



(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No
<b>VETO MESSAGE:</b>	No
<b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>	Yes
<b>FOLLOWING WERE PRINTED:</b>	
To check for circulating copies, contact New Jersey State Government Publications at the State Library ( <a href="tel:6092782640">609 278-2640 ext.103</a> or <a href="mailto:refdesk@njstatelib.org">mailto:refdesk@njstatelib.org</a> )	
<b>REPORTS:</b>	No
<b>HEARINGS:</b>	No
<b>NEWSPAPER ARTICLES:</b>	No

RWH/JA

P.L. 2019, CHAPTER 394, *approved January 21, 2020*  
Senate, No. 1318 (*Second Reprint*)

1 **AN ACT** permitting counties and non-governmental, community-  
2 based agencies, in partnership with certain governmental entities,  
3 to provide coordinated, multi-agency governmental and non-  
4 governmental assistance through centralized locations to victims  
5 of certain crimes and offenses, and their family members,  
6 referred to as family justice centers, and supplementing  
7 P.L.1985, c.404 (C.52:4B-39 et seq.).  
8

9 **BE IT ENACTED** by the Senate and General Assembly of the State  
10 of New Jersey:  
11

12 1. a. (1) A county or a non-governmental, community-based  
13 agency, in partnership with the county and municipal governments  
14 therein, may provide multi-agency governmental and non-  
15 governmental assistance, including but not limited to legal, law  
16 enforcement, social services, and health care assistance, to any  
17 victim of domestic violence as defined in subsection d. of section 3  
18 of P.L.1991, c.261 (C.2C:25-19), sexual assault as defined in  
19 N.J.S.2C:14-2, human trafficking as defined in section 1 of  
20 P.L.2005, c.77 (C.2C:13-8), or criminal abandonment or neglect of  
21 an elderly person or disabled adult as defined in section 1 of  
22 P.L.1989, c.23 (C.2C:24-8), as well as assistance to the victim's  
23 family members, by establishing a centralized location, to be  
24 referred to as a family justice center, through which the victim and  
25 family members can request and access all available multi-agency  
26 assistance, and this assistance can be efficiently coordinated.

27 (2) A county or non-governmental, community-based agency  
28 may establish more than one family justice center, so long as the  
29 same forms of multi-agency governmental and non-governmental  
30 assistance are available at each center. If multiple centers are  
31 established in a county, they shall coordinate and collaborate with  
32 one another with respect to the provision of services.

33 b. The family justice center shall operate under a director, who  
34 shall have, by education, training, or experience, an expertise in  
35 victim advocacy, and who may be an existing county official or  
36 employee, or a designated professional from a community-based  
37 agency. The family justice center shall be additionally staffed by a  
38 privacy officer designated by the director, who may be an existing

**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:

<sup>1</sup>Senate SJU committee amendments adopted June 17, 2019.

<sup>2</sup>Senate floor amendments adopted June 20, 2019.

1 county official or employee, or a professional from a community-  
2 based agency, and who is responsible for overseeing the center's  
3 privacy policies and procedures, as described in section 4 of this  
4 act, concerning the maintenance of confidential records on victims  
5 and their family members, and the limited sharing of information  
6 from those records and other sources, when consented to by the  
7 victim, amongst the providers of assistance at the center, as well as  
8 third-party service providers. The county or community-based  
9 agency may also provide for any additional administrative and other  
10 personnel which it deems necessary for the proper operation of the  
11 center.

12 c. In cooperation with the Judiciary, municipalities, and non-  
13 governmental entities, the multi-agency assistance available at a  
14 county's or community-based agency's family justice center may be  
15 provided by, but is not limited to, the following professionals or  
16 volunteers:

17 (1) law enforcement officers;

18 (2) county or municipal prosecutors;

19 (3) representatives from the Judiciary's Domestic Violence  
20 Hearing Officer Program;

21 (4) the county's victim-witness coordinator, defined in section 7  
22 of P.L.1985, c.404 (C.52:4B-45), or a designated representative  
23 thereof, or the director or designated representative of a designated  
24 county-wide domestic violence agency as defined in subsection c.  
25 of section 3 of P.L.2013, c.82 (C.34:11C-3) or rape crisis center as  
26 defined in section 1 of P.L.1981, c.256 (C.52:4B-22);

27 (5) health care professionals, which could include a certified  
28 forensic sexual assault nurse examiner who is certified pursuant to  
29 the provisions of section 5 of P.L.2001, c.81 (C.52:4B-53);

30 (6) victim counselors as defined in subsection e. of section 3 of  
31 P.L.1987, c.169 (C.2A:84A-22.14), certified domestic violence  
32 specialists as defined in subsection c. of section 3 of P.L.2013, c.82  
33 (C.34:11C-3), rape care advocates as defined in section 4 of  
34 P.L.2001, c.81 (C.52:4B-52), or representatives of providers of  
35 services to victims of human trafficking that have been designated  
36 as victim service providers by the Director of the State's Office of  
37 Victim-Witness Advocacy pursuant to section 6 of P.L.1985, c.404  
38 (C.52:4B-44);

39 (7) staff from the county's child advocacy center as defined in  
40 section 6 of P.L.1998, c.19 (C.9:6-8.104), or members of the  
41 county's multidisciplinary team, established pursuant to that same  
42 section, which investigates child abuse and neglect and provides  
43 victim services to abused children and their families;

44 (8) domestic violence shelter staff from shelters which meet all  
45 of the standards for operating and service delivery required by the  
46 "Shelters for Victims of Domestic Violence Act," P.L.1979, c.337  
47 (C.30:14-1 et seq.);

1 (9) staff from local governmental or non-governmental,  
2 community-based social and human services agencies, including  
3 child care services;

4 (10) staff from the county health department established  
5 pursuant to section 6 of P.L.1975, c.329 (C.26:3A2-6), or municipal  
6 local health agencies or municipalities' contracting health agencies  
7 as described in section 10 of P.L.1975, c.329 (C.26:3A2-10);

8 (11) staff from the county welfare board, or local assistance  
9 boards, municipal advisory committees, or resident helpers involved  
10 with services and relief for the poor, as established or appointed  
11 pursuant to Title 44 of the Revised Statutes; and

12 (12) attorneys from Legal Services of New Jersey or its  
13 affiliates, or other legal service providers which provide legal  
14 assistance in civil matters to the poor.

15 d. The director of the family justice center shall develop,  
16 approve, and provide for a training program, or in the alternative  
17 approve the use of a training program offered by a federal, State, or  
18 local governmental entity or recognized non-profit organization, for  
19 all professionals and volunteers providing assistance at the family  
20 justice center, which consists of eight or more hours of instruction  
21 annually, covering topics that include, but are not limited to,  
22 victims' rights, victim advocacy, risk assessments for victims and  
23 their family members and the appropriate case response thereto, and  
24 confidentiality issues associated with the treatment and protection  
25 of victims and their family members.

26

27 2. a. The availability of services at a family justice center shall  
28 not be made conditional on the basis of a victim's or family  
29 member's willingness to cooperate with law enforcement  
30 authorities or participate in the criminal justice system, and services  
31 shall not be denied if a victim or family member does not cooperate  
32 with law enforcement authorities or participate in the criminal  
33 justice system.

34 b. (1) The availability of services at a family justice center  
35 shall not be made conditional on the basis of a victim or family  
36 member consenting to a criminal history record background check,  
37 and a criminal history background check shall not be conducted on  
38 a victim or family member without that person's written consent,  
39 unless the background check is being done in the course of a  
40 criminal investigation.

41 (2) Services at a family justice center shall not be denied solely  
42 on the basis of any victim's or family member's criminal history <sup>1</sup>,  
43 or citizenship or immigration status<sup>1</sup>.

44

45 3. a. The director of a family justice center shall consult, and  
46 develop policies and procedures in collaboration with non-  
47 governmental organizations involved in victim advocacy and  
48 services, as well as former victims of domestic violence as defined  
49 in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19),

1 sexual assault as defined in N.J.S.2C:14-2, human trafficking as  
2 defined in section 1 of P.L.2005, c.77 (C.2C:13-8), and criminal  
3 abandonment or neglect of an elderly person or disabled adult as  
4 defined in section 1 of P.L.1989, c.23 (C.2C:24-8), concerning the  
5 family justice center's intake process for victims and family  
6 members, the forms of multi-agency assistance available at the  
7 center and the coordination thereof, and victim safety, and may  
8 consult and develop policies and procedures in collaboration with  
9 the organizations and former victims on any other aspect of the  
10 center's operations. The director shall also provide a procedure for  
11 the receipt, on an ongoing basis, of additional input and evaluations  
12 of family justice center operations by those non-governmental  
13 organizations and former victims with whom the director consults  
14 pursuant to this subsection.

15 b. The director of a family justice center shall provide a  
16 procedure for the receipt, on an ongoing basis, of input and  
17 evaluations by all victims and their family members who request  
18 and access assistance through the center regarding the center's  
19 operations, particularly concerning issues with the provision or  
20 coordination of services, and the conduct of the providers of  
21 assistance at the center and the center's own personnel.

22  
23 4. a. A family justice center shall develop and maintain, under  
24 the immediate supervision of the center's privacy officer designated  
25 by the director pursuant to subsection b. of section 1 of this act,  
26 policies and procedures which comply with all applicable federal  
27 and State privacy laws pertaining to the confidentiality of records to  
28 be maintained on victims and their family members who request  
29 and access assistance through the center.

30 b. All of the providers of assistance at a family justice center  
31 shall comply with the applicable laws on confidentiality and  
32 privileged communications concerning their respective professions.  
33 Nothing in this section shall be deemed to abrogate or modify any  
34 existing handling of confidential records or information, or  
35 privileged communications, as set forth and recognized under State  
36 or federal constitutional, statutory, or common law, or court rule,  
37 including any legal obligation by a provider of assistance to report  
38 or disclose to other parties specific information or incidents when  
39 the disclosure is mandated under State or federal law or required by  
40 court order.

41 c. (1) A family justice center shall develop and maintain,  
42 under the immediate supervision of the center's privacy officer, a  
43 procedure to seek and obtain an informed, voluntary, written  
44 consent from each victim at the time the victim initially requests to  
45 access assistance through the center, which consent shall be  
46 reasonably time limited and intended to only permit the collection  
47 and subsequent sharing of the victim's and family members'  
48 confidential records and information, and the content of otherwise  
49 privileged communications, amongst some or all of the center's

1 personnel, some or all of the providers of assistance at the center,  
2 and third-party service providers not providing assistance at the  
3 center, as agreed to by the victim. A victim shall not be required to  
4 provide written consent to the family justice center for the victim or  
5 any family member to access services at the center.

6 (2) (a) At the time of seeking the victim's written consent for  
7 the collection and limited sharing of confidential and privileged  
8 records, information, and communications, the victim shall also be  
9 informed that the limitations of any written consent, if given, shall  
10 not prevent the sharing of any records, information, and  
11 communications offered by the victim or victim's family members  
12 when, as described in subsection b. of this section, there is a  
13 mandatory, lawful duty to report to law enforcement officers,  
14 prosecutors, or other governmental officers or officials based upon  
15 any specific information that is provided by the victim or a family  
16 member, the type of incident involved, or if the victim or a family  
17 member is a danger to himself, herself, or others, or disclosure is  
18 required by a court order. The family justice center shall obtain and  
19 maintain on file a written acknowledgment from the victim that the  
20 victim is aware that any mandatory, lawful duty to report or to  
21 disclose pursuant to court order shall apply regardless of the  
22 provisions set forth in any written consent for limited sharing, if  
23 provided by the victim.

24 (b) Except for a mandatory, lawful duty to report or to disclose  
25 pursuant to court order as set forth in subsection b. of this section,  
26 and the authorized sharing of information concerning a family  
27 justice center's operations and utilization by victims and their  
28 family members pursuant to section 5 of this act, the family justice  
29 center's personnel and the providers of assistance at the center shall  
30 not share any confidential or privileged records, information, and  
31 communications in any manner, and with any other parties, other  
32 than as consented to in the victim's written consent and consistent  
33 with the applicable laws on confidentiality and privileged  
34 communications concerning their respective professions.

35 (3) The victim's written consent shall not be deemed to be a  
36 more general waiver of confidentiality or privileged  
37 communications beyond that which is consented to in the victim's  
38 written consent, and beyond that which is consistent with the  
39 applicable laws on confidentiality and privileged communications  
40 concerning the respective professionals amongst whom any records,  
41 information, and communications are shared.

42  
43 5. a. A family justice center is authorized to share information,  
44 as well as recommendations, concerning the center's operations and  
45 utilization by victims and their family members, which does not  
46 include any personal identifiers of those victims and family  
47 members, with Alliance for Hope International, the national,  
48 nonprofit organization that assists with the development and  
49 operation of new and existing family justice centers and serves as a

1 national membership organization for all centers, when requested  
2 by that organization. The information which may be shared  
3 includes, but is not limited to:

4 (1) the number of victims who received assistance, the number  
5 of children and other family members of victims who received  
6 assistance, and the number of victims, children, and other family  
7 members who received assistance multiple times;

8 (2) the reasons that victims and their family members requested  
9 assistance;

10 (3) the filing, conviction, and dismissal rates for criminal, and  
11 disorderly persons and petty disorderly persons cases handled at the  
12 center;

13 (4) subjective and objective measurements of the impacts of  
14 centrally located multi-agency services related to the safety,  
15 empowerment, and mental and emotional well-being of victims and  
16 their family members, and comparison data from victims and family  
17 members, if available, on their access to services outside the family  
18 justice center model; and

19 (5) barriers, if any, to receiving available services at a family  
20 justice center, including actual or perceived barriers based on  
21 immigration status, criminal history, substance abuse or mental  
22 health issues, or privacy concerns, and potential means to mitigate  
23 any identified barriers to accessing services and for improving the  
24 utilization rate of services.

25 b. Alliance for HOPE International may file a report, utilizing  
26 any information collected pursuant to subsection a. of this section,  
27 with the Governor <sup>2</sup>, the Division on Women in the Department of  
28 Children and Families,<sup>2</sup> and pursuant to section 2 of P.L.1991, c.164  
29 (C.52:14-19.1), the Legislature annually or upon request by the  
30 Attorney General. The report may include recommendations for  
31 expanding or improving the Statewide operation of family justice  
32 centers, as well as suggested executive or legislative action, if  
33 necessary, to accomplish any recommendations.

34

35 6. This act shall take effect immediately.

36

37

38

39

40 Permits counties and non-governmental, community-based  
41 agencies to establish family justice centers which provide  
42 coordinated, multi-agency governmental and non-governmental  
43 assistance to victims of certain crimes and offenses, including  
44 domestic violence, and their family members.



# SENATE, No. 1318

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Permits counties and non-governmental, community-based agencies to establish family justice centers which provide coordinated, multi-agency governmental and non-governmental assistance to victims of certain crimes and offenses, including domestic violence, and their family members.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/18/2019)**

1 AN ACT permitting counties and non-governmental, community-  
2 based agencies, in partnership with certain governmental entities,  
3 to provide coordinated, multi-agency governmental and non-  
4 governmental assistance through centralized locations to victims  
5 of certain crimes and offenses, and their family members,  
6 referred to as family justice centers, and supplementing  
7 P.L.1985, c.404 (C.52:4B-39 et seq.).

8  
9 **BE IT ENACTED** by the Senate and General Assembly of the State  
10 of New Jersey:

11  
12 1. a. (1) A county or a non-governmental, community-based  
13 agency, in partnership with the county and municipal governments  
14 therein, may provide multi-agency governmental and non-  
15 governmental assistance, including but not limited to legal, law  
16 enforcement, social services, and health care assistance, to any  
17 victim of domestic violence as defined in subsection d. of section 3  
18 of P.L.1991, c.261 (C.2C:25-19), sexual assault as defined in  
19 N.J.S.2C:14-2, human trafficking as defined in section 1 of  
20 P.L.2005, c.77 (C.2C:13-8), or criminal abandonment or neglect of  
21 an elderly person or disabled adult as defined in section 1 of  
22 P.L.1989, c.23 (C.2C:24-8), as well as assistance to the victim's  
23 family members, by establishing a centralized location, to be  
24 referred to as a family justice center, through which the victim and  
25 family members can request and access all available multi-agency  
26 assistance, and this assistance can be efficiently coordinated.

27 (2) A county or non-governmental, community-based agency  
28 may establish more than one family justice center, so long as the  
29 same forms of multi-agency governmental and non-governmental  
30 assistance are available at each center. If multiple centers are  
31 established in a county, they shall coordinate and collaborate with  
32 one another with respect to the provision of services.

33 b. The family justice center shall operate under a director, who  
34 shall have, by education, training, or experience, an expertise in  
35 victim advocacy, and who may be an existing county official or  
36 employee, or a designated professional from a community-based  
37 agency. The family justice center shall be additionally staffed by a  
38 privacy officer designated by the director, who may be an existing  
39 county official or employee, or a professional from a community-  
40 based agency, and who is responsible for overseeing the center's  
41 privacy policies and procedures, as described in section 4 of this  
42 act, concerning the maintenance of confidential records on victims  
43 and their family members, and the limited sharing of information  
44 from those records and other sources, when consented to by the  
45 victim, amongst the providers of assistance at the center, as well as  
46 third-party service providers. The county or community-based  
47 agency may also provide for any additional administrative and other  
48 personnel which it deems necessary for the proper operation of the  
49 center.

- 1 c. In cooperation with the Judiciary, municipalities, and non-  
2 governmental entities, the multi-agency assistance available at a  
3 county's or community-based agency's family justice center may be  
4 provided by, but is not limited to, the following professionals or  
5 volunteers:
- 6 (1) law enforcement officers;
  - 7 (2) county or municipal prosecutors;
  - 8 (3) representatives from the Judiciary's Domestic Violence  
9 Hearing Officer Program;
  - 10 (4) the county's victim-witness coordinator, defined in section 7  
11 of P.L.1985, c.404 (C.52:4B-45), or a designated representative  
12 thereof, or the director or designated representative of a designated  
13 county-wide domestic violence agency as defined in subsection c.  
14 of section 3 of P.L.2013, c.82 (C.34:11C-3) or rape crisis center as  
15 defined in section 1 of P.L.1981, c.256 (C.52:4B-22);
  - 16 (5) health care professionals, which could include a certified  
17 forensic sexual assault nurse examiner who is certified pursuant to  
18 the provisions of section 5 of P.L.2001, c.81 (C.52:4B-53);
  - 19 (6) victim counselors as defined in subsection e. of section 3 of  
20 P.L.1987, c.169 (C.2A:84A-22.14), certified domestic violence  
21 specialists as defined in subsection c. of section 3 of P.L.2013, c.82  
22 (C.34:11C-3), rape care advocates as defined in section 4 of  
23 P.L.2001, c.81 (C.52:4B-52), or representatives of providers of  
24 services to victims of human trafficking that have been designated  
25 as victim service providers by the Director of the State's Office of  
26 Victim-Witness Advocacy pursuant to section 6 of P.L.1985, c.404  
27 (C.52:4B-44);
  - 28 (7) staff from the county's child advocacy center as defined in  
29 section 6 of P.L.1998, c.19 (C.9:6-8.104), or members of the  
30 county's multidisciplinary team, established pursuant to that same  
31 section, which investigates child abuse and neglect and provides  
32 victim services to abused children and their families;
  - 33 (8) domestic violence shelter staff from shelters which meet all  
34 of the standards for operating and service delivery required by the  
35 "Shelters for Victims of Domestic Violence Act," P.L.1979, c.337  
36 (C.30:14-1 et seq.);
  - 37 (9) staff from local governmental or non-governmental,  
38 community-based social and human services agencies, including  
39 child care services;
  - 40 (10) staff from the county health department established  
41 pursuant to section 6 of P.L.1975, c.329 (C.26:3A2-6), or municipal  
42 local health agencies or municipalities' contracting health agencies  
43 as described in section 10 of P.L.1975, c.329 (C.26:3A2-10);
  - 44 (11) staff from the county welfare board, or local assistance  
45 boards, municipal advisory committees, or resident helpers involved  
46 with services and relief for the poor, as established or appointed  
47 pursuant to Title 44 of the Revised Statutes; and

1 (12) attorneys from Legal Services of New Jersey or its  
2 affiliates, or other legal service providers which provide legal  
3 assistance in civil matters to the poor.

4 d. The director of the family justice center shall develop,  
5 approve, and provide for a training program, or in the alternative  
6 approve the use of a training program offered by a federal, State, or  
7 local governmental entity or recognized non-profit organization, for  
8 all professionals and volunteers providing assistance at the family  
9 justice center, which consists of eight or more hours of instruction  
10 annually, covering topics that include, but are not limited to,  
11 victims' rights, victim advocacy, risk assessments for victims and  
12 their family members and the appropriate case response thereto, and  
13 confidentiality issues associated with the treatment and protection  
14 of victims and their family members.

15

16 2. a. The availability of services at a family justice center shall  
17 not be made conditional on the basis of a victim's or family  
18 member's willingness to cooperate with law enforcement  
19 authorities or participate in the criminal justice system, and services  
20 shall not be denied if a victim or family member does not cooperate  
21 with law enforcement authorities or participate in the criminal  
22 justice system.

23 b. (1) The availability of services at a family justice center  
24 shall not be made conditional on the basis of a victim or family  
25 member consenting to a criminal history record background check,  
26 and a criminal history background check shall not be conducted on  
27 a victim or family member without that person's written consent,  
28 unless the background check is being done in the course of a  
29 criminal investigation.

30 (2) Services at a family justice center shall not be denied solely  
31 on the basis of any victim's or family member's criminal history.

32

33 3. a. The director of a family justice center shall consult, and  
34 develop policies and procedures in collaboration with non-  
35 governmental organizations involved in victim advocacy and  
36 services, as well as former victims of domestic violence as defined  
37 in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19),  
38 sexual assault as defined in N.J.S.2C:14-2, human trafficking as  
39 defined in section 1 of P.L.2005, c.77 (C.2C:13-8), and criminal  
40 abandonment or neglect of an elderly person or disabled adult as  
41 defined in section 1 of P.L.1989, c.23 (C.2C:24-8), concerning the  
42 family justice center's intake process for victims and family  
43 members, the forms of multi-agency assistance available at the  
44 center and the coordination thereof, and victim safety, and may  
45 consult and develop policies and procedures in collaboration with  
46 the organizations and former victims on any other aspect of the  
47 center's operations. The director shall also provide a procedure for  
48 the receipt, on an ongoing basis, of additional input and evaluations  
49 of family justice center operations by those non-governmental

1 organizations and former victims with whom the director consults  
2 pursuant to this subsection.

3 b. The director of a family justice center shall provide a  
4 procedure for the receipt, on an ongoing basis, of input and  
5 evaluations by all victims and their family members who request  
6 and access assistance through the center regarding the center's  
7 operations, particularly concerning issues with the provision or  
8 coordination of services, and the conduct of the providers of  
9 assistance at the center and the center's own personnel.

10

11 4. a. A family justice center shall develop and maintain, under  
12 the immediate supervision of the center's privacy officer designated  
13 by the director pursuant to subsection b. of section 1 of this act,  
14 policies and procedures which comply with all applicable federal  
15 and State privacy laws pertaining to the confidentiality of records to  
16 be maintained on victims and their family members who request  
17 and access assistance through the center.

18 b. All of the providers of assistance at a family justice center  
19 shall comply with the applicable laws on confidentiality and  
20 privileged communications concerning their respective professions.  
21 Nothing in this section shall be deemed to abrogate or modify any  
22 existing handling of confidential records or information, or  
23 privileged communications, as set forth and recognized under State  
24 or federal constitutional, statutory, or common law, or court rule,  
25 including any legal obligation by a provider of assistance to report  
26 or disclose to other parties specific information or incidents when  
27 the disclosure is mandated under State or federal law or required by  
28 court order.

29 c. (1) A family justice center shall develop and maintain,  
30 under the immediate supervision of the center's privacy officer, a  
31 procedure to seek and obtain an informed, voluntary, written  
32 consent from each victim at the time the victim initially requests to  
33 access assistance through the center, which consent shall be  
34 reasonably time limited and intended to only permit the collection  
35 and subsequent sharing of the victim's and family members'  
36 confidential records and information, and the content of otherwise  
37 privileged communications, amongst some or all of the center's  
38 personnel, some or all of the providers of assistance at the center,  
39 and third-party service providers not providing assistance at the  
40 center, as agreed to by the victim. A victim shall not be required to  
41 provide written consent to the family justice center for the victim or  
42 any family member to access services at the center.

43 (2) (a) At the time of seeking the victim's written consent for  
44 the collection and limited sharing of confidential and privileged  
45 records, information, and communications, the victim shall also be  
46 informed that the limitations of any written consent, if given, shall  
47 not prevent the sharing of any records, information, and  
48 communications offered by the victim or victim's family members  
49 when, as described in subsection b. of this section, there is a

1 mandatory, lawful duty to report to law enforcement officers,  
2 prosecutors, or other governmental officers or officials based upon  
3 any specific information that is provided by the victim or a family  
4 member, the type of incident involved, or if the victim or a family  
5 member is a danger to himself, herself, or others, or disclosure is  
6 required by a court order. The family justice center shall obtain and  
7 maintain on file a written acknowledgment from the victim that the  
8 victim is aware that any mandatory, lawful duty to report or to  
9 disclose pursuant to court order shall apply regardless of the  
10 provisions set forth in any written consent for limited sharing, if  
11 provided by the victim.

12 (b) Except for a mandatory, lawful duty to report or to disclose  
13 pursuant to court order as set forth in subsection b. of this section,  
14 and the authorized sharing of information concerning a family  
15 justice center's operations and utilization by victims and their  
16 family members pursuant to section 5 of this act, the family justice  
17 center's personnel and the providers of assistance at the center shall  
18 not share any confidential or privileged records, information, and  
19 communications in any manner, and with any other parties, other  
20 than as consented to in the victim's written consent and consistent  
21 with the applicable laws on confidentiality and privileged  
22 communications concerning their respective professions.

23 (3) The victim's written consent shall not be deemed to be a  
24 more general waiver of confidentiality or privileged  
25 communications beyond that which is consented to in the victim's  
26 written consent, and beyond that which is consistent with the  
27 applicable laws on confidentiality and privileged communications  
28 concerning the respective professionals amongst whom any records,  
29 information, and communications are shared.

30  
31 5. a. A family justice center is authorized to share information,  
32 as well as recommendations, concerning the center's operations and  
33 utilization by victims and their family members, which does not  
34 include any personal identifiers of those victims and family  
35 members, with Alliance for Hope International, the national,  
36 nonprofit organization that assists with the development and  
37 operation of new and existing family justice centers and serves as a  
38 national membership organization for all centers, when requested  
39 by that organization. The information which may be shared  
40 includes, but is not limited to:

41 (1) the number of victims who received assistance, the number  
42 of children and other family members of victims who received  
43 assistance, and the number of victims, children, and other family  
44 members who received assistance multiple times;

45 (2) the reasons that victims and their family members requested  
46 assistance;

47 (3) the filing, conviction, and dismissal rates for criminal, and  
48 disorderly persons and petty disorderly persons cases handled at the  
49 center;

1 (4) subjective and objective measurements of the impacts of  
2 centrally located multi-agency services related to the safety,  
3 empowerment, and mental and emotional well-being of victims and  
4 their family members, and comparison data from victims and family  
5 members, if available, on their access to services outside the family  
6 justice center model; and

7 (5) barriers, if any, to receiving available services at a family  
8 justice center, including actual or perceived barriers based on  
9 immigration status, criminal history, substance abuse or mental  
10 health issues, or privacy concerns, and potential means to mitigate  
11 any identified barriers to accessing services and for improving the  
12 utilization rate of services.

13 b. Alliance for HOPE International may file a report, utilizing  
14 any information collected pursuant to subsection a. of this section,  
15 with the Governor and, pursuant to section 2 of P.L.1991, c.164  
16 (C.52:14-19.1), the Legislature annually or upon request by the  
17 Attorney General. The report may include recommendations for  
18 expanding or improving the Statewide operation of family justice  
19 centers, as well as suggested executive or legislative action, if  
20 necessary, to accomplish any recommendations.

21

22 6. This act shall take effect immediately.

23

24

25

#### STATEMENT

26

27 This bill would permit counties and non-governmental,  
28 community-based agencies, in partnership with the county and  
29 municipal governments therein, to establish family justice centers  
30 which provide coordinated, multi-agency governmental and non-  
31 governmental assistance to victims of certain crimes and offenses,  
32 as well as their family members. The crimes and offenses for which  
33 victims and their family members could request and access  
34 assistance, including legal, law enforcement, social services, and  
35 health care assistance, would include: domestic violence; sexual  
36 assault; human trafficking; and elder abuse or abuse of a disabled  
37 adult.

38 A family justice center would operate under a director, who  
39 would have expertise in victim advocacy based upon education,  
40 training, or experience. The center would be additionally staffed by  
41 a privacy officer, who would be responsible for overseeing the  
42 center's privacy policies and procedures concerning the  
43 maintenance of confidential records on victims and their family  
44 members, and the limited sharing of information from those records  
45 and other sources amongst the providers of assistance at the center,  
46 as well as third-party service providers, when consented to by the  
47 victim. The county or non-governmental, community-based agency  
48 operating the center could also provide for any additional

1 administrative and other personnel which it deemed necessary for  
2 the center's proper operation.

3 The center, with the cooperation of the State's Judiciary,  
4 municipalities, and non-governmental entities, would make  
5 available multi-agency assistance that is provided by, but not  
6 limited to, the following professionals and volunteers: law  
7 enforcement officers; county or municipal prosecutors;  
8 representatives from the Judiciary's Domestic Violence Hearing  
9 Officer Program; the county's victim-witness coordinator (or a  
10 designee); health care professionals; victim counselors, such as  
11 certified domestic violence specialists and rape care advocates;  
12 domestic violence shelter staff; staff from governmental and non-  
13 governmental, community-based social and human services  
14 agencies; and attorneys from Legal Services of New Jersey, its  
15 affiliates, or other legal service providers which assist low-income  
16 persons in civil matters. All of the providers of assistance at the  
17 center would complete a training program, consisting of eight or  
18 more hours of instruction annually, covering topics which include  
19 victim's rights, risk assessments and case responses, and  
20 confidentiality issues associated with the treatment and protection  
21 of victims and their family members.

22 The director of the family justice center would consult, and  
23 develop policies and procedures in collaboration with non-  
24 governmental organizations involved in victim advocacy and  
25 services, as well as former victims of domestic violence, sexual  
26 assault, human trafficking, and elder abuse or abuse of a disabled  
27 adult, concerning the center's intake process for victims and family  
28 members, the forms of multi-agency assistance available at the  
29 center and the coordination thereof, and victim safety. The director  
30 could also collaborate with those organizations and former victims  
31 on any other aspect of the center's operations.

32 The center would develop and maintain, under the immediate  
33 supervision of the center's privacy officer, policies and procedures  
34 which comply with all applicable federal and State privacy laws  
35 pertaining to the confidentiality of records to be maintained on  
36 victims and their family members who request and access assistance  
37 through the center. All of the providers of assistance at the center  
38 would comply with the applicable laws on confidentiality and  
39 privileged communications concerning their respective professions.  
40 Nothing contained in the bill would be deemed to abrogate or  
41 modify any existing handling of confidential records or information,  
42 or privileged communications, as set forth and recognized under  
43 State or federal constitutional, statutory, or common law, or court  
44 rule, including any legal obligation by a provider of assistance to  
45 report or disclose to other parties specific information or incidents  
46 when the disclosure is mandated under State or federal law or  
47 required by court order.

48 The center would also develop and maintain (again under the  
49 supervision of the privacy officer) a procedure to seek and obtain



1 the informed, voluntary, written consent from each victim at the  
2 time the victim initially requests to access assistance through the  
3 center. This consent would permit the collection and subsequent,  
4 limited sharing of the victim's and family members' confidential  
5 records and information, and the content of otherwise privileged  
6 communications, amongst some or all of the center's personnel,  
7 some or all of the providers of assistance at the center, and third-  
8 party service providers not providing assistance at the center, as  
9 agreed to by the victim. A victim would not be required to provide  
10 written consent to the family justice center in order for the victim or  
11 any family member to access services at the center.

12 At the time of seeking the victim's written consent for the  
13 collection and limited sharing of confidential and privileged  
14 records, information, and communications, the victim would also be  
15 informed that the limitations of any written consent, if given, would  
16 not prevent the sharing of any records, information, and  
17 communications offered by the victim or victim's family members  
18 when there is a mandatory, lawful duty to report to other  
19 governmental officers or officials based upon information provided  
20 by the victim or a family member, the type of incident involved, or  
21 if the victim or family member is a danger to himself, herself, or  
22 others, or disclosure is required by a court order. The center would  
23 obtain a written acknowledgment from the victim regarding this  
24 duty to report or disclose.

25 In addition to this duty to report or disclose, the bill would  
26 authorize any family justice center to share information, as well as  
27 recommendations, concerning the center's operations and its  
28 utilization by victims and their family members, which does not  
29 include any personal identifiers of those victims and family  
30 members, with Alliance for HOPE International, which is the  
31 national, nonprofit organization that assists with the development  
32 and operation of new and existing family justice centers and serves  
33 as a national membership organization for all centers. Among the  
34 information which could be shared would include, but would not be  
35 limited to, the number of victims and their family members who  
36 received assistance, the reasons assistance was sought, information  
37 on the disposition of criminal, disorderly persons, and petty  
38 disorderly persons cases handled at the center, and actual or  
39 perceived barriers to receiving available services. Alliance for  
40 HOPE International could file a report based upon the information  
41 it gathers with the Governor and the Legislature on an annual basis  
42 or as requested by the Attorney General, and this report could  
43 include recommendations for expanding or improving the Statewide  
44 operation of family justice centers.

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

[Second Reprint]

**SENATE, No. 1318**

**STATE OF NEW JERSEY**

DATED: DECEMBER 9, 2019

The Assembly Women and Children Committee reports favorably Senate Bill No. 1318 (2R).

These floor amendments would add the Division on Women in the Department of Children and Families as a recipient of any report filed by the Alliance for HOPE International in accordance with the bill's provisions concerning the operations of family justice centers in the State, and which may include recommendations for expanding or improving their operations.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 1318**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 17, 2019

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1318.

This bill, as amended, would permit counties and non-governmental, community-based agencies, in partnership with the county and municipal governments therein, to establish family justice centers which provide coordinated, multi-agency governmental and non-governmental assistance to victims of certain crimes and offenses, as well as their family members. The crimes and offenses for which victims and their family members could request and access assistance, including legal, law enforcement, social services, and health care assistance, would include: domestic violence; sexual assault; human trafficking; and elder abuse or abuse of a disabled adult.

A family justice center would operate under a director, who would have expertise in victim advocacy based upon education, training, or experience. The center would be additionally staffed by a privacy officer, who would be responsible for overseeing the center's privacy policies and procedures concerning the maintenance of confidential records on victims and their family members, and the limited sharing of information from those records and other sources amongst the providers of assistance at the center, as well as third-party service providers, when consented to by the victim. The county or non-governmental, community-based agency operating the center could also provide for any additional administrative and other personnel which it deemed necessary for the center's proper operation.

The center, with the cooperation of the State's Judiciary, municipalities, and non-governmental entities, would make available multi-agency assistance that is provided by, but not limited to, the following professionals and volunteers: law enforcement officers; county or municipal prosecutors; representatives from the Judiciary's Domestic Violence Hearing Officer Program; the county's victim-witness coordinator (or a designee); health care professionals; victim counselors, such as certified domestic violence specialists and rape care advocates; domestic violence shelter staff; staff from governmental and non-governmental, community-based social and human services agencies; and attorneys from Legal Services of New Jersey, its affiliates, or other legal service providers which assist low-

income persons in civil matters. All of the providers of assistance at the center would complete a training program, consisting of eight or more hours of instruction annually, covering topics which include victim's rights, risk assessments and case responses, and confidentiality issues associated with the treatment and protection of victims and their family members.

The director of the family justice center would consult, and develop policies and procedures in collaboration with non-governmental organizations involved in victim advocacy and services, as well as former victims of domestic violence, sexual assault, human trafficking, and elder abuse or abuse of a disabled adult, concerning the center's intake process for victims and family members, the forms of multi-agency assistance available at the center and the coordination thereof, and victim safety. The director could also collaborate with those organizations and former victims on any other aspect of the center's operations.

The center would develop and maintain, under the immediate supervision of the center's privacy officer, policies and procedures which comply with all applicable federal and State privacy laws pertaining to the confidentiality of records to be maintained on victims and their family members who request and access assistance through the center. All of the providers of assistance at the center would comply with the applicable laws on confidentiality and privileged communications concerning their respective professions. Nothing contained in the bill would be deemed to abrogate or modify any existing handling of confidential records or information, or privileged communications, as set forth and recognized under State or federal constitutional, statutory, or common law, or court rule, including any legal obligation by a provider of assistance to report or disclose to other parties specific information or incidents when the disclosure is mandated under State or federal law or required by court order.

The center would also develop and maintain (again under the supervision of the privacy officer) a procedure to seek and obtain the informed, voluntary, written consent from each victim at the time the victim initially requests to access assistance through the center. This consent would permit the collection and subsequent, limited sharing of the victim's and family members' confidential records and information, and the content of otherwise privileged communications, amongst some or all of the center's personnel, some or all of the providers of assistance at the center, and third-party service providers not providing assistance at the center, as agreed to by the victim. A victim would not be required to provide written consent to the family justice center in order for the victim or any family member to access services at the center.

At the time of seeking the victim's written consent for the collection and limited sharing of confidential and privileged records, information, and communications, the victim would also be informed

that the limitations of any written consent, if given, would not prevent the sharing of any records, information, and communications offered by the victim or victim's family members when there is a mandatory, lawful duty to report to other governmental officers or officials based upon information provided by the victim or a family member, the type of incident involved, or if the victim or family member is a danger to himself, herself, or others, or disclosure is required by a court order. The center would obtain a written acknowledgment from the victim regarding this duty to report or disclose.

In addition to this duty to report or disclose, the bill would authorize any family justice center to share information, as well as recommendations, concerning the center's operations and its utilization by victims and their family members, which does not include any personal identifiers of those victims and family members, with Alliance for HOPE International, which is the national, nonprofit organization that assists with the development and operation of new and existing family justice centers and serves as a national membership organization for all centers. Among the information which could be shared would include, but would not be limited to, the number of victims and their family members who received assistance, the reasons assistance was sought, information on the disposition of criminal, disorderly persons, and petty disorderly persons cases handled at the center, and actual or perceived barriers to receiving available services. Alliance for HOPE International could file a report based upon the information it gathers with the Governor and the Legislature on an annual basis or as requested by the Attorney General, and this report could include recommendations for expanding or improving the Statewide operation of family justice centers.

The committee amendments to the bill:

- include provisions to prohibit the denial of family justice center services to victim's or their family members' solely on the basis of citizenship or immigration status.

# ASSEMBLY, No. 3156

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 8, 2018

**Sponsored by:**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Permits counties and non-governmental, community-based agencies to establish family justice centers which provide coordinated, multi-agency governmental and non-governmental assistance to victims of certain crimes and offenses, including domestic violence, and their family members.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT permitting counties and non-governmental, community-  
2 based agencies, in partnership with certain governmental entities,  
3 to provide coordinated, multi-agency governmental and non-  
4 governmental assistance through centralized locations to victims  
5 of certain crimes and offenses, and their family members,  
6 referred to as family justice centers, and supplementing  
7 P.L.1985, c.404 (C.52:4B-39 et seq.).

8  
9 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
10 *of New Jersey:*

11  
12 1. a. (1) A county or a non-governmental, community-based  
13 agency, in partnership with the county and municipal governments  
14 therein, may provide multi-agency governmental and non-  
15 governmental assistance, including but not limited to legal, law  
16 enforcement, social services, and health care assistance, to any  
17 victim of domestic violence as defined in subsection d. of section 3  
18 of P.L.1991, c.261 (C.2C:25-19), sexual assault as defined in  
19 N.J.S.2C:14-2, human trafficking as defined in section 1 of  
20 P.L.2005, c.77 (C.2C:13-8), or criminal abandonment or neglect of  
21 an elderly person or disabled adult as defined in section 1 of  
22 P.L.1989, c.23 (C.2C:24-8), as well as assistance to the victim's  
23 family members, by establishing a centralized location, to be  
24 referred to as a family justice center, through which the victim and  
25 family members can request and access all available multi-agency  
26 assistance, and this assistance can be efficiently coordinated.

27 (2) A county or non-governmental, community-based agency  
28 may establish more than one family justice center, so long as the  
29 same forms of multi-agency governmental and non-governmental  
30 assistance are available at each center. If multiple centers are  
31 established in a county, they shall coordinate and collaborate with  
32 one another with respect to the provision of services.

33 b. The family justice center shall operate under a director, who  
34 shall have, by education, training, or experience, an expertise in  
35 victim advocacy, and who may be an existing county official or  
36 employee, or a designated professional from a community-based  
37 agency. The family justice center shall be additionally staffed by a  
38 privacy officer designated by the director, who may be an existing  
39 county official or employee, or a professional from a community-  
40 based agency, and who is responsible for overseeing the center's  
41 privacy policies and procedures, as described in section 4 of this  
42 act, concerning the maintenance of confidential records on victims  
43 and their family members, and the limited sharing of information  
44 from those records and other sources, when consented to by the  
45 victim, amongst the providers of assistance at the center, as well as  
46 third-party service providers. The county or community-based  
47 agency may also provide for any additional administrative and other

1 personnel which it deems necessary for the proper operation of the  
2 center.

3 c. In cooperation with the Judiciary, municipalities, and non-  
4 governmental entities, the multi-agency assistance available at a  
5 county's or community-based agency's family justice center may be  
6 provided by, but is not limited to, the following professionals or  
7 volunteers:

8 (1) law enforcement officers;

9 (2) county or municipal prosecutors;

10 (3) representatives from the Judiciary's Domestic Violence  
11 Hearing Officer Program;

12 (4) the county's victim-witness coordinator, defined in section 7  
13 of P.L.1985, c.404 (C.52:4B-45), or a designated representative  
14 thereof, or the director or designated representative of a designated  
15 county-wide domestic violence agency as defined in subsection c.  
16 of section 3 of P.L.2013, c.82 (C.34:11C-3) or rape crisis center as  
17 defined in section 1 of P.L.1981, c.256 (C.52:4B-22);

18 (5) health care professionals, which could include a certified  
19 forensic sexual assault nurse examiner who is certified pursuant to  
20 the provisions of section 5 of P.L.2001, c.81 (C.52:4B-53);

21 (6) victim counselors as defined in subsection e. of section 3 of  
22 P.L.1987, c.169 (C.2A:84A-22.14), certified domestic violence  
23 specialists as defined in subsection c. of section 3 of P.L.2013, c.82  
24 (C.34:11C-3), rape care advocates as defined in section 4 of  
25 P.L.2001, c.81 (C.52:4B-52), or representatives of providers of  
26 services to victims of human trafficking that have been designated  
27 as victim service providers by the Director of the State's Office of  
28 Victim-Witness Advocacy pursuant to section 6 of P.L.1985, c.404  
29 (C.52:4B-44);

30 (7) staff from the county's child advocacy center as defined in  
31 section 6 of P.L.1998, c.19 (C.9:6-8.104), or members of the  
32 county's multidisciplinary team, established pursuant to that same  
33 section, which investigates child abuse and neglect and provides  
34 victim services to abused children and their families;

35 (8) domestic violence shelter staff from shelters which meet all  
36 of the standards for operating and service delivery required by the  
37 "Shelters for Victims of Domestic Violence Act," P.L.1979, c.337  
38 (C.30:14-1 et seq.);

39 (9) staff from local governmental or non-governmental,  
40 community-based social and human services agencies, including  
41 child care services;

42 (10) staff from the county health department established pursuant  
43 to section 6 of P.L.1975, c.329 (C.26:3A2-6), or municipal local  
44 health agencies or municipalities' contracting health agencies as  
45 described in section 10 of P.L.1975, c.329 (C.26:3A2-10);

46 (11) staff from the county welfare board, or local assistance  
47 boards, municipal advisory committees, or resident helpers involved



1 with services and relief for the poor, as established or appointed  
2 pursuant to Title 44 of the Revised Statutes; and

3 (12) attorneys from Legal Services of New Jersey or its  
4 affiliates, or other legal service providers which provide legal  
5 assistance in civil matters to the poor.

6 d. The director of the family justice center shall develop,  
7 approve, and provide for a training program, or in the alternative  
8 approve the use of a training program offered by a federal, State, or  
9 local governmental entity or recognized non-profit organization, for  
10 all professionals and volunteers providing assistance at the family  
11 justice center, which consists of eight or more hours of instruction  
12 annually, covering topics that include, but are not limited to,  
13 victims' rights, victim advocacy, risk assessments for victims and  
14 their family members and the appropriate case response thereto, and  
15 confidentiality issues associated with the treatment and protection  
16 of victims and their family members.

17

18 2. a. The availability of services at a family justice center shall  
19 not be made conditional on the basis of a victim's or family  
20 member's willingness to cooperate with law enforcement  
21 authorities or participate in the criminal justice system, and services  
22 shall not be denied if a victim or family member does not cooperate  
23 with law enforcement authorities or participate in the criminal  
24 justice system.

25 b. (1) The availability of services at a family justice center  
26 shall not be made conditional on the basis of a victim or family  
27 member consenting to a criminal history record background check,  
28 and a criminal history background check shall not be conducted on  
29 a victim or family member without that person's written consent,  
30 unless the background check is being done in the course of a  
31 criminal investigation.

32 (2) Services at a family justice center shall not be denied solely  
33 on the basis of any victim's or family member's criminal history.

34

35 3. a. The director of a family justice center shall consult, and  
36 develop policies and procedures in collaboration with non-  
37 governmental organizations involved in victim advocacy and  
38 services, as well as former victims of domestic violence as defined  
39 in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19),  
40 sexual assault as defined in N.J.S.2C:14-2, human trafficking as  
41 defined in section 1 of P.L.2005, c.77 (C.2C:13-8), and criminal  
42 abandonment or neglect of an elderly person or disabled adult as  
43 defined in section 1 of P.L.1989, c.23 (C.2C:24-8), concerning the  
44 family justice center's intake process for victims and family  
45 members, the forms of multi-agency assistance available at the  
46 center and the coordination thereof, and victim safety, and may  
47 consult and develop policies and procedures in collaboration with  
48 the organizations and former victims on any other aspect of the

1 center's operations. The director shall also provide a procedure for  
2 the receipt, on an ongoing basis, of additional input and evaluations  
3 of family justice center operations by those non-governmental  
4 organizations and former victims with whom the director consults  
5 pursuant to this subsection.

6 b. The director of a family justice center shall provide a  
7 procedure for the receipt, on an ongoing basis, of input and  
8 evaluations by all victims and their family members who request  
9 and access assistance through the center regarding the center's  
10 operations, particularly concerning issues with the provision or  
11 coordination of services, and the conduct of the providers of  
12 assistance at the center and the center's own personnel.

13  
14 4. a. A family justice center shall develop and maintain, under  
15 the immediate supervision of the center's privacy officer designated  
16 by the director pursuant to subsection b. of section 1 of this act,  
17 policies and procedures which comply with all applicable federal  
18 and State privacy laws pertaining to the confidentiality of records to  
19 be maintained on victims and their family members who request  
20 and access assistance through the center.

21 b. All of the providers of assistance at a family justice center  
22 shall comply with the applicable laws on confidentiality and  
23 privileged communications concerning their respective professions.  
24 Nothing in this section shall be deemed to abrogate or modify any  
25 existing handling of confidential records or information, or  
26 privileged communications, as set forth and recognized under State  
27 or federal constitutional, statutory, or common law, or court rule,  
28 including any legal obligation by a provider of assistance to report  
29 or disclose to other parties specific information or incidents when  
30 the disclosure is mandated under State or federal law or required by  
31 court order.

32 c. (1) A family justice center shall develop and maintain,  
33 under the immediate supervision of the center's privacy officer, a  
34 procedure to seek and obtain an informed, voluntary, written  
35 consent from each victim at the time the victim initially requests to  
36 access assistance through the center, which consent shall be  
37 reasonably time limited and intended to only permit the collection  
38 and subsequent sharing of the victim's and family members'  
39 confidential records and information, and the content of otherwise  
40 privileged communications, amongst some or all of the center's  
41 personnel, some or all of the providers of assistance at the center,  
42 and third-party service providers not providing assistance at the  
43 center, as agreed to by the victim. A victim shall not be required to  
44 provide written consent to the family justice center for the victim or  
45 any family member to access services at the center.

46 (2) (a) At the time of seeking the victim's written consent for  
47 the collection and limited sharing of confidential and privileged  
48 records, information, and communications, the victim shall also be

1 informed that the limitations of any written consent, if given, shall  
2 not prevent the sharing of any records, information, and  
3 communications offered by the victim or victim's family members  
4 when, as described in subsection b. of this section, there is a  
5 mandatory, lawful duty to report to law enforcement officers,  
6 prosecutors, or other governmental officers or officials based upon  
7 any specific information that is provided by the victim or a family  
8 member, the type of incident involved, or if the victim or a family  
9 member is a danger to himself, herself, or others, or disclosure is  
10 required by a court order. The family justice center shall obtain and  
11 maintain on file a written acknowledgment from the victim that the  
12 victim is aware that any mandatory, lawful duty to report or to  
13 disclose pursuant to court order shall apply regardless of the  
14 provisions set forth in any written consent for limited sharing, if  
15 provided by the victim.

16 (b) Except for a mandatory, lawful duty to report or to disclose  
17 pursuant to court order as set forth in subsection b. of this section,  
18 and the authorized sharing of information concerning a family  
19 justice center's operations and utilization by victims and their  
20 family members pursuant to section 5 of this act, the family justice  
21 center's personnel and the providers of assistance at the center shall  
22 not share any confidential or privileged records, information, and  
23 communications in any manner, and with any other parties, other  
24 than as consented to in the victim's written consent and consistent  
25 with the applicable laws on confidentiality and privileged  
26 communications concerning their respective professions.

27 (3) The victim's written consent shall not be deemed to be a  
28 more general waiver of confidentiality or privileged  
29 communications beyond that which is consented to in the victim's  
30 written consent, and beyond that which is consistent with the  
31 applicable laws on confidentiality and privileged communications  
32 concerning the respective professionals amongst whom any records,  
33 information, and communications are shared.

34  
35 5. a. A family justice center is authorized to share information,  
36 as well as recommendations, concerning the center's operations and  
37 utilization by victims and their family members, which does not  
38 include any personal identifiers of those victims and family  
39 members, with Alliance for Hope International, the national,  
40 nonprofit organization that assists with the development and  
41 operation of new and existing family justice centers and serves as a  
42 national membership organization for all centers, when requested  
43 by that organization. The information which may be shared  
44 includes, but is not limited to:

45 (1) the number of victims who received assistance, the number  
46 of children and other family members of victims who received  
47 assistance, and the number of victims, children, and other family  
48 members who received assistance multiple times;

1 (2) the reasons that victims and their family members requested  
2 assistance;

3 (3) the filing, conviction, and dismissal rates for criminal, and  
4 disorderly persons and petty disorderly persons cases handled at the  
5 center;

6 (4) subjective and objective measurements of the impacts of  
7 centrally located multi-agency services related to the safety,  
8 empowerment, and mental and emotional well-being of victims and  
9 their family members, and comparison data from victims and family  
10 members, if available, on their access to services outside the family  
11 justice center model; and

12 (5) barriers, if any, to receiving available services at a family  
13 justice center, including actual or perceived barriers based on  
14 immigration status, criminal history, substance abuse or mental  
15 health issues, or privacy concerns, and potential means to mitigate  
16 any identified barriers to accessing services and for improving the  
17 utilization rate of services.

18 b. Alliance for HOPE International may file a report, utilizing  
19 any information collected pursuant to subsection a. of this section,  
20 with the Governor and, pursuant to section 2 of P.L.1991, c.164  
21 (C.52:14-19.1), the Legislature annually or upon request by the  
22 Attorney General. The report may include recommendations for  
23 expanding or improving the Statewide operation of family justice  
24 centers, as well as suggested executive or legislative action, if  
25 necessary, to accomplish any recommendations.

26

27 6. This act shall take effect immediately.

28

29

30

#### STATEMENT

31

32 This bill would permit counties and non-governmental,  
33 community-based agencies, in partnership with the county and  
34 municipal governments therein, to establish family justice centers  
35 which provide coordinated, multi-agency governmental and non-  
36 governmental assistance to victims of certain crimes and offenses,  
37 as well as their family members. The crimes and offenses for which  
38 victims and their family members could request and access  
39 assistance, including legal, law enforcement, social services, and  
40 health care assistance, would include: domestic violence; sexual  
41 assault; human trafficking; and elder abuse or abuse of a disabled  
42 adult.

43 A family justice center would operate under a director, who  
44 would have expertise in victim advocacy based upon education,  
45 training, or experience. The center would be additionally staffed by  
46 a privacy officer, who would be responsible for overseeing the  
47 center's privacy policies and procedures concerning the  
48 maintenance of confidential records on victims and their family

1 members, and the limited sharing of information from those records  
2 and other sources amongst the providers of assistance at the center,  
3 as well as third-party service providers, when consented to by the  
4 victim. The county or non-governmental, community-based agency  
5 operating the center could also provide for any additional  
6 administrative and other personnel which it deemed necessary for  
7 the center's proper operation.

8 The center, with the cooperation of the State's Judiciary,  
9 municipalities, and non-governmental entities, would make  
10 available multi-agency assistance that is provided by, but not  
11 limited to, the following professionals and volunteers: law  
12 enforcement officers; county or municipal prosecutors;  
13 representatives from the Judiciary's Domestic Violence Hearing  
14 Officer Program; the county's victim-witness coordinator (or a  
15 designee); health care professionals; victim counselors, such as  
16 certified domestic violence specialists and rape care advocates;  
17 domestic violence shelter staff; staff from governmental and non-  
18 governmental, community-based social and human services  
19 agencies; and attorneys from Legal Services of New Jersey, its  
20 affiliates, or other legal service providers which assist low-income  
21 persons in civil matters. All of the providers of assistance at the  
22 center would complete a training program, consisting of eight or  
23 more hours of instruction annually, covering topics which include  
24 victim's rights, risk assessments and case responses, and  
25 confidentiality issues associated with the treatment and protection  
26 of victims and their family members.

27 The director of the family justice center would consult, and  
28 develop policies and procedures in collaboration with non-  
29 governmental organizations involved in victim advocacy and  
30 services, as well as former victims of domestic violence, sexual  
31 assault, human trafficking, and elder abuse or abuse of a disabled  
32 adult, concerning the center's intake process for victims and family  
33 members, the forms of multi-agency assistance available at the  
34 center and the coordination thereof, and victim safety. The director  
35 could also collaborate with those organizations and former victims  
36 on any other aspect of the center's operations.

37 The center would develop and maintain, under the immediate  
38 supervision of the center's privacy officer, policies and procedures  
39 which comply with all applicable federal and State privacy laws  
40 pertaining to the confidentiality of records to be maintained on  
41 victims and their family members who request and access assistance  
42 through the center. All of the providers of assistance at the center  
43 would comply with the applicable laws on confidentiality and  
44 privileged communications concerning their respective professions.  
45 Nothing contained in the bill would be deemed to abrogate or  
46 modify any existing handling of confidential records or information,  
47 or privileged communications, as set forth and recognized under  
48 State or federal constitutional, statutory, or common law, or court

1 rule, including any legal obligation by a provider of assistance to  
2 report or disclose to other parties specific information or incidents  
3 when the disclosure is mandated under State or federal law or  
4 required by court order.

5 The center would also develop and maintain (again under the  
6 supervision of the privacy officer) a procedure to seek and obtain  
7 the informed, voluntary, written consent from each victim at the  
8 time the victim initially requests to access assistance through the  
9 center. This consent would permit the collection and subsequent,  
10 limited sharing of the victim's and family members' confidential  
11 records and information, and the content of otherwise privileged  
12 communications, amongst some or all of the center's personnel,  
13 some or all of the providers of assistance at the center, and third-  
14 party service providers not providing assistance at the center, as  
15 agreed to by the victim. A victim would not be required to provide  
16 written consent to the family justice center in order for the victim or  
17 any family member to access services at the center.

18 At the time of seeking the victim's written consent for the  
19 collection and limited sharing of confidential and privileged  
20 records, information, and communications, the victim would also be  
21 informed that the limitations of any written consent, if given, would  
22 not prevent the sharing of any records, information, and  
23 communications offered by the victim or victim's family members  
24 when there is a mandatory, lawful duty to report to other  
25 governmental officers or officials based upon information provided  
26 by the victim or a family member, the type of incident involved, or  
27 if the victim or family member is a danger to himself, herself, or  
28 others, or disclosure is required by a court order. The center would  
29 obtain a written acknowledgment from the victim regarding this  
30 duty to report or disclose.

31 In addition to this duty to report or disclose, the bill would  
32 authorize any family justice center to share information, as well as  
33 recommendations, concerning the center's operations and its  
34 utilization by victims and their family members, which does not  
35 include any personal identifiers of those victims and family  
36 members, with Alliance for HOPE International, which is the  
37 national, nonprofit organization that assists with the development  
38 and operation of new and existing family justice centers and serves  
39 as a national membership organization for all centers. Among the  
40 information which could be shared would include, but would not be  
41 limited to, the number of victims and their family members who  
42 received assistance, the reasons assistance was sought, information  
43 on the disposition of criminal, disorderly persons, and petty  
44 disorderly persons cases handled at the center, and actual or  
45 perceived barriers to receiving available services. Alliance for  
46 HOPE International could file a report based upon the information  
47 it gathers with the Governor and the Legislature on an annual basis  
48 or as requested by the Attorney General, and this report could

**A3156 LAMPITT, MOSQUERA**

10

- 1 include recommendations for expanding or improving the Statewide
- 2 operation of family justice centers.

# ASSEMBLY WOMEN AND CHILDREN COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3156**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 9, 2019

The Assembly Women and Children Committee reports favorably and with committee amendments Assembly Bill No. 3156.

This bill, as amended, would permit counties and non-governmental, community-based agencies, in partnership with the county and municipal governments therein, to establish family justice centers, which provide coordinated, multi-agency governmental and non-governmental assistance to victims of certain crimes and offenses, as well as their family members. The crimes and offenses for which victims and their family members could request and access assistance, including legal, law enforcement, social services, and health care assistance, would include: domestic violence; sexual assault; human trafficking; and elder abuse or abuse of a disabled adult.

A family justice center would operate under a director, who would have expertise in victim advocacy based upon education, training, or experience. The center would be additionally staffed by a privacy officer, who would be responsible for overseeing the center's privacy policies and procedures concerning the maintenance of confidential records on victims and their family members, and the limited sharing of information from those records and other sources amongst the providers of assistance at the center, as well as third-party service providers, when consented to by the victim. The county or non-governmental, community-based agency operating the center could also provide for any additional administrative and other personnel which it deemed necessary for the center's proper operation.

The center, with the cooperation of the State's Judiciary, municipalities, and non-governmental entities, would make available multi-agency assistance that is provided by, but not limited to, the following professionals and volunteers: law enforcement officers; county or municipal prosecutors; representatives from the Judiciary's Domestic Violence Hearing Officer Program; the county's victim-witness coordinator (or a designee); health care professionals; victim counselors, such as certified domestic violence specialists and rape care advocates; domestic violence shelter staff; staff from governmental and non-governmental, community-based social and human services agencies; and attorneys from Legal Services of New Jersey, its affiliates, or other legal service providers which assist low-



income persons in civil matters. All of the providers of assistance at the center would complete a training program, consisting of eight or more hours of instruction annually, covering topics, which include victim's rights, risk assessments and case responses, and confidentiality issues associated with the treatment and protection of victims and their family members.

The director of the family justice center would consult, and develop policies and procedures in collaboration with non-governmental organizations involved in victim advocacy and services, as well as former victims of domestic violence, sexual assault, human trafficking, and elder abuse or abuse of a disabled adult, concerning the center's intake process for victims and family members, the forms of multi-agency assistance available at the center and the coordination thereof, and victim safety. The director could also collaborate with those organizations and former victims on any other aspect of the center's operations.

The center would develop and maintain, under the immediate supervision of the center's privacy officer, policies and procedures which comply with all applicable federal and State privacy laws pertaining to the confidentiality of records to be maintained on victims and their family members who request and access assistance through the center. All of the providers of assistance at the center would comply with the applicable laws on confidentiality and privileged communications concerning their respective professions. Nothing contained in the bill would be deemed to abrogate or modify any existing handling of confidential records or information, or privileged communications, as set forth and recognized under State or federal constitutional, statutory, or common law, or court rule, including any legal obligation by a provider of assistance to report or disclose to other parties specific information or incidents when the disclosure is mandated under State or federal law or required by court order.

The center would also develop and maintain (again under the supervision of the privacy officer) a procedure to seek and obtain the informed, voluntary, written consent from each victim at the time the victim initially requests to access assistance through the center. This consent would permit the collection and subsequent, limited sharing of the victim's and family members' confidential records and information, and the content of otherwise privileged communications, amongst some or all of the center's personnel, some or all of the providers of assistance at the center, and third-party service providers not providing assistance at the center, as agreed to by the victim. A victim would not be required to provide written consent to the family justice center in order for the victim or any family member to access services at the center.

At the time of seeking the victim's written consent for the collection and limited sharing of confidential and privileged records, information, and communications, the victim would also be informed

that the limitations of any written consent, if given, would not prevent the sharing of any records, information, and communications offered by the victim or victim's family members when there is a mandatory, lawful duty to report to other governmental officers or officials based upon information provided by the victim or a family member, the type of incident involved, or if the victim or family member is a danger to himself, herself, or others, or disclosure is required by a court order. The center would obtain a written acknowledgment from the victim regarding this duty to report or disclose.

In addition to this duty to report or disclose, the bill would authorize any family justice center to share information, as well as recommendations, concerning the center's operations and its utilization by victims and their family members, which does not include any personal identifiers of those victims and family members, with Alliance for HOPE International, which is the national, nonprofit organization that assists with the development and operation of new and existing family justice centers and serves as a national membership organization for all centers. Among the information which could be shared would include, but would not be limited to, the number of victims and their family members who received assistance, the reasons assistance was sought, information on the disposition of criminal, disorderly persons, and petty disorderly persons cases handled at the center, and actual or perceived barriers to receiving available services. Alliance for HOPE International could file a report based upon the information it gathers with the Governor, the Division on Women in the Department of Children and Families, and the Legislature on an annual basis or as requested by the Attorney General, and this report could include recommendations for expanding or improving the Statewide operation of family justice centers.

As amended by the committee, Assembly Bill No.3156 is identical to Senate Bill No.1318 (2R), which was also reported by the committee on this date.

The committee amendments to the bill:

- include provisions to prohibit the denial of family justice center services to victim's or their family members' solely on the basis of citizenship or immigration status; and

- add the Division on Women in the Department of Children and Families as a recipient of any report filed by the Alliance for HOPE International in accordance with the bill's provisions concerning the operations of family justice centers in the State, and which may include recommendations for expanding or improving their operations.

# ASSEMBLY WOMEN AND CHILDREN COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3156**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 9, 2019

The Assembly Women and Children Committee reports favorably and with committee amendments Assembly Bill No. 3156.

This bill, as amended, would permit counties and non-governmental, community-based agencies, in partnership with the county and municipal governments therein, to establish family justice centers, which provide coordinated, multi-agency governmental and non-governmental assistance to victims of certain crimes and offenses, as well as their family members. The crimes and offenses for which victims and their family members could request and access assistance, including legal, law enforcement, social services, and health care assistance, would include: domestic violence; sexual assault; human trafficking; and elder abuse or abuse of a disabled adult.

A family justice center would operate under a director, who would have expertise in victim advocacy based upon education, training, or experience. The center would be additionally staffed by a privacy officer, who would be responsible for overseeing the center's privacy policies and procedures concerning the maintenance of confidential records on victims and their family members, and the limited sharing of information from those records and other sources amongst the providers of assistance at the center, as well as third-party service providers, when consented to by the victim. The county or non-governmental, community-based agency operating the center could also provide for any additional administrative and other personnel which it deemed necessary for the center's proper operation.

The center, with the cooperation of the State's Judiciary, municipalities, and non-governmental entities, would make available multi-agency assistance that is provided by, but not limited to, the following professionals and volunteers: law enforcement officers; county or municipal prosecutors; representatives from the Judiciary's Domestic Violence Hearing Officer Program; the county's victim-witness coordinator (or a designee); health care professionals; victim counselors, such as certified domestic violence specialists and rape care advocates; domestic violence shelter staff; staff from governmental and non-governmental, community-based social and human services agencies; and attorneys from Legal Services of New Jersey, its affiliates, or other legal service providers which assist low-

income persons in civil matters. All of the providers of assistance at the center would complete a training program, consisting of eight or more hours of instruction annually, covering topics, which include victim's rights, risk assessments and case responses, and confidentiality issues associated with the treatment and protection of victims and their family members.

The director of the family justice center would consult, and develop policies and procedures in collaboration with non-governmental organizations involved in victim advocacy and services, as well as former victims of domestic violence, sexual assault, human trafficking, and elder abuse or abuse of a disabled adult, concerning the center's intake process for victims and family members, the forms of multi-agency assistance available at the center and the coordination thereof, and victim safety. The director could also collaborate with those organizations and former victims on any other aspect of the center's operations.

The center would develop and maintain, under the immediate supervision of the center's privacy officer, policies and procedures which comply with all applicable federal and State privacy laws pertaining to the confidentiality of records to be maintained on victims and their family members who request and access assistance through the center. All of the providers of assistance at the center would comply with the applicable laws on confidentiality and privileged communications concerning their respective professions. Nothing contained in the bill would be deemed to abrogate or modify any existing handling of confidential records or information, or privileged communications, as set forth and recognized under State or federal constitutional, statutory, or common law, or court rule, including any legal obligation by a provider of assistance to report or disclose to other parties specific information or incidents when the disclosure is mandated under State or federal law or required by court order.

The center would also develop and maintain (again under the supervision of the privacy officer) a procedure to seek and obtain the informed, voluntary, written consent from each victim at the time the victim initially requests to access assistance through the center. This consent would permit the collection and subsequent, limited sharing of the victim's and family members' confidential records and information, and the content of otherwise privileged communications, amongst some or all of the center's personnel, some or all of the providers of assistance at the center, and third-party service providers not providing assistance at the center, as agreed to by the victim. A victim would not be required to provide written consent to the family justice center in order for the victim or any family member to access services at the center.

At the time of seeking the victim's written consent for the collection and limited sharing of confidential and privileged records, information, and communications, the victim would also be informed

that the limitations of any written consent, if given, would not prevent the sharing of any records, information, and communications offered by the victim or victim's family members when there is a mandatory, lawful duty to report to other governmental officers or officials based upon information provided by the victim or a family member, the type of incident involved, or if the victim or family member is a danger to himself, herself, or others, or disclosure is required by a court order. The center would obtain a written acknowledgment from the victim regarding this duty to report or disclose.

In addition to this duty to report or disclose, the bill would authorize any family justice center to share information, as well as recommendations, concerning the center's operations and its utilization by victims and their family members, which does not include any personal identifiers of those victims and family members, with Alliance for HOPE International, which is the national, nonprofit organization that assists with the development and operation of new and existing family justice centers and serves as a national membership organization for all centers. Among the information which could be shared would include, but would not be limited to, the number of victims and their family members who received assistance, the reasons assistance was sought, information on the disposition of criminal, disorderly persons, and petty disorderly persons cases handled at the center, and actual or perceived barriers to receiving available services. Alliance for HOPE International could file a report based upon the information it gathers with the Governor, the Division on Women in the Department of Children and Families, and the Legislature on an annual basis or as requested by the Attorney General, and this report could include recommendations for expanding or improving the Statewide operation of family justice centers.

As amended by the committee, Assembly Bill No.3156 is identical to Senate Bill No.1318 (2R), which was also reported by the committee on this date.

The committee amendments to the bill:

- include provisions to prohibit the denial of family justice center services to victim's or their family members' solely on the basis of citizenship or immigration status; and

- add the Division on Women in the Department of Children and Families as a recipient of any report filed by the Alliance for HOPE International in accordance with the bill's provisions concerning the operations of family justice centers in the State, and which may include recommendations for expanding or improving their operations.