

30:4C-2

Townsend

LEGISLATIVE FACT SHEET

on defines "GROUP HOME"

N.J.R.S. 30:4C-2
30:4C-26
30:4C-26.1
30:4C-26a
40:55-33.2

(1974 Amendment)

LAWS OF 1974

CHAPTER 178 Dec. 10, 1974

SENATE BILL

ASSEMBLY BILL 2043 OCR

INTRODUCED July 22, 1974

BY Wilson, BERMAN, MARTIN

SPONSOR'S STATEMENT

YES NO

ASSEMBLY COMMITTEE STATEMENT

YES NO

SENATE COMMITTEE STATEMENT

YES NO

FISCAL NOTE

YES NO

AMENDED DURING PASSAGE

YES NO

HEARING None discovered

VETO

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SPONSOR'S STATEMENT to Assembly, No. 2043

The purpose of this bill is to clarify the status of group homes for children as single family units. Several such group homes have recently been established in New Jersey, and more are contemplated, to house juveniles under the care and custody of the Division of Youth and Family Services and other children who cannot make a satisfactory adjustment in their own homes. As the availability of foster homes is reduced and the need for placement increases, the group homes becomes a viable means of caring for children. The goal of a group home is similar to the goal of what

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ASSEMBLY No. 2043

STATE OF NEW JERSEY

INTRODUCED JULY 22, 1974

By Assemblywoman WILSON

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the care, maintenance and supervision of certain children in group homes and amending P. L. 1951, c. 138 and P. L. 1962, c. 177.

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

1 1. Section 2 of P. L. 1951, c. 138 (C. 30:4C-2) is amended to read
2 as follows:

3 2. For the purposes of this act the following words and terms
4 shall, unless otherwise indicated, be deemed and taken to have the
5 meanings herein given to them:

6 (a) The title *Division of Youth and Family Services*'' successor
7 to the "Bureau of Childrens Services" means the State agency for
8 the care, custody, guardianship, maintenance and protection of
9 children, as more specifically described by the provisions of this
10 act, and succeeding the agency heretofore variously designated by
11 the laws of this State as the State Board of Child Welfare or the
12 State Board of Children's Guardians.

13 (b) The word "child" includes stepchild and illegitimate child,
14 and further means any person under the age of **[21]** 18 years.

15 (c) The term "care" means cognizance of a child for the pur-
16 pose of providing necessary welfare services, or maintenance, or
17 both.

18 (d) The term "custody" means continuing responsibility for
19 the person of a child, as established by a surrender and release of
20 custody or consent to adoption, for the purpose of providing
21 necessary welfare services, or maintenance, or both.

22 (e) The term "guardianship" means control over the person
23 and property of a child as established by the order of a court of
24 competent jurisdiction, and as more specifically defined by the pro-

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

25 visions of this act. Guardianship by the [Bureau of Childrens
 26 Services] *Division of Youth and Family Services* shall be treated
 27 as guardianship by the Commissioner of Institutions and Agencies,
 28 exercised on his behalf wholly by and in the name of the [Bureau
 29 of Childrens Services] *Division of Youth and Family Services*,
 30 acting through the chief executive officer of the [bureau] *division*
 31 or his authorized representative. Such exercise of guardianship
 32 by the [bureau] *division* shall be at all times and in all respects
 33 subject to the supervision of the commissioner.

34 (f) The term "maintenance" means moneys expended by the
 35 [Bureau of Childrens Services] *Division of Youth and Family*
 36 *Services* to procure board, lodging, clothing, medical, dental, and
 37 hospital care, or any other similar or specialized commodity or
 38 service furnished to, on behalf of, or for a child pursuant to the
 39 provisions of this act.

40 (g) The term "welfare services" means consultation, counsel-
 41 ing, and referral to or utilization of available resources, for the
 42 purpose of determining and correcting or adjusting matters and
 43 circumstances which are endangering the welfare of a child, and
 44 for the purpose of promoting his proper development and adjust-
 45 ment in the family and the community.

46 (h) The term "foster parent" means any person other than a
 47 natural or adoptive parent with whom a child in the care, custody
 48 or guardianship of the [Bureau of Childrens Services] *Division of*
 49 *Youth and Family Services* is placed by said [bureau] *division*, or
 50 with its approval, for temporary or long-term care, but shall not
 51 include any persons with whom a child is placed for the purpose
 52 of adoption.

53 (i) The term "foster home" means and includes [both] private
 54 residences, *group homes* and institutions wherein any child in the
 55 care, custody or guardianship of the [Bureau of Childrens
 56 Services] *Division of Youth and Family Services* may be placed
 57 by the said [bureau] *division* or with its approval for temporary
 58 or long-term care, and shall include any private residence main-
 59 tained by persons with whom any such child is placed for
 60 adoption.

61 (j) The singular includes the plural form.

62 (k) The masculine noun and pronoun include the feminine.

63 (l) The word "may" shall be construed to be permissive.

64 (m) *The term "group home" means and includes any single*
 65 *family dwelling used in the placement of children pursuant to law*
 66 *recognized as a group home by the Department of Institutions and*

67 *Agencies in accordance with rules and regulations adopted by the*
 68 *Commissioner of Institutions and Agencies.*

1 2. Section 26 of P. L. 1951, c. 138 (C. 40:4C-26) is amended to
 2 read as follows:

3 26. Whenever the circumstances of a child are such that his
 4 needs cannot be adequately met in his own home, the **[Bureau of**
 5 **Childrens Services]** *Division of Youth and Family Services* may
 6 effect his placement in a foster home, with or without payment of
 7 board, *in a group home*, or in an appropriate institution if such
 8 care is deemed essential for him. The **[Bureau of Childrens**
 9 **Services]** *Division of Youth and Family Services* shall make every
 10 reasonable effort to select a foster home, *a group home* or an
 11 institution of the same religious faith as the parent or parents of
 12 such child.

13 Whenever the **[Bureau of Childrens Services]** *Division of Youth*
 14 *and Family Services* shall place any child, as provided by this sec-
 15 tion, in any municipality and county of this State, the child shall
 16 be deemed a resident of such municipality and county for all pur-
 17 poses, and he shall be entitled to the use and benefit of all health,
 18 educational, recreational, vocational and other facilities of such
 19 municipality and county in the same manner and extent as any
 20 other child living in such municipality and county.

21 No municipality shall enact a planning or zoning ordinance
 22 governing the use of land by, or for, single family dwellings which
 23 shall, by any of its terms or provisions or by any rule or regulation
 24 adopted in accordance therewith, discriminate between children
 25 who are members of such single families by reason of their rela-
 26 tionship by blood, marriage or adoption, **[and]** foster children
 27 placed with such families in such dwellings by the **[Bureau of**
 28 **Childrens Services]** *Division of Youth and Family Services*, and
 29 *children placed pursuant to law with families in single family*
 30 *dwellings known as group homes.*

31 Any planning or zoning ordinance, heretofore or hereafter en-
 32 acted by a municipality, which violates the provisions of this sec-
 33 tion, shall be invalid and inoperative.

1 3. Section 1 of P. L. 1962, c. 137 (C. 30:4C-26.1) is amended to
 2 read as follows:

3 1. As used in this act "foster home" means and includes **[both]**
 4 private residences, *group homes* and institutions wherein any child
 5 in the care, custody or guardianship of the **[Bureau of Childrens**
 6 **Services]** *Division of Youth and Family Services*, may be placed
 7 for temporary or long-term care, and shall include any private

8 residence maintained by persons with whom any such child is
9 placed for adoption.

1 4. Section 1 of P. L. 1962, c. 177 (C. 40:55-33.2) is amended to
2 read as follows:

3 1. No municipality shall enact a planning or zoning ordinance
4 governing the use of land by, or for, single family dwellings which
5 shall, by any of its terms or provisions or by any rule or regulation
6 adopted in accordance therewith, discriminate between children
7 who are members of such single families by reason of their rela-
8 tionship by blood, marriage or adoption, [and] foster children
9 placed with such families in such dwellings by the [New Jersey
10 State Board of Child Welfare] *Division of Youth and Family*
11 *Services* or a duly incorporated child care agency and children
12 *placed pursuant to law with families in single family dwellings*
13 *known as group homes.*

14 Any planning or zoning ordinance, heretofore or hereafter en-
15 acted by a municipality, which violates the provisions of this sec-
16 tion, shall be invalid and inoperative.

17 *As used in this section, the term "group home" means and in-*
18 *cludes any single family dwelling used in the placement of children*
19 *pursuant to law recognized as a group home by the Department of*
20 *Institutions and Agencies in accordance with rules and regulations*
21 *adopted by the Commissioner of Institutions and Agencies.*

1 5. (New section) Subject to the "Administrative Procedure
2 Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the Commissioner
3 of Institutions and Agencies is authorized to formulate and adopt
4 all rules and regulations necessary to effectuate the purposes of
5 this act.

1 6. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to clarify the status of group homes for children as single family units. Several such group homes have recently been established in New Jersey, and more are contemplated, to house juveniles under the care and custody of the Division of Youth and Family Services and other children who cannot make a satisfactory adjustment in their own homes. As the availability of foster homes is reduced and the need for placement increases, the group homes becomes a viable means of caring for children. The goal of a group home is similar to the goal of what

has been thought of as a family foster home—to house troubled children in a home-like setting in a residential neighborhood under the supervision of understanding adults, and thus to aid these children to function successfully as members of the community. Placement in a group home, which may house between five and twelve children, can provide more professional services as well as the opportunity for positive peer group interaction, not generally available in a family foster home. Under existing law, a family foster home must be considered a single family unit, although it may house several unrelated children. Group homes, a new concept for New Jersey although successful in other states for some years, are not mentioned in the law. Group homes should be recognized and children in these homes protected in the same way as are children in family foster homes.

SENATE AMENDMENTS TO
ASSEMBLY, No. 2043

—◆—
STATE OF NEW JERSEY
—◆—

ADOPTED NOVEMBER 25, 1974

Amend page 3, section 1, line 68, after "Agencies", insert "; provided, however, that no group home shall contain more than 12 children".

Amend page 4, section 4, line 21, after "Agencies", insert "; provided, however, that no group home shall contain more than 12 children".

CHAPTER 178 LAWS OF N. J. 1974
APPROVED 12-10-74

[OFFICIAL COPY REPRINT]
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10 act, and succeeding the agency heretofore variously designated by
11 the laws of this State as the State Board of Child Welfare or the
12 State Board of Children's Guardians.

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14 and further means any person under the age of **[21]** 18 years.

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31 or his authorized representative. Such exercise of guardianship
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64 (m) *The term "group home" means and includes any single*
65 *family dwelling used in the placement of 12 children or less pursuant*
66 *to law recognized as a group home by the Department of Institu-*

67 *tions and Agencies in accordance with rules and regulations adopted*
 68 *by the Commissioner of Institutions and Agencies**; provided, how-
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20 *Institutions and Agencies**; provided, however, that no group home
21 *shall contain more than 12 children* in accordance with rules and*
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23 *Agencies:*

1 5. (New section). Subject to the "Administrative Procedure
2 Act," P. L. 1968, c. 410 (C. 52:14B-1 et. seq.), the Commissioner
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