

45: 8B-1 to 33

Amended

LEGISLATIVE FACT SHEET

ON MARRIAGE COUNSELING

N.J.R.S. 45: 8B-1 to 33

(NEW Amendment)

LAWS OF 1968

CHAPTER 401 1/10/69

SENATE BILL

ASSEMBLY BILL 506

INTRODUCED March 18, 1968

BY Vander Plaats and others

SPONSOR'S STATEMENT

YES NO

ASSEMBLY COMMITTEE STATEMENT

YES NO

SENATE COMMITTEE STATEMENT

YES NO

FISCAL NOTE

YES NO

AMENDED DURING PASSAGE

YES NO

HEARING *None discovered*

VETO

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JA/PC

CHAPTER 401 LAWS OF N. J. 1968

APPROVED 1/10/69
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ASSEMBLY, No. 506

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1968

By Assemblymen VANDER PLAAT, VOLK, HOLLENBECK,
CRANE, DE KORTE, RUSSO, FERRARA and THOMAS

Referred to Committee on Commerce, Industry and Professions

AN ACT to require licensing of certain individuals who carry on the practice of marriage counseling in New Jersey for a fee monetary or otherwise; to create in the Division of Professional Boards in the Department of Law and Public Safety, a board to be known as the State Board of Marriage Counselor Examiners; to prescribe the duties and powers of said board; to fix penalties for the violation of this act; and to make an appropriation.

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

3 1. The practice of marriage counseling in the State of New
4 Jersey is hereby declared to affect the public safety and welfare,
5 and to be subject to regulation and control in the public interest
6 in order to protect the public from the unprofessional, improper,
7 unauthorized and unqualified practice of marriage counseling, and
8 from unprofessional conduct by persons licensed to practice
9 marriage counseling. This act shall be liberally construed to carry
10 out these objects and purposes.

11 2. As used in this act, unless the context clearly requires other-
12 wise and except as in this act expressly otherwise provided:

13 (a) "Licensed marriage counselor" means an individual to
14 whom a license has been issued pursuant to the provisions of this
15 act, which license is in force and not suspended or revoked as of the
16 particular time in question.

17 (b) The "practice of marriage counseling" means the rendering
18 of professional marriage counseling services to individuals and
19 marital pairs, singly or in groups, whether in the general public
20 or in organizations, either public or private, for a fee, monetary or
21 otherwise. "Marriage Counseling" is a specialized field of counsel-
22 ing which centers largely upon the relationship between husband
23 and wife. It also includes premarital counseling, pre- and post-
24 divorce counseling, and family counseling which emphasizes the

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

1 spousal relationship as a key to successful family living. The
2 practice of marriage counseling consists of the application of prin-
3 ciples, methods and techniques of counseling and psychotherapy for
4 the purpose of resolving psychological conflict, modifying percep-
5 tion and behavior, altering old attitudes and establishing new ones
6 in the area of marriage and family life. In its concern with the
7 antecedents of marriage, with the vicissitudes of marriage, and
8 with the consequences of the failure of marriage, marriage counsel-
9 ing keeps in sight its objective of enabling marital partners and
10 their children to achieve the optimal adjustment consistent with
11 their welfare as individuals, as members of a family, and as citizens
12 in society.

13 (c) "Board" means the State Board of Marriage Counselor
14 Examiners acting as such under the provisions of this act.

15 (d) "Recognized educational institution" means any educational
16 institution which grants the bachelor's, master's and doctor's
17 degrees, or any one or more thereof, and which is recognized by the
18 New Jersey State Board of Education or by any accrediting body
19-20 acceptable to the State Board of Marriage Counselor Examiners.

21 3. No educational institution shall be denied recognition as a
22 recognized educational institution solely because its program is not
23 accredited by any professional organization of marriage counselors
24 and nothing in this act or in the administration of this act shall
25 require the registration with the board of educational institutions
26 of departments of sociology, psychology, social work, marriage and
27 family life or any other specialty or doctoral programs in any of
28 these professional fields.

29 4. Nothing in this act shall authorize the practice of medicine
30 and surgery by any person not licensed so to do pursuant to chapter
31 9 of Title 45 of the Revised Statutes.

32 5. Commencing January 1, 1969, no person who is not licensed
33 under this act shall advertise the performance of marriage counsel-
34 ing services or represent himself to be a licensed practicing mar-
35 riage counselor, use a title or description, including the following
36 titles: marriage counselor, advisor or consultant; a family coun-
37 selor, advisor or consultant; a family guidance counselor, advisor
38 or consultant; a marriage guidance counselor, advisor or con-
39 sultant; a family relations counselor, advisor or consultant; a
40 marriage relations counselor, advisor or consultant; a marriage
41 therapist, advisor or consultant; or any other name, style or
42 description denoting that the person so engages in marriage coun-
43 seling. Except as otherwise specifically provided in this act, only

1 a person licensed under this act shall advertise himself, purport or
 2 describe himself as offering marriage or family counseling services
 3 or advice; marriage or family guidance service or advice; marriage
 4 or family relations services, therapy or advice; marriage or family
 5 problems service or advice; marriage or family relations advice or
 6 assistance; services in the alleviation of any marital or family
 7 problem; or services of like import or effect, or offer to practice or
 8 practice marriage counseling as defined in this act, except as other-
 9 wise permitted in sections 6 and 8. The use by a person who is not
 10 licensed under this act of such terms, whether in titles or descrip-
 11 tions or otherwise, is not prohibited by this act except when in con-
 12 nection with the offer to practice or the practice of marriage coun-
 13 seling as defined in section 2 (b) of this act. Use of such terms in
 14 connection with professional activities other than the rendering
 15 of professional marriage counseling services to individuals for a
 16 fee, monetary or otherwise, shall not be construed as implying that
 17 a person is licensed under this act or as an offer to practice or as
 18 the practice of marriage counseling.

19 6. Any individual who is not a licensed practicing marriage
 20 counselor shall not be limited in his activities:

21 (a) As part of his duties as an employee of:

22 (1) an accredited academic institution, a Federal, State,
 23 county or local governmental institution or agency, or a re-
 24 search facility while performing those duties for which he was
 25 employed by such an institution, agency or facility;

26 (2) an organization which is nonprofit and which is, in the
 27 opinion of the board, a bona fide community agency, while
 28 performing those duties for which he was employed by such an
 29 agency***[**. For the purpose of this subsection a "community
 30 agency" means a nonprofit organization supported wholly or
 31 in a major part by public funds**]***;

32 (3) a proprietary organization while performing those
 33 duties for which he was employed by such organization, pro-
 34 vided his marriage counseling duties are under the direct
 35 supervision of a licensed practicing marriage counselor.

36 (b) As a student of counseling, marriage counseling interne or
 37 person preparing for the practice of marriage counseling under
 38 qualified supervision in a training institution or facility recognized
 39 by the board provided he is designated by such titles as "marriage
 40 counseling interne," "family counseling interne" or others, clearly
 41 indicating such training status.

42 (c) As a practicing marriage counselor for a period not to exceed
 43 10 consecutive business days or 15 business days in any 90-day

1 period, if he resides outside, and his major practice is outside, of
2 the State of New Jersey and gives the board a summary of his
3 qualifications and a minimum of 10 days' written notice of his in-
4 tention to practice in the State of New Jersey under this paragraph
5 (c), provided he (1) is certified or licensed in another State
6 under requirements the board considers to be the equivalent of
7 requirements for licensing under this act, or (2) resides in a
8 State which does not certify or license marriage counselors and
9 the board considers his professional qualifications to be the equiv-
10 alent of requirements for licensing under this act; and is not
11 adjudged and notified by the board that he is ineligible for licensing
12 under this act.

13 (d) As a practicing marriage counselor for a period not exceed-
14 ing 1 year, if he has a temporary permit therefor which the board
15 may issue upon his filing of an application for licensing under this
16 act.

17 (e) As a practicing marriage counselor for a period not exceed-
18 ing 3 years under the supervision of a licensed practicing marriage
19 counselor, or a person designated by the board as an eligible super-
20 visor, if he has a temporary permit therefor which the board may
21 issue upon his completion of all the requirements for licensing
22 under this act except the supervised experience requirement.

23 7. The exceptions specified in section 6 (c), (d) and (e) shall not
24 be available to any person who has been found by a court of this or
25 any State of the United States to have been guilty of and who fails
26 to present satisfactory evidence of recovery from or correction of
27 gross immorality, habitual intoxication, drug addiction, criminality
28 involving felonious action or moral turpitude, or dishonorable or
29 unprofessional conduct. An action to determine whether any per-
30 son asserting an exception under sections (c), (d) or (e) has com-
31 mitted one or more of the acts listed in this section may be brought
32 by the Attorney General on behalf of the board.

33 8. Nothing in this act shall be construed to prevent qualified
34 members of other professional groups such as social workers,
35 psychologists, physicians, attorneys at law, members of the clergy
36 or guidance counselors from doing work of a marriage and family
37 counseling nature consistent with the accepted standards of their
38 respective professions***[** provided, however, that they do not pur-
39 port to the public by any title or description stating or implying that
40 they are marriage counselors or are licensed to practice marriage
41 counseling**]***

42 9. There is hereby created in the Division of Professional Boards
43 of the Department of Law and Public Safety, the State Board of

1 Marriage Counselor Examiners, which shall consist of 7 members,
2 who are residents of this State and citizens of the United States,
3 5 of whom shall be licensed practicing marriage counselors. All
4 members, except the citizen members, shall have the qualifications
5 hereinafter set forth in section 10 of this act.

6 10. Each member of the board, except the citizen members, shall
7 have the following qualifications:

8 (a) He shall either be a member of or have professional standing
9 equivalent to that required for classification as a member of the
10 New Jersey Association of Marriage Counselors and the American
11 Association of Marriage Counselors.

12 (b) He shall be at the time of his appointment, and shall have
13 been for at least 5 years prior thereto, actively engaged as a
14 marriage counselor in rendering professional services in marriage
15 counseling, or in the education and training of doctoral or post-
16 doctoral students of marriage counseling or in marriage counseling
17 research, and shall have spent the major portion of the time devoted
18 by him to such activity, during the 2 years preceding his appoint-
19 ment, in this State.

20 (c) He shall hold at least a master's degree in social work,
21 marriage or pastoral counseling, psychology, sociology of the
22 family, marriage and family life education, or in a closely allied
23 field or a doctor of medicine; from a recognized educational
24 institution.

25 11. The members of the board shall be appointed by the
26 Governor. The terms of the first 7 members of the board shall
27 expire as follows: 2 members, June 30, 1970; 2 members, June 30,
28 1971; 3 members, June 30, 1972. Thereafter, each member of the
29 board shall be appointed for a term of 3 years. If before the
30 expiration of his term any member shall die, resign, become dis-
31 qualified or otherwise cease to be a board member, the vacancy shall
32 be filled by the Governor by appointment for the unexpired term.
33 Each appointee shall, upon accepting appointment to the board,
34 take and subscribe to the oath or affirmation prescribed by law and
35 file same in the office of the Secretary of State.

36 The first appointees, other than the citizen members, shall be
37 deemed to be and shall become licensed practicing marriage coun-
38 selors immediately upon their appointment and qualification as
39 members of the board.

40 12. The Governor shall have power to remove from office any
41 member of the board for incompetence, neglect of duty, unprofes-
42 sional conduct or moral turpitude; but no board member may be
43 thus removed until after a public hearing of the charges against

1 him, and at least 30 days' prior written notice to such accused
2 member of the charges against him and of the date fixed for such
3 hearing.

4 13. The board shall, at its first meeting, to be called by the
5 Governor as soon as may be following the appointment of its
6 members, and all annual meetings, to be held in June of each year
7 thereafter, organize by electing from among its members a chair-
8 man, vice-chairman and secretary whose election shall be subject
9 to the approval of the Attorney General. Such officers shall serve
10 until the following June 30 and until their successors are appointed
11 and qualified. The board shall adopt a seal which shall be affixed to
12 all licenses issued by the board. The board shall administer and
13 enforce the provisions of this act. The board shall hold at least one
14 regular meeting each year; but additional meetings may be held
15 upon call of the chairman or at the written request of any 2
16 members of the board. Four members of the board shall constitute
17 a quorum and no action at any meeting shall be taken without at
18 least 2 votes in accord. The board shall from time to time adopt
19 such rules and regulations and such amendments thereof and
20 supplements thereto as it may deem necessary to enable it to per-
21 form its duties under and to carry into effect the provisions of this
22 act. The board shall examine and pass on the qualifications of all
23 applicants for permits or licenses under the act, and shall issue a
24 permit or license to each qualified successful applicant therefor,
25 attesting to his professional qualifications to engage in the practice
26 of marriage counseling.

27 Each member of the board shall be reimbursed for actual ex-
28 penses reasonably incurred in the performance of his duties as a
29 member of or on behalf of the board.

30 Subject to the approval of the Attorney General, the board shall
31 be empowered to hire such assistance as it may deem necessary to
32 carry on its activities. All expenditures deemed necessary to carry
33 out the provisions of this act shall be paid by the State Treasurer
34 from the license fees and other sources of income of the board,
35 within the limits of available appropriations according to law, but
36 in no event shall expenditures exceed the revenues of the board
37 during any fiscal year. The board, through its chairman or secre-
38 tary, may issue subpoenas to compel the attendance of witnesses to
39 testify before the board and produce relevant books, records and
40 papers before the board and may administer oaths in taking testi-
41 mony, in any matter pertaining to its duties under the act (includ-
42 ing, without limitation, any hearing authorized or required to be
43 held by the board under any provisions of this act), which subpoenas

1 shall issue under the seal of the board and shall be served in the
2 same manner as subpoenas issued out of the Superior Court. Every
3 person who refuses or neglects to obey the command of any such
4 subpoena, or who, after hearing, refuses to be sworn and testify,
5 shall, in either event, be liable to a penalty of \$50.00 to be sued for
6 in the name of the board in any court of competent jurisdiction,
7 which penalty when collected shall be paid to the secretary of the
8 board.

9 14. Each person desiring to obtain a license as a practicing
10 marriage counselor shall make application therefor to the board
11 upon such form and in such manner as the board shall prescribe
12 and shall furnish evidence satisfactory to the board that he:

- 13 (a) It at least 21 years of age;
14 (b) Is of good moral character;
15 (c) Is not engaged in any practice or conduct which would be a
16 ground for refusing to issue, suspending or revoking a license
17 issued pursuant to this act;
18 (d) Qualifies for licensing by an examination of credentials or
19 for admission to an assembled examination to be conducted by the
20 board.

21 15. Any person who applies on or before January 1, 1970, may
22 obtain a license to be issued by the board by an examination of
23 credentials if he meets the qualifications set forth in section 14 (a),
24 (b) and (c) and provides evidence satisfactory to the board that he
25 meets educational and experiential qualifications as follows:

26 (a) Educational Requirement: At least a master's degree in
27 social work, marriage or pastoral counseling, psychology, sociology
28 of the family, family life education, or another field of study or a
29 closely allied field of a doctor of medicine in which it is established
30 by the applicant's transcripts that an appropriate course of study
31 has been successfully completed; the degree to have been obtained
32 from an accredited institution so recognized at the time of granting
33 of such degrees.

34 (b) Experience Requirements: Three years of full-time counsel-
35 ing experience, or its equivalent, of a character approved by the
36 board, 2 years of which must have been in marriage counseling.

37 16. Any person already licensed or certified by January 1, 1970
38 in the State in a professional discipline cited in section 15a, and
39 under the provisions of section 15b is deemed qualified as a
40 marriage counselor.

41 17. Any person applying to the board on or before January 1,
42 1969, may be admitted to an assembled examination if he meets the
43 qualifications set forth in section 14 (a), (b) and (c) and provides

1 evidence satisfactory to the board that he has a master's degree in
2 one of the related fields described in section 15 (a), or a degree
3 declared to be equivalent, from an accredited institution so recog-
4 nized at the time of granting of such degree and at least 5 years of
5 full-time practice or its equivalent in marriage counseling and be
6 granted a license upon satisfactory completion of the required
7 examination and other requirements herein described.

8 18. Any person applying to the board, after January 1, 1970,
9 may be admitted to an examination if he meets the qualifications
10 set forth in section 14 (a), (b) and (c) and provides evidence
11 satisfactory to the board that he has met educational and experi-
12 ential qualifications as follows:

13 (a) Educational Requirement: At least a master's degree in
14 social work, or a doctorate in marriage or pastoral counseling,
15 psychology, sociology of the family, family life education, or a
16 closely allied field of study or a doctor of medicine in which it is
17 established by the applicant's transcripts that an equivalent course
18 of study has been successfully completed; the degree to have been
19 obtained from an accredited institution so recognized at the time
20 of granting of such degrees.

21 (b) Experience Requirements: Five years of full-time counsel-
22 ing experience, or its equivalent, of a character approved by the
23 board, 2 years of which must have been in marriage counseling; 2
24 of the 5 required years must have been under the supervision of a
25 person holding a degree specified in paragraph (a) of this section
26 and who has himself had no less than 5 full-time years of profes-
27 sional experience or the equivalent.

28 19. The board shall conduct examinations at least once a year
29 at a time and place to be designated by it. Examinations shall
30 be written and, if the board deems advisable, oral. In any written
31 examination each applicant shall be designated by a number so
32 that his name shall not be disclosed to the board until examinations
33 have been graded. Examinations shall include questions in such
34 theoretical and applied fields as the board deems most suitable
35 to test an applicant's knowledge and competence to engage in the
36 practice of marriage counseling. An applicant shall be held to
37 have passed an examination upon the affirmative vote of at least 4
38 members of the board.

39 20. Any person who shall have failed an examination conducted
40 by the board may not be admitted to a subsequent examination for
41 a period of at least 6 months.

42 21. The board may issue a license by an examination of creden-
43 tials to any applicant who presents evidence that he is licensed or

1 certified as a marriage counselor in another State with require-
2 ments for said license or certificate such that the board is of the
3 opinion that said applicant is competent to engage in the practice
4 of marriage counseling in this State.

5 22. The following fees shall be assessed and collected by the
6 board:

7 (a) Application fee, \$20.00, which shall not be subject to refund;

8 (b) Examination and initial license fee, \$30.00, which shall be
9 subject to refund if the applicant is determined to be ineligible for
10 examination, withdraws his application for examination, or fails to
11 appear for examination;

12 (c) License fee, examination of credentials, \$25.00;

13 (d) License renewal fee, \$25.00;

14 (e) Registration fee, \$10.00;

15 (f) Reinstatement fee, \$50.00.

16 23. Licenses will be valid for 1 year and must be renewed
17 annually.

18 24. On or before April 15 in each year the secretary of the board
19 shall forward to the holder a form of application for renewal
20 thereof. Upon the receipt of the completed form and the renewal
21 fee on or before June 30 the secretary shall issue a new license for
22 the year commencing July 1. Any application for renewal of a
23 license which has expired shall in addition require the payment of a
24 reregistration fee, or in such cases as the board may by rule pre-
25 scribe, by a new application fee.

26 25. The board may refuse to grant or renew or may revoke or
27 suspend a license on any of the following grounds:

28 (a) Use of fraud or deception in applying for a certificate or in
29 taking the examination therefor required by this act.

30 (b) Practice of marriage counseling under a false or assumed
31 name or impersonation of a licensed practicing marriage counselor
32 of like or different name, or permitting an unlicensed person to
33 practice marriage counseling in the name of a licensee and to use
34 his license for that purpose.

35 (c) Conviction of a crime involving moral turpitude.

36 (d) Habitual intemperance in the use of intoxicants, narcotics or
37 stimulants to such an extent as to incapacitate him for the per-
38 formance of his professional duties as a licensed practicing mar-
39 riage counselor or conviction of or has pleaded nolo contendere, non
40 vult contendere or non vult to an indictment, information or com-
41 plaint alleging a violation of any Federal or State law relating to
42 narcotic drugs.

43 (e) Violation of any provision of this act or rule, regulation or

1 code of ethics promulgated by the board.

2 (f) Negligence or misconduct in the performance of his pro-
3 fessional duties as a licensed practicing marriage counselor.

4 The board shall not refuse to grant and shall not revoke or
5 suspend the license of any person for any of the foregoing reasons,
6 until after a hearing of the charges against the accused (which
7 shall be public, unless the accused requests a private hearing
8 thereon), and at least 20 days' prior written notice to the accused
9 of the charges against him and of the date fixed for such hearing.
10 Such written notice shall be mailed by the United States certified or
11 registered mail to the accused's last known address, but the
12 accused's failure to appear shall not prevent or invalidate such
13 hearing or any action taken by the board thereat.

14 Every action of the board in refusing to issue a license or in
15 suspending or revoking a license pursuant to this section shall be
16 subject to review by appeal to the Superior Court by a proceeding
17 in lieu of prerogative writ.

18 26. Application may be made to the board for reinstatement, at
19 any time after the expiration of 1 year from the date of revocation
20 of a license. Such application shall be in writing and shall be
21 accompanied by the reinstatement fee. The board shall not rein-
22 state any applicant, unless satisfied that he is competent to engage
23 in the practice of marriage counseling, and if it deems same
24 necessary for such determination, may require the applicant to
25 pass an examination.

26 27. (a) Any person, not a licensed practicing marriage counselor
27 under this act, who on or after January 1, 1970, represents himself
28 to be a licensed practicing marriage counselor or offers to practice
29 or practices marriage counseling in violation of this act shall be
30 liable to a penalty of \$200.00 for the first offense and of \$500.00 for
31 each subsequent offense.

32 (b) The New Jersey Superior Court, and every County Court,
33 county district court and municipal court shall have jurisdiction
34 within its territory of proceedings for the collection and imposition
35 of a penalty imposed because of the violation of any provision of
36 this act. Penalties shall be sued for and recovered by and in the
37 name of the board and shall be collected and enforced by summary
38 proceedings pursuant to the Penalty Enforcement Law (chapter 58
39 of Title 2A of the New Jersey Statutes). Process shall issue at the
40 suit of the board as plaintiff and shall be in the nature of a summons
41 and warrant. In any action to recover such a penalty, the certifica-
42 tion of any member of the board under the seal of the board that
43 at the time of the offense charged the defendant was not a licensed

1 practicing marriage counselor or that the defendant's license had
2 been suspended or revoked, shall be received in evidence and shall
3 be prima facie proof of the facts so stated.

4 28. The Superior Court may prevent or restrain, through an
5 action at the suit of the Attorney General or of the board, or of
6 any citizen of the same county, any person from representing him-
7 self as a licensed practicing marriage counselor or from practicing
8 marriage counseling in New Jersey who is not licensed under this
9 act or excluded from its application by sections 6 or 8. Through the
10 same means the Superior Court may prevent or restrain any person
11 from violation of any provision of this act.

12 29. Any communication between a marriage counselor and the
13 person or persons counseled shall be confidential and its secrecy
14 preserved. This privilege shall not be subject to waiver, except
15 where the marriage counselor is a party defendant to a civil,
16 criminal or disciplinary action arising from such counseling, in
17 which case, the waiver shall be limited to that action.

18 30. All fees, fines, penalties and other moneys derived from the
19 operation of this act shall be paid to the board and by it remitted
20 to the State Treasurer.

21 31. If any provision of this act or the application thereof to any
22 person or circumstance is held invalid, such invalidity shall not
23 affect any other provisions or applications of the act which can be
24 given effect without such invalid provision or application, and to
25 this end the provisions of this act are declared to be severable.

26 32. There is hereby appropriated to the Department of Law and
27 Public Safety for the purpose of administering this act all fees
28 and revenue received by the board from the effective date of this
29 act until June 30, 1970. The expenditure of such appropriation
30 shall be authorized by the Attorney General with the approval of
31 the Director of the Division of Budget and Accounting.

32 33. This act shall be known and may be cited as the "Practicing
33 Marriage Counseling Act."

34 34. This act shall take effect immediately.

ASSEMBLY, No. 506

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1968

By Assemblymen VANDER PLAAT, VOLK, HOLLENBECK,
CRANE, DE KORTE, RUSSO, FERRARA and THOMAS

Referred to Committee on Commerce, Industry and Professions

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8 from unprofessional conduct by persons licensed to practice
9 marriage counseling. This act shall be liberally construed to carry
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11 2. As used in this act, unless the context clearly requires other-
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16 particular time in question.

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19 marital pairs, singly or in groups, whether in the general public
20 or in organizations, either public or private, for a fee, monetary or
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23 and wife. It also includes premarital counseling, pre- and post-
24 divorce counseling, and family counseling which emphasizes the

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9 ing keeps in sight its objective of enabling marital partners and
10 their children to achieve the optimal adjustment consistent with
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14 Examiners acting as such under the provisions of this act.

15 (d) "Recognized educational institution" means any educational
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19-20 acceptable to the State Board of Marriage Counselor Examiners.

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36 titles: marriage counselor, advisor or consultant; a family coun-
37 selor, advisor or consultant; a family guidance counselor, advisor
38 or consultant; a marriage guidance counselor, advisor or con-
39 sultant; a family relations counselor, advisor or consultant; a
40 marriage relations counselor, advisor or consultant; a marriage
41 therapist, advisor or consultant; or any other name, style or
42 description denoting that the person so engages in marriage coun-
43 seling. Except as otherwise specifically provided in this act, only

1 a person licensed under this act shall advertise himself, purport or
2 describe himself as offering marriage or family counseling services
3 or advice; marriage or family guidance service or advice; marriage
4 or family relations services, therapy or advice; marriage or family
5 problems service or advice; marriage or family relations advice or
6 assistance; services in the alleviation of any marital or family
7 problem; or services of like import or effect, or offer to practice or
8 practice marriage counseling as defined in this act, except as other-
9 wise permitted in sections 6 and 8. The use by a person who is not
10 licensed under this act of such terms, whether in titles or descrip-
11 tions or otherwise, is not prohibited by this act except when in con-
12 nection with the offer to practice or the practice of marriage coun-
13 seling as defined in section 2 (b) of this act. Use of such terms in
14 connection with professional activities other than the rendering
15 of professional marriage counseling services to individuals for a
16 fee, monetary or otherwise, shall not be construed as implying that
17 a person is licensed under this act or as an offer to practice or as
18 the practice of marriage counseling.

19 6. Any individual who is not a licensed practicing marriage
20 counselor shall not be limited in his activities:

21 (a) As part of his duties as an employee of:

22 (1) an accredited academic institution, a Federal, State,
23 county or local governmental institution or agency, or a re-
24 search facility while performing those duties for which he was
25 employed by such an institution, agency or facility;

26 (2) an organization which is nonprofit and which is, in the
27 opinion of the board, a bona fide community agency, while
28 performing those duties for which he was employed by such an
29 agency. For the purpose of this subsection a "community
30 agency" means a nonprofit organization supported wholly or
31 in a major part by public funds;

32 (3) a proprietary organization while performing those
33 duties for which he was employed by such organization, pro-
34 vided his marriage counseling duties are under the direct
35 supervision of a licensed practicing marriage counselor.

36 (b) As a student of counseling, marriage counseling interne or
37 person preparing for the practice of marriage counseling under
38 qualified supervision in a training institution or facility recognized
39 by the board provided he is designated by such titles as "marriage
40 counseling interne," "family counseling interne" or others, clearly
41 indicating such training status.

42 (c) As a practicing marriage counselor for a period not to exceed
43 10 consecutive business days or 15 business days in any 90-day

1 period, if he resides outside, and his major practice is outside, of
2 the State of New Jersey and gives the board a summary of his
3 qualifications and a minimum of 10 days' written notice of his in-
4 tention to practice in the State of New Jersey under this paragraph
5 (c), provided he (1) is certified or licensed in another State
6 under requirements the board considers to be the equivalent of
7 requirements for licensing under this act, or (2) resides in a
8 State which does not certify or license marriage counselors and
9 the board considers his professional qualifications to be the equiv-
10 alent of requirements for licensing under this act; and is not
11 adjudged and notified by the board that he is ineligible for licensing
12 under this act.

13 (d) As a practicing marriage counselor for a period not exceed-
14 ing 1 year, if he has a temporary permit therefor which the board
15 may issue upon his filing of an application for licensing under this
16 act.

17 (e) As a practicing marriage counselor for a period not exceed-
18 ing 3 years under the supervision of a licensed practicing marriage
19 counselor, or a person designated by the board as an eligible super-
20 visor, if he has a temporary permit therefor which the board may
21 issue upon his completion of all the requirements for licensing
22 under this act except the supervised experience requirement.

23 7. The exceptions specified in section 6 (c), (d) and (e) shall not
24 be available to any person who has been found by a court of this or
25 any State of the United States to have been guilty of and who fails
26 to present satisfactory evidence of recovery from or correction of
27 gross immorality, habitual intoxication, drug addiction, criminality
28 involving felonious action or moral turpitude, or dishonorable or
29 unprofessional conduct. An action to determine whether any per-
30 son asserting an exception under sections (c), (d) or (e) has com-
31 mitted one or more of the acts listed in this section may be brought
32 by the Attorney General on behalf of the board.

33 8. Nothing in this act shall be construed to prevent qualified
34 members of other professional groups such as social workers,
35 psychologists, physicians, attorneys at law, members of the clergy
36 or guidance counselors from doing work of a marriage and family
37 counseling nature consistent with the accepted standards of their
38 respective professions, provided, however, that they do not purport
39 to the public by any title or description stating or implying that
40 they are marriage counselors or are licensed to practice marriage
41 counseling.

42 9. There is hereby created in the Division of Professional Boards
43 of the Department of Law and Public Safety, the State Board of

1 Marriage Counselor Examiners, which shall consist of 7 members,
2 who are residents of this State and citizens of the United States,
3 5 of whom shall be licensed practicing marriage counselors. All
4 members, except the citizen members, shall have the qualifications
5 hereinafter set forth in section 10 of this act.

6 10. Each member of the board, except the citizen members, shall
7 have the following qualifications:

8 (a) He shall either be a member of or have professional standing
9 equivalent to that required for classification as a member of the
10 New Jersey Association of Marriage Counselors and the American
11 Association of Marriage Counselors.

12 (b) He shall be at the time of his appointment, and shall have
13 been for at least 5 years prior thereto, actively engaged as a
14 marriage counselor in rendering professional services in marriage
15 counseling, or in the education and training of doctoral or post-
16 doctoral students of marriage counseling or in marriage counseling
17 research, and shall have spent the major portion of the time devoted
18 by him to such activity, during the 2 years preceding his appoint-
19 ment, in this State.

20 (c) He shall hold at least a master's degree in social work,
21 marriage or pastoral counseling, psychology, sociology of the
22 family, marriage and family life education, or in a closely allied
23 field or a doctor of medicine; from a recognized educational
24 institution.

25 11. The members of the board shall be appointed by the
26 Governor. The terms of the first 7 members of the board shall
27 expire as follows: 2 members, June 30, 1970; 2 members, June 30,
28 1971; 3 members, June 30, 1972. Thereafter, each member of the
29 board shall be appointed for a term of 3 years. If before the
30 expiration of his term any member shall die, resign, become dis-
31 qualified or otherwise cease to be a board member, the vacancy shall
32 be filled by the Governor by appointment for the unexpired term.
33 Each appointee shall, upon accepting appointment to the board,
34 take and subscribe to the oath or affirmation prescribed by law and
35 file same in the office of the Secretary of State.

36 The first appointees, other than the citizen members, shall be
37 deemed to be and shall become licensed practicing marriage coun-
38 selors immediately upon their appointment and qualification as
39 members of the board.

40 12. The Governor shall have power to remove from office any
41 member of the board for incompetence, neglect of duty, unprofes-
42 sional conduct or moral turpitude; but no board member may be
43 thus removed until after a public hearing of the charges against

1 him, and at least 30 days' prior written notice to such accused
2 member of the charges against him and of the date fixed for such
3 hearing.

4 13. The board shall, at its first meeting, to be called by the
5 Governor as soon as may be following the appointment of its
6 members, and all annual meetings, to be held in June of each year
7 thereafter, organize by electing from among its members a chair-
8 man, vice-chairman and secretary whose election shall be subject
9 to the approval of the Attorney General. Such officers shall serve
10 until the following June 30 and until their successors are appointed
11 and qualified. The board shall adopt a seal which shall be affixed to
12 all licenses issued by the board. The board shall administer and
13 enforce the provisions of this act. The board shall hold at least one
14 regular meeting each year; but additional meetings may be held
15 upon call of the chairman or at the written request of any 2
16 members of the board. Four members of the board shall constitute
17 a quorum and no action at any meeting shall be taken without at
18 least 2 votes in accord. The board shall from time to time adopt
19 such rules and regulations and such amendments thereof and
20 supplements thereto as it may deem necessary to enable it to per-
21 form its duties under and to carry into effect the provisions of this
22 act. The board shall examine and pass on the qualifications of all
23 applicants for permits or licenses under the act, and shall issue a
24 permit or license to each qualified successful applicant therefor,
25 attesting to his professional qualifications to engage in the practice
26 of marriage counseling.

27 Each member of the board shall be reimbursed for actual ex-
28 penses reasonably incurred in the performance of his duties as a
29 member of or on behalf of the board.

30 Subject to the approval of the Attorney General, the board shall
31 be empowered to hire such assistance as it may deem necessary to
32 carry on its activities. All expenditures deemed necessary to carry
33 out the provisions of this act shall be paid by the State Treasurer
34 from the license fees and other sources of income of the board,
35 within the limits of available appropriations according to law, but
36 in no event shall expenditures exceed the revenues of the board
37 during any fiscal year. The board, through its chairman or secre-
38 tary, may issue subpoenas to compel the attendance of witnesses to
39 testify before the board and produce relevant books, records and
40 papers before the board and may administer oaths in taking testi-
41 mony, in any matter pertaining to its duties under the act (includ-
42 ing, without limitation, any hearing authorized or required to be
43 held by the board under any provisions of this act), which subpoenas

1 shall issue under the seal of the board and shall be served in the
2 same manner as subpoenas issued out of the Superior Court. Every
3 person who refuses or neglects to obey the command of any such
4 subpoena, or who, after hearing, refuses to be sworn and testify,
5 shall, in either event, be liable to a penalty of \$50.00 to be sued for
6 in the name of the board in any court of competent jurisdiction,
7 which penalty when collected shall be paid to the secretary of the
8 board.

9 14. Each person desiring to obtain a license as a practicing
10 marriage counselor shall make application therefor to the board
11 upon such form and in such manner as the board shall prescribe
12 and shall furnish evidence satisfactory to the board that he:

13 (a) It at least 21 years of age;

14 (b) Is of good moral character;

15 (c) Is not engaged in any practice or conduct which would be a
16 ground for refusing to issue, suspending or revoking a license
17 issued pursuant to this act;

18 (d) Qualifies for licensing by an examination of credentials or
19 for admission to an assembled examination to be conducted by the
20 board.

21 15. Any person who applies on or before January 1, 1970, may
22 obtain a license to be issued by the board by an examination of
23 credentials if he meets the qualifications set forth in section 14 (a),
24 (b) and (c) and provides evidence satisfactory to the board that he
25 meets educational and experiential qualifications as follows:

26 (a) Educational Requirement: At least a master's degree in
27 social work, marriage or pastoral counseling, psychology, sociology
28 of the family, family life education, or another field of study or a
29 closely allied field of a doctor of medicine in which it is established
30 by the applicant's transcripts that an appropriate course of study
31 has been successfully completed; the degree to have been obtained
32 from an accredited institution so recognized at the time of granting
33 of such degrees.

34 (b) Experience Requirements: Three years of full-time counsel-
35 ing experience, or its equivalent, of a character approved by the
36 board, 2 years of which must have been in marriage counseling.

37 16. Any person already licensed or certified by January 1, 1970
38 in the State in a professional discipline cited in section 15a, and
39 under the provisions of section 15b is deemed qualified as a
40 marriage counselor.

41 17. Any person applying to the board on or before January 1,
42 1969, may be admitted to an assembled examination if he meets the
43 qualifications set forth in section 14 (a), (b) and (c) and provides

1 evidence satisfactory to the board that he has a master's degree in
2 one of the related fields described in section 15 (a), or a degree
3 declared to be equivalent, from an accredited institution so recog-
4 nized at the time of granting of such degree and at least 5 years of
5 full-time practice or its equivalent in marriage counseling and be
6 granted a license upon satisfactory completion of the required
7 examination and other requirements herein described.

8 18. Any person applying to the board, after January 1, 1970,
9 may be admitted to an examination if he meets the qualifications
10 set forth in section 14 (a), (b) and (c) and provides evidence
11 satisfactory to the board that he has met educational and experi-
12 ential qualifications as follows:

13 (a) Educational Requirement: At least a master's degree in
14 social work, or a doctorate in marriage or pastoral counseling,
15 psychology, sociology of the family, family life education, or a
16 closely allied field of study or a doctor of medicine in which it is
17 established by the applicant's transcripts that an equivalent course
18 of study has been successfully completed; the degree to have been
19 obtained from an accredited institution so recognized at the time
20 of granting of such degrees.

21 (b) Experience Requirements: Five years of full-time counsel-
22 ing experience, or its equivalent, of a character approved by the
23 board, 2 years of which must have been in marriage counseling; 2
24 of the 5 required years must have been under the supervision of a
25 person holding a degree specified in paragraph (a) of this section
26 and who has himself had no less than 5 full-time years of profes-
27 sional experience or the equivalent.

28 19. The board shall conduct examinations at least once a year
29 at a time and place to be designated by it. Examinations shall
30 be written and, if the board deems advisable, oral. In any written
31 examination each applicant shall be designated by a number so
32 that his name shall not be disclosed to the board until examinations
33 have been graded. Examinations shall include questions in such
34 theoretical and applied fields as the board deems most suitable
35 to test an applicant's knowledge and competence to engage in the
36 practice of marriage counseling. An applicant shall be held to
37 have passed an examination upon the affirmative vote of at least 4
38 members of the board.

39 20. Any person who shall have failed an examination conducted
40 by the board may not be admitted to a subsequent examination for
41 a period of at least 6 months.

42 21. The board may issue a license by an examination of creden-
43 tials to any applicant who presents evidence that he is licensed or

1 certified as a marriage counselor in another State with require-
2 ments for said license or certificate such that the board is of the
3 opinion that said applicant is competent to engage in the practice
4 of marriage counseling in this State.

5 22. The following fees shall be assessed and collected by the
6 board:

7 (a) Application fee, \$20.00, which shall not be subject to refund;

8 (b) Examination and initial license fee, \$30.00, which shall be
9 subject to refund if the applicant is determined to be ineligible for
10 examination, withdraws his application for examination, or fails to
11 appear for examination;

12 (c) License fee, examination of credentials, \$25.00;

13 (d) License renewal fee, \$25.00;

14 (e) Registration fee, \$10.00;

15 (f) Reinstatement fee, \$50.00.

16 23. Licenses will be valid for 1 year and must be renewed
17 annually.

18 24. On or before April 15 in each year the secretary of the board
19 shall forward to the holder a form of application for renewal
20 thereof. Upon the receipt of the completed form and the renewal
21 fee on or before June 30 the secretary shall issue a new license for
22 the year commencing July 1. Any application for renewal of a
23 license which has expired shall in addition require the payment of a
24 reregistration fee, or in such cases as the board may by rule pre-
25 scribe, by a new application fee.

26 25. The board may refuse to grant or renew or may revoke or
27 suspend a license on any of the following grounds:

28 (a) Use of fraud or deception in applying for a certificate or in
29 taking the examination therefor required by this act.

30 (b) Practice of marriage counseling under a false or assumed
31 name or impersonation of a licensed practicing marriage counselor
32 of like or different name, or permitting an unlicensed person to
33 practice marriage counseling in the name of a licensee and to use
34 his license for that purpose.

35 (c) Conviction of a crime involving moral turpitude.

36 (d) Habitual intemperance in the use of intoxicants, narcotics or
37 stimulants to such an extent as to incapacitate him for the per-
38 formance of his professional duties as a licensed practicing mar-
39 riage counselor or conviction of or has pleaded nolo contendere, non
40 vult contendere or non vult to an indictment, information or com-
41 plaint alleging a violation of any Federal or State law relating to
42 narcotic drugs.

43 (e) Violation of any provision of this act or rule, regulation or

1 code of ethics promulgated by the board.

2 (f) Negligence or misconduct in the performance of his pro-
3 fessional duties as a licensed practicing marriage counselor.

4 The board shall not refuse to grant and shall not revoke or
5 suspend the license of any person for any of the foregoing reasons,
6 until after a hearing of the charges against the accused (which
7 shall be public, unless the accused requests a private hearing
8 thereon), and at least 20 days' prior written notice to the accused
9 of the charges against him and of the date fixed for such hearing.
10 Such written notice shall be mailed by the United States certified or
11 registered mail to the accused's last known address, but the
12 accused's failure to appear shall not prevent or invalidate such
13 hearing or any action taken by the board thereat.

14 Every action of the board in refusing to issue a license or in
15 suspending or revoking a license pursuant to this section shall be
16 subject to review by appeal to the Superior Court by a proceeding
17 in lieu of prerogative writ.

18 26. Application may be made to the board for reinstatement, at
19 any time after the expiration of 1 year from the date of revocation
20 of a license. Such application shall be in writing and shall be
21 accompanied by the reinstatement fee. The board shall not rein-
22 state any applicant, unless satisfied that he is competent to engage
23 in the practice of marriage counseling, and if it deems same
24 necessary for such determination, may require the applicant to
25 pass an examination.

26 27. (a) Any person, not a licensed practicing marriage counselor
27 under this act, who on or after January 1, 1970, represents himself
28 to be a licensed practicing marriage counselor or offers to practice
29 or practices marriage counseling in violation of this act shall be
30 liable to a penalty of \$200.00 for the first offense and of \$500.00 for
31 each subsequent offense.

32 (b) The New Jersey Superior Court, and every County Court,
33 county district court and municipal court shall have jurisdiction
34 within its territory of proceedings for the collection and imposition
35 of a penalty imposed because of the violation of any provision of
36 this act. Penalties shall be sued for and recovered by and in the
37 name of the board and shall be collected and enforced by summary
38 proceedings pursuant to the Penalty Enforcement Law (chapter 58
39 of Title 2A of the New Jersey Statutes). Process shall issue at the
40 suit of the board as plaintiff and shall be in the nature of a summons
41 and warrant. In any action to recover such a penalty, the certifica-
42 tion of any member of the board under the seal of the board that
43 at the time of the offense charged the defendant was not a licensed

1 practicing marriage counselor or that the defendant's license had
2 been suspended or revoked, shall be received in evidence and shall
3 be prima facie proof of the facts so stated.

4 28. The Superior Court may prevent or restrain, through an
5 action at the suit of the Attorney General or of the board, or of
6 any citizen of the same county, any person from representing him-
7 self as a licensed practicing marriage counselor or from practicing
8 marriage counseling in New Jersey who is not licensed under this
9 act or excluded from its application by sections 6 or 8. Through the
10 same means the Superior Court may prevent or restrain any person
11 from violation of any provision of this act.

12 29. Any communication between a marriage counselor and the
13 person or persons counseled shall be confidential and its secrecy
14 preserved. This privilege shall not be subject to waiver, except
15 where the marriage counselor is a party defendant to a civil,
16 criminal or disciplinary action arising from such counseling, in
17 which case, the waiver shall be limited to that action.

18 30. All fees, fines, penalties and other moneys derived from the
19 operation of this act shall be paid to the board and by it remitted
20 to the State Treasurer.

21 31. If any provision of this act or the application thereof to any
22 person or circumstance is held invalid, such invalidity shall not
23 affect any other provisions or applications of the act which can be
24 given effect without such invalid provision or application, and to
25 this end the provisions of this act are declared to be severable.

26 32. There is hereby appropriated to the Department of Law and
27 Public Safety for the purpose of administering this act all fees
28 and revenue received by the board from the effective date of this
29 act until June 30, 1970. The expenditure of such appropriation
30 shall be authorized by the Attorney General with the approval of
31 the Director of the Division of Budget and Accounting.

32 33. This act shall be known and may be cited as the "Practicing
33 Marriage Counseling Act."

34 34. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 506

STATE OF NEW JERSEY

ADOPTED JUNE 10, 1968

Amend page 3, section 6, lines 29 to 31, after "agency" delete "." insert ";" delete "For the purpose of this subsection a 'community agency' means a nonprofit organization supported wholly or in a major part by public funds;".

Amend page 4, section 8, lines 38 to 41, after "professions" insert "." omit remaining lines in their entirety.

FISCAL NOTE TO
ASSEMBLY, No. 506

STATE OF NEW JERSEY

DATED: MAY 6, 1968

Assembly Bill No. 506 would establish a board to be known as the State Board of Marriage Counselor Examiners. It would further provide for licensing and prescribe the duties and powers of said board.

It is estimated by the Department of Law and Public Safety that if Assembly Bill No. 506 is enacted, a net revenue of \$39,000.00 would accrue to the State in 1968-69 and \$5,000.00 in 1969-70.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.