall be filled in the same manner as the
31 original appointments were made.

32 e. Members of the advisory council shall serve without
33 compensation but, within the limits of funds appropriated or
34 otherwise made available to it, shall be eligible for reimbursement
35 of necessary expenses incurred in the performance of their duties.

36 f. The Department of Health and Senior Services shall provide
37 such staff as the advisory council requests to carry out the purposes
38 of this act.

39 (cf: P.L.1997, c.229, s.2)

40

41 107. Section 2 of P.L.1989, c.51 (C.26:2BB-2) is amended to
42 read as follows:

43 2. There is created a **[25-member]** 26-member council in, but
44 not of, the Department of the Treasury which shall be designated as
45 the Governor's Council on Alcoholism and Drug Abuse. For the
46 purposes of complying with the provisions of Article V, Section IV,
47 paragraph 1 of the New Jersey Constitution, the Governor's Council
48 on Alcoholism and Drug Abuse is allocated to the Department of

1 the Treasury, but, notwithstanding the allocation, the office shall be
2 independent of any supervision or control by the department or by
3 any board or officer thereof.

4 The council shall consist of ~~11~~ 12 ex officio members and 14
5 public members.

6 a. The ex officio members of the council shall be: the Attorney
7 General, the Commissioners of the Departments of Labor and
8 Workforce Development, Education, Human Services, Health and
9 Senior Services, Children and Families, Community Affairs,
10 Personnel and Corrections, the chair of the executive board of the
11 New Jersey Presidents' Council, the Administrative Director of the
12 Administrative Office of the Courts and the Adjutant General. An
13 ex officio member may designate an officer or employee of the
14 department or office which he heads to serve as his alternate and
15 exercise his functions and duties as a member of the Governor's
16 Council on Alcoholism and Drug Abuse.

17 b. The 14 public members shall be residents of the State who are
18 selected for their knowledge, competence, experience or interest in
19 connection with alcoholism or drug abuse. They shall be appointed
20 as follows: two shall be appointed by the President of the Senate,
21 two shall be appointed by the Speaker of the General Assembly and
22 10 shall be appointed by the Governor, with the advice and consent
23 of the Senate. At least two of the public members appointed by the
24 Governor shall be rehabilitated alcoholics and at least two of the
25 public members appointed by the Governor shall be rehabilitated
26 drug abusers.

27 c. The term of office of each public member shall be three years;
28 except that of the first members appointed, four shall be appointed
29 for a term of one year, five shall be appointed for a term of two
30 years and five shall be appointed for a term of three years. Each
31 member shall serve until his successor has been appointed and
32 qualified, and vacancies shall be filled in the same manner as the
33 original appointments for the remainder of the unexpired term. A
34 public member is eligible for reappointment to the council.

35 d. The chairman of the council shall be appointed by the
36 Governor from among the public members of the council and shall
37 serve at the pleasure of the Governor during the Governor's term of
38 office and until the appointment and qualification of the chairman's
39 successor. The members of the council shall elect a vice-chairman
40 from among the members of the council. The Governor may
41 remove any public member for cause, upon notice and opportunity
42 to be heard.

43 e. The council shall meet at least monthly and at such other
44 times as designated by the chairman. Fourteen members of the
45 council shall constitute a quorum. The council may establish any
46 advisory committees it deems advisable and feasible.

1 f. The chairman shall be the request officer for the council
2 within the meaning of such term as defined in section 6 of article 3
3 of P.L.1944, c.112 (C.52:27B-15).

4 g. The public members of the council shall receive no
5 compensation for their services, but shall be reimbursed for their
6 expenses incurred in the discharge of their duties within the limits
7 of funds appropriated or otherwise made available for this purpose.
8 (cf: P.L. 1996, c.5,s.1)

9
10 108. Section 33 of P.L.1991, c.187 (C.26:2H-5.7) is amended to
11 read as follows:

12 33. There is established in the Department of Health and Senior
13 Services a State Health Planning Board. The members of the board
14 shall include: the Commissioners of Health and Senior Services,
15 Children and Families and Human Services, or their designees, who
16 shall serve as ex officio, nonvoting members; the chairmen of the
17 Health Care Administration Board and the Public Health Council,
18 or their designees, who shall serve as ex officio members; and nine
19 public members appointed by the Governor with the advice and
20 consent of the Senate, five of whom are consumers of health care
21 services who are neither providers of health care services or persons
22 with a fiduciary interest in a health care service.

23 Of the additional public members first appointed pursuant to
24 P.L.1998, c.43, two shall serve for a term of two years and two shall
25 serve for a term of three years. Following the expiration of the
26 original terms, the public members shall serve for a term of four
27 years and are eligible for reappointment. Public members serving
28 on the board on the effective date of P.L.1998, c.43 shall continue
29 to serve for the term of their appointment. Any vacancy shall be
30 filled in the same manner as the original appointment, for the
31 unexpired term. Public members shall continue to serve until their
32 successors are appointed. The public members shall serve without
33 compensation but may be reimbursed for reasonable expenses
34 incurred in the performance of their duties, within the limits of
35 funds available to the board.

36 a. A member or employee of the State Health Planning Board
37 shall not, by reason of his performance of any duty, function or
38 activity required of, or authorized to be undertaken by the board, be
39 held civilly or criminally liable if that person acted within the scope
40 of his duty, function or activity as a member or employee of the
41 board, without gross negligence or malice toward any person
42 affected thereby.

43 b. A member of the State Health Planning Board shall not vote
44 on any matter before the board concerning an individual or entity
45 with which the member has, or within the last 12 months has had,
46 any substantial ownership, employment, medical staff, fiduciary,
47 contractual, creditor or consultative relationship. A member who
48 has or has had such a relationship with an individual or entity

1 involved in any matter before the board shall make a written
2 disclosure of the relationship before any action is taken by the
3 board with respect to the matter and shall make the relationship
4 public in any meeting in which action on the matter is to be taken.

5 (cf: P.L.1998, c.43, s.4)

6

7 109. Section 1 of P.L.1998, c.136 (C.26:2H-12.6a) is amended
8 to read as follows:

9 1. a. The Department of **【Human Services】** Children and
10 Families, in consultation with the Department of Health and Senior
11 Services, shall prepare a pamphlet which provides information on
12 child abuse and neglect to all parents of newborn infants born in
13 this State. The pamphlet shall be distributed to each parent present
14 during the infant's birth, by the personnel at a hospital or birthing
15 facility at the time of the mother's discharge, as part of the hospital
16 or birthing facility's discharge procedures.

17 b. The pamphlet shall include information on the signs of child
18 abuse and neglect, the services provided by the State which help in
19 preventing child abuse and neglect and the legal ramifications of
20 abusing or neglecting a child.

21 c. The department shall distribute the pamphlet, at no charge,
22 to all the hospitals and birthing facilities in the State. The
23 department shall update the pamphlet as necessary, and shall make
24 additional copies of the pamphlet available to health care providers
25 upon request.

26 (cf: P.L.1998, c.136, s.1)

27

28 110. R.S.26:3-31 is amended to read as follows:

29 26:3-31. The local board of health shall have power to pass,
30 alter or amend ordinances and make rules and regulations in regard
31 to the public health within its jurisdiction, for the following
32 purposes:

33 a. To protect the public water supply and prevent the pollution
34 of any stream of water or well, the water of which is used for
35 domestic purposes, and to prevent the use of or to close any well,
36 the water of which is polluted or detrimental to the public health.

37 b. (1) To prohibit the cutting, sale or delivery of ice in any
38 municipality without obtaining a permit from the local board. No
39 person shall cut, sell or deliver ice in any municipality without
40 obtaining such permit.

41 (2) To refuse such permit or revoke any permit granted by it
42 when in its judgment the use of any ice cut, sold or delivered under
43 the permit would be detrimental to the public health. Upon the
44 refusal or revocation of a permit by the local board, an appeal may
45 be taken to the State department. Upon order of the State
46 department a permit shall be granted or the revocation set aside.

47 (3) To prohibit the importation, distribution or sale of any
48 impure ice which would be detrimental to the public health.

1 c. To license and regulate the sanitary conditions of hotels,
2 restaurants, cafes, and other public eating houses and to provide for
3 the posting of ratings or score cards setting forth the sanitary
4 condition of any public eating house after inspection of the same
5 and to post the rating or score card in some conspicuous or public
6 place in such eating house.

7 d. To compel any owner of property along the line of any
8 sewer to connect his house or other building therewith. This
9 paragraph shall be enforced by the local board within its jurisdiction
10 and it shall by ordinance provide a fine of \$25 to be imposed upon
11 any person who shall not comply with any order issued under the
12 authority of this paragraph, within 30 days after notice by the
13 proper officer of the board to make the required connections. An
14 additional fine of \$10 shall be provided for each day of delay, after
15 the expiration of the 30 days, in which the provisions of the order or
16 notice are not complied with. Such notice may be served upon the
17 owner personally or by leaving it at his usual place of abode with a
18 member of his family above the age of 18 years.

19 e. (Deleted by amendment, P.L.1987, c.442.)

20 f. To regulate, control, and prohibit the accumulation of offal
21 and any decaying or vegetable substance.

22 g. (1) To regulate the location, construction, maintenance,
23 method of emptying or cleaning, and the frequency of cleaning of
24 any privy or other place used for the reception or storage of human
25 excrement, and to prohibit the construction or maintenance of any
26 privy or other such place until a license therefor shall have been
27 issued by the board, which license shall continue in force for one
28 year from the date of issue.

29 (2) To fix the fee, not exceeding \$5, for such license, and to use
30 the fees so collected in supervising and maintaining said privies or
31 other places and in removing and disposing of the excrement
32 therefrom.

33 (3) To revoke such license at any time if the owner or tenant of
34 the property on which any privy or other such place is located,
35 maintains the same in violation of law, or of the State sanitary code,
36 or any ordinance or rule of the board.

37 h. To regulate, control, or prohibit the cleaning of any sewer,
38 the dumping of garbage, the filling of any sunken lot or marsh land,
39 and to provide for the filling up of any such lot or land, which has
40 become filled with stagnant water and is located in any built-up
41 area.

42 i. (1) To license and regulate the business of cleaning cesspools
43 and privies, which license shall continue for the term of one year
44 from the date of granting, and to fix the fee that shall be charged for
45 such license, not exceeding \$20 for each vehicle or conveyance.

46 (2) To prohibit unlicensed persons from engaging in such
47 business.

1 (3) To require any vehicle or conveyance used in such business
2 within its jurisdiction to be approved by it.

3 (4) To revoke such license if any licensee or his employee or
4 agent shall violate any ordinance or rule of the board in cleaning
5 any cesspool or privy, or in removing the contents thereof.

6 j. To aid in the enforcement of laws as to the adulteration of all
7 kinds of food and drink, and to prevent the sale or exposure for sale
8 of any meat or vegetable that is unwholesome or unfit for food.

9 k. To regulate, control, or prohibit the keeping or slaughtering
10 of animals.

11 l. To license and regulate the keeping of boarding houses for
12 infants and children and to fix a license fee for the same and to
13 prevent unlicensed persons from keeping such boarding houses.

14 This paragraph shall not apply to:

15 (1) The Department of **[Human Services]** Children and
16 Families.

17 (2) Any children's home, orphan asylum, or children's aid
18 society incorporated under the laws of this State.

19 (3) Any aid society of a properly organized and accredited
20 church or fraternal society organized for aid and relief to its
21 members.

22 (4) Any charitable society incorporated under the laws of this
23 State having as one of its objects the prevention of cruelty to
24 children or the care and protection of children.

25 m. To require in buildings, designed to be occupied, or
26 occupied, as residences by more than two families and when the
27 owners have agreed to supply heat, that from October 1 of each year
28 to the next succeeding May 1, every unit of dwelling space and
29 every habitable room therein shall be maintained at least at 68
30 degrees F. whenever the outside temperature falls below 55 degrees
31 during daytime hours from 6 a.m. to 11 p.m. At times other than
32 those specified interiors of units of dwelling space shall be
33 maintained at least at 55 degrees F. whenever the outside
34 temperature falls below 40 degrees.

35 In meeting the aforesaid standards, the owner shall not be
36 responsible for heat loss and the consequent drop in the interior
37 temperature arising out of action by the occupants in leaving
38 windows or doors open to the exterior of the building. The owner
39 shall be obligated to supply required fuel or energy and maintain
40 the heating system in good operating condition so that it can supply
41 heat as required herein notwithstanding any contractual provision
42 seeking to delegate or shift responsibility to the occupant or third
43 person, except that the owner shall not be required to supply fuel or
44 energy for heating purposes to any unit where the occupant thereof
45 agrees in writing to supply heat to his own unit of dwelling space
46 and the said unit is served by its own exclusive heating equipment
47 for which the source of heat can be separately computed and billed.

1 n. To regulate the practice of midwifery, but the exercise of
2 such authority shall not conflict with the provisions of chapter 10 of
3 Title 45 of the Revised Statutes (R.S.45:10-1 et seq.).

4 o. To enforce the making of returns or reports to the local
5 board on the part of any person charged with such duty under any
6 law and to take cognizance of any failure to make such returns and
7 deal with the same in an effective manner.

8 p. To act as the agent for a landlord in the engaging of
9 repairmen and the ordering of any parts necessary to restore to
10 operating condition the furnace, boiler or other equipment essential
11 to the proper heating of any residential unit rented by said landlord,
12 provided, however, that at least 24 hours have elapsed since the
13 tenant has lodged a complaint with the local board of health, prior
14 to which a bona fide attempt has been made by the tenant to notify
15 the landlord of the failure of the heating equipment, and the
16 landlord has failed to take appropriate action, and the outside air
17 temperature is less than 55 degrees F.

18 Any person who supplies material or services in accordance with
19 this section shall bill the landlord directly and by filing a notice
20 approved by the local board of health, with the county clerk, shall
21 have a lien on the premises where the materials were used or
22 services supplied.

23 (cf: P.L.2004, c.130, s.43)

24

25 111. Section 1 of P.L.1991, c.524 (C.30:1-1.1) is amended to
26 read as follows:

27 1. a. The Commissioner of Human Services, in consultation
28 with the Commissioners of Community Affairs, Health and Senior
29 Services, Children and Families and Labor and Workforce
30 Development, shall establish and maintain on a 24-hour daily basis
31 a comprehensive social services information toll-free telephone
32 hotline service, operating through one of the existing telephone
33 hotline services of the department. The hotline service shall use a
34 computerized Statewide social services data bank to be developed
35 by the Department of Human Services and shall include among its
36 staff persons who speak English and Spanish. The hotline service
37 shall receive and respond to calls from persons seeking information
38 and referrals concerning agencies and programs which provide
39 various social services, including but not limited to: child care,
40 child abuse emergency response job skills training, services for
41 victims of domestic violence, alcohol and drug abuse, home health
42 care, senior citizen programs, rental assistance, services for persons
43 with developmental disabilities, mental health programs, emergency
44 shelter assistance, family planning, legal services, assistance for
45 runaways and services for the deaf and hearing impaired, as well as
46 information about public assistance, Medicaid, Pharmaceutical
47 Assistance to the Aged and Disabled, Lifeline, Hearing Aid

1 Assistance for the Aged and Disabled, food stamps and home
2 energy assistance.

3 b. The Commissioner of Human Services, in conjunction with
4 the Commissioners of Community Affairs, Health and Senior
5 Services, Children and Families and Labor and Workforce
6 Development, shall take such actions as are necessary to
7 consolidate existing State telephone hotline services into the
8 comprehensive social services information toll-free telephone
9 hotline service, and thereby eliminate duplicative telephone hotline
10 services.

11 c. Notwithstanding the provisions of subsection b. of this section
12 to the contrary, the Commissioner of Human Services shall also
13 establish and maintain a toll-free telephone hotline service for
14 persons who are receiving institutional or community-based
15 services from, or through an agency contracting with, the Division
16 of Mental Health **【and Hospitals】** Services or the Division of
17 Developmental Disabilities, or their parents, guardians or other
18 responsible persons, to register complaints, request information or
19 assistance, or discuss issues and problems, regarding those services
20 in a confidential manner.

21 (cf: P.L.1995, c.85, s.1)

22

23 112. Section 1 of P.L.2004, c.130 (C.30:4C-1.1) is amended to
24 read as follows:

25 1. The Legislature finds and declares that:

26 a. New Jersey must improve the ability of its child welfare
27 system to protect children from abuse and neglect, and to provide
28 services to at-risk children and families in order to prevent harm to
29 their children;

30 b. Recent data and assessments of the child welfare system in
31 this State demonstrate the need for a new approach to delivering
32 services to this vulnerable population, and the system must
33 therefore be reformed;

34 c. Because the safety of children must always be paramount,
35 allegations of child abuse and neglect must be investigated quickly
36 and thoroughly and protective actions must be taken immediately if
37 necessary;

38 d. Concerns about the safety, permanency and well-being of
39 children require significant changes in: the organization of the
40 child welfare system, the ability to implement best practices within
41 the system; the development of effective services to meet the needs
42 of children and families; and the elimination of impediments to the
43 quick and efficient management of abuse and neglect cases;

44 e. Children need safe, stable and positive relationships with
45 caring adults in order to thrive; and, if their parents are incapable of
46 providing such a caring relationship, the State must look to other
47 families to provide this kind of relationship;

- 1 f. To ensure the best outcomes for children and their families,
2 these substitute families must be viewed and treated as “resource
3 families” and provided with appropriate support, training and
4 responsibilities, which will include: expedited licensure for this
5 purpose, equalized payment rates for care among the various types
6 of resource families, and enhanced access to necessary support
7 services tailored to their respective needs;
- 8 g. Youths must be provided with supports and services in their
9 communities that will enable them to grow into healthy and
10 productive adults; and those youths who previously received child
11 welfare services must continue to receive those services beyond the
12 age of 18, up to age 21, as appropriate; and
- 13 h. **【This act is necessary in order to make the initial statutory
14 changes required under a comprehensive child welfare reform plan
15 issued by the Department of Human Services as part of a federal
16 class action settlement, which is designed to address the
17 deficiencies identified in the child welfare system in this State over
18 a five-year period;】** (Deleted by amendment, P.L. , c.)(pending
19 before the Legislature as this bill)
- 20 i. **【The comprehensive child welfare reform plan calls for
21 changes in the approach taken by the State to case practice,
22 recruitment and support of resource families, partnering with the
23 community, creating and delivering services to children and
24 families, providing support and training to the child welfare system
25 workforce, and ensuring accountability and continuous quality
26 improvement within the system;】** (Deleted by amendment, P.L. ,
27 c.)(pending before the Legislature as this bill)
- 28 j. **【This act is designed to allow the Division of Youth and
29 Family Services to focus its mission on abused and neglected
30 children by creating the Division of Child Behavioral Health
31 Services and the Division of Prevention and Community
32 Partnerships in order to build the capacity to meet the needs of
33 children and families in those respective areas of the child welfare
34 system, with all three divisions operating under a deputy
35 commissioner who is responsible for the Office of Children's
36 Services established under this act;】** (Deleted by amendment, P.L. ,
37 c.)(pending before the Legislature as this bill)
- 38 k. **【This act is also designed to enable the Division of Youth
39 and Family Services to better focus on issues relating to abused and
40 neglected children by transferring its responsibilities for licensure
41 and investigating institutional abuse to the Department of Human
42 Services, as well as transferring other responsibilities to the
43 department that will be assigned to the new Division of Child
44 Behavioral Health Services and the new Division of Prevention and
45 Community Partnerships; and】** (Deleted by amendment, P.L. ,
46 c.)(pending before the Legislature as this bill)

1 1. This act will otherwise enhance the quality of the child
2 welfare system in New Jersey by facilitating the transition to other
3 needed long-term systemic changes with regard to out-of-home
4 placements and permanency options for children who cannot live
5 with their birth families.

6 (cf: P.L.2004, c.130, s.1)

7

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

10 2. For the purposes of this act the following words and terms
11 shall, unless otherwise indicated, be deemed and taken to have the
12 meanings herein given to them:

13 (a) The term “Division of Youth and Family Services,” or
14 “division,” successor to the “Bureau of Children's Services” means
15 the State agency for the care, custody, guardianship, maintenance
16 and protection of children, as more specifically described by the
17 provisions of this act, and succeeding the agency heretofore
18 variously designated by the laws of this State as the State Board of
19 Child Welfare or the State Board of Children's Guardians.

20 (b) The word “child” includes stepchild and illegitimate child,
21 and further means any person under the age of 18 years.

22 (c) The term “care” means cognizance of a child for the purpose
23 of providing necessary welfare services, or maintenance, or both.

24 (d) The term “custody” means continuing responsibility for the
25 person of a child, as established by a surrender and release of
26 custody or consent to adoption, for the purpose of providing
27 necessary welfare services, or maintenance, or both.

28 (e) The term “guardianship” means control over the person and
29 property of a child as established by the order of a court of
30 competent jurisdiction, and as more specifically defined by the
31 provisions of this act. Guardianship by the Division of Youth and
32 Family Services shall be treated as guardianship by the
33 Commissioner of **【Human Services】** Children and Families
34 exercised on his behalf wholly by and in the name of the Division
35 of Youth and Family Services, acting through the chief executive
36 officer of the division or his authorized representative. Such
37 exercise of guardianship by the division shall be at all times and in
38 all respects subject to the supervision of the commissioner.

39 (f) The term “maintenance” means moneys expended by the
40 Division of Youth and Family Services to procure board, lodging,
41 clothing, medical, dental, and hospital care, or any other similar or
42 specialized commodity or service furnished to, on behalf of, or for a
43 child pursuant to the provisions of this act; maintenance also
44 includes but is not limited to moneys expended for shelter, utilities,
45 food, repairs, essential household equipment, and other
46 expenditures to remedy situations of an emergent nature to permit,
47 as far as practicable, children to continue to live with their families.

1 (g) The term “welfare services” means consultation, counseling,
2 and referral to or utilization of available resources, for the purpose
3 of determining and correcting or adjusting matters and
4 circumstances which are endangering the welfare of a child, and for
5 the purpose of promoting his proper development and adjustment in
6 the family and the community.

7 (h) The term “resource family parent” means any person other
8 than a natural or adoptive parent with whom a child in the care,
9 custody or guardianship of the Department of **[Human Services]**
10 Children and Families is placed by the department, or with its
11 approval, for care, and shall include any person with whom a child
12 is placed by the division for the purpose of adoption until the
13 adoption is finalized.

14 (i) The term “resource family home” means and includes
15 private residences wherein any child in the care, custody or
16 guardianship of the Department of **[Human Services]** Children and
17 Families may be placed by the department, or with its approval, for
18 care, and shall include any private residence maintained by persons
19 with whom any such child is placed by the division for the purpose
20 of adoption until the adoption is finalized.

21 (j) The singular includes the plural form.

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

23 (l) The word “may” shall be construed to be permissive.

24 (m) The term “group home” means and includes any single
25 family dwelling used in the placement of 12 children or less
26 pursuant to law, recognized as a group home by the Department of
27 **[Human Services]** Children and Families in accordance with rules
28 and regulations adopted by the Commissioner of **[Human Services]**
29 Children and Families; provided, however, that no group home shall
30 contain more than 12 children.

31 (n) The term “youth facility” means a facility within this State
32 used to house or provide services to children under this act,
33 including but not limited to group homes, residential facilities, day
34 care centers, and day treatment centers.

35 (o) The term “youth facility aid” means aid provided by the
36 Division of Youth and Family Services to public, private or
37 voluntary agencies to purchase, construct, renovate, repair, upgrade
38 or otherwise improve a youth facility in consideration for an
39 agreement for the agency to provide residential care, day treatment
40 or other youth services for children in need of such services.

41 (p) The term “day treatment center” means a facility used to
42 provide counseling, supplemental educational services, therapy, and
43 other related services to children for whom it has been determined
44 that such services are necessary, but is not used to house these
45 children in a residential setting.

46 (q) The term “residential facility” means a facility used to house
47 and provide treatment and other related services on a 24-hour basis
48 to children determined to be in need of such housing and services.

1 (r) The term “legally responsible person” means the natural or
2 adoptive parent, or the spouse of a child receiving maintenance
3 from or through the Division of Youth and Family Services.

4 (s) “Commissioner” means the Commissioner of **【Human**
5 **Services】** Children and Families.

6 (t) “Department” means the Department of **【Human Services】**
7 Children and Families.

8 (cf: P.L.2005, c.169, s.4)

9

10 114. Section 3 of P.L.2004, c.130 (C.30:4C-2.3) is amended to
11 read as follows:

12 3. Notwithstanding any provision of law to the contrary, the
13 Department of **【Human Services, through the Office of Children's**
14 **Services or as otherwise designated by the Commissioner of Human**
15 **Services,】** Children and Families shall provide services to
16 individuals who are between 18 and 21 years of age and meet the
17 following conditions:

18 a. The individual was receiving services from the **【Office of**
19 **Children's Services, or otherwise from the】** department **【as**
20 **designated by the commissioner】**, on or after the individual's 16th
21 birthday;

22 b. The individual, on or after the individual's 18th birthday, has
23 not refused or requested that these services be terminated, as
24 applicable; and

25 c. The **【Office of Children's Services or another entity**
26 **designated by the】** commissioner determines that a continuation of
27 services would be in the individual's best interest and would assist
28 the individual to become an independent and productive adult.

29 (cf: P.L.2004, c.130, s.3)

30

31 115. Section 4 of P.L.2004, c.130 (C.30:4C-2.4) is amended to
32 read as follows:

33 4. a. There is established the New Jersey Child Welfare
34 Training Academy in the Department of **【Human Services】**
35 Children and Families for the purpose of providing a training
36 program to meet the needs of the child welfare system Statewide.
37 The training program shall provide:

38 (1) pre-service and in-service training for public employees of
39 the child welfare system;

40 (2) training opportunities for community-based entities and
41 other child welfare system stakeholders as designated by the
42 commissioner; and

43 (3) pre-service and in-service training for resource families.

44 b. The academy shall be responsible for developing and
45 managing the training activities provided under this program, for
46 which purpose it shall:

- 1 (1) administer, coordinate and evaluate all training activities
- 2 under the program;
- 3 (2) seek to partner with social work and other professionals to
- 4 ensure that the training provided under the program reflects best
- 5 practices;
- 6 (3) develop training curricula, resources and products;
- 7 (4) schedule and provide notice of training events and provide
- 8 training materials for those events;
- 9 (5) employ and compensate training event instructors as
- 10 necessary;
- 11 (6) create mechanisms and processes to assess, identify and
- 12 monitor training needs for public employees of the child welfare
- 13 system, including competency-based training;
- 14 (7) create mechanisms and processes to evaluate the
- 15 effectiveness of the training provided under the program;
- 16 (8) provide for the development of multimedia training tools to
- 17 inform, educate and train public agency staff, resource families and
- 18 others in the child welfare system;
- 19 (9) determine the minimum number of pre-service and in-
- 20 service training hours required of, and ensure the availability of
- 21 sufficient training opportunities for, public agency staff Statewide;
- 22 and
- 23 (10) conduct any other activities necessary to develop,
- 24 implement and manage the training program.

25 c. The training provided to resource families pursuant to this
26 section shall include courses in the role of caregivers as part of the
27 care and treatment of children requiring out-of-home placement. A
28 resource family parent shall be required to complete the number of
29 hours of pre-service and in-service training prescribed under the
30 training program as a condition of licensure under P.L.2001, c.419
31 (C.30:4C-27.3 et seq.).
32 (cf: P.L.2004, c.130, s.4)

33
34 116. Section 126 of P.L.2004, c.130 (30:4C-2.5) is amended to
35 read as follows:

36 126. The Commissioner of **【Human Services】** Children and
37 Families, pursuant to the “Administrative Procedure Act,”
38 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
39 regulations necessary to carry out the provisions of this act.
40 (cf: P.L.2004, c.130, s.126)

41
42 117. Section 1 of P.L.2003, c.40 (C.30:4C-3.7) is amended to
43 read as follows:

44 1. a. The Division of Youth and Family Services in the
45 Department of **【Human Services】** Children and Families shall
46 provide for the photographing of each child under its custody no
47 later than two months after the division assumes custody of the
48 child. A child who is under the custody of the division on the

1 effective date of this act shall be photographed for the purposes of
2 this act no later than one year after its effective date.

3 The division shall, in addition, provide for the fingerprinting of
4 any child under its custody with respect to whom the division
5 determines, in accordance with criteria as the Commissioner of
6 **【Human Services】** Children and Families shall establish by
7 regulation, that the availability of a fingerprint record would be
8 appropriate; the fingerprints of any child with respect to whom such
9 a determination is made shall be taken no later than two months
10 after the division has made that determination.

11 b. The division shall update the photograph of each child taken
12 pursuant to subsection a. of this section at least every two years. In
13 addition, the division shall retain the fingerprint information and
14 photograph of each child for whom such records are taken for at
15 least one year after the date that the child is no longer under the
16 custody of the division.

17 c. The division shall be entitled to receive the assistance of any
18 other State department, division or agency as it may deem necessary
19 and may receive the assistance of any county or municipal
20 government agency, as may be available, in carrying out the
21 provisions of this act.

22 (cf: P.L.2003, c.40, s.1)

23

24 118. Section 2 of P.L.2003, c.40 (C.30:4C-3.8) is amended to
25 read as follows:

26 2. The Commissioner of **【Human Services】** Children and
27 Families, pursuant to the “Administrative Procedure Act,”
28 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
29 regulations to effectuate the purposes of this act.

30 (cf: P.L.2003, c.40, s.2)

31

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

34 4. The **【Office of Children's Services or other entity designated**
35 **by the commissioner】** Department of Children and Families shall
36 have the requisite powers to:

37 (a) Exercise general supervision over children for whom care,
38 custody or guardianship is provided in accordance with Article II of
39 this act;

40 (b) Administer **【for the Department of Human Services】** the
41 powers and duties provided in chapter 3 of Title 9 of the Revised
42 Statutes (Adoption), as amended and supplemented, as the same
43 may be delegated and assigned by the department;

44 (c) Administer **【for the Commissioner of Human Services】** the
45 powers and duties as provided in chapter 7 of Title 9 of the Revised
46 Statutes (dependent children; bringing into State), as amended and

1 supplemented, as the same may be delegated and assigned by the
2 commissioner;

3 (d) Administer **【for the State Board of Institutional Trustees】**
4 the powers and duties provided in R.S.30:1-14 through 30:1-17 of
5 chapter 1 of Title 30 of the Revised Statutes (visitation and
6 inspection), as amended and supplemented**【**, so far as the same may
7 be delegated and assigned by the State Board of Institutional
8 Trustees**】** with respect to institutions, organizations and
9 noninstitutional agencies for the care, custody and welfare of
10 children;

11 (e) Provide care and exercise supervision over children paroled
12 or released from State correctional institutions for juveniles in
13 accordance with rules and regulations established by the State
14 Board of Control;

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

18 (g) Meet and confer, as the unmet needs of New Jersey's
19 children may require, with representatives of the public welfare
20 boards and the private agencies and institutions for the care of
21 children in this State in order that the programs of such boards,
22 agencies and institutions may be developed and fully utilized and
23 that there may be a coordination of all public and private facilities
24 for the protection and care of children;

25 (h) Issue such reasonable rules and regulations as may be
26 necessary for the purpose of carrying into effect the meaning of this
27 act, which rules and regulations shall be binding so far as they are
28 consistent with such purpose;

29 (i) Promulgate **【and file with the Secretary of State, subject to**
30 **the approval of the Board of Public Welfare,】** rules and regulations
31 as may be necessary as a basis for the provision for payment for
32 services rendered by privately sponsored agencies or institutions to
33 children under the care, custody or guardianship of the division.
34 Such rules and regulations shall include, but shall not be limited to,
35 standards of professional training, experience and practices, and
36 requirements relating to the moral responsibility of the trustees,
37 officers or other persons supervising or conducting the program, the
38 adequacy of the facilities, the maintenance of adequate casework
39 records, and the furnishing of comprehensive reports;

40 (j) Enter into written agreements with public, private or
41 voluntary agencies to provide maintenance, related services, and
42 youth facility aid to such agencies, subject to a preaward
43 qualification review of the agency's fiscal and programmatic
44 abilities and periodic reviews.

45 (cf: P.L. 2004, c.130, s.49)

1 120. Section 1 of P.L.1962, c.140 (C.30:4C-4.1) is amended to
2 read as follows:

3 1. Notwithstanding the provisions of any other law, no action or
4 proceeding, including an application for a writ of habeas corpus, in
5 any court which the **【Bureau of Childrens】** Division of Youth and
6 Family is authorized by law to commence or maintain shall be
7 commenced or maintained by the **【said bureau】** division, without
8 the consent and approval of the **【State Board of Control of**
9 **Institutions and Agencies or】** the Commissioner of **【the Department**
10 **of Institutions and Agencies】** Children and Families, as hereinafter
11 provided.

12 (cf: P.L.1964, c.102, s.18)

13

14 121. Section 2 of P.L.1962, c.140 (C.30:4C-4.2) is amended to
15 read as follows:

16 2. **【The said State Board of Control, by departmental rule or**
17 **regulation, may, as to the commencement or maintenance of certain**
18 **specified actions or proceedings in any court, grant its consent and**
19 **approval generally, and as to others, require the consent and**
20 **approval of the Commissioner of the Department of Institutions**
21 **and Agencies as the duly authorized agent of the State Board of**
22 **Control, but in】** In no case shall the **【Bureau of Childrens】** Division
23 of Youth and Family Services, defend against any action or
24 proceeding or make or oppose any application for a writ of habeas
25 corpus without the express consent and approval of the **【State**
26 **Board of Control of Institutions and Agencies thereto or the consent**
27 **and approval of the】** Commissioner of **【the Department of**
28 **Institutions and Agencies as the duly authorized agent of the State**
29 **Board of Control】** Children and Families.

30 (cf: P.L.1964, c.102, s.19)

31

32 122. Section 12 of P.L.1951, c.138, (C.30:4C-12) is amended to
33 read as follows:

34 12. Whenever it shall appear that the parent or parents, guardian,
35 or person having custody and control of any child within this State
36 is unfit to be entrusted with the care and education of such child, or
37 shall fail to provide such child with proper protection, maintenance
38 and education, or shall fail to ensure the health and safety of the
39 child, or is endangering the welfare of such child, a written or oral
40 complaint may be filed with the division, or other entity designated
41 by the commissioner, by any person or by any public or private
42 agency or institution interested in such child. When such a
43 complaint is filed by a public or private agency or institution, it
44 shall be accompanied by a summary setting forth the reason for
45 such complaint and other social history of the child and his family's
46 situation which justifies such complaint; or, if this is not feasible,
47 such summary shall be made available to the division, or other

1 entity within the department that is investigating the complaint, as
2 soon thereafter as possible. Upon receipt of a complaint as
3 provided in this section, the division, or other entity designated by
4 the commissioner, shall investigate, or shall cause to be
5 investigated, the statements set forth in such complaint. If the
6 circumstances so warrant, the parent, parents, guardian, or person
7 having custody and control of the child may be afforded an
8 opportunity to file an application for care, as provided in section 11
9 of P.L.1951, c.138 (C.30:4C-11). If the parent, parents, guardian,
10 or person having custody and control of the child refuses to permit
11 or in any way impedes an investigation, and the department
12 determines that further investigation is necessary in the best
13 interests of the child, the division may thereupon apply to the
14 Family Part of the Chancery Division of the Superior Court in the
15 county where the child resides, for an order directing the parent,
16 parents, guardian, or person having custody and control of the child
17 to permit immediate investigation. The court, upon such
18 application, may proceed to hear the matter in a summary manner
19 and if satisfied that the best interests of the child so require may
20 issue an order as requested.

21 If, after such investigation has been completed, it appears that
22 the child requires care and supervision by the division or other
23 action to ensure the health and safety of the child, the division may
24 apply to the Family Part of the Chancery Division of the Superior
25 Court in the county where the child resides for an order making the
26 child a ward of the court and placing the child under the care and
27 supervision or custody of the division.

28 The court, at a summary hearing held upon notice to the division,
29 and to the parent, parents, guardian, or person having custody and
30 control of the child, if satisfied that the best interests of the child so
31 require, may issue an order as requested, which order shall have the
32 same force and effect as the acceptance of a child for care by the
33 division as provided in section 11 of P.L.1951, c.138 (C.30:4C-11);
34 provided, however, that such order shall not be effective beyond a
35 period of six months from the date of entry unless the court, upon
36 application by the division, at a summary hearing held upon notice
37 to the parent, parents, guardian, or person having custody of the
38 child, extends the time of the order.

39 Immediately after the court's order and while the child is in the
40 division's care, the division shall initiate a search for the child's
41 mother or father, if they are not known to the division. The search
42 shall be initiated within 30 days of the court order. The search will
43 be completed when all sources contacted have either responded to
44 the inquiry or failed to respond within 45 days. The results shall be
45 valid for six months after the date it was completed.

46 (cf: P.L.2004, c.130, s.52)

1 123. Section 6 of P.L.1991, c.275 (C.30:4C-12.1) is amended to
2 read as follows:

3 6. a. In any case in which the **【Division of Youth and Family**
4 **Services】** Department of Children and Families accepts a child in
5 its care or custody, including placement, the **【division】** department
6 shall initiate a search for relatives who may be willing and able to
7 provide the care and support required by the child. The search shall
8 be initiated within 30 days of the **【division's】** department's
9 acceptance of the child in its care or custody. The search will be
10 completed when all sources contacted have either responded to the
11 inquiry or failed to respond within 45 days. The **【division】**
12 department shall complete an assessment of each interested
13 relative's ability to provide the care and support, including
14 placement, required by the child.

15 b. If the **【division】** department determines that the relative is
16 unwilling or unable to assume the care of the child, the **【division】**
17 department shall not be required to re-evaluate the relative. The
18 **【division】** department shall inform the relative in writing of:

- 19 (1) the reasons for the **【division's】** department's determination;
20 (2) the responsibility of the relative to inform the **【division】**
21 department if there is a change in the circumstances upon which the
22 determination was made;
23 (3) the possibility that termination of parental rights may occur
24 if the child remains in resource family care for more than six
25 months; and
26 (4) the right to seek review by the **【division】** department of such
27 determination.

28 c. The **【division】** department may decide to pursue the
29 termination of parental rights if the **【division】** department
30 determines that termination of parental rights is in the child's best
31 interests.

32 (cf: P.L.2004, c.130, s.53)

33

34 124. Section 4 of P.L.2000, c.58 (C.30:4C-15.7) is amended to
35 read as follows:

36 4. a. If a person voluntarily delivers a child who is or appears to
37 be no more than 30 days old to, and leaves the child at a State,
38 county or municipal police station and does not express an intent to
39 return for the child, a State, county or municipal police officer shall
40 take the child to the emergency department of a licensed general
41 hospital in this State and the hospital shall proceed as specified in
42 subsection b. of this section.

43 b. If a person voluntarily delivers a child who is or appears to
44 be no more than 30 days old to, and leaves the child at an
45 emergency department of a licensed general hospital in this State
46 and does not express an intent to return for the child, or, if a State,
47 county or municipal police officer brings a child to a licensed

1 general hospital under the circumstances set forth in subsection a.
2 of this section, the hospital shall:

- 3 (1) take possession of the child without a court order;
4 (2) take any action or provide any treatment necessary to protect
5 the child's physical health and safety; and
6 (3) no later than the first business day after taking possession of
7 the child, notify the Division of Youth and Family Services in the
8 Department of ~~Human Services~~ Children and Families that the
9 hospital has taken possession of the child.

10 c. The Division of Youth and Family Services shall assume the
11 care, custody and control of the child immediately upon receipt of
12 notice from a licensed general hospital pursuant to paragraph (3) of
13 subsection b. of this section. The division shall commence a
14 thorough search of all listings of missing children to ensure that the
15 relinquished child has not been reported missing.

16 d. A child for whom the Division of Youth and Family
17 Services assumes care, custody and control pursuant to subsection
18 c. of this section shall be treated as a child taken into possession
19 without a court order.

20 e. It shall be an affirmative defense to prosecution for
21 abandonment of a child that the parent voluntarily delivered the
22 child to and left the child at, or voluntarily arranged for another
23 person to deliver the child to and leave the child at, a State, county
24 or municipal police station as provided in subsection a. of this
25 section or the emergency department of a licensed general hospital
26 in this State as provided in subsection b. of this section. Nothing in
27 this subsection shall be construed to create a defense to any
28 prosecution arising from any conduct other than the act of
29 delivering the child as described herein, and this subsection
30 specifically shall not constitute a defense to any prosecution arising
31 from an act of abuse or neglect committed prior to the delivery of
32 the child to a State, county or municipal police station as provided
33 in subsection a. of this section or the emergency department of a
34 licensed general hospital in this State as provided in subsection b.
35 of this section.

36 f. A State, county or municipal police officer and the
37 governmental jurisdiction employing that officer or an employee of
38 an emergency department of a licensed general hospital in this State
39 and the hospital employing that person shall incur no civil or
40 criminal liability for any good faith acts or omissions performed
41 pursuant to this section.

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

1 station, or provide background or medical information about the
2 child, but may voluntarily do so.

3 (cf: P.L.2000, c.58, s.4)

4

5 125. 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 **【Human Services】** Children and
8 Families, in consultation with the Commissioner of Health and
9 Senior Services, shall establish an educational and public
10 information program to promote safe placement alternatives for
11 newborn infants, the confidentiality offered to birth parents and
12 information regarding adoption procedures. This campaign shall
13 include the establishment of a 24-hour, toll free hotline to assist in
14 making 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 b. The Department of **【Human Services】** Children and
17 Families shall provide to licensed general hospitals in this State and
18 State, county or municipal police stations information about
19 relevant social service agencies which may be made available to
20 any person voluntarily delivering a child as provided in section 4 of
21 P.L.2000, c.58 (C.30:4C-15.7).

22 (cf: P.L.2000, c.58, s.6)

23

24 126. Section 9 of P.L.2000, c.58 (C.30:4C-15.10) is amended to
25 read as follows:

26 9. The Commissioner of **【Human Services】** Children and
27 Families, in consultation with the Commissioner of Health and
28 Senior Services and pursuant to the “Administrative Procedure
29 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
30 regulations to effectuate the purposes of this act.

31 (cf: P.L.2000, c.58, s.9)

32

33 127. Section 1 of P.L.2005, c.294 is amended to read as follows:

34 1. The Legislature finds and declares that:

35 a. The “New Jersey Safe Haven Infant Protection Act,”
36 P.L.2000, c.58 (C.30:4C-15.5 et seq.) is intended to provide for the
37 emergency possession of certain abandoned newborn infants in such
38 a manner as to ensure the anonymity, confidentiality and freedom
39 from prosecution that may encourage a parent who may be under
40 severe emotional stress to leave an infant at a safe haven and
41 thereby save that infant's life;

42 b. This statute requires the Commissioner of **【Human Services】**
43 Children and Families to establish an educational and public
44 information program to promote safe placement alternatives for
45 newborn infants, the confidentiality offered to birth parents and
46 information regarding adoption procedures;

47 c. Pursuant to the Safe Haven law, the Department of **【Human**

1 Services] Children and Families established a multifaceted media
2 campaign to inform the public about its provisions, and this effort
3 has included: a 24-hour toll-free telephone hotline; public service
4 announcements on radio and cable television; posters for display in
5 social service agencies, high schools, stores and churches; pocket
6 cards and brochures in both English and Spanish; and advertising in
7 local and college newspapers and on billboards and buses;

8 d. Despite these efforts to promote public awareness of the Safe
9 Haven law, unlawful abandonment of newborn infants continues to
10 be a problem in New Jersey, as evidenced by the finding of three
11 newborn infants who were unlawfully abandoned during a three-
12 week period in January 2004, instead of being dropped off safely as
13 provided under P.L.2000, c.58, with the consequent loss of life for
14 one of those infants; and

15 e. The indications of this continuing problem raise questions
16 about whether the existing efforts to disseminate information about
17 the provisions of the Safe Haven law can create sufficient public
18 awareness to alleviate the problem of unlawful baby abandonment
19 and thereby achieve the intent of the “New Jersey Safe Haven
20 Infant Protection Act.”

21 (cf: P.L.2005, c.294, s.1)

22

23 128. Section 2 of P.L.2005, c.294 is amended to read as follows:

24 2. There is established the Safe Haven Awareness Promotion
25 Task Force in the Department of [Human Services] Children and
26 Families. The purpose of the task force shall be to study and
27 evaluate the efficacy of existing efforts to promote awareness
28 among the general public of the provisions of the “New Jersey Safe
29 Haven Infant Protection Act,” P.L.2000, c.58 (C.30:4C-15.5 et
30 seq.), and develop recommendations relating to specific actionable
31 measures to support and enhance efforts that would improve the
32 effectiveness of the campaign to promote public awareness of the
33 Safe Haven law.

34 (cf: P.L.2005, c.294, s.2)

35

36 129. Section 3 of P.L.2005, c.294 is amended to read as follows:

37 3. a. The task force shall consist of 19 members as follows:

38 (1) the Commissioners of Health and Senior Services, [Human
39 Services] Children and Families and Education, the Director of the
40 Division on Women in the Department of Community Affairs and
41 the Child Advocate, or their designees, who shall serve ex officio;
42 and

43 (2) 14 public members, who shall be appointed by the Governor
44 no later than the 30th day after the effective date of this act, as
45 follows: one person upon the recommendation of the Association
46 for Children of New Jersey; one person upon the recommendation
47 of the New Jersey Chapter of the National Association of Social
48 Workers; one person upon the recommendation of the School of

1 Social Work at Rutgers, The State University of New Jersey; one
2 person upon the recommendation of Foster and Adoptive Family
3 Services; one person upon the recommendation of the American
4 Academy of Pediatrics-New Jersey Chapter; one person upon the
5 recommendation of the New Jersey Education Association; one
6 person upon the recommendation of the New Jersey State School
7 Nurses Association; one person upon the recommendation of the
8 New Jersey Hospital Association; one person upon the
9 recommendation of the Mental Health Association in New Jersey;
10 one person upon the recommendation of the New Jersey Task Force
11 on Child Abuse and Neglect, one person upon the recommendation
12 of the New Jersey Catholic Conference; one person upon the
13 recommendation of New Jersey Right to Life; and two members of
14 the public with a demonstrated expertise in issues relating to the
15 work of the task force.

16 Vacancies in the membership of the task force shall be filled in
17 the same manner provided for the original appointments.

18 b. The Commissioner of **【Human Services】** Children and
19 Families or the commissioner's designee shall serve as chairperson
20 of the task force. The task force shall organize as soon as
21 practicable following the appointment of its members and shall
22 select a vice-chairperson from among the members. The chairperson
23 shall appoint a secretary who need not be a member of the task
24 force.

25 c. The public members shall serve without compensation, but
26 shall be reimbursed for necessary expenses incurred in the
27 performance of their duties and within the limits of funds available
28 to the task force.

29 d. The task force shall be entitled to call to its assistance and
30 avail itself of the services of the employees of any State, county or
31 municipal department, board, bureau, commission or agency as it
32 may require and as may be available to it for its purposes.

33 e. The task force may meet and hold hearings at the places it
34 designates during the sessions or recesses of the Legislature.

35 f. The Department of **【Human Services】** Children and Families
36 shall provide staff support to the task force.

37 (cf: P.L.2005, c.294, s.3)

38

39 130. Section 26 of P.L.1951, c.138 (C.30:4C-26) is amended to
40 read as follows:

41 26. a. Whenever the circumstances of a child are such that his
42 needs cannot be adequately met in his own home, the division may
43 effect his placement in a resource family home, with or without
44 payment of board, in a group home, or in an appropriate institution
45 if such care is deemed essential for him. The division shall make
46 every reasonable effort to select a resource family home, a group
47 home or an institution of the same religious faith as the parent or
48 parents of such child.

1 b. Whenever the division shall place any child, as provided by
2 this section, in any municipality and county of this State, the child
3 shall be deemed a resident of such municipality and county for all
4 purposes except school funding, and he shall be entitled to the use
5 and benefit of all health, recreational, vocational and other
6 facilities of such municipality and county in the same manner and
7 extent as any other child living in such municipality and county.

8 c. Whenever the division shall place any child, as provided by
9 this section, in any school district, the child shall be entitled to the
10 educational benefits of such district; provided, however, that the
11 district of residence, as determined by the Commissioner of
12 Education pursuant to law, shall be responsible for paying tuition
13 for such child to the district in which he is placed.

14 d. No municipality shall enact a planning or zoning ordinance
15 governing the use of land by, or for, single family dwellings which
16 shall, by any of its terms or provisions or by any rule or regulation
17 adopted in accordance therewith, discriminate between children
18 who are members of such single families by reason of their
19 relationship by blood, marriage or adoption, children placed with
20 such families in such dwellings by the division[, Office of
21 Children's Services] or other entity designated by the
22 Commissioner of [Human Services] Children and Families, and
23 children placed pursuant to law with families in single family
24 dwellings known as group homes.

25 Any planning or zoning ordinance, heretofore or hereafter
26 enacted by a municipality, which violates the provisions of this
27 section, shall be invalid and inoperative.

28 (cf: P.L. 2004, c.130, s.58)

29

30 131. Section 1 of P.L.1962, c.137 (C.30:4C-26.1) is amended to
31 read as follows:

32 1. As used in this act “resource family home” means and
33 includes private residences wherein any child in the care, custody or
34 guardianship of the Department of [Human Services] Children and
35 Families may be placed by the department, or with its approval, for
36 care, and shall include any private residence maintained by persons
37 with whom any such child is placed by the Division of Youth and
38 Family Services for the purpose of adoption until the adoption is
39 finalized.

40 (cf: P.L. 2005, c.169, s.5)

41

42 132. Section 2 of P.L.1962, c.137 (C.30:4C-26.2) is amended to
43 read as follows:

44 2. The [Bureau of Childrens] Division of Youth and Family
45 Services, shall establish and maintain, within the limits of available
46 appropriations, child care shelters in such numbers and at such
47 locations throughout the State as the Commissioner of [the

1 Department of Institutions and Agencies with the approval of the
2 State Board of Control] Children and Families shall deem to be
3 necessary.

4 (cf: P.L.1964, c.102, s.12)

5
6 133. Section 1 of P.L.1962, c.136 (C.30:4C-26.4) is amended to
7 read as follows:

8 1. As used in this act "resource family parent" shall mean any
9 person with whom a child in the care, custody or guardianship of
10 the Department of **[Human Services]** Children and Families is
11 placed by the department, or with its approval, for care and shall
12 include any person with whom a child is placed by the Division of
13 Youth and Family Services for the purpose of adoption until the
14 adoption is finalized.

15 (cf: P.L.2005, c.169, s.6)

16
17 134. Section 1 of P.L.1962, c.139 (C.30:4C-26.6) is amended to
18 read as follows:

19 1. As used in this act "resource family parent" shall mean any
20 person with whom a child in the care, custody or guardianship of
21 the Department of **[Human Services]** Children and Families is
22 placed by the department, or with its approval, for care and shall
23 include any person with whom a child is placed by the Division of
24 Youth and Family Services for the purpose of adoption until the
25 adoption is finalized.

26 (cf: P.L.2005, c.169, s.7)

27
28 135. Section 1 of P.L.1985, c.396 (C30:4C-26.8) is amended to
29 read as follows:

30 1. a. A person, in addition to meeting other requirements as may
31 be established by the Department of **[Human Services]** Children
32 and Families, shall become a resource family parent or eligible to
33 adopt a child only upon the completion of an investigation to
34 ascertain if there is a State or federal record of criminal history for
35 the prospective adoptive or resource family parent or any other
36 adult residing in the prospective parent's home. The investigation
37 shall be conducted by the Division of State Police in the
38 Department of Law and Public Safety and shall include an
39 examination of its own files and the obtaining of a similar
40 examination by federal authorities.

41 b. If the prospective resource family parent or any adult
42 residing in the prospective parent's home has a record of criminal
43 history, the Department of **[Human Services]** Children and
44 Families shall review the record with respect to the type and date of
45 the criminal offense and make a determination as to the suitability
46 of the person to become a resource family parent or the suitability
47 of placing a child in that person's home, as the case may be.

1 c. For the purposes of this section, a conviction for one of the
2 offenses enumerated in subsection d. or e. of this section has
3 occurred if the person has been convicted under the laws of this
4 State or any other state or jurisdiction for an offense that is
5 substantially equivalent to the offenses enumerated in these
6 subsections.

7 d. A person shall be disqualified from being a resource family
8 parent or shall not be eligible to adopt a child if that person or any
9 adult residing in that person's household ever committed a crime
10 which resulted in a conviction for:

11 (1) a crime against a child, including endangering the welfare of
12 a child and child pornography pursuant to N.J.S.2C:24-4; or child
13 abuse, neglect, or abandonment pursuant to R.S.9:6-3;

14 (2) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant
15 to N.J.S.2C:11-4;

16 (3) aggravated assault which would constitute a crime of the
17 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

18 (4) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

19 (5) kidnapping and related offenses including criminal restraint;
20 false imprisonment; interference with custody; criminal coercion; or
21 enticing a child into a motor vehicle, structure, or isolated area
22 pursuant to N.J.S.2C:13-1 through 2C:13-6;

23 (6) sexual assault, criminal sexual contact or lewdness pursuant
24 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

25 (7) robbery which would constitute a crime of the first degree
26 pursuant to N.J.S.2C:15-1;

27 (8) burglary which would constitute a crime of the second
28 degree pursuant to N.J.S.2C:18-2;

29 (9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17
30 et seq.);

31 (10) endangering the welfare of an incompetent person pursuant
32 to N.J.S.2C:24-7 or endangering the welfare of an elderly or
33 disabled person pursuant to N.J.S.2C:24-8;

34 (11) terrorist threats pursuant to N.J.S.2C:12-3;

35 (12) arson pursuant to N.J.S.2C:17-1, or causing or risking
36 widespread injury or damage which would constitute a crime of the
37 second degree pursuant to N.J.S.2C:17-2; or

38 (13) an attempt or conspiracy to commit an offense listed in
39 paragraphs (1) through (12) of this subsection.

40 e. A person shall be disqualified from being a resource family
41 parent if that person or any adult residing in that person's household
42 was convicted of one of the following crimes and the date of release
43 from confinement occurred during the preceding five years:

44 (1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;

45 (2) aggravated assault which would constitute a crime of the
46 fourth degree pursuant to subsection b. of N.J.S.2C:12-1;

47 (3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1
48 et seq.);

1 (4) robbery which would constitute a crime of the second degree
2 pursuant to N.J.S.2C:15-1;

3 (5) burglary which would constitute a crime of the third degree
4 pursuant to N.J.S.2C:18-2; or

5 (6) an attempt or conspiracy to commit an offense listed in
6 paragraphs (1) through (5) of this subsection.

7 For the purposes of this subsection, the “date of release from
8 confinement” means the date of termination of court-ordered
9 supervision through probation, parole, or residence in a correctional
10 facility, whichever date occurs last.

11 For purposes of this section, “resource family parent” means any
12 person with whom a child in the care, custody or guardianship of
13 the Department of **【Human Services】** Children and Families is
14 placed by the department, or with its approval, for care and shall
15 include any person with whom a child is placed by the Division of
16 Youth and Family Services for the purpose of adoption until the
17 adoption is finalized.

18 (cf: P.L.2005, c.169, s.8)

19

20 136. Section 1 of P.L.1989, c.21 (C.30:4C-26.9) is amended to
21 read as follows:

22 1. The Department of **【Human Services】** Children and
23 Families may grant approval to a prospective resource family parent
24 for a period not to exceed six months, upon completion of the State
25 portion of the criminal history record investigation required
26 pursuant to P.L.1985, c.396 (C.30:4C-26.8), pending completion
27 and review of the federal portion of the criminal history record
28 investigation required pursuant to that act, if (1) the State portion of
29 the criminal history record investigation indicates no information
30 which would disqualify the person, (2) the prospective resource
31 family parent and any adult residing in the prospective resource
32 family parent's home submit a sworn statement to the Department of
33 **【Human Services】** Children and Families attesting that the person
34 does not have a record of criminal history which would disqualify
35 the person and (3) there is substantial compliance with department
36 standards for resource family homes indicating there is no risk to a
37 child's health or safety.

38 For purposes of this section, “resource family parent” means any
39 person with whom a child in the care, custody or guardianship of
40 the Department of **【Human Services】** Children and Families is
41 placed by the department, or with its approval, for care and shall
42 include any person with whom a child is placed by the Division of
43 Youth and Family Services for the purpose of adoption until the
44 adoption is finalized.

45 (cf: P.L. 2005, c.169, s.9)

46

47 137. Section 1 of P.L.1962, c.135 (C.30:4C-27.1) is amended to
48 read as follows:

1 1. As used in this act “resource family parent” shall mean any
2 person with whom a child in the care, custody or guardianship of
3 the Department of **【Human Services】** Children and Families is
4 placed by the department, or with its approval, for care and shall
5 include any person with whom a child is placed by the Division of
6 Youth and Family Services for the purpose of adoption until the
7 adoption is finalized.

8 (cf: P.L.2005, c.169, s.10)

9

10 138. Section 3 of P.L.2001, c.419 (C.30:4C-27.5) is amended to
11 read as follows:

12 3. As used in this act:

13 “Child” means a person who: is either under the age of 18 or
14 meets the criteria set forth in subsection f. of section 2 of P.L.1972,
15 c.81 (C.9:17B-2); and is under the care or custody of the division or
16 another public or private agency authorized to place children in
17 New Jersey.

18 “Commissioner” means the Commissioner of **【Human Services】**
19 Children and Families.

20 “Department” means the Department of **【Human Services】**
21 Children and Families.

22 “Division” means the Division of Youth and Family Services in
23 the Department of **【Human Services】** Children and Families.

24 “Resource family home” or “home” means a private residence,
25 other than a children's group home or shelter home, in which board,
26 lodging, care and temporary out-of-home placement services are
27 provided by a resource family parent on a 24-hour basis to a child
28 under the auspices of the division or any public or private agency
29 authorized to place children in New Jersey.

30 “Resource family parent” means a person who has been licensed
31 pursuant to this act to provide resource family care to five or fewer
32 children, including a child who has been placed by the division with
33 the person for the purpose of adoption, except that the department
34 may license a resource family parent to provide care for more than
35 five children, if necessary, to keep sibling groups intact or to serve
36 the best interests of the children in the home.

37 “License” means a document issued by the department to a
38 person who meets the requirements of this act to provide resource
39 family care to children in the person's home.

40 (cf: P.L.2005, c.169, s.11)

41

42 139. Section 1 of P.L.2003, c.186 (C.30:4C-27.16) is amended
43 to read as follows:

44 1. As used in sections 1 through 6 and 8 through 11 of this act:

45 “Department” means the Department of **【Human Services】**
46 Children and Families.

1 “Division” means the Division of Youth and Family Services in
2 the Department of **[Human Services]** Children and Families.

3 “Residential child care facility” or “facility” means any public or
4 private establishment subject to the regulatory authority of the
5 department that provides room, board, care, shelter or treatment
6 services for children on a 24-hour-a-day basis. The term shall
7 include: residential facilities operated by or under contract or
8 agreement with the division to serve 13 or more children with
9 emotional or behavioral problems as defined pursuant to section 2
10 of P.L.1951, c.138 (C.30:4C-2); State-operated children's
11 psychiatric facilities providing inpatient treatment; group homes,
12 treatment homes, teaching family homes, alternative care homes
13 and supervised transitional living homes operated by or under
14 contract or agreement with the division to serve 12 or fewer
15 children with emotional or behavioral problems as defined pursuant
16 to N.J.A.C.10:128-1.2; and shelter care facilities and homes,
17 including shelters serving children in juvenile-family crisis and in
18 need of temporary shelter care, as defined pursuant to section 3 of
19 P.L.1982, c.77 (C.2A:4A-22).

20 “Staff member” means an individual 18 years of age or older
21 who is an administrator of, employed by, or works in a facility on a
22 regularly scheduled basis during the facility's operating hours,
23 including full-time, part-time, voluntary, contract, consulting and
24 substitute staff, whether compensated or not.
25 (cf: P.L. 2004, c.130, s.125)

26

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

29 1. a. In any case in which the Department of **[Human Services]**
30 Children and Families, through the Division of Youth and Family
31 Services, is providing care or custody for any child when the child
32 is in a resource family home, any legally responsible person of the
33 child, if of sufficient financial ability, is liable for the full costs of
34 maintenance of the child incurred by the division. If the legally
35 responsible person is of insufficient financial ability, the person is
36 liable in an amount which a court of competent jurisdiction directs
37 according to a scheduled rate approved by the division. Nothing
38 contained herein shall prevent the legally responsible person from
39 voluntarily executing an agreement for payment to the division for
40 the costs of maintenance of the child receiving care or custody
41 when the child is in a resource family home.

42 b. The division shall have a lien against the property of the
43 legally responsible person in an amount equal to the amount to be
44 paid, which lien shall have priority over all unrecorded
45 encumbrances.

46 c. If the legally responsible person fails to reimburse the
47 department, through the division, for the costs of maintenance of a
48 child incurred by the division when the child is in a resource family

1 home, a court of competent jurisdiction, upon the complaint of the
2 Commissioner of **[Human Services]** Children and Families, may
3 summon the legally responsible person and other witnesses, and
4 may order the legally responsible person to pay an amount to the
5 department, according to a scheduled rate approved by the division.

6 d. In any case in which the department, through the division,
7 has agreed to provide youth facilities aid to a public, private or
8 voluntary agency pursuant to this act, the division shall have a lien
9 against the property of any person, persons or agency so
10 contracting, in an amount equal to the amount or amounts so
11 contracted to be paid, which lien shall have priority over all
12 unrecorded encumbrances. Such lien shall be reduced for each year
13 of service provided by the agency at a rate to be negotiated by the
14 division and the agency, but in no case more than 20% a year;
15 provided, however, that annual reductions shall not exceed \$10,000.
16 (cf: P.L.2004, c.130, s.80)

17

18 141. Section 3 of P.L.1977, c.424 (C.30:4C-52) is amended to
19 read as follows:

20 3. As used in this act, unless the context indicates otherwise:

21 a. "Child" means any person less than 18 years of age;

22 b. "Child placed outside his home" means a child under the
23 care, custody or guardianship of the division who resides in a
24 resource family home, group home, residential treatment facility,
25 shelter for the care of abused or neglected children or juveniles
26 considered as juvenile-family crisis cases, or independent living
27 arrangement operated by or approved for payment by the division,
28 or a child who has been placed by the division in the home of a
29 person who is not related to the child and does not receive any
30 payment for the care of the child from the division, or a child placed
31 by the court in juvenile-family crisis cases pursuant to P.L.1982,
32 c.77 (C.2A:4A-20 et seq.), but does not include a child placed by
33 the court in the home of a person related to the child who does not
34 receive any payment from the division for the care of the child;

35 c. "County of supervision" means the county in which the
36 division has established responsibility for supervision of the child;

37 d. "Division" means the Division of Youth and Family
38 Services in the Department of **[Human Services]** Children and
39 Families;

40 e. "Temporary caretaker" means a resource family parent as
41 defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4) or a director
42 of a group home or residential treatment facility;

43 f. "Designated agency" means an agency designated by the
44 court pursuant to P.L.1982, c.80 (C.2A:4A-76 et seq.) to develop a
45 family services plan.

46 (cf: P.L. 2005, c.169, s.13)

1 142. Section 1 of P.L.1991, c.448 (C.30:4C-53.1) is amended to
2 read as follows:

3 1. The Legislature finds and declares that it is in the public
4 interest, whereby the safety of children shall be of paramount
5 concern, to afford every child placed outside his home by the
6 Division of Youth and Family Services in the Department of
7 **【Human Services】** Children and Families with permanency through
8 return to his own home, if the child can be returned home without
9 endangering the child's health or safety; through adoption, if family
10 reunification is not possible; or through an alternative permanent
11 placement, if termination of parental rights is not appropriate:

12 a. Due to the severity of health and social problems such as
13 AIDS, drug abuse and homelessness, the division often works with
14 families over a period of many years, and the children of these
15 families often spend a majority of their young lives in resource
16 family care; and

17 b. Research has shown that the longer children remain in the
18 resource family care system, the greater number of placements they
19 experience. As a result of these multiple placements, from birth
20 family to resource family home and from one resource family home
21 to another resource family home, children develop emotional and
22 psychological problems, making it more difficult for them to
23 develop a positive self-image; and

24 c. (Deleted by amendment, P.L.2004, c.130).

25 d. The obligation of the State to recognize and protect the
26 rights of children in the child welfare system should be fulfilled in
27 the context of a clear and consistent policy which limits the
28 repeated placement of children in resource family care and
29 promotes the eventual placement of these children in stable and safe
30 permanent homes.

31 (cf: P.L.2004, c.130, s.84)

32

33 143. Section 5 of P.L.1991, c.448 (C.30:4C-53.5) is amended to
34 read as follows:

35 5. Pursuant to the "Administrative Procedure Act," P.L.1968,
36 c.410 (C.52:14B-1 et seq.), the Commissioner of **【Human Services】**
37 Children and Families shall adopt all rules and regulations
38 necessary to effectuate the purposes of this act.

39 (cf: P.L.1991, c.448, s.5)

40

41 144. Section 4 of P.L.1992, c.111 (C.30:4C-69) is amended to
42 read as follows:

43 4. The Commissioner of **【Human Services】** Children and
44 Families shall develop an interdepartmental plan for the
45 implementation of an individualized, appropriate child and family
46 driven care system for children with special emotional needs and
47 for the reduction of inappropriate use of out-of-home placements of
48 these children. The plan shall first address children ready to be

1 returned from [institutions such as the Arthur Brisbane Child
2 Treatment Center and other] in-State and out-of-State residential
3 facilities, and those at imminent risk of extended out-of-home
4 placement. The commissioner shall consult with appropriate
5 representatives from the State departments of Education, Human
6 Services, Corrections, Health and Senior Services, Community
7 Affairs and the Public Advocate, the Child Advocate, the private
8 entity, if any, designated by the Governor as the State's mental
9 health protection and advocacy agency, the Statewide Children's
10 Coordinating Council in the Department of [Human Services]
11 Children and Families, the Administrative Office of the Courts, and
12 Statewide family advocacy groups, in the development of the plan.
13 (cf: P.L. 2005, c.155, s.90)

14

15 145. Section 5 of P.L.1992, c.111 (C.30:4C-70) is amended to
16 read as follows:

17 5. A county may establish a CART and CIACC in accordance
18 with the provisions of this act. In the event that a county does not
19 establish a CART or CIACC, the Department of [Human Services]
20 Children and Families may establish a CART or CIACC for that
21 county.

22 (cf: P.L.1992, c.111, s.5)

23

24 146. Section 6 of P.L.1992, c.111 (C.30:4C-71) is amended to
25 read as follows:

26 6. The plan shall:

27 a. Assess current policies and activities of all divisions in the
28 Department of [Human Services] Children and Families in the
29 implementation of the individualized, appropriate child and family
30 driven care system;

31 b. Assess the implementation of the policies and procedures of
32 the Case Assessment Resource Teams (CARTs) and the County
33 Inter-Agency Coordinating Councils (CIACCs) sanctioned by the
34 Department of [Human Services] Children and Families to be
35 certain, among other things, that a family using the services is a full
36 participant in the CART/CIACC process;

37 c. Be consistent with principles set forth in section 7 of this act;

38 d. Set forth specific timelines and procedures for the
39 implementation of new policies and practices that shall be
40 undertaken to develop a system of care which is integrated across
41 divisional and departmental lines;

42 e. Specify the role and function of the CARTs and CIACCs in
43 developing the individualized, appropriate child and family driven
44 care system;

45 f. Recommend departmental or divisional organizational changes
46 required to execute the system of care;

- 1 g. Specify the interdepartmental amounts and sources of
2 financial resources required to implement and maintain a
3 coordinated system of care;
- 4 h. Develop a mechanism to guarantee that savings accrued
5 through implementation of this plan be applied to community-based
6 children's services;
- 7 i. Identify funding mechanisms compatible with individual
8 county needs to carry out the purposes of this act;
- 9 j. Develop a system to monitor and evaluate the outcomes for
10 children with special emotional needs who have received
11 community-based services as a result of the implementation of an
12 individualized, appropriate child and family driven care system;
- 13 k. Develop an independent evaluation mechanism to report at
14 least quarterly, which is designed to enhance and evaluate the
15 CART/CIACC inter-agency system at both the local and Statewide
16 levels;
- 17 l. Describe all services, both public and private, including
18 rehabilitation services, vocational services, substance abuse
19 services, housing services, educational services, medical and dental
20 care to be provided by local school systems under the "Education of
21 the Handicapped Act," (20 U.S.C. s.1401 et seq.); and
- 22 m. Describe how parents will be involved in the development of
23 the plan and how the plan will insure their full participation in the
24 CART/CIAAC process.
25 (cf: P.L.1992, c.111, s.6)

26
27 147. Section 8 of P.L.1992, c.111 (C.30:4C-73) is amended to
28 read as follows:

- 29 8. Any monies saved by the Department of **[Human Services]**
30 Children and Families in preventing the out-of-home placement of
31 children pursuant to this act shall be used by the department to
32 provide services pursuant to the interdepartmental plan developed
33 pursuant to this act.
34 (cf: P.L.1992, c.111, s.8)

35
36 148. Section 3 of P.L.1993, c.157 (C.30:4C-76) is amended to
37 read as follows:

- 38 3. a. The Department of **[Human Services]** Children and
39 Families may establish, through purchase of service contracts with
40 community-based organizations, at least one family preservation
41 services program in each county in the State. The program shall
42 provide services to families whose children are at imminent risk of
43 placement as determined by agencies authorized to place children,
44 or whose children are being prepared for reunification.

45 b. The family preservation services program shall be based on
46 the following objectives:

- 47 (1) The prevention of out-of-home placement by enhancing
48 family functioning and problem solving;

1 (2) The development of appropriate crisis management and
2 parenting skills;

3 (3) The provision of services to families, as needed, including
4 transportation, emergency financial assistance for food, clothing
5 and housing, family counseling and substance abuse treatment; and

6 (4) The development of linkages with service networks and
7 community resources.

8 (cf: P.L.1993, c.157, s.3)

9

10 149. Section 6 of P.L.1993, c.157 (C.30:4C-79) is amended to
11 read as follows:

12 6. The Department of **【Human Services】** Children and Families
13 shall develop a manual of standards on the operation and
14 programmatic aspects of family preservation services.

15 (cf: P.L.1993,c.157,s.6)

16

17 150. Section 7 of P.L.1993, c.157 (C.30:4C-80) is amended to
18 read as follows:

19 7. There is established a Family Preservation Services
20 Coordinating Unit in the Department of **【Human Services】**
21 Children and Families. The unit shall consist of persons with
22 knowledge of and experience with the family preservation services
23 program in the State and in all facets of the operation of the
24 program. The coordinating unit personnel shall be appointed by the
25 Commissioner of **【Human Services】** Children and Families. The
26 coordinating unit shall develop, monitor and implement all phases
27 of the family preservation services initiative and its activities will
28 include the provision of technical support and the establishment and
29 the monitoring of all family preservation services programs
30 throughout the State.

31 (cf: P.L.1993, c.157, s.7)

32

33 151. Section 8 of P.L.1993, c.157 (C.30:4C-81) is amended to
34 read as follows:

35 8. The Commissioner of **【Human Services】** Children and
36 Families shall report to the Governor and, pursuant to section 2 of
37 P.L.1991, c.164 (C.52:14-19.1), to the Legislature by December 31
38 of each year, on the family preservation services program. The
39 annual report shall contain, but not be limited to:

40 a. The number of families receiving services through the
41 program;

42 b. The number of children placed in resource family care,
43 group homes and residential treatment facilities, both in-State and
44 out-of-State;

45 c. The average cost of providing services to a family through
46 the program;

47 d. The number of children who remain with their families for
48 one year after receiving services through the program; and

1 e. Any recommendations needed to improve the delivery of
2 family preservation services in the State.

3 (cf: P.L.2004, c.130, s.92)

4

5 152. Section 9 of P.L.1993, c.157 (C.30:4C-82) is amended to
6 read as follows:

7 9. The Department of **【Human Services】** Children and Families
8 shall seek to maximize any available federal funding which may be
9 used for the purposes of administering or providing family
10 preservation services. Any federal funding made available under
11 this section shall be used to supplement and shall not supplant State
12 funds used to carry out the purposes of this act.

13 (cf: P.L.1993, c.157, s.9)

14

15 153. Section 10 of P.L.1993, c.157 (C.30:4C-83) is amended to
16 read as follows:

17 10. The Commissioner of **【Human Services】** Children and
18 Families, following prior review and approval from the Office of
19 Management and Budget, may transfer funds appropriated for
20 substitute care services to purchase family preservation services
21 established pursuant to this act.

22 (cf: P.L.1993, c.157, s.10)

23

24 154. Section 7 of P.L.2001, c.250 (C.30:4C-84) is amended to
25 read as follows:

26 7. As used in sections 7 through 10 of P.L.2001, c.250
27 (C.30:4C-84 et seq.):

28 “Caregiver” means a person over 18 years of age, other than a
29 child's parent, who has a kinship relationship with the child and has
30 been providing care and support for the child, while the child has
31 been residing in the caregiver's home, for either the last 12
32 consecutive months or 15 of the last 22 months. “Caregiver”
33 includes a resource family parent as defined in section 1 of
34 P.L.1962, c.136 (C.30:4C-26.4).

35 “Child” means a person under 18 years of age, except as
36 otherwise provided in P.L.2001, c.250 (C.3B:12A-1 et al.).

37 “Commissioner” means the Commissioner of **【Human Services】**
38 Children and Families.

39 “Court” means the Superior Court, Chancery Division, Family
40 Part.

41 “Division” means the Division of Youth and Family Services in
42 the Department of **【Human Services】** Children and Families.

43 “Family friend” means a person who is connected to a child or
44 the child’s parent by an established, positive psychological or
45 emotional relationship that is not a biological or legal relationship.

46 “Kinship caregiver assessment” means a written report prepared
47 in accordance with the provisions of P.L.2001, c.250 (C.3B:12A-1
48 et al.) and pursuant to regulations adopted by the commissioner.

1 “Kinship legal guardian” means a caregiver who is willing to
2 assume care of a child due to parental incapacity, with the intent to
3 raise the child to adulthood, and who is appointed the kinship legal
4 guardian of the child by the court pursuant to P.L.2001, c.250
5 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible
6 for the care and protection of the child and for providing for the
7 child's health, education and maintenance.

8 “Kinship relationship” means a family friend or a person with a
9 biological or legal relationship with the child.
10 (cf: P.L.2005, c.169, s.15)

11
12 155. Section 11 of P.L.2001 c.250 (C.30:4C-88) is amended to
13 read as follows:

14 11. The Commissioner of **【Human Services】** Children and
15 Families, pursuant to the “Administrative Procedure Act,”
16 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
17 regulations to effectuate the purposes of this act.
18 (cf: P.L.2001, c.250, s.11)

19
20 156. Section 2 of P.L.2003, c.132 (C.30:4C-102) is amended to
21 read as follows:

22 2. There is created in the Department of **【Human Services】**
23 Children and Families the “Statewide Tuition Waiver Program.”
24 The purpose of the program is to provide State-paid tuition to
25 children who have been under the care and custody of the Division
26 of Youth and Family Services pursuant to section 11 of P.L.1951,
27 c.138 (C.30:4C-11), and who are interested in pursuing a college or
28 post-secondary vocational education at a public institution of higher
29 education or county vocational school in this State.
30 (cf: P.L.2003, c.132, s.2)

31
32 157. Section 3 of P.L.2003, c.132 (C.30:4C-103) is amended to
33 read as follows:

34 3. a. A child shall be eligible to qualify for the program if the
35 child meets the following requirements at the time of the initial
36 application to the Commissioner of **【Human Services】** Children and
37 Families for a tuition waiver pursuant to subsection b. of this
38 section:

39 (1) the child is 16 to 23 years of age;

40 (2) the child:

41 (a) has been in the care and custody of the Division of Youth
42 and Family Services in the Department of **【Human Services】**
43 Children and Families for a period of nine months or more
44 following the child's sixteenth birthday;

45 (b) is or has been residing in an independent living arrangement,
46 or a transitional living program established pursuant to P.L.1999,
47 c.224 (C.9:12A-2 et seq.), operated or approved for payment by the
48 division; or

1 (c) is or has been residing in a transitional living program
2 located in the State of New Jersey and approved for payment by the
3 federal government pursuant to the federal "Runaway and Homeless
4 Youth Act," Title III of Pub.L.93-415 (42 U.S.C.A.s.5701 et seq.);

5 (3) the child has received a high school diploma or a certificate
6 of high school equivalency; and

7 (4) the child has been granted admission to a New Jersey public
8 institution of higher education or county vocational school.

9 b. A child who meets the eligibility requirements listed in this
10 section may apply to the Commissioner of **[Human Services]**
11 Children and Families for a tuition waiver in a form and manner
12 prescribed by the commissioner.

13 c. Upon receipt of an application, the Commissioner of
14 **[Human Services]** Children and Families shall review the
15 application and if the child meets the program eligibility
16 requirements, the commissioner shall approve the application and
17 notify the appropriate New Jersey public institution of higher
18 education or county vocational school that the child qualifies for a
19 tuition waiver.

20 d. Eligibility for the program shall be limited to five years from
21 the date the child applied to the Commissioner of **[Human**
22 **Services]** Children and Families for a tuition waiver pursuant to
23 subsection b. of this section.

24 e. Each child approved for the program shall be required to
25 enroll in a full-time degree, diploma or certificate program or
26 course of undergraduate study and retain satisfactory academic
27 progress during the time the child qualifies for a tuition waiver.

28 (cf: P.L.2003, c.132, s.3)

29

30 158. Section 5 of P.L.2003, c.132 (C.30:4C-105) is amended to
31 read as follows:

32 5. Subject to the "Administrative Procedure Act," P.L.1968,
33 c.410 (C.52:14B-1 et seq.), the Commissioner of **[Human Services]**
34 Children and Families, in consultation with the Higher Education
35 Student Assistance Authority shall adopt rules and regulations to
36 effectuate the purposes of this act.

37 (cf: P.L.2003, c.132, s.5)

38

39 159. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to
40 read as follows: .

41 3. Definitions. As used in this act, and unless the context
42 otherwise requires:

43 a. "Applicant" means any person who has made application for
44 purposes of becoming a "qualified applicant."

45 b. "Commissioner" means the Commissioner of Human
46 Services.

- 1 c. "Department" means the Department of Human Services,
2 which is herein designated as the single State agency to administer
3 the provisions of this act.
- 4 d. "Director" means the Director of the Division of Medical
5 Assistance and Health Services.
- 6 e. "Division" means the Division of Medical Assistance and
7 Health Services.
- 8 f. "Medicaid" means the New Jersey Medical Assistance and
9 Health Services Program.
- 10 g. "Medical assistance" means payments on behalf of recipients
11 to providers for medical care and services authorized under this act.
- 12 h. "Provider" means any person, public or private institution,
13 agency or business concern approved by the division lawfully
14 providing medical care, services, goods and supplies authorized
15 under this act, holding, where applicable, a current valid license to
16 provide such services or to dispense such goods or supplies.
- 17 i. "Qualified applicant" means a person who is a resident of
18 this State, and either a citizen of the United States or an eligible
19 alien, and is determined to need medical care and services as
20 provided under this act, with respect to whom the period for which
21 eligibility to be a recipient is determined shall be the maximum
22 period permitted under federal law, and who:
- 23 (1) Is a dependent child or parent or caretaker relative of a
24 dependent child who would be, except for resources, eligible for the
25 aid to families with dependent children program under the State
26 Plan for Title IV-A of the federal Social Security Act as of July 16,
27 1996;
- 28 (2) Is a recipient of Supplemental Security Income for the Aged,
29 Blind and Disabled under Title XVI of the Social Security Act;
- 30 (3) Is an "ineligible spouse" of a recipient of Supplemental
31 Security Income for the Aged, Blind and Disabled under Title XVI
32 of the Social Security Act, as defined by the federal Social Security
33 Administration;
- 34 (4) Would be eligible to receive Supplemental Security Income
35 under Title XVI of the federal Social Security Act or, without
36 regard to resources, would be eligible for the aid to families with
37 dependent children program under the State Plan for Title IV-A of
38 the federal Social Security Act as of July 16, 1996, except for
39 failure to meet an eligibility condition or requirement imposed
40 under such State program which is prohibited under Title XIX of
41 the federal Social Security Act such as a durational residency
42 requirement, relative responsibility, consent to imposition of a lien;
- 43 (5) (Deleted by amendment, P.L.2000, c.71).
- 44 (6) Is an individual under 21 years of age who, without regard to
45 resources, would be, except for dependent child requirements,
46 eligible for the aid to families with dependent children program
47 under the State Plan for Title IV-A of the federal Social Security
48 Act as of July 16, 1996, or groups of such individuals, including but

1 not limited to, children in resource family placement under
2 supervision of the Division of Youth and Family Services in the
3 Department of Children and Families whose maintenance is being
4 paid in whole or in part from public funds, children placed in a
5 resource family home or institution by a private adoption agency in
6 New Jersey or children in intermediate care facilities, including
7 developmental centers for the developmentally disabled, or in
8 psychiatric hospitals;

9 (7) Would be eligible for the Supplemental Security Income
10 program, but is not receiving such assistance and applies for
11 medical assistance only;

12 (8) Is determined to be medically needy and meets all the
13 eligibility requirements described below:

14 (a) The following individuals are eligible for services, if they
15 are determined to be medically needy:

16 (i) Pregnant women;

17 (ii) Dependent children under the age of 21;

18 (iii) Individuals who are 65 years of age and older; and

19 (iv) Individuals who are blind or disabled pursuant to either 42
20 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.

21 (b) The following income standard shall be used to determine
22 medically needy eligibility:

23 (i) For one person and two person households, the income
24 standard shall be the maximum allowable under federal law, but
25 shall not exceed 133 1/3% of the State's payment level to two
26 person households under the aid to families with dependent children
27 program under the State Plan for Title IV-A of the federal Social
28 Security Act in effect as of July 16, 1996; and

29 (ii) For households of three or more persons, the income standard
30 shall be set at 133 1/3% of the State's payment level to similar size
31 households under the aid to families with dependent children
32 program under the State Plan for Title IV-A of the federal Social
33 Security Act in effect as of July 16, 1996.

34 (c) The following resource standard shall be used to determine
35 medically needy eligibility:

36 (i) For one person households, the resource standard shall be
37 200% of the resource standard for recipients of Supplemental
38 Security Income pursuant to 42 U.S.C. s.1382(1)(B);

39 (ii) For two person households, the resource standard shall be
40 200% of the resource standard for recipients of Supplemental
41 Security Income pursuant to 42 U.S.C. s.1382(2)(B);

42 (iii) For households of three or more persons, the resource
43 standard in subparagraph (c)(ii) above shall be increased by
44 \$100.00 for each additional person; and

45 (iv) The resource standards established in (i), (ii), and (iii) are
46 subject to federal approval and the resource standard may be lower
47 if required by the federal Department of Health and Human
48 Services.

1 (d) Individuals whose income exceeds those established in
2 subparagraph (b) of paragraph (8) of this subsection may become
3 medically needy by incurring medical expenses as defined in 42
4 C.F.R.435.831(c) which will reduce their income to the applicable
5 medically needy income established in subparagraph (b) of
6 paragraph (8) of this subsection.

7 (e) A six-month period shall be used to determine whether an
8 individual is medically needy.

9 (f) Eligibility determinations for the medically needy program
10 shall be administered as follows:

11 (i) County welfare agencies and other entities designated by the
12 commissioner are responsible for determining and certifying the
13 eligibility of pregnant women and dependent children. The division
14 shall reimburse county welfare agencies for 100% of the reasonable
15 costs of administration which are not reimbursed by the federal
16 government for the first 12 months of this program's operation.
17 Thereafter, 75% of the administrative costs incurred by county
18 welfare

19 agencies which are not reimbursed by the federal government shall
20 be reimbursed by the division;

21 (ii) The division is responsible for certifying the eligibility of
22 individuals who are 65 years of age and older and individuals who
23 are blind or disabled. The division may enter into contracts with
24 county welfare agencies to determine certain aspects of eligibility.
25 In such instances the division shall provide county welfare agencies
26 with all information the division may have available on the
27 individual.

28 The division shall notify all eligible recipients of the
29 Pharmaceutical Assistance to the Aged and Disabled program,
30 P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the
31 medically needy program and the program's general requirements.
32 The division shall take all reasonable administrative actions to
33 ensure that Pharmaceutical Assistance to the Aged and Disabled
34 recipients, who notify the division that they may be eligible for the
35 program, have their applications processed expeditiously, at times
36 and locations convenient to the recipients; and

37 (iii) The division is responsible for certifying incurred medical
38 expenses for all eligible persons who attempt to qualify for the
39 program pursuant to subparagraph (d) of paragraph (8) of this
40 subsection;

41 (9) (a) Is a child who is at least one year of age and under 19
42 years of age and, if older than six years of age but under 19 years of
43 age, is uninsured; and

44 (b) Is a member of a family whose income does not exceed
45 133% of the poverty level and who meets the federal Medicaid
46 eligibility requirements set forth in section 9401 of Pub.L.99-509
47 (42 U.S.C.s.1396a);

1 (10) Is a pregnant woman who is determined by a provider to be
2 presumptively eligible for medical assistance based on criteria
3 established by the commissioner, pursuant to section 9407 of
4 Pub.L.99-509 (42 U.S.C.s.1396a(a));

5 (11) Is an individual 65 years of age and older, or an individual
6 who is blind or disabled pursuant to section 301 of Pub.L.92-603
7 (42 U.S.C.s.1382c), whose income does not exceed 100% of the
8 poverty level, adjusted for family size, and whose resources do not
9 exceed 100% of the resource standard used to determine medically
10 needy eligibility pursuant to paragraph (8) of this subsection;

11 (12) Is a qualified disabled and working individual pursuant to
12 section 6408 of Pub.L.101-239 (42 U.S.C.s.1396d) whose income
13 does not exceed 200% of the poverty level and whose resources do
14 not exceed 200% of the resource standard used to determine
15 eligibility under the Supplemental Security Income Program,
16 P.L.1973, c.256 (C.44:7-85 et seq.);

17 (13) Is a pregnant woman or is a child who is under one year of
18 age and is a member of a family whose income does not exceed
19 185% of the poverty level and who meets the federal Medicaid
20 eligibility requirements set forth in section 9401 of Pub.L.99-509
21 (42 U.S.C.s.1396a), except that a pregnant woman who is
22 determined to be a qualified applicant shall, notwithstanding any
23 change in the income of the family of which she is a member,
24 continue to be deemed a qualified applicant until the end of the 60-
25 day period beginning on the last day of her pregnancy;

26 (14) (Deleted by amendment, P.L.1997, c.272).

27 (15) (a) Is a specified low-income Medicare beneficiary pursuant
28 to 42 U.S.C.s.1396a(a)10(E)iii whose resources beginning January
29 1, 1993 do not exceed 200% of the resource standard used to
30 determine eligibility under the Supplemental Security Income
31 program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income
32 beginning January 1, 1993 does not exceed 110% of the poverty
33 level, and beginning January 1, 1995 does not exceed 120% of the
34 poverty level.

35 (b) An individual who has, within 36 months, or within 60
36 months in the case of funds transferred into a trust, of applying to
37 be a qualified applicant for Medicaid services in a nursing facility
38 or a medical institution, or for home or community-based services
39 under section 1915(c) of the federal Social Security Act (42
40 U.S.C.s.1396n(c)), disposed of resources or income for less than
41 fair market value shall be ineligible for assistance for nursing
42 facility services, an equivalent level of services in a medical
43 institution, or home or community-based services under section
44 1915(c) of the federal Social Security Act (42 U.S.C.s.1396n(c)).
45 The period of the ineligibility shall be the number of months
46 resulting from dividing the uncompensated value of the transferred
47 resources or income by the average monthly private payment rate
48 for nursing facility services in the State as determined annually by

1 the commissioner. In the case of multiple resource or income
2 transfers, the resulting penalty periods shall be imposed
3 sequentially. Application of this requirement shall be governed by
4 42 U.S.C.s.1396p(c). In accordance with federal law, this provision
5 is effective for all transfers of resources or income made on or after
6 August 11, 1993. Notwithstanding the provisions of this subsection
7 to the contrary, the State eligibility requirements concerning
8 resource or income transfers shall not be more restrictive than those
9 enacted pursuant to 42 U.S.C.s.1396p(c).

10 (c) An individual seeking nursing facility services or home or
11 community-based services and who has a community spouse shall
12 be required to expend those resources which are not protected for
13 the needs of the community spouse in accordance with section
14 1924(c) of the federal Social Security Act (42 U.S.C.s.1396r-5(c))
15 on the costs of long-term care, burial arrangements, and any other
16 expense deemed appropriate and authorized by the commissioner.
17 An individual shall be ineligible for Medicaid services in a nursing
18 facility or for home or community-based services under section
19 1915(c) of the federal Social Security Act (42 U.S.C.s.1396n(c)) if
20 the individual expends funds in violation of this subparagraph. The
21 period of ineligibility shall be the number of months resulting from
22 dividing the uncompensated value of transferred resources and
23 income by the average monthly private payment rate for nursing
24 facility services in the State as determined by the commissioner.
25 The period of ineligibility shall begin with the month that the
26 individual would otherwise be eligible for Medicaid coverage for
27 nursing facility services or home or community-based services.

28 This subparagraph shall be operative only if all necessary
29 approvals are received from the federal government including, but
30 not limited to, approval of necessary State plan amendments and
31 approval of any waivers;

32 (16) Subject to federal approval under Title XIX of the federal
33 Social Security Act, is a dependent child, parent or specified
34 caretaker relative of a child who is a qualified applicant, who would
35 be eligible, without regard to resources, for the aid to families with
36 dependent children program under the State Plan for Title IV-A of
37 the federal Social Security Act as of July 16, 1996, except for the
38 income eligibility requirements of that program, and whose family
39 earned income,

40 (a) if a dependent child, does not exceed 133% of the poverty
41 level; and

42 (b) if a parent or specified caretaker relative, beginning
43 September 1, 2005 does not exceed 100% of the poverty level,
44 beginning September 1, 2006 does not exceed 115% of the poverty
45 level and beginning September 1, 2007 does not exceed 133% of
46 the poverty level,

1 plus such earned income disregards as shall be determined
2 according to a methodology to be established by regulation of the
3 commissioner;

4 The commissioner may increase the income eligibility limits for
5 children and parents and specified caretaker relatives, as funding
6 permits;

7 (17) Is an individual from 18 through 20 years of age who is not
8 a dependent child and would be eligible for medical assistance
9 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to
10 income or resources, who, on the individual's 18th birthday was in
11 resource family care under the care and custody of the Division of
12 Youth and Family Services in the Department of Children and
13 Families and whose maintenance was being paid in whole or in part
14 from public funds;

15 (18) Is a person between the ages of 16 and 65 who is
16 permanently disabled and working, and:

17 (a) whose income is at or below 250% of the poverty level, plus
18 other established disregards;

19 (b) who pays the premium contribution and other cost sharing as
20 established by the commissioner, subject to the limits and
21 conditions of federal law; and

22 (c) whose assets, resources and unearned income do not exceed
23 limitations as established by the commissioner;

24 (19) Is an uninsured individual under 65 years of age who:

25 (a) has been screened for breast or cervical cancer under the
26 federal Centers for Disease Control and Prevention breast and
27 cervical cancer early detection program;

28 (b) requires treatment for breast or cervical cancer based upon
29 criteria established by the commissioner;

30 (c) has an income that does not exceed the income standard
31 established by the commissioner pursuant to federal guidelines;

32 (d) meets all other Medicaid eligibility requirements; and

33 (e) in accordance with Pub.L.106-354, is determined by a
34 qualified entity to be presumptively eligible for medical assistance
35 pursuant to 42 U.S.C.s.1396a(aa), based upon criteria established by
36 the commissioner pursuant to section 1920B of the federal Social
37 Security Act (42 U.S.C.s.1396r-1b); or

38 (20) Subject to federal approval under Title XIX of the federal
39 Social Security Act, is a single adult or couple, without dependent
40 children, whose income in 2006 does not exceed 50% of the poverty
41 level, in 2007 does not exceed 75% of the poverty level and in 2008
42 and each year thereafter does not exceed 100% of the poverty level;
43 except that a person who is a recipient of Work First New Jersey
44 general public assistance, pursuant to P.L.1947, c.156 (C.44:8-107
45 et seq.), shall not be a qualified applicant.

46 j. "Recipient" means any qualified applicant receiving benefits
47 under this act.

1 k. "Resident" means a person who is living in the State
2 voluntarily with the intention of making his home here and not for a
3 temporary purpose. Temporary absences from the State, with
4 subsequent returns to the State or intent to return when the purposes
5 of the absences have been accomplished, do not interrupt continuity
6 of residence.

7 l. "State Medicaid Commission" means the Governor, the
8 Commissioner of Human Services, the President of the Senate and
9 the Speaker of the General Assembly, hereby constituted a
10 commission to approve and direct the means and method for the
11 payment of claims pursuant to this act.

12 m. "Third party" means any person, institution, corporation,
13 insurance company, group health plan as defined in section 607(1)
14 of the federal "Employee Retirement and Income Security Act of
15 1974," 29 U.S.C.s.1167(1), service benefit plan, health maintenance
16 organization, or other prepaid health plan, or public, private or
17 governmental entity who is or may be liable in contract, tort, or
18 otherwise by law or equity to pay all or part of the medical cost of
19 injury, disease or disability of an applicant for or recipient of
20 medical assistance payable under this act.

21 n. "Governmental peer grouping system" means a separate
22 class of skilled nursing and intermediate care facilities administered
23 by the State or county governments, established for the purpose of
24 screening their reported costs and setting reimbursement rates under
25 the Medicaid program that are reasonable and adequate to meet the
26 costs that must be incurred by efficiently and economically operated
27 State or county skilled nursing and intermediate care facilities.

28 o. "Comprehensive maternity or pediatric care provider" means
29 any person or public or private health care facility that is a provider
30 and that is approved by the commissioner to provide comprehensive
31 maternity care or comprehensive pediatric care as defined in
32 subsection b. (18) and (19) of section 6 of P.L.1968, c.413
33 (C.30:4D-6).

34 p. "Poverty level" means the official poverty level based on
35 family size established and adjusted under Section 673(2) of
36 Subtitle B, the "Community Services Block Grant Act," of
37 Pub.L.97-35 (42 U.S.C.s.9902(2)).

38 q. "Eligible alien" means one of the following:

39 (1) an alien present in the United States prior to August 22,
40 1996, who is:

41 (a) a lawful permanent resident;

42 (b) a refugee pursuant to section 207 of the federal "Immigration
43 and Nationality Act" (8 U.S.C.s.1157);

44 (c) an asylee pursuant to section 208 of the federal
45 "Immigration and Nationality Act" (8 U.S.C.s.1158);

46 (d) an alien who has had deportation withheld pursuant to
47 section 243(h) of the federal "Immigration and Nationality Act" (8
48 U.S.C.s.1253 (h));

1 (e) an alien who has been granted parole for less than one year
2 by the U.S. Citizenship and Immigration Services pursuant to
3 section 212(d)(5) of the federal "Immigration and Nationality Act"
4 (8 U.S.C.s.1182(d)(5));

5 (f) an alien granted conditional entry pursuant to section
6 203(a)(7) of the federal "Immigration and Nationality Act" (8
7 U.S.C.s.1153(a)(7)) in effect prior to April 1, 1980; or

8 (g) an alien who is honorably discharged from or on active duty
9 in the United States armed forces and the alien's spouse and
10 unmarried dependent child.

11 (2) An alien who entered the United States on or after August
12 22, 1996, who is:

13 (a) an alien as described in paragraph (1)(b), (c), (d) or (g) of
14 this subsection; or

15 (b) an alien as described in paragraph (1)(a), (e) or (f) of this
16 subsection who entered the United States at least five years ago.

17 (3) A legal alien who is a victim of domestic violence in
18 accordance with criteria specified for eligibility for public benefits
19 as provided in Title V of the federal "Illegal Immigration Reform
20 and Immigrant Responsibility Act of 1996" (8 U.S.C.s.1641).

21 (cf: P.L.2005, c.169, s.17)

22

23 160. Section 10 of P.L.1985, c.307 (C.30:4G-10) is amended to
24 read as follows:

25 a. There is established in the department an Advisory Council on
26 Personal Attendant Services which consists of 19 members as
27 follows: the Commissioner of Health and Senior Services, the
28 Director of the Division of Youth and Family Services in the
29 Department of Children and Families, the Director of the Division
30 of Developmental Disabilities, and the Director of the Division of
31 Medical Assistance and Health Services **[and the Director of the**
32 **Division of Veterans' Programs and Special Services]** in the
33 Department of Human Services, the Director of the Division of
34 Veterans Services in the Department of Military and Veterans
35 Affairs, and the Director of the Division of Vocational
36 Rehabilitation Services in the Department of Labor and Workforce
37 Development, or their designees, who shall serve ex officio, and 13
38 members appointed by the commissioner who are residents of this
39 State, one of whom is a member of the New Jersey Association of
40 County Representatives of Disabled Persons, four of whom
41 represent providers of personal attendant services, five of whom
42 represent consumers of personal attendant services and three of
43 whom represent advocacy groups or agencies for the physically
44 disabled.

45 A vacancy in the membership of the council shall be filled in the
46 same manner as the original appointment.

1 The members of the council shall serve without compensation,
2 but the department shall reimburse the members for the reasonable
3 expenses incurred in the performance of their duties.

4 b. The council shall hold an organizational meeting within 30
5 days after the appointment of its members. The members of the
6 council shall elect from among them a chairman, who shall be the
7 chief executive officer of the council and the members shall elect a
8 secretary, who need not be a member of the council.

9 c. The council shall:

10 (1) Advise the commissioner on matters pertaining to personal
11 attendant services and the development of the personal attendant
12 program, upon the request of the commissioner;

13 (2) Review the rules and regulations promulgated for the
14 implementation of the personal attendant program and make
15 recommendations to the commissioner, as appropriate;

16 (3) Evaluate the effectiveness of the personal attendant program
17 in achieving the purposes of this act; and

18 (4) Assess the Statewide need for personal attendant services
19 and the projected cost for providing these services Statewide.

20 (cf: P.L.1985, c.524, s.7)

21

22 161. Section 3 of P.L.1983, c.492 (C.30:5B-3) is amended to
23 read as follows:

24 3. As used in this act:

25 a. "Child" means any person under the age of 13.

26 b. "Child care center" or "center" means any facility which is
27 maintained for the care, development or supervision of six or more
28 children who attend the facility for less than 24 hours a day. In the
29 case of a center operating in a sponsor's home, children who reside
30 in the home shall not be included when counting the number of
31 children being served. This term shall include, but shall not be
32 limited to, day care centers, drop-in centers, nighttime centers,
33 recreation centers sponsored and operated by a county or municipal
34 government recreation or park department or agency, day nurseries,
35 nursery and play schools, cooperative child centers, centers for
36 children with special needs, centers serving sick children, infant-
37 toddler programs, school age child care programs, employer
38 supported centers, centers that had been licensed by the Department
39 of Human Services prior to the enactment of the "Child Care Center
40 Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.) and
41 kindergartens that are not an integral part of a private educational
42 institution or system offering elementary education in grades
43 kindergarten through sixth, seventh or eighth. This term shall not
44 include:

45 (1) (Deleted by amendment, P.L.1992, c.95).

46 (2) A program operated by a private school which is run solely
47 for educational purposes. This exclusion shall include
48 kindergartens, prekindergarten programs or child care centers that

1 are an integral part of a private educational institution or system
2 offering elementary education in grades kindergarten through sixth,
3 seventh or eighth;

4 (3) Centers or special classes operated primarily for religious
5 instruction or for the temporary care of children while persons
6 responsible for such children are attending religious services;

7 (4) A program of specialized activity or instruction for children
8 that is not designed or intended for child care purposes, including,
9 but not limited to, Boy Scouts, Girl Scouts, 4-H clubs, and Junior
10 Achievement, and single activity programs such as athletics,
11 gymnastics, hobbies, art, music, and dance and craft instruction,
12 which are supervised by an adult, agency or institution;

13 (5) Youth camps required to be licensed under the "New Jersey
14 Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.). To
15 qualify for an exemption from licensing under this provision, a
16 program must have a valid and current license as a youth camp
17 issued by the Department of Health and Senior Services. A youth
18 camp sponsor who also operates a child care center shall secure a
19 license from the Department of **[Human Services]** Children and
20 Families for the center;

21 (6) Day training centers operated by or under contract with the
22 Division of Developmental Disabilities within the Department of
23 Human Services;

24 (7) Programs operated by the board of education of the local
25 public school district that is responsible for their implementation
26 and management;

27 (8) A program such as that located in a bowling alley, health spa
28 or other facility in which each child attends for a limited time
29 period while the parent is present and using the facility;

30 (9) A child care program operating within a geographical area,
31 enclave or facility that is owned or operated by the federal
32 government;

33 (10) A family day care home that is registered pursuant to the
34 "Family Day Care Provider Registration Act," P.L.1987, c.27
35 (C.30:5B-16 et seq.); and

36 (11) Privately operated infant and preschool programs that are
37 approved by the Department of Education to provide services
38 exclusively to local school districts for handicapped children,
39 pursuant to N.J.S.18A:46-1 et seq.

40 c. "Commissioner" means the Commissioner of **[the Department**
41 **of Human Services]** Children and Families.

42 d. "Department" means the Department of **[Human Services]**
43 Children and Families.

44 e. "Parent" means a natural or adoptive parent, guardian, or any
45 other person having responsibility for, or custody of, a child.

46 f. "Person" means any individual, corporation, company,
47 association, organization, society, firm, partnership, joint stock
48 company, the State or any political subdivision thereof.

1 g. "Sponsor" means any person owning or operating a child care
2 center.

3 (cf: P.L.1992, c.95, s.2)

4

5 162. Section 5 of P.L.1999, c.171 (C.30:5B-5.4) is amended to
6 read as follows:

7 5. The Commissioner of **【Human Services】** Children and
8 Families, pursuant to the "Administrative Procedure Act," P.L.1968,
9 c.410 (C.52:14B-1 et seq.), shall adopt regulations to provide for
10 the implementation by licensed child care centers , registered family
11 day care homes, and unified child care agencies of such procedures
12 as the commissioner deems necessary to effectuate the purposes of
13 subsection f. of section 4 of P.L.1997, c.272 (C.30:4I-4).

14 (cf: P.L.1999, c.171, s.5)

15

16 163. Section 1 of P.L.1997, c.254 (C.30:5B-6.1) is amended to
17 read as follows:

18 1. As used in this act:

19 "Department" means the Department of **【Human Services】**
20 Children and Families.

21 "Division" means the Division of Youth and Family Services in
22 the Department of **【Human Services】** Children and Families.

23 "Staff member" means any owner, sponsor, director or person
24 employed by or working at a child care center on a regularly
25 scheduled basis during the center's operating hours, including full-
26 time, part-time, voluntary, contract, consulting, and substitute staff,
27 whether compensated or not.

28 "Child care center" or "Center" means any facility which is
29 maintained for the care, development or supervision of six or more
30 children under 13 years of age who attend the facility for less than
31 24 hours a day, and which is subject to State licensure or life-safety
32 approval, pursuant to the provisions of the "Child Care Licensing
33 Act," P.L. 1983, c.492 (C.30:5B-1 to 30:5B-15) .

34 (cf: P.L.1997, c.254, s.1)

35

36 164. Section 1 of P.L.2000, c.77 (C30:5B-6.10) is amended to
37 read as follows:

38 1. As used in sections 1 through 7 and 9 through 12 of
39 P.L.2000, c.77 (C.30:5B-6.10 et seq.):

40 "Child care center" or "center" means any facility which is
41 maintained for the care, development or supervision of six or more
42 children under 13 years of age who attend the facility for less than
43 24 hours a day, and which is subject to State licensure or life-safety
44 approval pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

45 "Department" means the Department of **【Human Services】**
46 Children and Families.

1 “Division” means the Division of Youth and Family Services in
2 the Department of ~~Human Services~~ Children and Families.

3 “Staff member” means a person 18 years of age or older who
4 owns, sponsors, or directs a child care center, or who is employed
5 by or works in a child care center on a regularly scheduled basis
6 during the center's operating hours, including full-time, part-time,
7 voluntary, contract, consulting, and substitute staff, whether
8 compensated or not.

9 (cf: P.L.2000, c.77, s.1)

10

11 165. Section 14 of P.L.1983, c.492 (C.30:5B-14) is amended to
12 read as follows:

13 14. a. The Director of the Division of ~~Human Services~~ Youth and Family
14 Services Family Development in the Department of Human
15 Services, a designee of the Commissioner of Children and Families,
16 and the Director of the Division on Women in the Department of
17 Community Affairs shall establish a Child Care Advisory Council
18 which shall consist of at least 15 individuals who have experience,
19 training or other interests in child care issues. To the extent
20 possible, the directors shall designate members of existing councils
21 or task forces heretofore established on child care in New Jersey as
22 the advisory council.

23 b. The advisory council shall:

24 (1) Review rules and regulations or proposed revisions to
25 existing rules and regulations governing the licensing of child care
26 centers;

27 (2) Review proposed statutory amendments governing the
28 licensing of child care centers and make recommendations to the
29 commissioner;

30 (3) Advise the commissioner on the administration of the
31 licensing responsibilities under this act;

32 (4) Advise the Commissioners of Human Services, Children and
33 Families, and Community Affairs and other appropriate units of
34 State government on the needs, priorities, programs, and policies
35 relating to child care throughout the State;

36 (5) Study and recommend alternative resources for child care;
37 and

38 (6) Facilitate employer supported child care through information
39 and technical assistance.

40 c. The advisory council may accept from any governmental
41 department or agency, public or private body or any other source
42 grants or contributions to be used in carrying out its responsibilities
43 under this act.

44 (cf: P.L.1992, c.95, s.4)

45

46 166. Section 3 of P.L.1987, c.27 (C.30:5B-18) is amended to
47 read as follows:

48 3. As used in this act:

1 a. "Certificate of registration" means a certificate issued by the
2 department to a family day care provider, acknowledging that the
3 provider is registered pursuant to the provisions of this act.

4 b. "Department" means the Department of **【Human Services】**
5 Children and Families.

6 c. "Family day care home" means a private residence in which
7 child care services are provided for a fee to no less than three and
8 no more than five children at any one time for no less than 15 hours
9 per week; except that the department shall not exclude a family day
10 care home with less than three children from voluntary registration.

11 A child being cared for under the following circumstances is not
12 included in the total number of children receiving child care
13 services:

14 (1) The child being cared for is legally related to the provider;
15 or

16 (2) Care is being provided as part of an employment agreement
17 between the family day care provider and an assistant or substitute
18 provider where no payment for the care is being provided.

19 d. "Family day care provider" means a person at least 18 years
20 of age who is responsible for the operation and management of a
21 family day care home.

22 e. "Family day care sponsoring organization" means an agency
23 or organization which contracts with the department to assist in the
24 registration of family day care providers in a specific geographical
25 area.

26 f. "Monitor" means to visit a family day care provider to
27 review the provider's compliance with the standards established
28 pursuant to this act.

29 (cf; P.L.2004, c.130, s.103)

30

31 167. Section 10 of P.L.1987, c.27 (C.30:5B-25) is amended to
32 read as follows:

33 The Commissioner of **【Human Services】** Children and Families
34 shall, pursuant to the "Administrative Procedure Act," P.L. 1968, c.
35 410 (C. 52:14B-1 et seq.), adopt regulations necessary to implement
36 the provisions of this act.

37 (cf: P.L.1987, c.27, s.10)

38

39 168. Section 2 of P.L.1993, c.350 (C.30:5B-25.2) is amended to
40 read as follows:

41 2. As used in sections 1 through 4 of P.L.1993, c.350
42 (C.30:5B-25.1 through C.30:5B-25.4):

43 "Child abuse registry" means the child abuse registry of the
44 Division of Youth and Family Services in the Department of
45 **【Human Services】** Children and Families established pursuant to
46 section 4 of P.L.1971, c.437 (C.9:6-8.11).

47 "Provider" means a family day care provider as defined by
48 section 3 of P.L.1987, c.27 (C.30:5B-18) and includes, but is not

1 limited to, a family day care provider's assistant and a substitute
2 family day care provider.

3 “Family day care sponsoring organization” means an agency or
4 organization which contracts with the Department of Human
5 Services to assist in the registration of family day care providers in
6 a specific geographic area pursuant to P.L.1987, c.27 (C.30:5B-16
7 et seq.).

8 “Household member” means an individual over 14 years of age
9 who resides in a family day care provider's home.
10 (cf: P.L.2004, c.130, s.107)

11

12 169. Section 3 of P.L.1993, c.350 (C.30:5B-25.3) is amended to
13 read as follows:

14 3. a. The Division of Youth and Family Services in the
15 Department of **【Human Services】** Children and Families shall
16 conduct a search of its child abuse registry to determine if a report
17 of child abuse or neglect has been filed, pursuant to section 3 of
18 P.L.1971, c.437 (C.9:6-8.10), involving a person registering as a
19 prospective provider or a household member of the prospective
20 provider or as a current provider or household member of the
21 current provider.

22 b. The division shall conduct the search only upon receipt of
23 the prospective or current provider or household member's written
24 consent to the search. If the person refuses to provide his consent,
25 the family day care sponsoring organization shall deny the
26 prospective or current provider's application for a certificate or
27 renewal of registration.

28 c. The division shall advise the sponsoring organization of the
29 results of the child abuse registry search within a time period to be
30 determined by the Department of **【Human Services】** Children and
31 Families.

32 d. The department shall not issue a certificate or renewal of
33 registration to a prospective or current provider unless the
34 department has first determined that no substantiated charge of
35 child abuse or neglect against the prospective or current provider or
36 household member is found during the child abuse registry search.

37 (cf: P.L.2004, c.130, s.108)

38

39 170. Section 4 of P.L.1993, c.350 (C.30:5B-25.4) is amended to
40 read as follows:

41 4. In accordance with the “Administrative Procedure Act,”
42 P.L.1968, c.410 (C.52:14B-1 et seq.), the Department of **【Human**
43 **Services】** Children and Families shall adopt rules and regulations
44 necessary to implement the provisions of sections 1 through 4 of
45 P.L.1993, c.350 (C.30:5B-25.1 through C.30:5B-25.4) including,
46 but not limited to:

47 a. Implementation of an appeals process to be used in the case
48 of the denial of an application for a certificate or for renewal of

1 registration based upon information obtained during a child abuse
2 registry search; and

3 b. Establishment of time limits for conducting a child abuse
4 registry search and providing a family day care sponsoring
5 organization with the results of the search.

6 (cf: P.L.2004, c.130, s.109)

7

8 171. Section 2 of P.L.2003, c.185 (C.30:5B-32) is amended to
9 read as follows:

10 2. a. A unified child care agency contracted with the Department
11 of Human Services pursuant to N.J.A.C.10:15-2.1, shall request that
12 the Division of Youth and Family Services in the Department of
13 **【Human Services】** Children and Families conduct a child abuse
14 record information check of the division's child abuse records, as
15 promptly as possible, to determine if an incident of child abuse or
16 neglect has been substantiated, pursuant to section 4 of P.L.1971,
17 c.437 (C.9:6-8.11), against:

18 (1) a. prospective approved home provider as defined in
19 N.J.A.C.10:15-1.2 providing child care services under the “New
20 Jersey Cares for Kids Program” established pursuant to
21 N.J.A.C.10:15-5.1, or to a child whose parent is receiving
22 assistance under the Work First New Jersey program established
23 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) or is employed but
24 continues to receive supportive services pursuant to the provisions
25 of section 5 of P.L.1997, c.13 (C.44:10-38); or

26 (2) any adult member of the prospective provider's household.

27 b. The division shall conduct the child abuse record
28 information check only upon receipt of the prospective approved
29 home provider's or any adult household member's written consent to
30 the check. If the person refuses to provide his consent, the unified
31 child care agency shall deny the prospective approved home
32 provider's application to provide child care services.

33 c. If the division determines that an incident of child abuse or
34 neglect by the prospective approved home provider or any adult
35 member of the household has been substantiated, the division shall
36 release the results of the child abuse record information check to the
37 unified child care agency pursuant to subsection g. of section 1 of
38 P.L.1977, c.102 (C.9:6-8.10a) and the agency shall deny the
39 prospective approved home provider's application to provide child
40 care services.

41 d. Before denying the prospective approved home provider's
42 application to provide child care services, the unified child care
43 agency shall give notice personally or by certified or registered mail
44 to the last known address of the prospective approved home
45 provider with return receipt requested, of the reasons why the
46 application will be denied. The notice shall afford the prospective
47 approved home provider the opportunity to be heard and to contest
48 the agency's action. The hearing shall be conducted in accordance

1 with the “Administrative Procedure Act,” P.L.1968, c.410
2 (C.52:14B-1 et seq.).

3 e. If a prospective approved home provider's application to
4 provide child care services is denied, the unified child care agency
5 shall notify the parent of the child who would be eligible to receive
6 such services, personally and in writing, of the reasons why the
7 application was denied and the parent's right to select another
8 provider. The parent shall keep such information confidential and
9 shall not disclose the information except as authorized by law.
10 (cf: P.L.2003, c.185, s.2)

11

12 172. Section 2 of P.L.1995, c.321 (C.30:9A-19) is amended to
13 read as follows:

14 2. a. A person shall not conduct, maintain or operate a mental
15 health program unless: (1) the commissioner or the Commissioner
16 of Children and Families, as applicable, has issued a license to that
17 person, in accordance with rules and regulations adopted by the
18 commissioner or the Commissioner of Children and Families, as
19 applicable, which prescribe standards for the provision of services
20 by a mental health program; and (2) that person has a purchase of
21 service contract or an affiliation agreement with the Division of
22 Mental Health Services in the Department of Human Services or the
23 Department of Children and Families, including, but not limited to,
24 the Division of Child Behavioral Health Services, as applicable.

25 b. Application for a license to conduct, maintain or operate a
26 mental health program shall be made upon forms prescribed by the
27 commissioner or the Commissioner of Children and Families, as
28 applicable. The commissioner or the Commissioner of Children
29 and Families, as applicable, shall charge such nonrefundable fees
30 for the filing of an application for a license, and for any renewal
31 thereof, as the commissioner or the Commissioner of Children and
32 Families, as applicable, shall from time to time fix by regulation.
33 (cf: P.L.2003, c.117, s.37)

34

35 173. Section 3 of P.L.1995, c.321 (C.30:9A-20) is amended to
36 read as follows:

37 3. Nothing in this act shall be construed to:

38 a. limit the authority of the Department of Health and Senior
39 Services with respect to the licensure of a health care facility
40 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), regardless of
41 whether the facility operates a separate psychiatric unit or service,
42 or limit the authority of the Department of Human Services with
43 respect to the licensure of an alcohol treatment facility pursuant to
44 P.L.1975, c.305 (C.26:2B-7 et seq.), or the issuance of a certificate
45 of approval to a narcotic and drug abuse treatment center pursuant
46 to P.L.1970, c.334 (C.26:2G-21 et seq.);

1 b. require the licensure of any facility or center referenced in
2 subsection a. of this section by the Department of Human Services;
3 or

4 c. require licensure of a mental health agency which does not
5 provide a mental health program that is subject to regulations
6 adopted by the commissioner or the Commissioner of Children and
7 Families, as applicable.

8 (cf: P.L.1995, c.321, s.3)

9

10 174. Section 4 of P.L.1995, c.321 (C.30:9A-21) is amended to
11 read as follows:

12 4. The commissioner or the Commissioner of Children and
13 Families, as applicable, pursuant to the "Administrative Procedure
14 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
15 regulations to effectuate the purposes of this act.

16 (cf: P.L.1995, c.321, s.4)

17

18 175. Section 4 of P.L.2003, c.214 (C.30:9A-25) is amended to
19 read as follows:

20 4. There is established in the Department of **[Human Services]**
21 Children and Families the New Jersey Youth Suicide Prevention
22 Advisory Council.

23 a. The purpose of the council shall be to: examine existing
24 needs and services and make recommendations to the division for
25 youth suicide reporting, prevention and intervention; advise the
26 division on the content of informational materials to be made
27 available to persons who report attempted or completed suicides;
28 and advise the division in the development of regulations required
29 pursuant to this act.

30 b. The council shall consist of **[17]** 18 members as follows:

31 (1) the Commissioners of Human Services, Children and
32 Families, Health and Senior Services, and Education, the executive
33 director of the Juvenile Justice Commission established pursuant to
34 P.L.1995, c.284 (C.52:17B-169 et seq.) and the chairman of the
35 Community Mental Health Citizens Advisory Board established
36 pursuant to P.L.1957, c.146 (C.30:9A-1 et seq.), or their designees,
37 who shall serve ex officio;

38 (2) six public members appointed by the Governor, as follows:
39 one person who is a current member of a county mental health
40 advisory board, one person with personal or family experience with
41 suicide, one person who is a current or retired primary or secondary
42 school teacher, one person who is a current or former member of a
43 local board of education, one psychiatrist and one person with
44 professional experience in the collection and reporting of social
45 science data;

46 (3) three public members appointed by the President of the
47 Senate, no more than two of whom are members of the same
48 political party, one of whom has volunteer or paid experience in the

1 provision of services to survivors of suicide or youth at risk of
2 attempting suicide, one of whom is an alcohol and drug counselor,
3 and one of whom is a representative of the New Jersey Traumatic
4 Loss Coalition; and

5 (4) three public members appointed by the Speaker of the
6 General Assembly, no more than two of whom are members of the
7 same political party, one of whom has knowledge of and interest in
8 the prevention of youth suicide and the provision of education about
9 suicide to high-risk populations, including religious, racial, ethnic
10 or sexual minorities, one of whom is a pediatrician, and one of
11 whom is a school-based counselor.

12 c. The public members shall be appointed no later than 60 days
13 after the date of enactment of this act.

14 d. The public members shall serve for a term of five years; but,
15 of the members first appointed, three shall serve for a term of two
16 years, three for a term of three years, three for a term of four years
17 and three for a term of five years. Members are eligible for
18 reappointment upon the expiration of their terms. Vacancies in the
19 membership of the council shall be filled in the same manner
20 provided for the original appointments.

21 e. The council shall organize as soon as practicable following
22 the appointment of its members and shall select a chairperson and
23 vice-chairperson from among the members. The chairperson shall
24 appoint a secretary who need not be a member of the council.

25 f. The public members shall serve without compensation, but
26 shall be reimbursed for necessary expenses incurred in the
27 performance of their duties and within the limits of funds available
28 to the council.

29 g. The council shall be entitled to call to its assistance and avail
30 itself of the services of the employees of any State, county or
31 municipal department, board, bureau, commission or agency as it
32 may require and as may be available to it for its purposes.

33 h. The Department of **Human Services** Children and
34 Families shall provide staff support to the council.

35 (cf: P.L.2003, c.214, s.4)

36

37 176. Section 1 of P.L.1977, c.448, (C.30:11B-1) is amended to
38 read as follows:

39 1. The Legislature finds that many developmentally disabled
40 persons who are now housed in large institutions can be better cared
41 for and given training for independent living in small community
42 residences. Such persons have a right to the fuller, more normal life
43 that care in such residences brings, and it is, therefore, the intention
44 of the Legislature, through this act, to encourage the development
45 of community residences for the developmentally disabled and to
46 provide for the licensing and regulation of such residences by the
47 Department of Human Services.

1 The Legislature further finds that there are many persons who
2 have been hospitalized due to mental illness and are recovered to
3 the extent that they no longer require such hospitalization, but
4 would benefit from the specialized independent-living training
5 available to residents of small community residences for the
6 mentally ill. These community residences for the mentally ill may
7 also be utilized by persons who have not been hospitalized for
8 mental illness but who are participating in community mental health
9 counseling or training programs provided by a State-affiliated
10 community mental health agency. These persons have a right to the
11 fuller, more normal life that care in community residences brings,
12 and it is, therefore, the intention of the Legislature through this act,
13 to encourage the development of community residences for the
14 mentally ill and to provide for the licensing and regulation of the
15 residences by the Department of Human Services or the Department
16 of Children and Families, as applicable.

17 In addition, the Legislature finds that many persons who have
18 sustained head injuries which impair their cognitive, behavioral,
19 social or physical functioning, and who are now housed in large
20 institutions can be better cared for and given training for
21 independent living in small community residences. These persons
22 have a right to the fuller, more normal life that care in these
23 residences brings, and it is, therefore, the intention of the
24 Legislature, through this act, to encourage the development of
25 community residences for persons with head injuries and to provide
26 for the licensing and regulation of these residences by the
27 Department of Human Services.

28 (cf: P.L.1993, c.329, s.1)

29

30 177. Section 2 of P.L.1977, c.448, (C.30:11B-2) is amended to
31 read as follows:

32 2. "Community residence for the developmentally disabled"
33 means any community residential facility housing up to 16
34 developmentally disabled persons which provides food, shelter and
35 personal guidance for developmentally disabled persons who
36 require assistance, temporarily or permanently, in order to live
37 independently in the community. Such residences shall not be
38 considered health care facilities within the meaning of the "Health
39 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)
40 and shall include, but not be limited to, group homes, halfway
41 houses, supervised apartment living arrangements and hostels.

42 "Community residence for the mentally ill" means any
43 community residential facility which provides food, shelter and
44 personal guidance, under such supervision as required, to not more
45 than 15 mentally ill persons who require assistance temporarily or
46 permanently, in order to live independently in the community.
47 These residences shall be approved for a purchase of service
48 contract or an affiliation agreement pursuant to procedures

1 established by the Division of Mental Health Services in the
2 Department of Human Services or the Division of Child Behavioral
3 Health Services in the Department of Children and Families, as
4 applicable. These residences shall not house persons who have been
5 assigned to a State psychiatric hospital after having been found not
6 guilty of a criminal offense by reason of insanity or unfit to be tried
7 on a criminal charge. These residences shall not be considered
8 health care facilities within the meaning of the "Health Care
9 Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) and
10 shall include, but not be limited to, group homes, halfway houses,
11 supervised apartment living arrangements, family care homes and
12 hostels.

13 "Community residence for persons with head injuries" means a
14 community residential facility providing food, shelter and personal
15 guidance, under such supervision as required, to not more than 15
16 persons with head injuries, who require assistance, temporarily or
17 permanently, in order to live in the community, and shall include,
18 but not be limited to: group homes, halfway houses, supervised
19 apartment living arrangements, and hostels. Such a residence shall
20 not be considered a health care facility within the meaning of the
21 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1
22 et seq.).

23 "Developmental disability" or "developmentally disabled" means
24 a severe, chronic disability of a person which: a. is attributable to a
25 mental or physical impairment or combination of mental or physical
26 impairments; b. is manifest before age 22; c. is likely to continue
27 indefinitely; d. results in substantial functional limitations in three
28 or more of the following areas of major life activity, that is, self-
29 care, receptive and expressive language, learning, mobility, self-
30 direction and capacity for independent living or economic self-
31 sufficiency; and e. reflects the need for a combination and sequence
32 of special interdisciplinary or generic care, treatment or other
33 services which are of lifelong or extended duration and are
34 individually planned and coordinated. Developmental disability
35 includes, but is not limited to, severe disabilities attributable to
36 mental retardation, autism, cerebral palsy, epilepsy, spina bifida and
37 other neurological impairments where the above criteria are met.

38 "Mentally ill" means any psychiatric disorder which has required
39 an individual to receive either inpatient psychiatric care or
40 outpatient psychiatric care on an extended basis.

41 "Person with head injury" means a person who has sustained an
42 injury, illness or traumatic changes to the skull, the brain contents
43 or its coverings which results in a temporary or permanent
44 physiobiological decrease of cognitive, behavioral, social or
45 physical functioning which causes partial or total disability.

46 (cf: P.L.1995, c.4, s.9)

1 178. Section 4 of P.L.1977, c.448, (C.30:11B-4) is amended to
2 read as follows:

3 4. All such residences which are operated by any individual or
4 individuals, corporation, partnership, society or association,
5 whether public or private, whether incorporated or unincorporated,
6 whether for profit or nonprofit, shall be licensed by the Department
7 of Human Services or Department of Children and Families, as
8 applicable, under appropriate regulations promulgated by the
9 commissioner or the Commissioner of Children and Families, as
10 applicable. Such regulations shall govern the operation and
11 maintenance of residences, and prescribe conditions for admission
12 and discharge of residents. The regulations shall assure that
13 essential life-safety, health and comfort conditions exist in a home-
14 like atmosphere.

15 (cf: P.L.1977, c.448, s.4)

16

17 179. Section 10 of P.L.1987, c.112 (C.30:11B-4.2) is amended
18 to read as follows:

19 10. a. Within six months of the effective date of this act, the
20 Director of the Division of Mental Health Services in the
21 Department of Human Services or the Division of Child Behavioral
22 Health Services in the Department of Children and Families, as
23 applicable shall develop program standards which include criteria
24 for educational and professional experience of employees of a
25 community residence for the mentally ill and staffing ratios
26 appropriate to the needs of the residents of the community
27 residences for the mentally ill.

28 b. Within six months after the effective date of P.L.1993, c.329,
29 the Commissioner of Human Services or the Commissioner of
30 Children and Families, as applicable, shall develop program
31 standards which include criteria for educational and professional
32 experience of employees of a community residence for persons with
33 head injuries and staffing ratios appropriate to the needs of the
34 residents of these community residences.

35 (cf: P.L.1995, c.4, s.10)

36

37 180. Section 5 of P.L.1977, c.448 (C.30:11B-5) is amended to
38 read as follows:

39 5. The geographic location of community residences for the
40 developmentally disabled, community residences for the mentally
41 ill and community residences for persons with head injuries shall be
42 monitored by the Department of Human Services or Department of
43 Children and Families, as applicable. Through the granting or
44 withholding of licenses, the respective department shall insure that
45 these residences are available throughout the State, without
46 unnecessary concentration in any area.

47 (cf: P.L.1993, c.329, s.5)

1 181. Section 4 of P.L.1979, c.337 (C.30:14-4) is amended to
2 read as follows:

3 4. a. There is created an Advisory Council on Domestic Violence
4 which shall consist of 20 members: the Director of the Division on
5 Women in the Department of Community Affairs, the Director of
6 the Division of Youth and Family Services in the Department of
7 Children and Families and the Director of the Division of Family
8 Development in the Department of Human Services, the Director of
9 the Administrative Office of the Courts, the Commissioner of the
10 Department of Education, the Commissioner of Labor and
11 Workforce Development, the Attorney General, or their designees,
12 and one representative of Legal Services of New Jersey, one former
13 domestic violence shelter resident, one representative of the Police
14 Chiefs Association, one representative of the County Prosecutors
15 Association, one representative of the New Jersey State Nurses
16 Association, one representative of the Mental Health Association in
17 New Jersey, one representative of the New Jersey Crime Prevention
18 Officers Association, one representative of the New Jersey Hospital
19 Association, one representative of the Violent Crimes
20 Compensation Board, and four representatives of the New Jersey
21 Coalition for Battered Women to be appointed by the Governor.

22 b. The advisory council shall:

23 (1) Monitor the effectiveness of the laws concerning domestic
24 violence and make recommendations for their improvement;

25 (2) Review proposed legislation governing domestic violence
26 and make recommendations to the Governor and the Legislature;

27 (3) Study the needs, priorities, programs, and policies relating to
28 domestic violence throughout the State; and

29 (4) Ensure that all service providers and citizens are aware of
30 the needs of and services available to victims of domestic violence
31 and make recommendations for community education and training
32 programs.

33 c. The advisory council shall periodically advise the Director
34 of the Division of Youth and Family Services in the Department of
35 **[Human Services]** Children and Families and the Director of the
36 Division on Women in the Department of Community Affairs on its
37 activities, findings and recommendations.

38 (cf: P.L.2005, c.309, s.4)

39

40 182. Section 3 of P.L.2001, c.195 (C.30:14-15) is amended to
41 read as follows:

42 3. a. There is hereby established the "Domestic Violence
43 Victims' Fund," a dedicated fund within the General Fund and
44 administered by the Division of Youth and Family Services in the
45 Department of **[Human Services]** Children and Families. The fund
46 shall be the depository of moneys realized from the civil penalty
47 imposed pursuant to section 1 of P.L.2001, c.195 (C.2C:25-29.1)
48 and any other moneys made available for the purposes of the fund.

1 b. All moneys deposited in the “Domestic Violence Victims’
2 Fund” shall be used for direct services to victims of domestic
3 violence, including, but not limited to, shelter services, legal
4 advocacy services and legal assistance services, and for related
5 administrative costs of the Division of Youth and Family Services.

6 (cf: P.L.2001, c.195, s.3)

7

8 183. Section 5 of P.L.1997, c.364 (C.34:5A-10.5) is amended to
9 read as follows:

10 5. The Department of Health and Senior Services, in
11 consultation with the Departments of Education, Human Services,
12 Children and Families and Environmental Protection, and within
13 180 days of the enactment of P.L.1997, c.364 (C.34:5A-10.1 et
14 seq.), shall adopt, pursuant to the “Administrative Procedure Act,”
15 P.L.1968, c.410 (C.52:14B-1 et seq.), regulations necessary to
16 implement the provisions of this act which are consistent with
17 federal and State indoor air quality standards and standards
18 governing the exposure of children to hazardous substances as they
19 are adopted by the federal government.

20 (cf: P.L.1997, c.364, s.5)

21

22 184. Section 3 of P.L.1999, c.279 (C.34:15F-3) is amended to
23 read as follows:

24 3. There is established in the Department of Labor and
25 Workforce Development an At-Risk Youth Mentoring Program to
26 be administered by the Commissioner of Labor and Workforce
27 Development pursuant to the provisions of this act. The
28 commissioner shall consult with the Department of Human
29 Services, the Department of Children and Families, and the
30 Department of Education and other appropriate State agencies
31 regarding the development, operation and administration of the
32 program. The commissioner shall also consult with the Community
33 Agencies Corporation of New Jersey and other public and private
34 nonprofit organizations providing youth mentoring services. The
35 program shall provide for the training of volunteer mentors through
36 local collaborative partnerships between the school district, the
37 educational foundation and other community based organizations
38 and for the assignment of mentors to at-risk students enrolled within
39 a participating school district. The program shall also provide for
40 collaboration with public and private organizations that provide
41 comprehensive health, employment, and social services to youth.
42 The purpose of the program shall be to enable at-risk students to
43 develop a relationship with a caring and responsible adult to
44 provide the personal and emotional support necessary for school
45 success and future successful functioning in society.

46 (cf: P.L.1999, c.279, s.3)

1 185. Section 53 of P.L.1975, c.291 (C.40:55D-66) is amended to
2 read as follows:

3 53. a. For purposes of this act, model homes or sales offices
4 within a subdivision and only during the period necessary for the
5 sale of new homes within such subdivision shall not be considered a
6 business use.

7 b. No zoning ordinance governing the use of land by or for
8 schools shall, by any of its provisions or by any regulation adopted
9 in accordance therewith, discriminate between public and private
10 nonprofit day schools of elementary or high school grade accredited
11 by the State Department of Education.

12 c. No zoning ordinance shall, by any of its provisions or by any
13 regulation adopted in accordance therewith, discriminate between
14 children who are members of families by reason of their
15 relationship by blood, marriage or adoption, and resource family
16 children placed with such families in a dwelling by the Division of
17 Youth and Family Services in the Department of **[Human Services]**
18 Children and Families or a duly incorporated child care agency and
19 children placed pursuant to law in single family dwellings known as
20 group homes. As used in this section, the term “group home”
21 means and includes any single family dwelling used in the
22 placement of children pursuant to law recognized as a group home
23 by the Department of **[Human Services]** Children and Families in
24 accordance with rules and regulations adopted by the Commissioner
25 of **[Human Services]** Children and Families provided, however,
26 that no group home shall contain more than 12 children.

27 (cf: P.L.2004, c.130, s.113)

28

29 186. Section 1 of P.L.1983, c.191 (C.40A:10-34.1) is amended
30 to read as follows:

31 1. Any municipality or county, or agency thereof, hereinafter
32 referred to as employers, may enter into contracts of group legal
33 insurance with any insurer authorized, pursuant to P.L.1981, c.160
34 (C.17:46C-1 et seq.), to engage in the business of legal insurance in
35 this State or may contract with a duly recognized prepaid legal
36 services plan with respect to the benefits which they are authorized
37 to provide. Such contract or contracts shall provide such coverage
38 for the employees of such employer and may include their
39 dependents. “Dependents” shall include an employee's spouse and
40 the employee's unmarried children, including stepchildren and
41 legally adopted children, and, at the option of the employer and the
42 carrier, children placed by the Division of Youth and Family
43 Services in the Department of **[Human Services]** Children and
44 Families, under the age of 19 who live with the employee in a
45 regular parent-child relationship, and may also include, at the
46 option of the employer and the carrier, other unmarried children of
47 the employee under the age of 23 who are dependent upon the
48 employee for support and maintenance. A spouse or child enlisting

1 or inducted into military service shall not be considered a dependent
2 during such military service.

3 Elected officials may be considered, at the option of the
4 employer, to be “employees” for the purposes hereof, but
5 “employees” shall not otherwise include persons employed on a
6 short-term, seasonal, intermittent or emergency basis, persons
7 compensated on a fee basis, or persons whose compensation from
8 the public employer is limited to reimbursement of necessary
9 expenses actually incurred in the discharge of their duties.

10 The contract shall include provisions to prevent duplication of
11 benefits and shall condition the eligibility of any employee for
12 coverage upon satisfying a waiting period stated in the contract.

13 The coverage of any employee, and of his dependents, if any,
14 shall cease upon the discontinuance of his employment or upon
15 cessation of active full-time employment in the classes eligible for
16 coverage, subject to such provision as may be made in any contract
17 by his employer for limited continuance of coverage during
18 disability, part-time employment, leave of absence other than leave
19 for military service or layoff, or for continuance of coverage after
20 retirement.

21 (cf: P.L.2004, c.130, s.115)

22

23 187. R.S.43:21-4 is amended to read as follows:

24 43:21-4. Benefit eligibility conditions. An unemployed
25 individual shall be eligible to receive benefits with respect to any
26 week only if:

27 (a) The individual has filed a claim at an unemployment
28 insurance claims office and thereafter continues to report at an
29 employment service office or unemployment insurance claims
30 office, as directed by the division in accordance with such
31 regulations as the division may prescribe, except that the division
32 may, by regulation, waive or alter either or both of the requirements
33 of this subsection as to individuals attached to regular jobs, and as
34 to such other types of cases or situations with respect to which the
35 division finds that compliance with such requirements would be
36 oppressive, or would be inconsistent with the purpose of this act;
37 provided that no such regulation shall conflict with subsection (a) of
38 R.S.43:21-3.

39 (b) The individual has made a claim for benefits in accordance
40 with the provisions of subsection (a) of R.S.43:21-6.

41 (c) (1) The individual is able to work, and is available for work,
42 and has demonstrated to be actively seeking work, except as
43 hereinafter provided in this subsection or in subsection (f) of this
44 section.

45 (2) The director may modify the requirement of actively seeking
46 work if such modification of this requirement is warranted by
47 economic conditions.

1 (3) No individual, who is otherwise eligible, shall be deemed
2 ineligible, or unavailable for work, because the individual is on
3 vacation, without pay, during said week, if said vacation is not the
4 result of the individual's own action as distinguished from any
5 collective action of a collective bargaining agent or other action
6 beyond the individual's control.

7 (4) (A) Subject to such limitations and conditions as the
8 division may prescribe, an individual, who is otherwise eligible,
9 shall not be deemed unavailable for work or ineligible because the
10 individual is attending a training program approved for the
11 individual by the division to enhance the individual's employment
12 opportunities or because the individual failed or refused to accept
13 work while attending such program.

14 (B) For the purpose of this paragraph (4), any training program
15 shall be regarded as approved by the division for the individual if
16 the program and the individual meet the following requirements:

17 (i) The training is for a labor demand occupation and is likely to
18 enhance the individual's marketable skills and earning power;

19 (ii) The training is provided by a competent and reliable private
20 or public entity approved by the Commissioner of Labor and
21 Workforce Development pursuant to the provisions of section 8 of
22 the "1992 New Jersey Employment and Workforce Development
23 Act," P.L.1992, c.43 (C.34:15D-8);

24 (iii) The individual can reasonably be expected to complete the
25 program, either during or after the period of benefits;

26 (iv) The training does not include on the job training or other
27 training under which the individual is paid by an employer for work
28 performed by the individual during the time that the individual
29 receives benefits; and

30 (v) The individual enrolls in vocational training, remedial
31 education or a combination of both on a full-time basis.

32 (C) If the requirements of subparagraph (B) of this paragraph (4)
33 are met, the division shall not withhold approval of the training
34 program for the individual for any of the following reasons:

35 (i) The training includes remedial basic skills education
36 necessary for the individual to successfully complete the vocational
37 component of the training;

38 (ii) The training is provided in connection with a program under
39 which the individual may obtain a college degree, including a post-
40 graduate degree;

41 (iii) The length of the training period under the program; or

42 (iv) The lack of a prior guarantee of employment upon
43 completion of the training.

44 (D) For the purpose of this paragraph (4), "labor demand
45 occupation" means an occupation for which there is or is likely to
46 be an excess of demand over supply for adequately trained workers,
47 including, but not limited to, an occupation designated as a labor
48 demand occupation by the New Jersey Occupational Information

1 Coordinating Committee pursuant to the provisions of subsection h.
2 of section 1 of P.L.1987, c.457 (C.34:1A-76) or section 12 of
3 P.L.1992, c.43 (C.34:1A-78).

4 (5) An unemployed individual, who is otherwise eligible, shall
5 not be deemed unavailable for work or ineligible solely by reason of
6 the individual's attendance before a court in response to a summons
7 for service on a jury.

8 (6) An unemployed individual, who is otherwise eligible, shall
9 not be deemed unavailable for work or ineligible solely by reason of
10 the individual's attendance at the funeral of an immediate family
11 member, provided that the duration of the attendance does not
12 extend beyond a two-day period.

13 For purposes of this paragraph, "immediate family member"
14 includes any of the following individuals: father, mother, mother-
15 in-law, father-in-law, grandmother, grandfather, grandchild, spouse,
16 child, child placed by the Division of Youth and Family Services in
17 the Department of **[Human Services]** Children and Families, sister
18 or brother of the unemployed individual and any relatives of the
19 unemployed individual residing in the unemployed individual's
20 household.

21 (7) No individual, who is otherwise eligible, shall be deemed
22 ineligible or unavailable for work with respect to any week because,
23 during that week, the individual fails or refuses to accept work
24 while the individual is participating on a full-time basis in self-
25 employment assistance activities authorized by the division,
26 whether or not the individual is receiving a self-employment
27 allowance during that week.

28 (8) Any individual who is determined to be likely to exhaust
29 regular benefits and need reemployment services based on
30 information obtained by the worker profiling system shall not be
31 eligible to receive benefits if the individual fails to participate in
32 available reemployment services to which the individual is referred
33 by the division or in similar services, unless the division determines
34 that:

35 (A) The individual has completed the reemployment services; or

36 (B) There is justifiable cause for the failure to participate, which
37 shall include participation in employment and training, self-
38 employment assistance activities or other activities authorized by
39 the division to assist reemployment or enhance the marketable skills
40 and earning power of the individual and which shall include any
41 other circumstance indicated pursuant to this section in which an
42 individual is not required to be available for and actively seeking
43 work to receive benefits.

44 (9) An unemployed individual, who is otherwise eligible, shall
45 not be deemed unavailable for work or ineligible solely by reason of
46 the individual's work as a board worker for a county board of
47 elections on an election day.

1 (d) With respect to any benefit year commencing before January
2 1, 2002, the individual has been totally or partially unemployed for
3 a waiting period of one week in the benefit year which includes that
4 week. When benefits become payable with respect to the third
5 consecutive week next following the waiting period, the individual
6 shall be eligible to receive benefits as appropriate with respect to
7 the waiting period. No week shall be counted as a week of
8 unemployment for the purposes of this subsection:

9 (1) If benefits have been paid, or are payable with respect
10 thereto; provided that the requirements of this paragraph shall be
11 waived with respect to any benefits paid or payable for a waiting
12 period as provided in this subsection;

13 (2) If it has constituted a waiting period week under the
14 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
15 et seq.);

16 (3) Unless the individual fulfills the requirements of subsections
17 (a) and of this section;

18 (4) If with respect thereto, claimant was disqualified for benefits
19 in accordance with the provisions of subsection (d) of R.S.43:21-5.

20 The waiting period provided by this subsection shall not apply to
21 benefit years commencing on or after January 1, 2002. An
22 individual whose total benefit amount was reduced by the
23 application of the waiting period to a claim which occurred on or
24 after January 1, 2002 and before the effective date of P.L.2002,
25 c.13, shall be permitted to file a claim for the additional benefits
26 attributable to the waiting period in the form and manner prescribed
27 by the division, but not later than the 180th day following the
28 effective date of P.L.2002, c.13 unless the division determines that
29 there is good cause for a later filing.

30 (e) (1) (Deleted by amendment, P.L.2001, c.17).

31 (2) With respect to benefit years commencing on or after
32 January 1, 1996 and before January 7, 2001, except as otherwise
33 provided in paragraph (3) of this subsection, the individual has,
34 during his base year as defined in subsection of R.S.43:21-19:

35 (A) Established at least 20 base weeks as defined in paragraph
36 (2) of subsection (t) of R.S.43:21-19; or

37 (B) If the individual has not met the requirements of
38 subparagraph (A) of this paragraph (2), earned remuneration not
39 less than an amount 12 times the Statewide average weekly
40 remuneration paid to workers, as determined under R.S.43:21-3(c),
41 which amount shall be adjusted to the next higher multiple of \$100
42 if not already a multiple thereof; or

43 If the individual has not met the requirements of subparagraph
44 (A) or (B) of this paragraph (2), earned remuneration not less than
45 an amount 1,000 times the minimum wage in effect pursuant to
46 section 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the
47 calendar year preceding the calendar year in which the benefit year

1 commences, which amount shall be adjusted to the next higher
2 multiple of \$100 if not already a multiple thereof.

3 (3) With respect to benefit years commencing before January 7,
4 2001, notwithstanding the provisions of paragraph (2) of this
5 subsection, an unemployed individual claiming benefits on the basis
6 of service performed in the production and harvesting of
7 agricultural crops shall, subject to the limitations of subsection (i)
8 of R.S.43:21-19, be eligible to receive benefits if during his base
9 year, as defined in subsection of R.S.43:21-19, the individual:

10 (A) Has established at least 20 base weeks as defined in
11 paragraph (2) of subsection (t) of R.S.43:21-19; or

12 (B) Has earned 12 times the Statewide average weekly
13 remuneration paid to workers, as determined under R.S.43:21-3(c),
14 raised to the next higher multiple of \$100.00 if not already a
15 multiple thereof, or more; or

16 (C) Has performed at least 770 hours of service in the
17 production and harvesting of agricultural crops.

18 (4) With respect to benefit years commencing on or after
19 January 7, 2001, except as otherwise provided in paragraph (5) of
20 this subsection, the individual has, during his base year as defined
21 in subsection of R.S.43:21-19:

22 (A) Established at least 20 base weeks as defined in paragraphs
23 (2) and (3) of subsection (t) of R.S.43:21-19; or

24 (B) If the individual has not met the requirements of
25 subparagraph (A) of this paragraph (4), earned remuneration not
26 less than an amount 1,000 times the minimum wage in effect
27 pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October
28 1 of the calendar year preceding the calendar year in which the
29 benefit year commences, which amount shall be adjusted to the next
30 higher multiple of \$100 if not already a multiple thereof.

31 (5) With respect to benefit years commencing on or after
32 January 7, 2001, notwithstanding the provisions of paragraph (4) of
33 this subsection, an unemployed individual claiming benefits on the
34 basis of service performed in the production and harvesting of
35 agricultural crops shall, subject to the limitations of subsection (i)
36 of R.S.43:21-19, be eligible to receive benefits if during his base
37 year, as defined in subsection of R.S.43:21-19, the individual:

38 (A) Has established at least 20 base weeks as defined in
39 paragraphs (2) and (3) of subsection (t) of R.S.43:21-19; or

40 (B) Has earned remuneration not less than an amount 1,000
41 times the minimum wage in effect pursuant to section 5 of
42 P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year
43 preceding the calendar year in which the benefit year commences,
44 which amount shall be adjusted to the next higher multiple of \$100
45 if not already a multiple thereof; or

46 (C) Has performed at least 770 hours of service in the
47 production and harvesting of agricultural crops.

1 (6) The individual applying for benefits in any successive
2 benefit year has earned at least six times his previous weekly
3 benefit amount and has had four weeks of employment since the
4 beginning of the immediately preceding benefit year. This
5 provision shall be in addition to the earnings requirements specified
6 in paragraph (2), (3), (4) or (5) of this subsection, as applicable.

7 (f) (1) The individual has suffered any accident or sickness not
8 compensable under the workers' compensation law, R.S.34:15-1 et
9 seq. and resulting in the individual's total disability to perform any
10 work for remuneration, and would be eligible to receive benefits
11 under this chapter (R.S.43:21-1 et seq.) (without regard to the
12 maximum amount of benefits payable during any benefit year)
13 except for the inability to work and has furnished notice and proof
14 of claim to the division, in accordance with its rules and
15 regulations, and payment is not precluded by the provisions of
16 R.S.43:21-3(d); provided, however, that benefits paid under this
17 subsection (f) shall be computed on the basis of only those base
18 year wages earned by the claimant as a "covered individual," as
19 defined in R.S.43:21-27(b); provided further that no benefits shall
20 be payable under this subsection to any individual:

21 (A) For any period during which such individual is not under the
22 care of a legally licensed physician, dentist, optometrist, podiatrist,
23 practicing psychologist or chiropractor;

24 (B) (Deleted by amendment, P.L.1980, c.90.)

25 (C) For any period of disability due to willfully or intentionally
26 self-inflicted injury, or to injuries sustained in the perpetration by
27 the individual of a crime of the first, second or third degree;

28 (D) For any week with respect to which or a part of which the
29 individual has received or is seeking benefits under any
30 unemployment compensation or disability benefits law of any other
31 state or of the United States; provided that if the appropriate agency
32 of such other state or the United States finally determines that the
33 individual is not entitled to such benefits, this disqualification shall
34 not apply;

35 (E) For any week with respect to which or part of which the
36 individual has received or is seeking disability benefits under the
37 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
38 et seq.);

39 (F) For any period of disability commencing while such
40 individual is a "covered individual," as defined in subsection (b) of
41 section 3 of the "Temporary Disability Benefits Law," P.L.1948,
42 c.110 (C.43:21-27).

43 (2) Benefit payments under this subsection (f) shall be charged
44 to and paid from the State disability benefits fund established by the
45 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
46 et seq.), and shall not be charged to any employer account in
47 computing any employer's experience rate for contributions payable
48 under this chapter.

1 (g) Benefits based on service in employment defined in
2 subparagraphs (B) and of R.S.43:21-19 (i)(1) shall be payable in the
3 same amount and on the terms and subject to the same conditions as
4 benefits payable on the basis of other service subject to the
5 “unemployment compensation law”; except that, notwithstanding
6 any other provisions of the “unemployment compensation law”:

7 (1) With respect to service performed after December 31, 1977,
8 in an instructional research, or principal administrative capacity for
9 an educational institution, benefits shall not be paid based on such
10 services for any week of unemployment commencing during the
11 period between two successive academic years, or during a similar
12 period between two regular terms, whether or not successive, or
13 during a period of paid sabbatical leave provided for in the
14 individual’s contract, to any individual if such individual performs
15 such services in the first of such academic years (or terms) and if
16 there is a contract or a reasonable assurance that such individual
17 will perform services in any such capacity for any educational
18 institution in the second of such academic years or terms;

19 (2) With respect to weeks of unemployment beginning after
20 September 3, 1982, on the basis of service performed in any other
21 capacity for an educational institution, benefits shall not be paid on
22 the basis of such services to any individual for any week which
23 commences during a period between two successive academic years
24 or terms if such individual performs such services in the first of
25 such academic years or terms and there is a reasonable assurance
26 that such individual will perform such services in the second of
27 such academic years or terms, except that if benefits are denied to
28 any individual under this paragraph (2) and the individual was not
29 offered an opportunity to perform these services for the educational
30 institution for the second of any academic years or terms, the
31 individual shall be entitled to a retroactive payment of benefits for
32 each week for which the individual filed a timely claim for benefits
33 and for which benefits were denied solely by reason of this clause;

34 (3) With respect to those services described in paragraphs (1)
35 and (2) above, benefits shall not be paid on the basis of such
36 services to any individual for any week which commences during
37 an established and customary vacation period or holiday recess if
38 such individual performs such services in the period immediately
39 before such vacation period or holiday recess, and there is a
40 reasonable assurance that such individual will perform such
41 services in the period immediately following such period or holiday
42 recess;

43 (4) With respect to any services described in paragraphs (1) and
44 (2) above, benefits shall not be paid as specified in paragraphs (1),
45 (2), and (3) above to any individual who performed those services
46 in an educational institution while in the employ of an educational
47 service agency, and for this purpose the term “educational service
48 agency” means a governmental agency or governmental entity

1 which is established and operated exclusively for the purpose of
2 providing those services to one or more educational institutions.

3 (h) Benefits shall not be paid to any individual on the basis of
4 any services, substantially all of which consist of participating in
5 sports or athletic events or training or preparing to so participate,
6 for any week which commences during the period between two
7 successive sports seasons (or similar periods) if such individual
8 performed such services in the first of such seasons (or similar
9 periods) and there is a reasonable assurance that such individual
10 will perform such services in the later of such seasons (or similar
11 periods).

12 (i) (1) Benefits shall not be paid on the basis of services
13 performed by an alien unless such alien is an individual who was
14 lawfully admitted for permanent residence at the time the services
15 were performed and was lawfully present for the purpose of
16 performing the services or otherwise was permanently residing in
17 the United States under color of law at the time the services were
18 performed (including an alien who is lawfully present in the United
19 States as a result of the application of the provisions of section
20 212(d)(5) (8 U.S.C.s.1182 (d)(5)) of the Immigration and
21 Nationality Act (8 U.S.C.s.1101 et seq.)); provided that any
22 modifications of the provisions of section 3304(a)(14) of the
23 Federal Unemployment Tax Act (26 U.S.C.s.3304 (a)(14)), as
24 provided by Pub.L.94-566, which specify other conditions or other
25 effective dates than stated herein for the denial of benefits based on
26 services performed by aliens and which modifications are required
27 to be implemented under State law as a condition for full tax credit
28 against the tax imposed by the Federal Unemployment Tax Act,
29 shall be deemed applicable under the provisions of this section.

30 (2) Any data or information required of individuals applying for
31 benefits to determine whether benefits are not payable to them
32 because of their alien status shall be uniformly required from all
33 applicants for benefits.

34 (3) In the case of an individual whose application for benefits
35 would otherwise be approved, no determination that benefits to such
36 individual are not payable because of alien status shall be made
37 except upon a preponderance of the evidence.

38 (j) Notwithstanding any other provision of this chapter, the
39 director may, to the extent that it may be deemed efficient and
40 economical, provide for consolidated administration by one or more
41 representatives or deputies of claims made pursuant to subsection
42 (f) of this section with those made pursuant to Article III (State
43 plan) of the "Temporary Disability Benefits Law," P.L.1948, c.110
44 (C.43:21-25 et seq.).

45 (cf: P.L.2004, c.130, s.116)

46

47 188. Section 13 of P.L.1971, c.182 (C.52:13D-24) is amended to
48 read as follows:

1 13. a. No State officer or employee, special State officer or
2 employee, or member of the Legislature shall solicit, receive or
3 agree to receive, whether directly or indirectly, any compensation,
4 reward, employment, gift, honorarium, out-of-State travel or
5 subsistence expense or other thing of value from any source other
6 than the State of New Jersey, for any service, advice, assistance,
7 appearance, speech or other matter related to the officer, employee,
8 or member's official duties, except as authorized in this section.

9 b. A State officer or employee, special State officer or
10 employee, or member of the Legislature may, in connection with
11 any service, advice, assistance, appearance, speech or other matter
12 related to the officer, employee, or member's official duties, solicit,
13 receive or agree to receive, whether directly or indirectly, from
14 sources other than the State, the following:

15 (1) reasonable fees for published books on matters within the
16 officer, employee, or member's official duties;

17 (2) reimbursement or payment of actual and reasonable
18 expenditures for travel or subsistence and allowable entertainment
19 expenses associated with attending an event in New Jersey if
20 expenditures for travel or subsistence and entertainment expenses
21 are not paid for by the State of New Jersey;

22 (3) reimbursement or payment of actual and reasonable
23 expenditures for travel or subsistence outside New Jersey, not to
24 exceed \$500.00 per trip, if expenditures for travel or subsistence
25 and entertainment expenses are not paid for by the State of New
26 Jersey. The \$500 per trip limitation shall not apply if the
27 reimbursement or payment is made by (a) a nonprofit organization
28 of which the officer, employee, or member is, at the time of
29 reimbursement or payment, an active member as a result of the
30 payment of a fee or charge for membership to the organization by
31 the State or the Legislature in the case of a member of the
32 Legislature; (b) a nonprofit organization that does not contract with
33 the State to provide goods, materials, equipment, or services; or (c)
34 any agency of the federal government, any agency of another state
35 or of two or more states, or any political subdivision of another
36 state.

37 Members of the Legislature shall obtain the approval of the
38 presiding officer of the member's House before accepting any
39 reimbursement or payment of expenditures for travel or subsistence
40 outside New Jersey.

41 As used in this subsection, "reasonable expenditures for travel or
42 subsistence" means commercial travel rates directly to and from an
43 event and food and lodging expenses which are moderate and
44 neither elaborate nor excessive; and "allowable entertainment
45 expenses" means the costs for a guest speaker, incidental music and
46 other ancillary entertainment at any meal at an event, provided they
47 are moderate and not elaborate or excessive, but does not include
48 the costs of personal recreation, such as being a spectator at or

1 engaging in a sporting or athletic activity which may occur as part
2 of that event.

3 c. This section shall not apply to the solicitation or acceptance
4 of contributions to the campaign of an announced candidate for
5 elective public office, except that campaign contributions may not
6 be accepted if they are known to be given in lieu of a payment
7 prohibited pursuant to this section.

8 d. (1) Notwithstanding any other provision of law, a designated
9 State officer as defined in paragraph (2) of this subsection shall not
10 solicit, receive or agree to receive, whether directly or indirectly,
11 any compensation, salary, honorarium, fee, or other form of income
12 from any source, other than the compensation paid or reimbursed to
13 him or her by the State for the performance of official duties, for
14 any service, advice, assistance, appearance, speech or other matter,
15 except for investment income from stocks, mutual funds, bonds,
16 bank accounts, notes, a beneficial interest in a trust, financial
17 compensation received as a result of prior employment or
18 contractual relationships, and income from the disposition or rental
19 of real property, or any other similar financial instrument and
20 except for reimbursement for travel as authorized in subsections (2)
21 and (3) of paragraph b. of this section. To receive such income, a
22 designated State officer shall first seek review and approval by the
23 State Ethics Commission to ensure that the receipt of such income
24 does not violate the "New Jersey Conflicts of Interest Law,"
25 P.L.1971, c.182 (C.52:13D-12 et seq.) or any applicable code of
26 ethics, and does not undermine the full and diligent performance of
27 the designated State officer's duties.

28 (2) For the purposes of this subsection, "designated State
29 officer" shall include: the Governor, the Adjutant General, the
30 Secretary of Agriculture, the Attorney General, the Commissioner
31 of Banking and Insurance, the Secretary and Chief Executive
32 Officer of the Commerce and Economic Growth Commission, the
33 Commissioner of Community Affairs, the Commissioner of
34 Corrections, the Commissioner of Education, the Commissioner of
35 Environmental Protection, the Commissioner of Health and Senior
36 Services, the Commissioner of Human Services, the Commissioner
37 of Children and Families, the Commissioner of Labor and
38 Workforce Development, the Commissioner of Personnel, the
39 President of the State Board of Public Utilities, the Secretary of
40 State, the Superintendent of State Police, the Commissioner of
41 Transportation, the State Treasurer, the head of any other
42 department in the Executive Branch, and the following members of
43 the staff of the Office of the Governor: Chief of Staff, Chief of
44 Management and Operations, Chief of Policy and Communications,
45 Chief Counsel to the Governor, Director of Communications, Policy
46 Counselor to the Governor, and any deputy or principal
47 administrative assistant to any of the aforementioned members of
48 the staff of the Office of the Governor listed in this subsection.

1 e. A violation of this section shall not constitute a crime or
2 offense under the laws of this State.

3 (cf: P.L.2005, c.382, s.11)

4

5 189. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to
6 read as follows:

7 1. Notwithstanding the provisions of the annual appropriations
8 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor
9 shall fix and establish the annual salary, not to exceed \$133,330 in
10 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000
11 in calendar year 2002 and thereafter, for each of the following
12 officers:

13 Title

14 Agriculture Department

15 Secretary of Agriculture

16 Children and Families Department

17 Commissioner of Children and Families

18 Community Affairs Department

19 Commissioner of Community Affairs

20 Corrections Department

21 Commissioner of Corrections

22 Education Department

23 Commissioner of Education

24 Environmental Protection Department

25 Commissioner of Environmental Protection

26 Health and Senior Services Department

27 Commissioner of Health and Senior

28 Services

29 Human Services Department

30 Commissioner of Human Services

31 Banking and Insurance Department

32 Commissioner of Banking and Insurance

33 Labor and Workforce Development Department

34 Commissioner of Labor and Workforce Development

35 Law and Public Safety Department

36 Attorney General

37 Military and Veterans' Affairs Department

38 Adjutant General

39 Personnel Department

40 Commissioner of Personnel

41 State Department

42 Secretary of State

43 Transportation Department

44 Commissioner of Transportation

45 Treasury Department

46 State Treasurer

47 Members, Board of Public Utilities

48 Public Advocate Department

1 Public Advocate

2 Notwithstanding the provisions of this section to the contrary,
3 the Chief Executive Officer and Secretary of the New Jersey
4 Commerce and Economic Growth Commission shall receive such
5 salary as shall be fixed by the Governor pursuant to subsection b. of
6 section 8 of P.L.1998, c.44 (C.52:27C-68).
7 (cf: P.L.2005, c.155, s.93)

8
9 190. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to
10 read as follows:

11 2. As used in this act:

12 (a) The term "State" means the State of New Jersey.

13 (b) The term "commission" means the State Health Benefits
14 Commission, created by section 3 of this act.

15 (c) The term "employee" means an appointive or elective officer
16 or full-time employee of the State of New Jersey. For the purposes
17 of this act an employee of Rutgers, The State University of New
18 Jersey, shall be deemed to be an employee of the State, and an
19 employee of the New Jersey Institute of Technology shall be
20 considered to be an employee of the State during such time as the
21 Trustees of the Institute are party to a contractual agreement with
22 the State Treasurer for the provision of educational services. The
23 term "employee" shall further mean, for purposes of this act, a
24 former employee of the South Jersey Port Corporation, who is
25 employed by a subsidiary corporation or other corporation, which
26 has been established by the Delaware River Port Authority pursuant
27 to subdivision (m) of Article I of the compact creating the Delaware
28 River Port Authority (R.S.32:3-2), as defined in section 3 of
29 P.L.1997, c.150 (C.34:1B-146), and who is eligible for continued
30 membership in the Public Employees' Retirement System pursuant
31 to subsection j. of section 7 of P.L.1954, c.84 (C.43:15A-7).

32 For the purposes of this act the term "employee" shall not
33 include persons employed on a short-term, seasonal, intermittent or
34 emergency basis, persons compensated on a fee basis, persons
35 having less than two months of continuous service or persons whose
36 compensation from the State is limited to reimbursement of
37 necessary expenses actually incurred in the discharge of their
38 official duties. An employee paid on a 10-month basis, pursuant to
39 an annual contract, will be deemed to have satisfied the two-month
40 waiting period if the employee begins employment at the beginning
41 of the contract year. The term "employee" shall also not include
42 retired persons who are otherwise eligible for benefits under this act
43 but who, although they meet the age eligibility requirement of
44 Medicare, are not covered by the complete federal program. A
45 determination by the commission that a person is an eligible
46 employee within the meaning of this act shall be final and shall be
47 binding on all parties.

1 (d) (1) The term "dependents" means an employee's spouse, or
2 an employee's domestic partner as defined in section 3 of P.L.2003,
3 c.246 (C.26:8A-3), and the employee's unmarried children under the
4 age of 23 years who live with the employee in a regular parent-child
5 relationship. "Children" shall include stepchildren, legally adopted
6 children and children placed by the Division of Youth and Family
7 Services in the Department of Children and Families, provided they
8 are reported for coverage and are wholly dependent upon the
9 employee for support and maintenance. A spouse, domestic partner
10 or child enlisting or inducted into military service shall not be
11 considered a dependent during the military service. The term
12 "dependents" shall not include spouses or domestic partners of
13 retired persons who are otherwise eligible for the benefits under this
14 act but who, although they meet the age eligibility requirement of
15 Medicare, are not covered by the complete federal program.

16 (2) Notwithstanding the provisions of paragraph (1) of this
17 subsection to the contrary and subject to the provisions of paragraph
18 (3) of this subsection, for the purposes of an employer other than
19 the State that is participating in the State Health Benefits Program
20 pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term
21 "dependents" means an employee's spouse and the employee's
22 unmarried children under the age of 23 years who live with the
23 employee in a regular parent-child relationship. "Children" shall
24 include stepchildren, legally adopted children and children placed
25 by the Division of Youth and Family Services in the Department of
26 **[Human Services]** Children and Families provided they are
27 reported for coverage and are wholly dependent upon the employee
28 for support and maintenance. A spouse or child enlisting or
29 inducted into military service shall not be considered a dependent
30 during the military service. The term "dependents" shall not
31 include spouses of retired persons who are otherwise eligible for
32 benefits under P.L.1961, c.49 (C.52:14-17.25 et seq.) but who,
33 although they meet the age eligibility requirement of Medicare, are
34 not covered by the complete federal program.

35 (3) An employer other than the State that is participating in the
36 State Health Benefits Program pursuant to section 3 of P.L.1964,
37 c.125 (C.52:14-17.34) may adopt a resolution providing that the
38 term "dependents" as defined in paragraph (2) of this subsection
39 shall include domestic partners as provided in paragraph (1) of this
40 subsection.

41 (e) The term "carrier" means a voluntary association, corporation
42 or other organization, including a health maintenance organization
43 as defined in section 2 of the "Health Maintenance Organizations
44 Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully engaged in
45 providing or paying for or reimbursing the cost of, personal health
46 services, including hospitalization, medical and surgical services,
47 under insurance policies or contracts, membership or subscription

1 contracts, or the like, in consideration of premiums or other periodic
2 charges payable to the carrier.

3 (f) The term "hospital" means (1) an institution operated
4 pursuant to law which is primarily engaged in providing on its own
5 premises, for compensation from its patients, medical diagnostic
6 and major surgical facilities for the care and treatment of sick and
7 injured persons on an inpatient basis, and which provides such
8 facilities under the supervision of a staff of physicians and with 24
9 hour a day nursing service by registered graduate nurses, or (2) an
10 institution not meeting all of the requirements of (1) but which is
11 accredited as a hospital by the Joint Commission on Accreditation
12 of Hospitals. In no event shall the term "hospital" include a
13 convalescent nursing home or any institution or part thereof which
14 is used principally as a convalescent facility, residential center for
15 the treatment and education of children with mental disorders, rest
16 facility, nursing facility or facility for the aged or for the care of
17 drug addicts or alcoholics.

18 (g) The term "State managed care plan" means a health care plan
19 under which comprehensive health care services and supplies are
20 provided to eligible employees, retirees, and dependents: (1)
21 through a group of doctors and other providers employed by the
22 plan; or (2) through an individual practice association, preferred
23 provider organization, or point of service plan under which services
24 and supplies are furnished to plan participants through a network of
25 doctors and other providers under contracts or agreements with the
26 plan on a prepayment or reimbursement basis and which may
27 provide for payment or reimbursement for services and supplies
28 obtained outside the network. The plan may be provided on an
29 insured basis through contracts with carriers or on a self-insured
30 basis, and may be operated and administered by the State or by
31 carriers under contracts with the State.

32 (h) The term "Medicare" means the program established by the
33 "Health Insurance for the Aged Act," Title XVIII of the "Social
34 Security Act," Pub.L.89-97 (42 U.S.C.s.1395 et seq.), as amended,
35 or its successor plan or plans.

36 (i) The term "traditional plan" means a health care plan which
37 provides basic benefits, extended basic benefits and major medical
38 expense benefits as set forth in section 5 of P.L.1961, c.49
39 (C.52:14-17.29) by indemnifying eligible employees, retirees, and
40 dependents for expenses for covered health care services and
41 supplies through payments to providers or reimbursements to
42 participants.

43 (cf: P.L.2004, c.130, s.118)

44

45 191. Section 2 of P.L.2000, c.24 (C.52:17B-88.10) is amended
46 to read as follows:

47 2. a. The State Medical Examiner, in consultation with the
48 Commissioner of Health and Senior Services, shall develop

1 standardized protocols for autopsies performed in those cases in
2 which the suspected cause of death of a child under one year of age
3 is sudden infant death syndrome and in which the child is between
4 one and three years of age and the death is sudden and unexpected.

5 b. The State Medical Examiner shall establish a Sudden Child
6 Death Autopsy Protocol Committee to assist in developing and
7 reviewing the protocol. The committee shall include, but shall not
8 be limited to, the State Medical Examiner or his designee, the
9 Assistant Commissioner of the Division of Family Health Services
10 in the Department of Health and Senior Services or his designee,
11 the Director of the Division of Youth and Family Services in the
12 Department of **【Human Services】** Children and Families or his
13 designee, the director of the SIDS Resource Center established
14 pursuant to P.L.1987, c.331 (C.26:5D-4), an epidemiologist, a
15 forensic pathologist, a pediatric pathologist, a county medical
16 examiner, a pediatrician who is knowledgeable about sudden infant
17 death syndrome and child abuse, a law enforcement officer, an
18 emergency medical technician or a paramedic, a family member of
19 a sudden infant death syndrome victim and a family member of a
20 sudden unexpected death victim who was between one and three
21 years of age at the time of death.

22 The committee shall annually review the protocol and make
23 recommendations to the State Medical Examiner to revise the
24 protocol, as appropriate.

25 c. The protocols shall include requirements and standards for
26 scene investigation, criteria for ascertaining the cause of death
27 based on autopsy, criteria for specific tissue sampling, and such
28 other requirements as the committee deems appropriate. The
29 protocols shall take into account nationally recognized standards for
30 pediatric autopsies.

31 The State Medical Examiner shall be responsible for ensuring
32 that the protocols are followed by all medical examiners and other
33 persons authorized to conduct autopsies in those cases in which the
34 suspected cause of death is sudden infant death syndrome or in
35 which the child is between one and three years of age and the death
36 is sudden and unexpected.

37 d. The protocols shall authorize the State Medical Examiner,
38 county medical examiner or other authorized person to take tissue
39 samples for research purposes, as provided in section 2 of P.L.2005,
40 c.227 (C.52:17B-88.11).

41 e. The sudden infant death syndrome autopsy protocol shall
42 provide that if the findings in the autopsy are consistent with the
43 definition of sudden infant death syndrome specified in the
44 protocol, the person who conducts the autopsy shall state on the
45 death certificate that sudden infant death syndrome is the cause of
46 death.

47 (cf: P.L.2005, c.227, s.1)

1 192. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to
2 read as follows:

3 2. a. A Juvenile Justice Commission is established in, but not of,
4 the Department of Law and Public Safety. The commission is
5 allocated to the Department of Law and Public Safety for the
6 purpose of complying with Article V, Section IV, paragraph 1 of
7 the New Jersey Constitution. The Attorney General shall be the
8 request officer for the commission within the meaning of section 6
9 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall exercise that
10 authority and other administrative functions, powers and duties
11 consistent with the provisions of this act.

12 b. The commission shall consist of an executive director, an
13 executive board, an advisory council and such facilities, officers,
14 employees and organizational units as provided herein or as
15 otherwise necessary to performance of the commission's duties and
16 responsibilities.

17 c. The executive director shall be appointed by the Governor
18 with the advice and consent of the Senate and shall serve at the
19 pleasure of the Governor during the Governor's term of office and
20 until a successor is appointed and qualified.

21 d. The executive board shall consist of the following members:
22 The Attorney General, who shall serve as chair of the executive
23 board; the Commissioner of Corrections and the Commissioner of
24 **[Human Services] Children and Families**, who shall serve as vice-
25 chairs of the executive board; the Commissioner of Education; the
26 chair of the Juvenile Justice Commission advisory council,
27 established pursuant to section 4 of P.L.1995, c.284 (C.52:17B-
28 172); and two members who serve as chairs of a county youth
29 services commission, established pursuant to P.L.1995, c.282
30 (C.52:17B-180), to be appointed by the Governor to serve at the
31 Governor's pleasure. The Administrative Director of the
32 Administrative Office of the Courts is invited to participate on the
33 executive board, subject to the approval of the Supreme Court. A
34 member of the executive board may name a designee who shall
35 have the authority to act for the member. Members of the executive
36 board shall serve without compensation for their services to the
37 commission. The executive board shall meet at least quarterly and
38 at such other times as designated by the chair. Except with respect
39 to matters concerning distribution of funds to counties, four
40 members of the executive board shall constitute a quorum to
41 transact business of the executive board and action of the executive
42 board shall require an affirmative vote of four members. A member
43 of the executive board who is also a member of a county youth
44 services commission shall not participate in matters concerning
45 distribution of funds to counties; in these matters, three members of
46 the executive board shall constitute a quorum to transact business
47 and an action of the executive board shall require an affirmative
48 vote of three members.

1 e. The commission shall have the following powers, duties and
2 responsibilities:

3 (1) To specify qualifications for and to employ, within the limits
4 of available appropriations and subject to the provisions of
5 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New
6 Jersey Statutes, such staff as are necessary to accomplish the work
7 of the commission or as are needed for the proper performance of
8 the functions and duties of the commission, including but not
9 limited to:

10 (a) The number of deputy directors, assistant directors,
11 superintendents, assistant superintendents and other assistants who
12 shall be in the unclassified service and shall be deemed confidential
13 employees for the purposes of the "New Jersey Employer-Employee
14 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and

15 (b) Juvenile corrections officers;

16 (2) To utilize such staff of the Department of Law and Public
17 Safety as the Attorney General, within the limits of available
18 appropriations, may make available to the commission;

19 (3) To organize the work of the commission in appropriate
20 bureaus and other organization units;

21 (4) To enter into contracts and agreements with State, county
22 and municipal governmental agencies and with private entities for
23 the purpose of providing services and sanctions for juveniles
24 adjudicated or charged as delinquent and programs for prevention
25 of juvenile delinquency;

26 (5) To contract for the services of professional and technical
27 personnel and consultants as necessary to fulfill the statutory
28 responsibilities of the commission;

29 (6) To establish minimum standards for the care, treatment,
30 government and discipline of juveniles confined pending, or as a
31 result of, an adjudication of delinquency;

32 (7) To assume the custody and care of all juveniles committed
33 by court order, law, classification, regulation or contract to the
34 custody of the commission or transferred to the custody of the
35 commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-
36 176);

37 (8) To manage and operate all State secure juvenile facilities
38 which shall include the New Jersey Training School for Boys
39 created pursuant to R.S.30:1-7 and transferred to the Commissioner
40 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)
41 and the Juvenile Medium Security Facility created pursuant to
42 R.S.30:1-7 and both transferred to the commission pursuant to
43 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any
44 other secure juvenile facility established by the commission in the
45 future;

46 (9) To manage and operate all State juvenile facilities or
47 juvenile programs for juveniles adjudicated delinquent which shall
48 include facilities and programs transferred to the commission

- 1 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or
2 established or contracted for in the future by the commission;
- 3 (10) To prepare a State Juvenile Justice Master Plan every third
4 year which identifies facilities, sanctions and services available for
5 juveniles adjudicated or charged as delinquent and juvenile
6 delinquency prevention programs and which identifies additional
7 needs based upon the extent and nature of juvenile delinquency and
8 the adequacy and effectiveness of available facilities, services,
9 sanctions and programs;
- 10 (11) To approve plans for each county submitted by the county
11 youth services commission pursuant to P.L.1995, c.282 (C.52:17B-
12 180);
- 13 (12) To administer the State/Community Partnership Grant
14 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);
- 15 (13) To accept from any governmental department or agency,
16 public or private body or any other source, grants or contributions
17 to be used in exercising its power, and in meeting its duties and
18 responsibilities;
- 19 (14) To formulate and adopt standards and rules for the efficient
20 conduct of the work of the commission, the facilities, services,
21 sanctions and programs within its jurisdiction, and its officers and
22 employees;
- 23 (15) To provide for the development of the facilities, services,
24 sanctions and programs within its jurisdiction and to promote the
25 integration of State, county and local facilities, sanctions, services
26 and programs, including probation and parole;
- 27 (16) To institute, or cause to be instituted, such legal proceedings
28 or processes as may be necessary to enforce properly and give
29 effect to any of its powers or duties including the authority to
30 compel by subpoena, subject to the sanction for contempt of
31 subpoena issued by a court, attendance and production of records;
- 32 (17) To provide for the timely and efficient collection and
33 analysis of data regarding the juvenile justice system to insure the
34 continuing review and evaluation of services, policies and
35 procedures;
- 36 (18) To receive and classify juveniles committed to the custody
37 of the commission;
- 38 (19) To supervise compliance with conditions of parole;
- 39 (20) To establish appropriate dispositions of juveniles for whom
40 parole has been revoked;
- 41 (21) To perform such other functions as may be prescribed by
42 law; and
- 43 (22) To promulgate, pursuant to the "Administrative Procedure
44 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations
45 necessary to implement and effectuate the purposes of this act.
46 (cf: P.L.2005, c.164, s.1)

1 193. Section 7 of P.L.1995, c.284 (C.52:17B-175) is amended to
2 read as follows:

3 7. a. Notwithstanding the Juvenile Justice Commission's
4 responsibility for State secure juvenile facilities and State juvenile
5 facilities and programs, the Department of Corrections, through
6 agreement with the commission, shall provide central
7 transportation, communication and other services required by the
8 commission in connection with the operation of these facilities and
9 the custody and care of juveniles confined in the facilities.

10 b. Notwithstanding the commission's responsibility for State
11 secure juvenile facilities and State juvenile facilities, the
12 Department of **【Human Services】** Children and Families shall
13 provide care and custody for juveniles placed under the care and
14 custody or committed to the department pursuant to paragraphs (5),
15 (6) and (7) of subsection b. of section 24 of P.L.1982, c.77
16 (C.2A:4A-43).

17 c. The commission and the Commissioner of **【the Department**
18 **of Human Services】** Children and Families shall formulate a plan to
19 provide adequate and appropriate mental health services to
20 juveniles in secure juvenile facilities and juvenile facilities operated
21 by the commission. The commission and the Commissioner of **【the**
22 **Department of Human Services】** Children and Families shall jointly
23 adopt regulations pursuant to the "Administrative Procedure Act,"
24 P.L.1968, c.410 (C.52:14B-1 et seq.), establishing the procedures
25 included in the plan. The plan shall include the following:

26 (1) Procedures for identifying juveniles in need of such services
27 upon admission to and while in a facility, including procedures for
28 evaluation;

29 (2) Procedures for providing appropriate and adequate treatment
30 and for terminating treatment when it is no longer needed;

31 (3) Procedures for ensuring cooperation between employees of
32 the commission and the Department of **【Human Services】** Children
33 and Families; and

34 (4) Procedures for review and revision of the plan.

35 d. The commission, through agreement with the Attorney
36 General, the Commissioner of Corrections or the Commissioner of
37 **【Human Services】** Children and Families as appropriate, shall
38 arrange to provide such other services as may be required by the
39 commission and may enter into other agreements as authorized
40 pursuant to R.S.52:14-1 et seq. or any other law of this State.

41 e. The commission and the Commissioner of the Department of
42 Corrections shall, consistent with applicable State and federal
43 standards, formulate a plan setting forth procedures for transferring
44 custody of any juvenile incarcerated in a juvenile facility who has
45 reached the age of 16 during confinement and whose continued
46 presence in the juvenile facility threatens the public safety, the
47 safety of juvenile offenders, or the ability of the commission to

1 operate the program in the manner intended. The commission and
2 the Commissioner of the Department of Corrections shall jointly
3 adopt regulations pursuant to the “Administrative Procedure Act,”
4 P.L.1968, c.410 (C.52:14B-1 et seq.), establishing the procedures
5 included in the plan.

6 (cf: P.L.1995, c.284, s.7)

7

8 194. Section 69 of P.L.2005, c.155 (C.52:27EE-69) is amended
9 to read as follows:

10 69. Office of the Child Advocate; duties.

11 a. The child advocate shall:

12 (1) administer the work of the Office of the Child Advocate;

13 (2) appoint and remove such officers, investigators,
14 stenographic and clerical assistants and other personnel, in the
15 career or unclassified service, as may be required for the conduct of
16 the office, subject to the provisions of Title 11A of the New Jersey
17 Statutes (Civil Service), and other applicable statutes, except as
18 provided otherwise herein;

19 (3) formulate and adopt rules and regulations for the efficient
20 conduct of the work and general administration of the office, its
21 officers and employees, in accordance with the “Administrative
22 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.); and

23 (4) institute or cause to be instituted such legal proceedings or
24 processes consistent with the Rules Governing the Courts of New
25 Jersey as may be necessary to properly enforce and give effect to
26 any of the child advocate’s powers or duties.

27 b. Consistent with the provisions of federal and State law,

28 (1) the child advocate shall have access to, and the right to
29 inspect and copy, any records, including pupil records in
30 accordance with the provisions of N.J.S.18A:36-19, necessary to
31 carry out the responsibilities under this act; and

32 (2) the child advocate shall have reasonable access to, and the
33 right to copy any records from, the Division of Youth and Family
34 Services’ Service Information System, or its successor, necessary to
35 carry out its responsibilities under this act, and only with regard to
36 individuals who are or may be the subject of an investigation by the
37 child advocate, or to assess the status of an individual complaint or
38 inquiry to determine whether further action by the child advocate is
39 appropriate; except that, access provided to the successor system,
40 including the Statewide Automated Child Welfare Information
41 System, shall be limited to information available through the
42 Service Information System, unless otherwise agreed to by the child
43 advocate and the Department of **[Human Services]** Children and
44 Families.

45 c. The child advocate may issue subpoenas to compel the
46 attendance and testimony of witnesses or the production of books,
47 papers and other documents, and administer oaths to witnesses in
48 any matter under the investigation of the office.

1 If any person to whom such subpoena is issued fails to appear or,
2 having appeared, refuses to give testimony, or fails to produce the
3 books, papers or other documents required, the child advocate may
4 apply to the Superior Court, which may order the person to appear
5 and give testimony or produce the books, papers or other
6 documents, as applicable.

7 d. The child advocate shall disseminate information to the
8 public on the objectives of the office, the services the office
9 provides and the methods by which the office may be contacted.

10 e. The child advocate shall aid the Governor in proposing
11 methods of achieving increased coordination and collaboration
12 among State agencies to ensure maximum effectiveness and
13 efficiency in the provision of services to children.

14 (cf: P.L.2005, c.155, s.69)

15
16 195. Section 70 of P.L.2005, c.155 (C.52:27EE-70) is amended
17 to read as follows:

18 70. Office of the Child Advocate; powers.

19 The child advocate may:

20 a. investigate, review, monitor or evaluate any State agency
21 response to, or disposition of, an allegation of child abuse or neglect
22 in this State;

23 b. inspect and review the operations, policies and procedures
24 of:

25 (1) juvenile detention centers operated by the counties and all
26 juvenile justice facilities operated by or under contract with the
27 Juvenile Justice Commission, including, but not limited to, secure
28 correctional facilities and residential and day treatment programs;

29 (2) resource family homes, group homes, residential treatment
30 facilities, shelters for the care of abused or neglected children,
31 shelters for the care of juveniles considered as juvenile-family crisis
32 cases, shelters for the care of homeless youth, or independent living
33 arrangements operated, licensed, or approved for payment, by the
34 Department of Human Services, Department of Children and
35 Families, Department of Community Affairs or Department of
36 Health and Senior Services; and

37 (3) any other public or private setting in which a child has been
38 placed by a State or county agency or department;

39 c. review, evaluate, report on and make recommendations
40 concerning the procedures established by any State agency
41 providing services to children who are at risk of abuse or neglect,
42 children in State or institutional custody, or children who receive
43 child protective or permanency services;

44 d. review, monitor and report on the performance of State-
45 funded private entities charged with the care and supervision of
46 children due to abuse or neglect by conducting research audits or
47 other studies of case records, policies, procedures and protocols, as

- 1 deemed necessary by the child advocate to assess the performance
2 of the entities;
- 3 e. receive, investigate and make referrals to other agencies or
4 take other appropriate actions with respect to a complaint received
5 by the office regarding the actions of a State, county or municipal
6 agency or a State-funded private entity providing services to
7 children who are at risk of abuse or neglect;
- 8 f. hold a public hearing on the subject of an investigation or
9 study underway by the office, and receive testimony from agency
10 and program representatives, the public and other interested parties,
11 as the child advocate deems appropriate;
- 12 g. establish and maintain a 24-hour toll-free telephone hotline
13 to receive and respond to calls from citizens referring problems to
14 the child advocate, both individual and systemic, in how the State,
15 through its agencies or contract services, protects children;
- 16 h. in exercising the authority provided in subsection a. of this
17 section, the child advocate may conduct unannounced site visits to
18 any institution or facility to which children are committed, placed
19 or otherwise disposed if the child advocate, prior to conducting an
20 unannounced site visit, has initiated a project or investigation into
21 the response or disposition of an allegation of abuse or neglect and
22 there is a reasonable basis to believe that an unannounced site visit
23 is necessary to carry out the child advocate's responsibilities under
24 this act, provided, however, that any unannounced site visit shall be
25 conducted at a reasonable time and in a reasonable manner;
- 26 i. in exercising the authority provided under subsections a.
27 through e. of this section, the child advocate shall consult with any
28 appropriate State, county or municipal agency or a State-funded
29 private entity providing services to children, and may request from
30 any such entity, and the entity is hereby authorized and directed to
31 provide, such cooperation and assistance as will enable the child
32 advocate to properly perform its responsibilities under this act; and
- 33 j. notwithstanding the provisions of section 11 of P.L.1944,
34 c.20 (C.52:17A-11) to the contrary, hire independent counsel on a
35 case-by-case basis to provide competent representation in light of
36 the nature of the case, the services to be performed, the experience
37 of the particular attorney and other relevant factors.
38 (cf: P.L.2005, c.155, s.70)

39
40 196. Section 75 of P.L.2005, c.155 (C.52:27EE-75) is amended
41 to read as follows:

42 75. Office of the Child Advocate; reports.

43 The child advocate shall report annually to the Governor, the
44 Public Advocate, the **Commissioner** Commissioners of Human
45 Services and Children and Families, and, pursuant to section 2 of
46 P.L.1991, c.164 (C.52:14-19.1), the Legislature on: the activities of
47 the office; priorities for children's services that have been identified
48 by the child advocate; and recommendations for improvement or

1 needed changes concerning the provision of services to children
2 who are at risk of abuse or neglect, and are in State or institutional
3 custody or receive child protective or permanency services by State
4 agencies and State-funded private entities.

5 The annual report shall be made available to the public.

6 (cf: P.L.2005, c.155, s.75)

7

8 197. Section 76 of P.L.2005, c.155 (C.52:27EE-76) is amended
9 to read as follows:

10 76. Office of the Child Advocate; disclosure; confidentiality.

11 a. The child advocate shall make public its findings of
12 investigation reports or other studies undertaken by the office,
13 including its investigatory findings to complaints received pursuant
14 to section 70 of this act, and shall forward any publicly reported
15 findings to the Governor, the Legislature, the Public Advocate, the
16 **【Commissioner】** Commissioners of Human Services and Children
17 and Families, the affected public agencies and the Governor's
18 Cabinet for Children.

19 b. The child advocate shall not disclose:

20 (1) any information that would likely endanger the life, safety,
21 or physical or emotional well-being of a child or the life or safety of
22 a person who filed a complaint or which may compromise the
23 integrity of a State or county department or agency investigation,
24 civil or criminal investigation or judicial or administrative
25 proceeding; and

26 (2) the name of or any other information identifying the person
27 who filed a complaint with, or otherwise provided information to,
28 the office without the written consent of that person.

29 The information subject to the provisions of this subsection shall
30 not be considered a public record pursuant to the provisions of
31 P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5
32 et al.).

33 c. The child advocate shall not disclose any information that
34 may be deemed confidential by federal or State law, except when
35 necessary to allow the Department of the Public Advocate,
36 Department of Human Services, Department of Children and
37 Families, Attorney General, Juvenile Justice Commission and other
38 State or county department or agency to perform its duties and
39 obligations under the law.

40 (cf: P.L.2005, c.155, s.76)

41

42 198. Section 6 of P.L.2005, c.370 (C.52:27G-37) is amended to
43 read as follows:

44 6. a. Upon receipt of an application for registration as a
45 professional guardian, the Office of the Public Guardian for Elderly
46 Adults is authorized to determine whether criminal history record
47 information exists on file in the Federal Bureau of Investigation,
48 Identification Division or in the State Bureau of Identification in the

1 Division of State Police that would disqualify the person from being
2 registered as a professional guardian.

3 The Office of the Public Guardian for Elderly Adults is
4 authorized to access the child abuse registry in the Department of
5 **[Human Services]** Children and Families and the domestic violence
6 central registry in the Administrative Office of the Courts.

7 A person shall be disqualified from registration if the person's
8 criminal history record background check reveals a record of
9 conviction of any of the following crimes and offenses:

10 (1) In New Jersey, any crime or disorderly persons offense:

11 (a) involving danger to the person, meaning those crimes and
12 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
13 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
14 or N.J.S.2C:15-1 et seq.;

15 (b) against the family, children or incompetents, meaning those
16 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
17 seq.;

18 (c) involving theft as set forth in chapter 20 of Title 2C of the
19 New Jersey Statutes, or fraud relating to any health care plan or
20 program as set forth in section 15 of P.L.1989, c.300 (C.2C:21-4.1),
21 sections 2 and 3 of P.L.1997, c.353 (C.2C:21-4.2 and 2C:21-4.3),
22 P.L.1999, c.162 (C.2C:21-22.1) or section 17 of P.L.1968, c.413
23 (C.30:4D-17); or

24 (d) involving any controlled dangerous substance or controlled
25 substance analog as set forth in chapter 35 of Title 2C of the New
26 Jersey Statutes except paragraph (4) of subsection a. of
27 N.J.S.2C:35-10.

28 (2) In any other state or jurisdiction, of conduct which, if
29 committed in New Jersey, would constitute any of the crimes or
30 disorderly persons offenses described in paragraph (1) of this
31 subsection.

32 A person shall also be disqualified from registration if a check of
33 the child abuse registry reveals that the person has a history of child
34 abuse.

35 In a case in which a check of the domestic violence central
36 registry reveals that the person has a history of domestic violence,
37 the public guardian shall review the record with respect to the type
38 and date of the criminal offense or the provisions and date of the
39 final domestic violence restraining order and make a determination
40 as to the suitability of the person to be a registered professional
41 guardian.

42 b. Notwithstanding the provisions of subsection a. of this
43 section to the contrary, no person shall be disqualified from
44 registration on the basis of any conviction disclosed by a criminal
45 history record background check performed pursuant to this act if
46 the person has affirmatively demonstrated to the public guardian
47 clear and convincing evidence of the applicant's rehabilitation. In

1 determining whether a person has affirmatively demonstrated
2 rehabilitation, the following factors shall be considered:

3 (1) the nature and responsibility of the position which the
4 person would hold, has held or currently holds, as the case may be;

5 (2) the nature and seriousness of the offense;

6 (3) the circumstances under which the offense occurred;

7 (4) the date of the offense;

8 (5) the age of the person when the offense was committed;

9 (6) whether the offense was an isolated or repeated incident;

10 (7) any social conditions which may have contributed to the
11 offense; and

12 (8) any evidence of rehabilitation, including good conduct in
13 prison or in the community, counseling or psychiatric treatment
14 received, acquisition of additional academic or vocational
15 schooling, work history, or the recommendation of those who have
16 had the person under their supervision.

17 c. If a person refuses to consent to, or cooperate in, the
18 securing of a criminal history record background check, the public
19 guardian shall not register that person as a professional guardian
20 and shall notify the person of that denial.

21 (cf: P.L.2005, c.370, s.6)

22

23 199. Section 7 of P.L.2005, c.370 (C.52:27G-38) is amended to
24 read as follows:

25 7. a. A person who is required to undergo a criminal history
26 record background, child abuse registry and domestic violence
27 central registry check pursuant to section 6 of this act shall submit
28 to the public guardian his name, address and fingerprints, in
29 accordance with the applicable State and federal laws, rules and
30 regulations. The Office of the Public Guardian is authorized to
31 exchange fingerprint data with and receive criminal history record
32 information from the Federal Bureau of Investigation and the
33 Division of State Police for use in making the determinations
34 required pursuant to this act.

35 b. Upon receipt of the criminal history record information for a
36 person from the Federal Bureau of Investigation or the Division of
37 State Police, the public guardian shall, within a reasonable time,
38 notify the person in writing of his qualification or disqualification
39 for registration under this act. If the person is disqualified, the
40 conviction or convictions which constitute the basis for the
41 disqualification shall be identified in the notice to the person.

42 c. Upon receipt of the information for a person from the child
43 abuse registry in the Department of **Human Services** Children and
44 Families or the domestic violence central registry in the
45 Administrative Office of the Courts, the public guardian shall,
46 within a reasonable time, notify the person in writing of his
47 qualification or disqualification for registration under this act. If
48 the person is disqualified, the incident or incidents which constitute

1 the basis for the disqualification shall be identified in the notice to
2 the person.

3 d. The person has a right to be heard by the Office of the Public
4 Guardian for Elderly Adults, within 30 days from the date of the
5 written notice of disqualification, on the accuracy of his criminal
6 history record, child abuse registry or domestic violence central
7 registry information or to establish his rehabilitation under
8 subsection b. of section 6 of this act. Upon the issuance of a final
9 decision by the public guardian, pursuant to this subsection, the
10 Office of the Public Guardian for Elderly Adults shall notify the
11 person as to whether he remains disqualified. A person disputing
12 an adverse determination by the Office of the Public Guardian for
13 Elderly Adults may file with the Office of Administrative Law for
14 an administrative hearing.
15 (cf: P.L.2005, c.370, s.7)

16

17 200. Section 2 of P.L.1985, c.69 (C.53:1-20.6) is amended to
18 read as follows:

19 2. a. The Superintendent of State Police, with the approval of
20 the Attorney General, shall, pursuant to the "Administrative
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules
22 and regulations authorizing the dissemination, by the State Bureau
23 of Identification, of criminal history record background information
24 requested by State, county and local government agencies,
25 including the Division of State Police, in noncriminal matters, or
26 requested by individuals, nongovernmental entities or other
27 governmental entities whose access to such criminal history record
28 background information is not prohibited by law. A fee not to
29 exceed \$30 shall be imposed for processing fingerprint
30 identification checks; a fee not to exceed \$18 shall be imposed for
31 processing criminal history name search identification checks.
32 These fees shall be in addition to any other fees required by law. In
33 addition to any fee specified herein, a nonrefundable fee, the
34 amount of which shall be determined by the Superintendent of State
35 Police, with the approval of the Attorney General, shall be collected
36 to cover the cost of securing and processing a federal criminal
37 records check for each applicant.

38 b. State, county and local government agencies, including the
39 Division of State Police, and nongovernmental entities are
40 authorized to impose and collect the processing fee established
41 pursuant to subsection a. of this section from the person for whom
42 the criminal history record background check is being processed or
43 from the party requesting the criminal history record background
44 check. The Superintendent of State Police shall provide this
45 processing service without the collection of fees from the applicants
46 in processing background checks of prospective resource family
47 parents or members of their immediate families. In such cases, the
48 Department of **[Human Services]** Children and Families shall be

1 responsible for paying the fees imposed pursuant to subsection a. of
2 this section. Nothing in this section shall prohibit the
3 Superintendent of State Police, with the approval of the Attorney
4 General, from providing this processing service without the
5 collection of fees from the applicant in other circumstances which
6 in his sole discretion he deems appropriate, if the applicants would
7 not receive a wage or salary for the time and services they provide
8 to an organization or who are considered volunteers. In those
9 circumstances where the Superintendent of State Police, with the
10 approval of the Attorney General, determines to provide this
11 processing service without the collection of fees to the individual
12 applicants, the superintendent may assess the fees for providing this
13 service on behalf of the applicants to any department of State,
14 county or municipal government which is responsible for operating
15 or overseeing that volunteer program. The agencies shall transfer
16 all moneys collected for the processing fee to the Division of State
17 Police.

18 (cf: P.L.2004, c.130, s.121)

19

20 201. Section 8 of P.L.2000, c.77 (C.53:1-20.9b) is amended to
21 read as follows:

22 8. a. The Commissioner of **【Human Services】** Children and
23 Families is authorized to exchange fingerprint data with, and to
24 receive information from, the Division of State Police in the
25 Department of Law and Public Safety and the Federal Bureau of
26 Investigation.

27 Upon receipt of the criminal history record information for an
28 applicant or staff member of a child care center from the Federal
29 Bureau of Investigation and the Division of State Police, the
30 Department of **【Human Services】** Children and Families shall
31 notify the applicant or staff member, as applicable, and the child
32 care center, in writing, of the applicant's or staff member's
33 qualification or disqualification for employment or service under
34 P.L.2000, c.77 (C.30:5B-6.10 et al.). If the applicant or staff
35 member is disqualified, the convictions that constitute the basis for
36 the disqualification shall be identified in the written notice to the
37 applicant or staff member. The applicant or staff member shall
38 have 14 days from the date of the written notice of disqualification
39 to challenge the accuracy of the criminal history record information.
40 If no challenge is filed or if the determination of the accuracy of the
41 criminal history record information upholds the disqualification, the
42 Department of **【Human Services】** Children and Families shall
43 notify the center that the applicant or staff member has been
44 disqualified from employment.

45 b. The Division of State Police shall promptly notify the
46 Department of **【Human Services】** Children and Families in the
47 event an applicant or staff member who was the subject of a
48 criminal history record background check conducted pursuant to

1 subsection a. of this section, is convicted of a crime or offense in
2 this State after the date the background check was performed. Upon
3 receipt of such notification, the Department of **[Human Services]**
4 Children and Families shall make a determination regarding the
5 employment of the applicant or staff member.

6 (cf: P.L.2004, c.130, s.122)

7
8 202. Section 7 of P.L.2003, c.186 (C.53:1-20.9d) is amended to
9 read as follows:

10 7. a. The Commissioner of **[Human Services]** Children and
11 Families is authorized to exchange fingerprint data with, and to
12 receive criminal history record information from, the Division of
13 State Police in the Department of Law and Public Safety and the
14 Federal Bureau of Investigation.

15 Upon receipt of the criminal history record information for an
16 applicant or staff member of a residential child care facility from
17 the Federal Bureau of Investigation and the Division of State
18 Police, the Department of **[Human Services]** Children and Families
19 shall notify the applicant or staff member, as applicable, and the
20 residential child care facility, in writing, of the applicant's or staff
21 member's qualification or disqualification for employment or
22 service under section 4 or 5 of P.L.2003, c.186 (C.30:4C-27.19 or
23 C.30:4C-27.20). If the applicant or staff member is disqualified, the
24 convictions that constitute the basis for the disqualification shall be
25 identified in the written notice to the applicant or staff member.
26 The applicant or staff member shall have 14 days from the date of
27 the written notice of disqualification to challenge the accuracy of
28 the criminal history record information. If no challenge is filed or if
29 the determination of the accuracy of the criminal history record
30 information upholds the disqualification, the department shall notify
31 the facility that the applicant or staff member has been disqualified
32 from employment.

33 b. The Division of State Police shall promptly notify the
34 Department of **[Human Services]** Children and Families in the
35 event an applicant or staff member, who was the subject of a
36 criminal history record background check conducted pursuant to
37 subsection a. of this section, is convicted of a crime or offense in
38 this State after the date the background check was performed. Upon
39 receipt of such notification, the department shall make a
40 determination regarding the employment of the applicant or staff
41 member.

42 (cf: P.L.2003, c.186, s.7)

43
44 203. (New section) Notwithstanding any provision of P.L.1968,
45 c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of
46 Children and Families may, with the approval of the Governor,
47 adopt, immediately upon filing with the Office of Administrative
48 Law, such regulations as the commissioner deems necessary to

1 implement the provisions of this act, which regulations shall be
2 effective for a period not to exceed six months and may, thereafter,
3 be amended, adopted or readopted by the commissioner in
4 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1
5 et seq.).

6
7 204. The following are repealed:

8 Section 7 of P.L.1998, c.19 (C.9:6-8.105);

9 Sections 4, 5, and 6 of P.L.1985, c.197 (C.9:6A-2 through 9:6A-
10 4);

11 Section 2 of P.L.2004, c.130 (C.30:4C-2.2); and

12 P.L.2001, c.252 (C.30:4C-3.1 through 30:4C-3.6).

13
14 205. This act shall take effect July 1, 2006 and, if enacted after
15 that date, shall be retroactive to July 1, 2006.

16

17

18

STATEMENT

19

20 This bill establishes as a new principal department within the
21 Executive Branch, the Department of Children and Families.

22 The variety and magnitude of programs in the State's child
23 welfare system warrant the creation of a separate cabinet-level
24 department devoted exclusively to providing for the safety and
25 well-being of children and their families. The purpose of this
26 legislation is to provide the most effective means of protecting the
27 children of this State by creating a department which focuses
28 exclusively on protecting children and strengthening families, so
29 that our State's children are able to grow and prosper. The intent of
30 this legislation is to achieve a more efficient and effective child
31 welfare services delivery system in a manner that does not disrupt
32 the current provision of services to consumers of child welfare
33 services.

34 The bill transfers the functions of the current Office of
35 Children's Services in the Department of Human Services, as well
36 as licensing of child care centers, youth residential programs and
37 resource family homes, to the new Department of Children and
38 Families, and authorizes the Governor to appoint, with the advice
39 and consent of the Senate, a Commissioner of Children and
40 Families, who will be responsible for the administration of the new
41 department. The new department will contain, but not be limited to,
42 the Division of Youth and Family Services, the Division of Child
43 Behavioral Health Services, the Division of Prevention and
44 Community Partnerships and the New Jersey Child Welfare
45 Training Academy, all of which are currently allocated to DHS.

46 Although the bill amends numerous statutes to reflect the
47 nominal changes from the Department of Human Services (DHS) to
48 the Department of Children and Families (DCF), the bill primarily

1 amends the following three main statutory frameworks to transfer
2 the functions of DHS to DCF:

- 3 • Title 2A, which concerns the juvenile justice system;
- 4 • Title 9, which concerns adoptions, investigations of child
5 abuse and neglect, and homeless youth; and
- 6 • Title 30, which concerns the care, custody and supervision of
7 abused and neglected children, termination of parental rights,
8 visitation requirements, licensing of resource family homes,
9 child care centers, and other children's residential placements,
10 and the Safe Haven Infant Protection Act.

11 The bill also provides that the Department of Children and
12 Families replaces the Department of Human Services in the
13 following:

- 14 • Task Force on Child Abuse and Neglect;
- 15 • Child Fatality and Near Fatality Review Board;
- 16 • Safe Haven Awareness Promotion Task Force;
- 17 • Child Abuse Registry;
- 18 • Domestic Violence Victims' Fund; and
- 19 • Juvenile Justice Commission.

20 The bill provides that the Commissioner of Children and
21 Families is added as a member of the following bodies:

- 22 • Commission on Early Childhood Education in the Department
23 of Education;
- 24 • Advisory Council on Adolescent Pregnancy;
- 25 • Governor's Council on Alcoholism and Drug Abuse in the
26 Department of the Treasury;
- 27 • State Health Planning Board in the Department of Health and
28 Senior Services;
- 29 • Catastrophic Illness in Children Relief Fund Commission in
30 the Department of Human Services; and
- 31 • New Jersey Youth Suicide Prevention Advisory Council,
32 which is moved from DHS to the new department.

33 The bill moves the Office of Education from DHS to DCF, and
34 the Commissioner of Children and Families, rather than the
35 Commissioner of Human Services, will appoint the Director of
36 Educational Services. Also, the New Jersey Youth Suicide
37 Prevention Advisory Council is moved from DHS to DCF.

38 The bill also eliminates certain panels, commissions, and
39 councils within the Department of Human Services and expands the
40 responsibilities and membership of the "New Jersey Task Force on
41 Child Abuse and Neglect." Specifically, the bill dissolves the
42 "Child Life Protection Commission" established under the
43 "Children's Trust Fund Act," N.J.S.A.9:6A-1 et seq., the Diagnostic
44 and Treatment Advisory Council established under N.J.S.A.9:6-8.99
45 et seq., and the Division of Youth and Family Services Staffing and
46 Outcome Review Panel established under N.J.S.A.30:4C-3.1 et seq.

1 Under current law, the Child Life Protection Commission is
2 authorized to evaluate and award grant money appropriated from
3 the Children's Trust Fund to agencies that provide programs and
4 services for the prevention of child abuse and neglect. This bill
5 provides that the commission's responsibility will be assumed by
6 the New Jersey Task Force on Child Abuse and Neglect.
7 Additionally, it is anticipated that the work performed by the
8 diagnostic and treatment advisory council will be assumed by the
9 protection subcommittee of the task force.

10 The bill also expands the membership of the task force from 25
11 to 29 members to include the Commissioner of Children and
12 Families, a county prosecutor appointed by the Attorney General,
13 and two additional public members. Further, the bill specifies that
14 of the 13 public members on the task force: one shall be the director
15 of a regional diagnostic and treatment center for child abuse and
16 neglect; one shall be a representative of the Association for
17 Children of New Jersey; one shall be a representative of Foster and
18 Adoptive Services; one shall be a representative of a faith-based
19 organization; one shall be the director of a county department of
20 human services; one shall be a youth 18 years of age or younger,
21 who is or has been placed under the care and custody of DYFS
22 because of an allegation of child abuse and neglect; and two shall
23 be representatives of a service provider under contract with DYFS.

24 The bill also provides that the Commissioner of Labor and
25 Workforce Development consult with the Commissioner of
26 Children and Families in connection with the At-Risk Youth
27 Mentoring Program, and that the Child Advocate also provide to the
28 Commissioner of Children and Families an annual report regarding
29 the Child Advocate's activities.

30 Finally, the bill repeals the following sections of law:

- 31 • Section 7 of P.L.1998, c.19 (C.9:6-8.105), which established
32 the Diagnostic and Treatment Advisory Council;
- 33 • Sections 4, 5, and 6 of P.L.1985, c.197 (C.9:6A-2 through
34 9:6A-4), which established the Child Life Protection
35 Commission;
- 36 • Section 2 of P.L.2004, c.130 (C.30:4C-2.2), which established
37 the Office of Children's Services in the Department of Human
38 Services; and
- 39 • P.L.2001, c.252 (C.30:4C-3.1 through 30:4C-3.6), which
40 established the DYFS Staffing and Outcomes Review Panel.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3356

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JULY 7, 2006

The Assembly Budget Committee reports favorably Assembly Bill No. 3356, with committee amendments.

As amended by the committee, this bill establishes as a new principal department within the Executive Branch, the Department of Children and Families.

The bill transfers the functions of the current Office of Children's Services in the Department of Human Services, as well as licensing of child care centers, youth residential programs and resource family homes, to the new Department of Children and Families, and authorizes the Governor to appoint, with the advice and consent of the Senate, a Commissioner of Children and Families, who will be responsible for the administration of the new department. The new department will contain, but not be limited to, the Division of Youth and Family Services, the Division of Child Behavioral Health Services, the Division of Prevention and Community Partnerships and the New Jersey Child Welfare Training Academy, all of which are currently allocated to the Department of Human Services.

Although the bill amends numerous statutes to reflect the nominal changes from the Department of Human Services (DHS) to the Department of Children and Families (DCF), the bill primarily amends the following three main statutory frameworks to transfer the functions of DHS to DCF:

- Title 2A, which concerns the juvenile justice system;
- Title 9, which concerns adoptions, investigations of child abuse and neglect, and homeless youth; and
- Title 30, which concerns the care, custody and supervision of abused and neglected children, termination of parental rights, visitation requirements, licensing of resource family homes, child care centers, and other children's residential placements, and the Safe Haven Infant Protection Act.

The bill also provides that the Department of Children and Families replaces the Department of Human Services in the following:

- New Jersey Task Force on Child Abuse and Neglect;
- Child Fatality and Near Fatality Review Board;

- Safe Haven Awareness Promotion Task Force;
- Child Abuse Registry;
- Domestic Violence Victims' Fund; and
- Juvenile Justice Commission.

The bill provides that the Commissioner of Children and Families is added as a member of the following bodies:

- Commission on Early Childhood Education in the Department of Education;
- Advisory Council on Adolescent Pregnancy;
- Governor's Council on Alcoholism and Drug Abuse in the Department of the Treasury;
- State Health Planning Board in the Department of Health and Senior Services;
- Catastrophic Illness in Children Relief Fund Commission in the Department of Human Services; and
- New Jersey Youth Suicide Prevention Advisory Council, which is moved from DHS to the new department.

The bill moves the Office of Education from DHS to DCF, and the Commissioner of Children and Families, rather than the Commissioner of Human Services, will appoint the Director of Educational Services. Also, the New Jersey Youth Suicide Prevention Advisory Council is moved from DHS to DCF.

The bill also eliminates certain panels, commissions, and councils within the Department of Human Services and expands the responsibilities and membership of the New Jersey Task Force on Child Abuse and Neglect. Specifically, the bill dissolves the Child Life Protection Commission established under the "Children's Trust Fund Act," N.J.S.A.9:6A-1 et seq., the Diagnostic and Treatment Advisory Council established under N.J.S.A.9:6-8.99 et seq., and the Division of Youth and Family Services Staffing and Outcome Review Panel established under N.J.S.A.30:4C-3.1 et seq.

Under current law, the Child Life Protection Commission is authorized to evaluate and award grant money appropriated from the Children's Trust Fund to agencies that provide programs and services for the prevention of child abuse and neglect. This bill provides that the commission's responsibility will be assumed by the New Jersey Task Force on Child Abuse and Neglect. Additionally, it is anticipated that the work performed by the Diagnostic and Treatment Advisory Council will be assumed by the protection subcommittee of the task force.

The bill also expands the membership of the task force from 25 to 29 members to include the Commissioner of Children and Families, a county prosecutor appointed by the Attorney General, and two additional public members. Further, the bill specifies that of the 13 public members on the task force: one shall be the director of a regional diagnostic and treatment center for child abuse and neglect; one shall be a representative of the Association for Children of New

Jersey; one shall be a representative of Foster and Adoptive Family Services; one shall be a representative of a faith-based organization; one shall be the director of a county department of human services; one shall be a youth 21 years of age or younger, who is or has been placed under the care and custody of DYFS because of an allegation of child abuse and neglect; and two shall be representatives of a service provider under contract with DYFS.

The bill also provides that the Commissioner of Labor and Workforce Development consult with the Commissioner of Children and Families in connection with the At-Risk Youth Mentoring Program, and that the Child Advocate also provide to the Commissioner of Children and Families an annual report regarding the Child Advocate's activities.

Finally, the bill repeals the following sections of law:

- Section 7 of P.L.1998, c.19 (C.9:6-8.105), which established the Diagnostic and Treatment Advisory Council;
- Sections 4, 5, and 6 of P.L.1985, c.197 (C.9:6A-2 through 9:6A-4), which established the Child Life Protection Commission;
- Section 2 of P.L.2004, c.130 (C.30:4C-2.2), which established the Office of Children's Services in the Department of Human Services; and
- P.L.2001, c.252 (C.30:4C-3.1 through 30:4C-3.6), which established the DYFS Staffing and Outcomes Review Panel.

The variety and magnitude of programs in the State's child welfare system warrant the creation of a separate cabinet-level department devoted exclusively to providing for the safety and well-being of children and their families. The purpose of this legislation is to provide the most effective means of protecting the children of this State by creating a department which focuses exclusively on protecting children and strengthening families, so that our State's children are able to grow and prosper to the benefit of themselves, their families, and society as a whole. The intent of this legislation is to achieve a more efficient and effective child welfare services delivery system in a manner that does not disrupt the current provision of services to consumers of child welfare services.

The establishment of the new department will begin a process that seeks to maximize coordination and integration of children and family services. Based on the forthcoming recommendations of the Governor's Policy Advisory Council on Human Services Restructuring in early July, additional divisions and programs will be added to the department in the future in a carefully planned and coordinated manner. In this respect, the Division of Family Development in DHS should be one of the first divisions considered for transfer to DCF to ensure that children and families are best served through the new structure.

COMMITTEE AMENDMENTS:

The committee amended the bill (section 55) to add to the New Jersey Task Force on Child Abuse and Neglect a Staffing and Oversight Review Subcommittee, which will assume the responsibilities of the DYFS Staffing and Outcomes Review Panel. The subcommittee shall review staffing levels of the Division of Youth and Family Services in order to develop recommendations regarding staffing levels and the most effective methods of recruiting, hiring, and retaining staff within the division. In addition, the subcommittee shall review the division's performance in the achievement of management and client outcomes, and shall issue a preliminary report with its findings and recommendations no later than January 1, 2007, and subsequent reports annually thereafter with the first full report due no later than July 1, 2007. The subcommittee shall issue its reports directly to the Governor and to the Legislature.

FISCAL IMPACT:

No fiscal information has been provided to estimate the cost impact of this bill. However, it is reasonable to estimate that the cost to establish a new principal department of State government is between \$250,000 and \$1million, consisting mostly of the salaries and related expenses of a commissioner and essential staff under his or her direct supervision.

The Department of Human Services said they would eliminate positions totaling \$200,000 in cost savings, however, the Office of Legislative Services cannot verify this with the formation of an entire new department to which the positions are being transferred to, along with duties that would prevail.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 3356
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: JULY 28, 2006

SUMMARY

Synopsis: Establishes Department of Children and Families.

Type of Impact: The Department of Human Services (DHS) has provided information that it would cost approximately \$1.4 million for 14 positions and incidental costs to establish the Department of Children and Families. DHS has also indicated that 15 positions valued at \$1.6 million have been eliminated in anticipation that the new Department of Children and Families will be established. Thus, establishment of the new department will produce a net savings of about \$200,000.

Agencies Affected: Department of Human Services.

Office of Legislative Services Estimate

Fiscal Impact	<u>Years 1 - 3</u>
State Cost	The DHS has provided information that it would cost approximately \$1.4 million for 14 positions and incidental costs to establish the Department of Children and Families. The DHS has also indicated that 15 positions valued at \$1.6 million have been eliminated in anticipation that the new Department of Children and Families will be established. Thus, establishment of the new department will produce a net savings of about \$200,000.

BILL DESCRIPTION

Assembly Bill No. 3356 of 2006 establishes the Department of Children and Families and transfers various divisions, offices and programs from the DHS to the new department, including: the Divisions of Youth and Family Services, Child Behavioral Health Services, Prevention and Community Partnerships, the New Jersey Child Welfare Training Academy, and the Office of Education. The legislation also transfers to the new department from DHS responsibility for the licensing of child care centers, resource family homes, and youth residential facilities.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The DHS has provided information that it would cost approximately \$1.4 million for 14 positions and incidental costs to establish the Department of Children and Families. The DHS has also indicated that 15 positions valued at \$1.6 million have been eliminated in anticipation that the new Department of Children and Families will be established. Thus, establishment of the new department will produce a net savings of about \$200,000. The Commissioner of Human Services has further indicated that various administrative functions such as personnel, information technology, etc. would be shared by the two departments.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services notes that DHS has provided information that approximately \$1.6 million in positions were eliminated in anticipation of establishment of a new Department of Children and Families, and that approximately \$1.4 million in personnel and miscellaneous costs would be incurred to establish the new department. It is also noted that at the present time, the two departments will share many administrative services. What may happen in subsequent fiscal years with respect to costs of operating the new department is speculative, and cannot be determined at this time.

Section: Human Services

*Analyst: Jay Hershberg
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67.

Jul-11-06 Governor Corzine Signs Bill Establishing Department of Children and Families

FOR IMMEDIATE RELEASE
Date: July 11, 2006

**CONTACT: Anthony Coley
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Governor Corzine Signs Bill Establishing Department of Children and Families

*Nominates Commissioners for Children and Families, Corrections,
Education and Human Services*

TRENTON - Governor Jon S. Corzine today signed legislation to create the Department of Children and Families (DCF), the state's first Cabinet-level department focused solely on child and family welfare.

"Today, we are taking a major step toward fixing New Jersey's child welfare system and fulfilling our most basic commitment to protecting our children," said Governor Corzine. "Aggressive reform of this system requires a degree of focus that simply is not possible under the current structure."

The new, freestanding DCF will be staffed by approximately 6,600 state child welfare employees from within the Department of Human Services' (DHS) Office of Children's Services: the Division of Youth and Family Services (DYFS), the Division of Child Behavioral Health Services, the Division of Prevention and Community Partnerships, the Office of Education, and the New Jersey Child Welfare Training Academy.

Governor Corzine has appointed Kevin M. Ryan, who has served as the Commissioner of Human Services since January, to lead the new department of Children and Families on an interim basis. From 2003-2006, Ryan was the State Child Advocate where he was responsible for holding accountable state agencies that serve children at risk of abuse and neglect. He earned a B.A. from The Catholic University of America, a J.D. from Georgetown University Law Center and a LL.M. from New York University School of Law. The Governor will submit Ryan's formal nomination to the Senate for confirmation once the Senate reconvenes.

"The state of New Jersey has long needed a cabinet agency devoted to keeping kids safe and families strong," said Commissioner Ryan. "As an advocate for children, I would especially like to extend my appreciation and gratitude to the Governor and the Legislature for their leadership on behalf of New Jersey's children."

To fill the post of Human Services Commissioner, Governor Corzine will nominate Clarke Bruno. Bruno previously served as General Counsel to the New York City Department of Homeless Services, where he directed legal affairs for the 2,200 employee agency with an operating budget of \$730 million. Mr. Bruno has extensive legal expertise, vast managerial experience, and a strong command of the issues facing the New Jersey Department of Human Services. He obtained his B.A. from Swarthmore College and his J.D. from New York University. Until the confirmation process is complete, DHS Director of the Division of Addiction Services Jim Smith will serve as Acting Commissioner. Mr. Smith previously served as the Acting Commissioner of Human Services from 2001-2002, and also as Deputy Commissioner of Human Services from 1998-2001.

"I am honored by this extraordinary opportunity to serve the Governor, the clients of the Department of Human Services and the people of New Jersey," said Mr. Bruno. "The Governor has charged me with making the state a leader in delivering high quality health and social services in a cost-effective manner. I look forward to getting started."

The Senate bill creating the new department was sponsored by Senators Joseph Vitale and William Gormley, and co-sponsored by Senators Ellen Karcher, Ronald Rice, Loretta Weinberg and Diane Allen. The Assembly bill was sponsored by Assemblypersons Joseph Cryan, Sheila Oliver, Nilsa Cruz-Perez and Valerie Vainieri-Huttle, and co-sponsored by Assemblypersons Mims Hackett, Charles Epps, and Oadline Truitt.

"We have made a lot of progress in turning around our child protection safety net to ensure that no child falls through," said Senator Vitale, Chair of the Senate Health, Human Services and Senior Citizens Committee. "However, reorganizing our state's children's welfare and family support programs into a

standalone department within the Executive Branch offers an opportunity to advance reform well beyond the current timetable

DCF's total budget for the Fiscal Year 2007 will be \$1.4 billion, which includes the Legislature's full appropriation of Governor Corzine's proposed funding to support and deliver child welfare programs and services. The majority of DCF's divisions, programs and staff will continue working from current offices and the central office of DCF will remain housed at the DHS headquarters at Capital Place One.

"I am proud to have sponsored this legislation giving children and families in New Jersey the attention they deserve," Assemblyman Cryan said. "I look forward to working with the new Department and Commissioner Ryan in our continued commitment to improving the lives of our most vulnerable children and families."

Governor Corzine's Policy Advisory Council on Human Services Restructuring is completing its report, which will make recommendations to the Commission on Government Efficiency and Reform on how to ensure the most effective and efficient delivery of services for all of New Jersey's human services clients.

DHS will be streamlined to provide more targeted services to persons with developmental disabilities and mental illness; persons with physical disabilities; those who are blind, visually impaired, deaf or hard of hearing; people in need of addiction services; and people in need of affordable health care and other welfare services, such as food stamps, emergency assistance and unemployment support.

Governor Corzine today also announced that he will nominate Lucile Davy to serve as Commissioner of Education and George Hayman to serve as Commissioner of Corrections.

Davy was first appointed Acting Education Commissioner in 2005; previously she served as Special Counsel to the Governor on Education. She earned a J.D. from the University of Notre Dame Law School and a B.S. in mathematics from Seton Hall University.

Hayman a 22-year veteran of the Department of Corrections has served as Acting Commissioner since January. He previously served as Assistant Commissioner of the Department. He earned both an M.A. and B.A. in social work from Rutgers University in Camden.