

[First Reprint]

**ASSEMBLY, No. 3356**

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**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

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INTRODUCED JUNE 22, 2006

**Sponsored by:**

**Assemblyman JOSEPH CRYAN**

**District 20 (Union)**

**Assemblywoman SHEILA Y. OLIVER**

**District 34 (Essex and Passaic)**

**Assemblywoman NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Co-Sponsored by:**

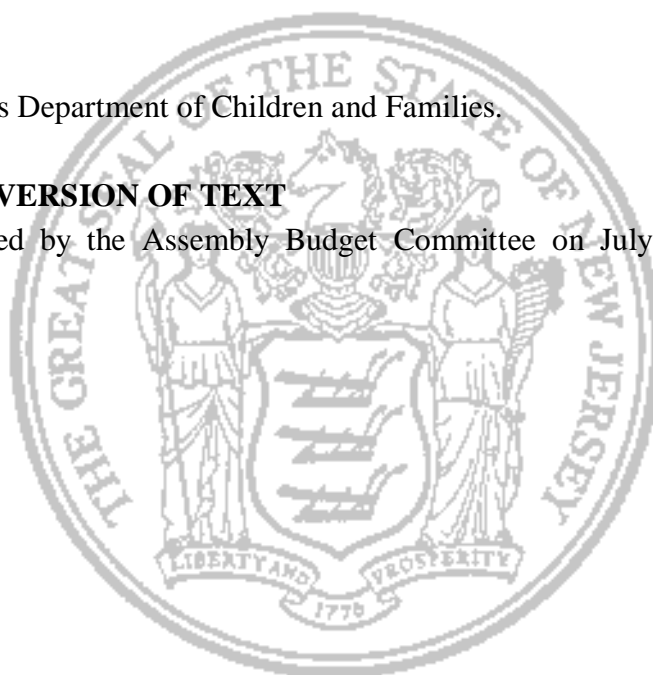
**Assemblymen Hackett, Epps and Assemblywoman Truitt**

**SYNOPSIS**

Establishes Department of Children and Families.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Budget Committee on July 7, 2006, with amendments.



**(Sponsorship Updated As Of: 7/7/2006)**

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

5  
6       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7       *of New Jersey:*

8  
9       1. (New section) Sections 2 through 15 of this act shall be  
10      known and may be cited as the “Department of Children and  
11      Families Act.”

12  
13      2. (New section) The Legislature finds and declares that:

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

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

31      c. One of the concerns about the reform is that the child welfare  
32      system is administered through and is one of several large units  
33      within one of the largest agencies in State government, the  
34      Department of Human Services, which is responsible for so many of  
35      our State’s vulnerable citizens. The department consists of  
36      approximately 22,000 employees and includes, in addition to the  
37      Division of Youth and Family Services: the Division of Medical  
38      Assistance and Health Services, which administers the State’s  
39      Medicaid and NJ FamilyCare programs; the Division of Family  
40      Development, which administers the Temporary Assistance for  
41      Needy Families program and other public assistance programs; the  
42      Division of Developmental Disabilities, which provides services to  
43      developmentally disabled persons in the community and operates  
44      seven developmental centers; the Division of Mental Health

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ABU committee amendments adopted July 7, 2006.

1 Services, which provides services to persons with mental illness in  
2 the community and operates five psychiatric hospitals; the Division  
3 of Addiction Services, which administers the State's substance  
4 abuse programs; the Division of Disability Services, which provides  
5 various services to disabled adults; and the Commission for the  
6 Blind and Visually Impaired and the Division of the Deaf and Hard  
7 of Hearing, which are responsible for providing services to persons  
8 who are blind or visually impaired and persons with hearing  
9 impairments, respectively; and

10 d. In order to facilitate aggressive reform of the child welfare  
11 system and ensure that the reform effort is successful, it is,  
12 therefore, in the best interest of the citizens of this State to establish  
13 a principal department within the Executive Branch that focuses  
14 exclusively on protecting children and strengthening families, so  
15 that our State's children will have the optimum conditions in which  
16 to grow and prosper to the benefit of themselves, their families, and  
17 society as a whole. The department shall have the goal of ensuring  
18 safety, permanency, and well-being for all children, and shall have  
19 direct responsibility for child welfare and other children and family  
20 services, supported by strong inter-agency partnerships among other  
21 State departments also responsible for family services.

22  
23 3. (New section) There is established in the Executive Branch of  
24 the State Government a principal department that shall be known as  
25 the Department of Children and Families.

26  
27 4. (New section) As used in this act:  
28 "Commissioner" means the Commissioner of Children and  
29 Families.

30 "Department" means the Department of Children and Families  
31 established by this act.

32  
33 5. (New section) a. The head and chief administrative officer of  
34 the department shall be the Commissioner of Children and Families.  
35 The commissioner shall be a person qualified by training and  
36 experience to perform the duties of his office. The commissioner  
37 shall be appointed by the Governor, with the advice and consent of  
38 the Senate, and shall serve at the pleasure of the Governor during  
39 the Governor's term of office and until the appointment and  
40 qualification of the commissioner's successor. He shall receive  
41 such salary as shall be provided by law and shall devote his entire  
42 time and attention to the duties of the office and shall not engage in  
43 any other profession or occupation.

44 b. The commissioner shall delegate such of his powers as he  
45 deems appropriate for the efficient administration of the  
46 department, to be exercised under the commissioner's direction and  
47 supervision by one or more deputy commissioners. A deputy  
48 commissioner shall devote his entire time and attention to the duties

1 of that office and shall receive such salary as the commissioner  
2 deems appropriate.

3  
4 6. (New section) Notwithstanding any provision of P.L.1968,  
5 c.410 (C.52:14B-1 et seq.) to the contrary, the commissioner may  
6 designate an appropriate officer of the department to serve as the  
7 final decision maker in any contested case or group of contested  
8 cases filed with the Office of Administrative Law. The designation  
9 shall be in writing and shall be filed with the Office of  
10 Administrative Law. The designation shall remain in effect until  
11 amended by the commissioner.

12  
13 7. (New section) The commissioner, as administrator and chief  
14 executive officer of the department, shall:

15 a. Administer the work of the department;

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

20 c. Appoint such deputy and assistant commissioners, directors  
21 and other personnel in the unclassified service as the commissioner  
22 deems appropriate to receive such compensation as may be  
23 provided by law;

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

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

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

35 g. Formulate and adopt rules and regulations for the efficient  
36 conduct of the work and general administration of the department,  
37 its officers and employees;

38 h. Institute or cause to be instituted such legal proceedings or  
39 processes as may be necessary to enforce and give effect to any of  
40 his powers or duties;

41 i. Make such reports of the department's operation as the  
42 Governor or the Legislature shall from time to time request, or as  
43 may be required by law;

44 j. Coordinate the activities of the department, and the several  
45 divisions and other agencies therein, in a manner designed to  
46 eliminate overlapping and duplicating functions;

1 k. Integrate within the department, so far as practicable, all staff  
2 services of the department and of the several divisions and other  
3 agencies therein;

4 l. Maintain suitable headquarters for the department and such  
5 other quarters as are necessary to the proper functioning of the  
6 department;

7 m. Solicit, apply for, and accept on behalf of the State any  
8 contributions, donations of money, goods, services, real or personal  
9 property or grants from the federal government or any agency  
10 thereof, or from any foundation, corporation, association or  
11 individual, and comply with the terms, conditions and limitations  
12 thereof, for any of the purposes of the department;

13 n. Enter into contracts and agreements with public and private  
14 entities, as may be appropriate to carry out the purposes of the  
15 department;

16 o. Be the request officer for the department within the meaning  
17 of such term as defined in P.L.1944, c.112 (C.52:27B-1 et seq.); and

18 p. Perform such other functions as may be prescribed in this act  
19 or by any other law.  
20

21 8. (New section) The commissioner may make, or cause to be  
22 made, such investigations as he deems necessary in the  
23 administration of the Department of Children and Families. For the  
24 purpose of any such investigation he may cause to be examined  
25 under oath any and all persons whatsoever and compel by subpoena  
26 the attendance of witnesses and the production of such books,  
27 records, accounts, papers and other documents as are appropriate.  
28 If a witness fails without good cause to attend, testify or produce  
29 such records or documents as directed in the subpoena, he shall be  
30 punished in the manner provided for the punishment of any witness  
31 who disobeys a summons or subpoena issued from a court of record  
32 in this State.  
33

34 9. (New section) All of the functions, powers and duties of the  
35 Office of Children's Services in the Department of Human Services,  
36 and the power to receive, allocate, expend, and authorize the  
37 expenditure of federal moneys available for children and families  
38 are hereby transferred and assigned to, assumed by and devolved  
39 upon the Department of Children and Families. To effectuate such  
40 transfer there shall also be transferred such officers and employees  
41 as are necessary, all appropriations or reappropriations, to the extent  
42 of remaining unexpended or unencumbered balances thereof,  
43 whether allocated or unallocated and whether obligated or  
44 unobligated, and all necessary books, papers, records and property.  
45 All rules, regulations, acts, determinations and decisions in force at  
46 the time of such transfer and proceedings or other such matters  
47 undertaken, commenced or pending by or before the Office of  
48 Children's Services at the time of such transfer shall continue in

1 force and effect until duly modified, abrogated or completed by the  
2 Department of Children and Families.

3 As used in this section, the Office of Children's Services  
4 includes, but is not limited to, the Division of Youth and Family  
5 Services, the Division of Child Behavioral Health Services, the  
6 Division of Prevention and Community Partnerships and the New  
7 Jersey Child Welfare Training Academy in the Department of  
8 Human Services.

9  
10 10. (New section) a. Whenever the term "Office of Children's  
11 Services" occurs or any reference is made thereto in any law,  
12 regulation, contract or document, the same shall be deemed to mean  
13 or refer to the Department of Children and Families.

14 b. Whenever the terms "Division of Youth and Family  
15 Services," "Division of Child Behavioral Health Services,"  
16 "Division of Prevention and Community Partnerships" and "New  
17 Jersey Child Welfare Training Academy" occur or any reference is  
18 made thereto in any law, regulation, contract or document, the same  
19 shall be deemed to mean or refer to, respectively, the "Division of  
20 Youth and Family Services," "Division of Child Behavioral Health  
21 Services," "Division of Prevention and Community Partnerships,"  
22 and "New Jersey Child Welfare Training Academy" in the  
23 Department of Children and Families established herein.

24  
25 11. (New section) A proportionate share of the programmatic,  
26 administrative, and support staff of the Department of Human  
27 Services supporting the functions, powers and duties transferred  
28 under this act are transferred to the Department of Children and  
29 Families.

30 The transfer of specific facilities, resources and personnel shall  
31 be determined by agreement between the Commissioner of Children  
32 and Families and the Commissioner of Human Services, after  
33 considering the number and type of positions currently used for  
34 support for the functions, powers and duties transferred and the  
35 appropriateness of transferring personnel, positions, and funding.

36  
37 12. (New section) This act shall be subject to the provisions of  
38 the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et  
39 seq.), except as may otherwise be provided under this act.

40  
41 13. (New section) This act shall not:  
42 a. affect the tenure, compensation, and pension rights, if any, of  
43 the lawful holder thereof, in any position not specifically abolished  
44 herein; and  
45 b. alter the term of any member of any board, commission, or  
46 public body, not specifically abolished herein, lawfully in office on  
47 the effective date of this act, or require the reappointment thereof.

1       14. (New Section) The Department of Children and Families  
2 shall not employ any individual as a direct care staff member unless  
3 the Commissioner of Children and Families has first determined,  
4 consistent with the requirements and standards of this section, that  
5 no criminal history record information exists on file in the Federal  
6 Bureau of Investigation, Identification Division, or in the State  
7 Bureau of Identification in the Division of State Police, which  
8 would disqualify that individual from being employed at the  
9 department. A criminal history record background check shall be  
10 conducted at least once every two years for an individual employed  
11 as a direct care staff member.

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

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

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

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

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

28       (2) In any other state or jurisdiction, of conduct which, if  
29 committed in New Jersey, would constitute any of the crimes or  
30 disorderly persons offenses described in paragraph (1) of this  
31 subsection.

32       b. Notwithstanding the provisions of subsection a. of this section  
33 to the contrary, no individual shall be disqualified from  
34 employment under this act on the basis of any conviction disclosed  
35 by a criminal history record check performed pursuant to this  
36 section if the individual has affirmatively demonstrated to the  
37 Commissioner of Children and Families clear and convincing  
38 evidence of his rehabilitation. In determining whether an individual  
39 has affirmatively demonstrated rehabilitation, the following factors  
40 shall be considered:

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

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

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

45       (4) The date of the offense;

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

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

1 (7) Any social conditions which may have contributed to the  
2 offense; and

3 (8) Any evidence of rehabilitation, including good conduct in  
4 prison or in the community, counseling or psychiatric treatment  
5 received, acquisition of additional academic or vocational  
6 schooling, successful participation in correctional work-release  
7 programs, or the recommendation of persons who have had the  
8 individual under their supervision.

9 c. If a prospective direct care staff member refuses to consent to,  
10 or cooperate in, the securing of a criminal history record  
11 background check, the commissioner shall not consider the  
12 individual for employment as a direct care staff member. The  
13 prospective staff member shall, however, retain any available right  
14 of review by the Merit System Board in the Department of  
15 Personnel.

16 d. If a current direct care staff member refuses to consent to, or  
17 cooperate in, the securing of a criminal history record background  
18 check, the commissioner shall immediately remove the individual  
19 from his position as a direct care staff member and terminate the  
20 individual's employment. The staff member shall, however, retain  
21 any available right of review by the Merit System Board in the  
22 Department of Personnel.

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

40 f. All applicants or current direct care staff members from whom  
41 criminal history record background checks are required shall submit  
42 their fingerprints in a manner acceptable to the commissioner. The  
43 commissioner is authorized to exchange fingerprint data with and  
44 receive criminal history record information from the Federal Bureau  
45 of Investigation and the Division of State Police for use in making  
46 the determinations required by this section. No criminal history  
47 record background check shall be performed pursuant to this section



1 unless the applicant shall have furnished his written consent to the  
2 check.

3 g. (1) Upon receipt of an applicant or direct care staff member's  
4 criminal history record information from the Federal Bureau of  
5 Investigation or the Division of State Police, as applicable, the  
6 commissioner shall notify the applicant or staff member, in writing,  
7 of the applicant's or staff member's qualification or disqualification  
8 for employment under this act. If the applicant or staff member is  
9 disqualified, the conviction or convictions which constitute the  
10 basis for the disqualification shall be identified in the written  
11 notice.

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

20 (3) The commissioner shall not maintain any individual's  
21 criminal history record information or evidence of rehabilitation  
22 submitted under this section for more than six months from the date  
23 of a final determination by the commissioner as to the individual's  
24 qualification or disqualification to be a direct care staff member  
25 pursuant to this section.

26 h. The commissioner shall initiate a criminal history record  
27 background check on all prospective direct care staff members.  
28 Current direct care staff members who have had a criminal history  
29 record background check conducted and stored in a manner  
30 approved by the commissioner shall have up to two years from the  
31 effective date of this act until the next criminal history background  
32 check is conducted.

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

36

37 15. (New section) a. The Commissioner of Children and  
38 Families is authorized to exchange fingerprint data with, and to  
39 receive information from, the Division of State Police in the  
40 Department of Law and Public Safety and the Federal Bureau of  
41 Investigation in accordance with the provisions of section 14 of  
42 P.L. , c. (C. )(pending before the Legislature as this bill).

43 b. The Division of State Police shall promptly notify the  
44 Department of Children and Families in the event an applicant for a  
45 direct care staff member position or a direct care staff member who  
46 was the subject of a criminal history record background check  
47 conducted pursuant to subsection a. of this section, is convicted of a  
48 crime or offense in this State after the date the background check

1 was performed. Upon receipt of such notification, the Department  
2 of Children and Families shall make a determination regarding the  
3 employment of the applicant or staff member.

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

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

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

16 c. A juvenile being held for a charge under this act or for a  
17 violation of or contempt in connection with a violation of Title 39  
18 of the Revised Statutes, chapter 7 of Title 12 of the Revised Statutes  
19 or N.J.S.2C:33-13, including a juvenile who has reached the age of  
20 18 years after being charged, shall not be placed in any prison, jail  
21 or lockup nor detained in any police station, except that if no other  
22 facility is reasonably available a juvenile may be held in a police  
23 station in a place other than one designed for the detention of  
24 prisoners and apart from any adult charged with or convicted of a  
25 crime for a brief period if such holding is necessary to allow release  
26 to his parent, guardian, other suitable person, or approved facility.  
27 No juvenile shall be placed in a detention facility which has reached  
28 its maximum population capacity, as designated by the Juvenile  
29 Justice Commission.

30 d. No juvenile charged with delinquency shall be transferred to  
31 an adult county jail solely by reason of having reached age 18. The  
32 following standards shall apply to any juvenile who has been placed  
33 on probation pursuant to section 24 of P.L.1982, c.77 (C.2A:4A-43)  
34 and who violates the conditions of that probation after reaching the  
35 age of 18; who has been placed on parole pursuant to the provisions  
36 of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et  
37 seq.) and who violates the conditions of that parole after reaching  
38 the age of 18; or who is arrested after reaching the age of 18 on a  
39 warrant emanating from the commission of an act of juvenile  
40 delinquency:

41 (1) In the case of a person 18 years of age but less than 20 years  
42 of age, the court, upon application by any interested party, shall  
43 determine the place of detention, taking into consideration the age  
44 and maturity of the person, whether the placement of the person in a  
45 juvenile detention facility would present a risk to the safety of  
46 juveniles residing at the facility, the likelihood that the person  
47 would influence in a negative manner juveniles incarcerated at the  
48 facility, whether the facility has sufficient space available for

1 juveniles and any other factor the court deems appropriate. Upon  
2 application at any time by the juvenile detention facility  
3 administrator or any other interested party, the court may order that  
4 the person be relocated to the county jail. The denial of an  
5 application shall not preclude subsequent applications based on a  
6 change in circumstances or information that was not previously  
7 made available to the court. The determination of the place of  
8 detention shall be made in a summary manner;

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

11 e. (1) The Juvenile Justice Commission and the Department of  
12 **【Human Services】** Children and Families shall promulgate such  
13 rules and regulations from time to time as deemed necessary to  
14 establish minimum physical facility and program standards for  
15 juvenile detention facilities or shelters under their respective  
16 supervision.

17 (2) The Juvenile Justice Commission and the Department of  
18 **【Human Services】** Children and Families, in consultation with the  
19 appropriate county administrator of the county facility or shelter,  
20 shall assign a maximum population capacity for each juvenile  
21 detention facility or shelter based on minimum standards for these  
22 facilities.

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

30 (2) Upon making such determination, the commission or  
31 department shall notify the governing body of the appropriate  
32 county of its decision to impose such a restriction, which  
33 notification shall include a written statement specifying the reasons  
34 therefor and corrections to be made. If the commission or  
35 department shall determine that no appropriate action has been  
36 initiated by the administrator of the facility or shelter within 60  
37 days following such notification to correct the violations specified  
38 in the notification, it shall order that such juvenile detention facility  
39 or shelter shall immediately cease to admit juveniles. The county  
40 shall be entitled to a hearing where such a restriction is imposed by  
41 the commission or department.

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

47 (4) Upon the issuance of an order to cease admissions to a  
48 juvenile detention facility or shelter, the commission or department

1 shall determine whether other juvenile detention facilities or  
2 shelters have adequate room for admitting juveniles and shall assign  
3 the juveniles to the facilities or shelters on the basis of available  
4 space; provided that the department shall not assign the juvenile to  
5 a facility or shelter where such facility or shelter is at the maximum  
6 population. A juvenile detention facility or shelter ordered to  
7 accept a juvenile shall do so within five days following the receipt  
8 of an order to accept admission of such juvenile.

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

13 (6) A facility or shelter receiving juveniles pursuant to  
14 paragraph (4) of this subsection shall receive from the sending  
15 county a reasonable and appropriate per diem allowance for each  
16 juvenile sent to the facility, such allowance to be used for the  
17 custody, care, maintenance, and any other services normally  
18 provided by the county to juveniles in the facility or shelter and  
19 which reflects all county expenditures in maintaining such juvenile,  
20 including a proportionate share of all buildings and grounds costs,  
21 personnel costs, including fringe benefits, administrative costs and  
22 all other direct and indirect costs.

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

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

30  
31 17. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to  
32 read as follows:

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

36 b. In arriving at a disposition, the court may also consult with  
37 such individuals and agencies as may be appropriate to the  
38 juvenile's situation, including the county probation division, the  
39 Department of **Human Services** Children and Families, the  
40 Juvenile Justice Commission established pursuant to section 2 of  
41 P.L.1995, c.284 (C.52:17B-170), the county youth services  
42 commission, school personnel, clergy, law enforcement authorities,  
43 family members and other interested and knowledgeable parties. In  
44 so doing, the court may convene a predispositional conference to  
45 discuss and recommend disposition.

46 c. The predisposition report ordered pursuant to the Rules of  
47 Court may include a statement by the victim of the offense for  
48 which the juvenile has been adjudicated delinquent or by the nearest

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

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

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

27  
28 18. Section 24 of P.L.1982, c.77 (C.2A:4A-43) is amended to  
29 read as follows:

30 24. Disposition of delinquency cases. a. In determining the  
31 appropriate disposition for a juvenile adjudicated delinquent the  
32 court shall weigh the following factors:

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

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

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

38 (4) Whether the disposition supports family strength,  
39 responsibility and unity and the well-being and physical safety of  
40 the juvenile;

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

46 (6) Whether the disposition recognizes and treats the unique  
47 physical, psychological and social characteristics and needs of the  
48 child;

- 1 (7) Whether the disposition contributes to the developmental  
2 needs of the child, including the academic and social needs of the  
3 child where the child has mental retardation or learning disabilities;
- 4 (8) Any other circumstances related to the offense and the  
5 juvenile's social history as deemed appropriate by the court;
- 6 (9) The impact of the offense on the victim or victims;
- 7 (10) The impact of the offense on the community; and
- 8 (11) The threat to the safety of the public or any individual  
9 posed by the child.
- 10 b. If a juvenile is adjudged delinquent, and except to the extent  
11 that an additional specific disposition is required pursuant to  
12 subsection e. or f. of this section, the court may order incarceration  
13 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) or any one  
14 or more of the following dispositions:
- 15 (1) Adjourn formal entry of disposition of the case for a period  
16 not to exceed 12 months for the purpose of determining whether the  
17 juvenile makes a satisfactory adjustment, and if during the period of  
18 continuance the juvenile makes such an adjustment, dismiss the  
19 complaint; provided that if the court adjourns formal entry of  
20 disposition of delinquency for a violation of an offense defined in  
21 chapter 35 or 36 of Title 2C of the New Jersey Statutes the court  
22 shall assess the mandatory penalty set forth in N.J.S.2C:35-15 but  
23 may waive imposition of the penalty set forth in N.J.S.2C:35-16 for  
24 juveniles adjudicated delinquent;
- 25 (2) Release the juvenile to the supervision of the juvenile's  
26 parent or guardian;
- 27 (3) Place the juvenile on probation to the chief probation officer  
28 of the county or to any other suitable person who agrees to accept  
29 the duty of probation supervision for a period not to exceed three  
30 years upon such written conditions as the court deems will aid  
31 rehabilitation of the juvenile;
- 32 (4) Transfer custody of the juvenile to any relative or other  
33 person determined by the court to be qualified to care for the  
34 juvenile;
- 35 (5) Place the juvenile under the care and responsibility of the  
36 Department of [Human Services] Children and Families so that the  
37 commissioner may designate a division or organizational unit in the  
38 department pursuant to P.L.1951, c.138 (C.30:4C-1 et seq.) for the  
39 purpose of providing services in or out of the home. Within 14  
40 days, unless for good cause shown, but not later than 30 days, the  
41 Department of [Human Services] Children and Families shall  
42 submit to the court a service plan, which shall be presumed valid,  
43 detailing the specifics of any disposition order. The plan shall be  
44 developed within the limits of fiscal and other resources available to  
45 the department. If the court determines that the service plan is  
46 inappropriate, given existing resources, the department may request  
47 a hearing on that determination;

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

6 (7) Commit the juvenile, pursuant to applicable laws and the  
7 Rules of Court governing civil commitment, to the Department of  
8 **【Human Services】** Children and Families under the responsibility  
9 of the Division of Child Behavioral Health Services for the purpose  
10 of placement in a suitable public or private hospital or other  
11 residential facility for the treatment of persons who are mentally ill,  
12 on the ground that the juvenile is in need of involuntary  
13 commitment;

14 (8) Fine the juvenile an amount not to exceed the maximum  
15 provided by law for such a crime or offense if committed by an  
16 adult and which is consistent with the juvenile's income or ability  
17 to pay and financial responsibility to the juvenile's family, provided  
18 that the fine is specially adapted to the rehabilitation of the juvenile  
19 or to the deterrence of the type of crime or offense. If the fine is  
20 not paid due to financial limitations, the fine may be satisfied by  
21 requiring the juvenile to submit to any other appropriate disposition  
22 provided for in this section;

23 (9) Order the juvenile to make restitution to a person or entity  
24 who has suffered loss resulting from personal injuries or damage to  
25 property as a result of the offense for which the juvenile has been  
26 adjudicated delinquent. The court may determine the reasonable  
27 amount, terms and conditions of restitution. If the juvenile  
28 participated in the offense with other persons, the participants shall  
29 be jointly and severally responsible for the payment of restitution.  
30 The court shall not require a juvenile to make full or partial  
31 restitution if the juvenile reasonably satisfies the court that the  
32 juvenile does not have the means to make restitution and could not  
33 reasonably acquire the means to pay restitution;

34 (10) Order that the juvenile perform community services under  
35 the supervision of a probation division or other agency or individual  
36 deemed appropriate by the court. Such services shall be  
37 compulsory and reasonable in terms of nature and duration. Such  
38 services may be performed without compensation, provided that any  
39 money earned by the juvenile from the performance of community  
40 services may be applied towards any payment of restitution or fine  
41 which the court has ordered the juvenile to pay;

42 (11) Order that the juvenile participate in work programs which  
43 are designed to provide job skills and specific employment training  
44 to enhance the employability of job participants. Such programs  
45 may be without compensation, provided that any money earned by  
46 the juvenile from participation in a work program may be applied  
47 towards any payment of restitution or fine which the court has  
48 ordered the juvenile to pay;

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

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

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

13       (15) Order the parent or guardian of the juvenile to participate in  
14 appropriate programs or services when the court has found either  
15 that such person's omission or conduct was a significant  
16 contributing factor towards the commission of the delinquent act,  
17 or, under its authority to enforce litigant's rights, that such person's  
18 omission or conduct has been a significant contributing factor  
19 towards the ineffective implementation of a court order previously  
20 entered in relation to the juvenile;

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

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

31       (17) Instead of or in addition to any disposition made according  
32 to this section, the court may postpone, suspend, or revoke for a  
33 period not to exceed two years the driver's license, registration  
34 certificate, or both of any juvenile who used a motor vehicle in the  
35 course of committing an act for which the juvenile was adjudicated  
36 delinquent. In imposing this disposition and in deciding the duration  
37 of the postponement, suspension, or revocation, the court shall  
38 consider the severity of the delinquent act and the potential effect of  
39 the loss of driving privileges on the juvenile's ability to be  
40 rehabilitated. Any postponement, suspension, or revocation shall be  
41 imposed consecutively with any custodial commitment;

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

44       (19) Order a parent or guardian who has failed or neglected to  
45 exercise reasonable supervision or control of a juvenile who has  
46 been adjudicated delinquent to make restitution to any person or  
47 entity who has suffered a loss as a result of that offense. The court



1 may determine the reasonable amount, terms and conditions of  
2 restitution; or

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

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

23 (2) No juvenile may be incarcerated in any county detention  
24 facility unless the county has entered into an agreement with the  
25 Juvenile Justice Commission concerning the use of the facility for  
26 sentenced juveniles. Upon agreement with the county, the Juvenile  
27 Justice Commission shall certify detention facilities which may  
28 receive juveniles sentenced pursuant to this subsection and shall  
29 specify the capacity of the facility that may be made available to  
30 receive such juveniles; provided, however, that in no event shall the  
31 number of juveniles incarcerated pursuant to this subsection exceed  
32 50% of the maximum capacity of the facility.

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

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

38 (b) Incarceration of the juvenile is consistent with the goals of  
39 public safety, accountability and rehabilitation and the court is  
40 clearly convinced that the aggravating factors substantially  
41 outweigh the mitigating factors as set forth in section 25 of  
42 P.L.1982, c.77 (C.2A:4A-44); and

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

45 (4) If as a result of incarceration of adjudicated juveniles  
46 pursuant to this subsection, a county is required to transport a  
47 predisposition juvenile to a juvenile detention facility in another

1 county, the costs of such transportation shall be borne by the  
2 Juvenile Justice Commission.

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

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

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

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

38 (3) An order to perform community service pursuant to  
39 paragraph (10) of subsection b. of this section for a period of at  
40 least 30 days, if the juvenile has been adjudicated delinquent for an  
41 act which, if committed by an adult, would constitute the fourth  
42 degree crime of unlawful taking of a motor vehicle in violation of  
43 subsection b. of N.J.S.2C:20-10;

44 (4) An order of incarceration for a term of the duration  
45 authorized pursuant to this section or section 25 of P.L.1982, c.77  
46 (C.2A:4A-44) which shall include a minimum term of 30 days  
47 during which the juvenile shall be ineligible for parole, if the  
48 juvenile has been adjudicated delinquent for an act which, if

1 committed by an adult, would constitute the crime of unlawful  
2 taking of a motor vehicle in violation of N.J.S.2C:20-10 or the third  
3 degree crime of eluding in violation of subsection b. of  
4 N.J.S.2C:29-2, and if the juvenile has previously been adjudicated  
5 delinquent for an act which, if committed by an adult, would  
6 constitute either theft of a motor vehicle, the unlawful taking of a  
7 motor vehicle or eluding.

8 f. (1) The minimum terms of incarceration required pursuant to  
9 subsection e. of this section shall be imposed regardless of the  
10 weight or balance of factors set forth in this section or in section 25  
11 of P.L.1982, c.77 (C.2A:4A-44), but the weight and balance of  
12 those factors shall determine the length of the term of incarceration  
13 appropriate, if any, beyond any mandatory minimum term required  
14 pursuant to subsection e. of this section.

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

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

32 g. Whenever the court imposes a disposition upon an  
33 adjudicated delinquent which requires the juvenile to perform a  
34 community service, restitution, or to participate in any other  
35 program provided for in this section, the order shall include  
36 provisions which provide balanced attention to the protection of the  
37 community, accountability for offenses committed, fostering  
38 interaction and dialogue between the offender, victim and  
39 community and the development of competencies to enable the  
40 child to become a responsible and productive member of the  
41 community.

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

43  
44 19. Section 1 of P.L.1982, c.79 (2A:4A-60) is amended to read  
45 as follows:

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

47 a. Social, medical, psychological, legal and other records of the  
48 court and probation division, and records of law enforcement

1 agencies, pertaining to juveniles charged as a delinquent or found to  
2 be part of a juvenile-family crisis, shall be strictly safeguarded from  
3 public inspection. Such records shall be made available only to:

4 (1) Any court or probation division;

5 (2) The Attorney General or county prosecutor;

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

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

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

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

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

24 (8) Law enforcement agencies for the purpose of reviewing  
25 applications for a permit to purchase a handgun or firearms  
26 purchaser identification card;

27 (9) Any potential party in a subsequent civil action for damages  
28 related to an act of delinquency committed by a juvenile, including  
29 the victim or a member of the victim's immediate family, regardless  
30 of whether the action has been filed against the juvenile; provided,  
31 however, that records available under this paragraph shall be  
32 limited to official court documents, such as complaints, pleadings  
33 and orders, and that such records may be disclosed by the recipient  
34 only in connection with asserting legal claims or obtaining  
35 indemnification on behalf of the victim or the victim's family and  
36 otherwise shall be safeguarded from disclosure to other members of  
37 the public. Any potential party in a civil action related to the  
38 juvenile offense may file a motion with the civil trial judge seeking  
39 to have the juvenile's social, medical or psychological records  
40 admitted into evidence in a civil proceeding for damages;

41 (10) Any potential party in a subsequent civil action for damages  
42 related to an act of delinquency committed by a juvenile, including  
43 the victim or a member of the victim's immediate family, regardless  
44 of whether the action has been filed against the juvenile; provided,  
45 however, that records available under this paragraph shall be  
46 limited to police or investigation reports concerning acts of  
47 delinquency, which shall be disclosed by a law enforcement agency  
48 only with the approval of the County Prosecutor's Office or the

1 Division of Criminal Justice. Prior to disclosure, all personal  
2 information regarding all individuals, other than the requesting  
3 party and the arresting or investigating officer, shall be redacted.  
4 Such records may be disclosed by the recipient only in connection  
5 with asserting legal claims or obtaining indemnification on behalf  
6 of the victim or the victim's family, and otherwise shall be  
7 safeguarded from disclosure to other members of the public;

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

13 (12) Law enforcement agencies with respect to information  
14 available on the juvenile central registry maintained by the courts  
15 pursuant to subsection g. of this section, including, but not limited  
16 to: records of official court documents, such as complaints,  
17 pleadings and orders for the purpose of obtaining juvenile arrest  
18 information; juvenile disposition information; juvenile pretrial  
19 information; and information concerning the probation status of a  
20 juvenile.

21 b. Records of law enforcement agencies may be disclosed for  
22 law enforcement purposes, or for the purpose of reviewing  
23 applications for a permit to purchase a handgun or a firearms  
24 purchaser identification card to any law enforcement agency of this  
25 State, another state or the United States, and the identity of a  
26 juvenile under warrant for arrest for commission of an act that  
27 would constitute a crime if committed by an adult may be disclosed  
28 to the public when necessary to execution of the warrant.

29 c. At the time of charge, adjudication or disposition,  
30 information as to the identity of a juvenile charged with an offense,  
31 the offense charged, the adjudication and disposition shall, upon  
32 request, be disclosed to:

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

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

35 (3) On a confidential basis, the principal of the school where the  
36 juvenile is enrolled for use by the principal and such members of  
37 the staff and faculty of the school as the principal deems  
38 appropriate for maintaining order, safety or discipline in the school  
39 or to planning programs relevant to the juvenile's educational and  
40 social development, provided that no record of such information  
41 shall be maintained except as authorized by regulation of the  
42 Department of Education; or

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

45 d. A law enforcement or prosecuting agency shall, at the time  
46 of a charge, adjudication or disposition, advise the principal of the  
47 school where the juvenile is enrolled of the identity of the juvenile

1 charged, the offense charged, the adjudication and the disposition  
2 if:

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

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

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

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

12 (b) involved the unlawful use or possession of a firearm or other  
13 weapon; or

14 (c) involved the unlawful manufacture, distribution or  
15 possession with intent to distribute a controlled dangerous  
16 substance or controlled substance analog; or

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

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

21 Information provided to the principal pursuant to this subsection  
22 shall be treated as confidential but may be made available to such  
23 members of the staff and faculty of the school as the principal  
24 deems appropriate for maintaining order, safety or discipline in the  
25 school or for planning programs relevant to a juvenile's educational  
26 and social development, and no record of such information shall be  
27 maintained except as authorized by regulation of the Department of  
28 Education.

29 e. Nothing in this section prohibits a law enforcement or  
30 prosecuting agency from providing the principal of a school with  
31 information identifying one or more juveniles who are under  
32 investigation or have been taken into custody for commission of any  
33 act that would constitute an offense if committed by an adult when  
34 the law enforcement or prosecuting agency determines that the  
35 information may be useful to the principal in maintaining order,  
36 safety or discipline in the school or in planning programs relevant  
37 to the juvenile's educational and social development. Information  
38 provided to the principal pursuant to this subsection shall be treated  
39 as confidential but may be made available to such members of the  
40 staff and faculty of the school as the principal deems appropriate for  
41 maintaining order, safety or discipline in the school or for planning  
42 programs relevant to the juvenile's educational and social  
43 development. No information provided pursuant to this section  
44 shall be maintained.

45 f. Information as to the identity of a juvenile adjudicated  
46 delinquent, the offense, the adjudication and the disposition shall be  
47 disclosed to the public where the offense for which the juvenile has  
48 been adjudicated delinquent if committed by an adult, would

1 constitute a crime of the first, second or third degree, or aggravated  
2 assault, destruction or damage to property to an extent of more than  
3 \$500.00, unless upon application at the time of disposition the  
4 juvenile demonstrates a substantial likelihood that specific and  
5 extraordinary harm would result from such disclosure in the specific  
6 case. Where the court finds that disclosure would be harmful to the  
7 juvenile, the reasons therefor shall be stated on the record.

8 g. (1) Nothing in this section shall prohibit the establishment and  
9 maintaining of a central registry of the records of law enforcement  
10 agencies relating to juveniles for the purpose of exchange between  
11 State and local law enforcement agencies and prosecutors of this  
12 State, another state, or the United States. These records of law  
13 enforcement agencies shall be available on a 24-hour basis.

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

18 h. Whoever, except as provided by law, knowingly discloses,  
19 publishes, receives, or makes use of or knowingly permits the  
20 unauthorized use of information concerning a particular juvenile  
21 derived from records listed in subsection a. or acquired in the  
22 course of court proceedings, probation, or police duties, shall, upon  
23 conviction thereof, be guilty of a disorderly persons offense.

24 i. Juvenile delinquency proceedings.

25 (1) Except as provided in paragraph (2) of this subsection, the  
26 court may, upon application by the juvenile or his parent or  
27 guardian, the prosecutor or any other interested party, including the  
28 victim or complainant or members of the news media, permit public  
29 attendance during any court proceeding at a delinquency case,  
30 where it determines that a substantial likelihood that specific harm  
31 to the juvenile would not result. The court shall have the authority  
32 to limit and control attendance in any manner and to the extent it  
33 deems appropriate;

34 (2) The court or, in cases where the county prosecutor has  
35 entered an appearance, the county prosecutor shall notify the victim  
36 or a member of the victim's immediate family of any court  
37 proceeding involving the juvenile and the court shall permit the  
38 attendance of the victim or family member at the proceeding except  
39 when, prior to completing testimony as a witness, the victim or  
40 family member is properly sequestered in accordance with the law  
41 or the Rules Governing the Courts of the State of New Jersey or  
42 when the juvenile or the juvenile's family member shows, by clear  
43 and convincing evidence, that such attendance would result in a  
44 substantial likelihood that specific harm to the juvenile would result  
45 from the attendance of the victim or a family member at a  
46 proceeding or any portion of a proceeding and that such harm  
47 substantially outweighs the interest of the victim or family member  
48 to attend that portion of the proceeding;

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

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

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

12  
13 20. Section 14 of P.L.1982, c.80 (C.2A:4A-89) is amended to  
14 read as follows:

15 14. When intake has filed with the court a petition for out of  
16 home placement, the court shall, within 24 hours, conduct a hearing  
17 on the petition. The court shall notify the parents, the juvenile and  
18 his counsel and, if indigent, have counsel appointed by the court.  
19 The hearing shall be conducted in accordance with the Rules of  
20 Court and shall be attended by the parents, the juvenile, and when  
21 requested by the court, a representative of the **【Division of Youth**  
22 **and Family Services】** Department of Children and Families. The  
23 following procedure shall be followed for the hearing:

24 a. The court shall hold the hearing to consider the petition and  
25 may approve or disapprove the temporary out of home placement.  
26 The court may approve the temporary out of home placement if  
27 either of the following factors exists:

28 (1) A serious conflict or other problem between the parent and  
29 the juvenile which cannot be resolved by delivery of services to the  
30 family during continued placement of the juvenile in the parental  
31 home; or

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

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

38 c. Temporary out of home placement shall continue until  
39 otherwise provided by the court. The order approving the  
40 temporary out of home placement shall direct the **【Division of**  
41 **Youth and Family Services】** Department of Children and Families,  
42 or other service or agency to submit a family service plan that is  
43 designed to resolve the family crisis consistent with the well-being  
44 and physical safety of the juvenile. The court shall direct such  
45 **【division】** department, service or agency to make recommendations  
46 as to which agency or person shall have physical custody of the



1 child, the extent of the parental powers to be awarded to such  
2 agency or person and parental visitation rights.

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

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

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

27

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

29 2A:12-6. The Administrative Director of the Courts is authorized  
30 to distribute or cause to be distributed any bound volumes of the  
31 New Jersey Reports and the New Jersey Superior Court Reports  
32 heretofore or hereafter published and delivered to him, as follows:

33 To each member of the Legislature, one copy of each volume of  
34 such reports.

35 To the following named, for official use, to remain the property  
36 of the State, the following number of copies of each volume of such  
37 reports:

38 a. To the Governor, four copies;

39 b. To the Department of Law and Public Safety, for the  
40 Division of Law, four copies; and the Division of Alcoholic  
41 Beverage Control, one copy;

42 c. To the Department of the Treasury, for the State Treasurer,  
43 one copy; the Division of Taxation, three copies; and the Division  
44 of Local Government Services in the Department of Community  
45 Affairs, one copy;

46 d. To the Department of State, one copy;

47 e. To the Department of Personnel, one copy;

- 1 f. To the Department of Banking and Insurance, two copies;
- 2 g. To the Board of Public Utilities in the Department of the
- 3 Treasury, one copy;
- 4 h. To the Department of Labor and Workforce Development,
- 5 for the commissioner, one copy; the Division of Workers'
- 6 Compensation, five copies; the State Board of Mediation, one copy;
- 7 and the Division of Employment Security, three copies;
- 8 i. To the Department of Education, for the commissioner, one
- 9 copy;
- 10 j. To the Department of Transportation, one copy;
- 11 k. To the Department of Human Services, one copy; **[and]** the
- 12 Department of Corrections, one copy; and the Department of
- 13 Children and Families, one copy;
- 14 l. To each judge of the federal courts in and for the district of
- 15 New Jersey, one copy;
- 16 m. To each justice of the Supreme Court, one copy;
- 17 n. To each judge of the Superior Court, one copy;
- 18 o. To the Administrative Director of the Courts, one copy;
- 19 p. To each standing master of the Superior Court, one copy;
- 20 q. (Deleted by amendment, P.L.1983, c.36.)
- 21 r. To the clerk of the Supreme Court, one copy;
- 22 s. To the clerk of the Superior Court, one copy;
- 23 t. (Deleted by amendment, P.L.1983, c.36.)
- 24 u. (Deleted by amendment, P.L.1983, c.36.)
- 25 v. (Deleted by amendment, P.L.1991, c.91.)
- 26 w. (Deleted by amendment, P.L.1991, c.91.)
- 27 x. To each county prosecutor, one copy;
- 28 y. To the Central Management Unit in the Office of Legislative
- 29 Services, one copy;
- 30 z. To each surrogate, one copy;
- 31 aa. To each county clerk, one copy;
- 32 ab. To each sheriff, one copy;
- 33 ac. To Rutgers, The State University, two copies; and the law
- 34 schools, five copies each;
- 35 ad. To the law school of Seton Hall University, five copies;
- 36 ae. To Princeton University, two copies;
- 37 af. To the Library of Congress, four copies;
- 38 ag. To the New Jersey Historical Society, one copy;
- 39 ah. To every library provided by the board of chosen freeholders
- 40 of any county at the courthouse in each county, one copy;
- 41 ai. To the library of every county bar association in this State,
- 42 one copy;
- 43 aj. To each incorporated library association in this State, which
- 44 has a law library at the county seat of the county in which it is
- 45 located, one copy;
- 46 ak. To each judge of the tax court, one copy;
- 47 al. The State Library, 60 copies, five of which shall be
- 48 deposited in the Law Library, and 55 of which shall be used by the

1 State Librarian to send one copy to the state library of each state  
2 and territory of the United States, the same to be in exchange for the  
3 law reports of such states and territories sent to the State Library,  
4 which reports shall be deposited in and become part of the  
5 collection of the Law Library.

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

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

10  
11 22. Section 6 of P.L.2004, c.157 (C.2A:23C-6) is amended to  
12 read as follows:

13 6. Exceptions to Privilege.

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

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

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

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

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

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

26 (6) except as otherwise provided in subsection c., sought or  
27 offered to prove or disprove a claim or complaint of professional  
28 misconduct or malpractice filed against a mediation party, nonparty  
29 participant, or representative of a party based on conduct occurring  
30 during a mediation; or

31 (7) sought or offered to prove or disprove child abuse or neglect  
32 in a proceeding in which the Division of Youth and Family Services  
33 in the Department of **Human Services** Children and Families is a  
34 party, unless the Division of Youth and Family Services participates  
35 in the mediation.

36 b. There is no privilege under section 4 of P.L.2004, c.157  
37 (C.2A:23C-4) if a court, administrative agency, or arbitrator finds,  
38 after a hearing in camera, that the party seeking discovery or the  
39 proponent of the evidence has shown that the evidence is not  
40 otherwise available, that there is a need for the evidence that  
41 substantially outweighs the interest in protecting confidentiality,  
42 and that the mediation communication is sought or offered in:

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

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

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

4 d. If a mediation communication is not privileged under  
5 subsection a. or b., only the portion of the communication necessary  
6 for the application of the exception from nondisclosure may be  
7 admitted. Admission of evidence under subsection a. or b. does not  
8 render the evidence, or any other mediation communication,  
9 discoverable or admissible for any other purpose.  
10 (cf: P.L.2004, c.157, s.6)

11

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

14 5. a. Records maintained pursuant to this act shall be open to any  
15 law enforcement agency in this State, the United States or any other  
16 state and may be released to the Division of Youth and Family  
17 Services in the Department of **Human Services** Children and  
18 Families for use in carrying out its responsibilities under law. Law  
19 enforcement agencies in this State shall be authorized to release  
20 relevant and necessary information regarding sex offenders to the  
21 public when the release of the information is necessary for public  
22 protection in accordance with the provisions of P.L.1994, c.128  
23 (C.2C:7-6 et seq.).

24 b. An elected public official, public employee, or public  
25 agency is immune from civil liability for damages for any  
26 discretionary decision to release relevant and necessary  
27 information, unless it is shown that the official, employee, or  
28 agency acted with gross negligence or in bad faith. The immunity  
29 provided under this section applies to the release of relevant  
30 information to other employees or officials or to the general public.

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

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

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

40

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

42 2C:13-1. Kidnapping. a. Holding for ransom, reward or as a  
43 hostage. A person is guilty of kidnapping if he unlawfully removes  
44 another from the place where he is found or if he unlawfully  
45 confines another with the purpose of holding that person for ransom  
46 or reward or as a shield or hostage.

47 b. Holding for other purposes. A person is guilty of kidnapping  
48 if he unlawfully removes another from his place of residence or

1 business, or a substantial distance from the vicinity where he is  
2 found, or if he unlawfully confines another for a substantial period,  
3 with any of the following purposes:

- 4 (1) To facilitate commission of any crime or flight thereafter;  
5 (2) To inflict bodily injury on or to terrorize the victim or  
6 another;  
7 (3) To interfere with the performance of any governmental or  
8 political function; or  
9 (4) To permanently deprive a parent, guardian or other lawful  
10 custodian of custody of the victim.

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

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

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

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

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

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

43 d. "Unlawful" removal or confinement. A removal or  
44 confinement is unlawful within the meaning of this section and of  
45 sections 2C:13-2 and 2C:13-3, if it is accomplished by force, threat  
46 or deception, or, in the case of a person who is under the age of 14  
47 or is incompetent, if it is accomplished without the consent of a

1 parent, guardian or other person responsible for general supervision  
2 of his welfare.

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

6 (1) The actor reasonably believed that the action was necessary  
7 to preserve the victim from imminent danger to his welfare.  
8 However, no defense shall be available pursuant to this subsection  
9 if the actor does not, as soon as reasonably practicable but in no  
10 event more than 24 hours after taking a victim under his protection,  
11 give notice of the victim's location to the police department of the  
12 municipality where the victim resided, the office of the county  
13 prosecutor in the county where the victim resided, or the Division  
14 of Youth and Family Services in the Department of **[Human**  
15 **Services]** Children and Families;

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

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

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

28 (1) Gives notice of the victim's location to the police  
29 department of the municipality where the victim resided, the office  
30 of the county prosecutor in the county where the victim resided, or  
31 the Division of Youth and Family Services in the Department of  
32 **[Human Services]** Children and Families; or

33 (2) Commences an action affecting custody in an appropriate  
34 court.

35 g. As used in subsections e. and f. of this section, "parent"  
36 means a parent, guardian or other lawful custodian of a victim.  
37 (cf: P.L.1999, c.190, s.1)

38

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

40 2C:13-4. Interference with custody.

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

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

46 (2) After being served with process or having actual knowledge  
47 of an action affecting marriage or custody but prior to the issuance  
48 of a temporary or final order determining custody and parenting

1 time rights to a minor child, takes, detains, entices or conceals the  
2 child within or outside the State for the purpose of depriving the  
3 child's other parent of custody or parenting time, or to evade the  
4 jurisdiction of the courts of this State;

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

12 (4) After the issuance of a temporary or final order specifying  
13 custody, joint custody rights or parenting time, takes, detains,  
14 entices or conceals a minor child from the other parent in violation  
15 of the custody or parenting time order.

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

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

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

33 (1) The actor reasonably believed that the action was necessary  
34 to preserve the child from imminent danger to his welfare.  
35 However, no defense shall be available pursuant to this subsection  
36 if the actor does not, as soon as reasonably practicable but in no  
37 event more than 24 hours after taking a child under his protection,  
38 give notice of the child's location to the police department of the  
39 municipality where the child resided, the office of the county  
40 prosecutor in the county where the child resided, or the Division of  
41 Youth and Family Services in the Department of **[Human Services]**  
42 Children and Families;

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

46 (3) The child, being at the time of the taking or concealment not  
47 less than 14 years old, was taken away at his own volition and

1 without purpose to commit a criminal offense with or against the  
2 child.

3 d. It is an affirmative defense to a prosecution under subsection  
4 a. of this section that a parent having the right of custody  
5 reasonably believed he was fleeing from imminent physical danger  
6 from the other parent, provided that the parent having custody, as  
7 soon as reasonably practicable:

8 (1) Gives notice of the child's location to the police department  
9 of the municipality where the child resided, the office of the county  
10 prosecutor in the county where the child resided, or the Division of  
11 Youth and Family Services in the Department of **[Human Services]**  
12 Children and Families; or

13 (2) Commences an action affecting custody in an appropriate  
14 court.

15 e. The offenses enumerated in this section are continuous in  
16 nature and continue for so long as the child is concealed or  
17 detained.

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

23 (2) In imposing sentence under subsection a. of this section the  
24 court shall consider, in addition to the factors enumerated in chapter  
25 44 of Title 2C of the New Jersey Statutes:

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

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

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

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

31

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

34 1. The Administrative Office of the Courts shall establish and  
35 maintain a central registry of all persons who have had domestic  
36 violence restraining orders entered against them, all persons who  
37 have been charged with a crime or offense involving domestic  
38 violence, and all persons who have been charged with a violation of  
39 a court order involving domestic violence. All records made  
40 pursuant to this section shall be kept confidential and shall be  
41 released only to:

42 a. A public agency authorized to investigate a report of domestic  
43 violence;

44 b. A police or other law enforcement agency investigating a  
45 report of domestic violence, or conducting a background  
46 investigation involving a person's application for a firearm permit  
47 or employment as a police or law enforcement officer or for any



1 other purpose authorized by law or the Supreme Court of the State  
2 of New Jersey;

3 c. A court, upon its finding that access to such records may be  
4 necessary for determination of an issue before the court; **[or]**

5 d. A surrogate, in that person's official capacity as deputy clerk  
6 of the Superior Court, in order to prepare documents that may be  
7 necessary for a court to determine an issue in an adoption  
8 proceeding; or

9 e. The Division of Youth and Family Services in the Department  
10 of Children and Families when the division is conducting a  
11 background investigation involving:

12 (1) an allegation of child abuse or neglect, to include any adult  
13 member of the same household as the individual who is the subject  
14 of the abuse or neglect allegation; or

15 (2) an out-of-home placement for a child being placed by the  
16 Division of Youth and Family Services, to include any adult  
17 member of the prospective placement household.

18 Any individual, agency, surrogate or court which receives from  
19 the Administrative Office of the Courts the records referred to in  
20 this section shall keep such records and reports, or parts thereof,  
21 confidential and shall not disseminate or disclose such records and  
22 reports, or parts thereof; provided that nothing in this section shall  
23 prohibit a receiving individual, agency, surrogate or court from  
24 disclosing records and reports, or parts thereof, in a manner  
25 consistent with and in furtherance of the purpose for which the  
26 records and reports or parts thereof were received.

27 Any individual who disseminates or discloses a record or report,  
28 or parts thereof, of the central registry, for a purpose other than  
29 investigating a report of domestic violence, conducting a  
30 background investigation involving a person's application for a  
31 firearm permit or employment as a police or law enforcement  
32 officer, making a determination of an issue before the court,  
33 conducting a background investigation as specified in subsection e.  
34 of this section, or for any other purpose other than that which is  
35 authorized by law or the Supreme Court of the State of New Jersey,  
36 shall be guilty of a crime of the fourth degree.

37 (cf: P.L.2003, c.286, s.1)

38  
39 27. Section 4 of P.L.1999, c.334 (C.2C:35-5.7) is amended to  
40 read as follows:

41 4. a. When a person is charged with a criminal offense on a  
42 warrant and the person is released from custody before trial on bail  
43 or personal recognizance, the court, upon application of a law  
44 enforcement officer or prosecuting attorney pursuant to section 3 of  
45 P.L.2001, c.365 (C.2C:35-5.9) and except as provided in subsection  
46 e. of this section, shall as a condition of release issue an order  
47 prohibiting the person from entering any place defined by  
48 subsection b. of section 3 of P.L.1999, c.334 (C.2C:35-5.6),

1 including a buffer zone surrounding the place or modifications as  
2 provided by subsection f. of this section.

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

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

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

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

36 The court shall issue such order on the first court day following  
37 the release of the juvenile. If the restraints contained in the court  
38 order differ from the restraints contained in the notice, the order  
39 shall not be effective until the third court day following the issuance  
40 of the order. The juvenile may apply to the court to stay or modify  
41 the order on the grounds set forth in subsection e. of this section.

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

46 (1) the defendant lawfully resides at or has legitimate business  
47 on or near the place, or otherwise legitimately needs to enter the  
48 place. In such an event, the court shall not issue an order pursuant

1 to this section unless the court is clearly convinced that the need to  
2 bar the person from the place in order to protect the public safety  
3 and the rights, safety and health of the residents and persons  
4 working in the place outweighs the person's interest in returning to  
5 the place. If the balance of the interests of the person and the public  
6 so warrants, the court may issue an order imposing conditions upon  
7 the person's entry at, upon or near the place; or

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

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

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

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

39 (3) Notwithstanding the provisions of section 1 of P.L.1982,  
40 c.79 (C.2A:4A-60), prior to the person's conviction or adjudication  
41 of delinquency for a criminal offense, any law enforcement agency  
42 may publish a copy of any orders issued pursuant to this section, or  
43 an equivalent notice containing the terms of the order, in a  
44 newspaper circulating in the area of the restraining order. Such  
45 publication shall be for the purpose of informing the public, and the  
46 failure to publish a copy of the order shall in no way excuse any  
47 violation of the order.

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

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

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

42 j. An order issued pursuant to subsection a., b., c. or d. of this  
43 section shall remain in effect until the case has been adjudicated or  
44 dismissed, or for not less than two years, whichever is less. An  
45 order issued pursuant to subsection h. of this section shall remain in  
46 effect for such period of time as shall be fixed by the court but not  
47 longer than the maximum term of imprisonment or incarceration  
48 allowed by law for the underlying offense or offenses. When the

1 court issues a restraining order pursuant to subsection h. of this  
2 section and the person is also sentenced to any form of probationary  
3 supervision or participation in the Intensive Supervision Program,  
4 the court shall make continuing compliance with the order an  
5 express condition of probation or the Intensive Supervision  
6 Program. When the person has been sentenced to a term of  
7 incarceration, continuing compliance with the terms and conditions  
8 of the order shall be made an express condition of the person's  
9 release from confinement or incarceration on parole. At the time of  
10 sentencing or, in the case of a juvenile, at the time of disposition of  
11 the juvenile case, the court shall advise the defendant that the  
12 restraining order shall include a fixed time period in accordance  
13 with this subsection and shall include that provision in the judgment  
14 of conviction, dispositional order, separate order or order vacating  
15 an existing restraining order, to the law enforcement agency that  
16 made the arrest and to the county prosecutor.

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

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

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

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

35  
36 28. Section 1 of P.L.2003, c.301 (C.2C:44-6.2) is amended to  
37 read as follows:

38 1. a. In any case in which a person has been convicted of a crime  
39 for which the person will be incarcerated, the court shall order, as  
40 part of the presentence investigation required pursuant to  
41 N.J.S.2C:44-6, that a determination be made as to whether the  
42 person is the sole caretaker of a minor child and, if so, who will  
43 assume responsibility for the child's care and custody during the  
44 period the person is incarcerated.

45 b. If the determination is made that the person is the sole  
46 caretaker of the child, the presentence investigation shall also  
47 include:

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

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

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

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

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

17

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

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

22 (1) the victim of the crime was either a person under the age of  
23 18 at the time of the commission of the crime, or a person defined  
24 in paragraph (9) of subsection b. of this section; and

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

34 b. For purposes of this section, "crime" includes any of the  
35 following:

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

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

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

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

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

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

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

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

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

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

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

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

15

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

18 3. As used in this act:

19 “Appointed standby guardian” means a person appointed  
20 pursuant to section 6 of this act to assume the duties of guardian  
21 over the person and, when applicable, the property of a minor child  
22 upon the death or a determination of incapacity or debilitation, and  
23 with the consent, of the parent or legal custodian.

24 “Attending physician” means the physician who has primary  
25 responsibility for the treatment and care for the petitioning parent or  
26 legal custodian. When more than one physician shares this  
27 responsibility, or when a physician is acting on the primary  
28 physician’s behalf, any such physician may act as the attending  
29 physician pursuant to this act. When no physician has this  
30 responsibility, a physician who is familiar with the petitioner’s  
31 medical condition may act as the attending physician pursuant to  
32 this act.

33 “Consent” means written consent signed by the parent or legal  
34 custodian in the presence of two witnesses who shall also sign the  
35 document. The written consent shall constitute the terms for the  
36 commencement of the duties of the standby guardian.

37 “Debilitation” means a chronic and substantial inability, as a  
38 result of a physically debilitating illness, disease, or injury, to care  
39 for one’s minor child.

40 “Designated standby guardian” means a person designated  
41 pursuant to section 8 of this act to assume temporarily the duties of  
42 guardianship over the person and, when applicable, the property of  
43 a minor child upon the death or a determination of incapacity or  
44 debilitation, and with the consent, of the parent or legal custodian.

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

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

1 “Determination of debilitation” means a written determination  
2 made by the attending physician which contains the physician’s  
3 opinion to a reasonable degree of medical certainty regarding the  
4 nature, cause, extent and probable duration of the parent’s or legal  
5 custodian’s debilitation.

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

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

15 “Minor child” means a child under the age of eighteen years but  
16 excludes a child residing in a placement funded or approved by the  
17 Division of Youth and Family Services in the Department of  
18 **【Human Services】** Children and Families pursuant to either a  
19 voluntary placement agreement or court order.

20 “Triggering event” means an event stated in the designation,  
21 petition or decree which empowers the standby guardian to assume  
22 the duties of the office, which event may be the death, incapacity or  
23 debilitation, with the consent, of the custodial parent or legal  
24 custodian, whichever occurs first.

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

26  
27 31. Section 2 of P.L.2001, c.250 (C.3B:12A-2) is amended to  
28 read as follows:

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

31 “Caregiver” means a person over 18 years of age, other than a  
32 child’s parent, who has a kinship relationship with the child and has  
33 been providing care and support for the child, while the child has  
34 been residing in the caregiver’s home, for **【at least】** either the last  
35 12 consecutive months or 15 of the last 22 months. “Caregiver”  
36 includes a resource family parent as defined in section 1 of  
37 P.L.1962, c.136 (C.30:4C-26.4).

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

40 “Commissioner” means the Commissioner of **【Human Services】**  
41 Children and Families.

42 “Court” means the Superior Court, Chancery Division, Family  
43 Part.

44 “Department” means the Department of **【Human Services】**  
45 Children and Families.

46 “Division” means the Division of Youth and Family Services in  
47 the Department of **【Human Services】** Children and Families.



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

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

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

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

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

21       “Parental incapacity” means incapacity of such a serious nature  
22 as to demonstrate that the parent is unable, unavailable or unwilling  
23 to perform the regular and expected functions of care and support of  
24 the child.

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

26

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

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

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

32       (2) the best interests of the child;

33       (3) the kinship caregiver assessment;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (1) a kinship legal guardian shall have the same rights,  
45 responsibilities and authority relating to the child as a birth parent,  
46 including, but not limited to: making decisions concerning the  
47 child's care and well-being; consenting to routine and emergency  
48 medical and mental health needs; arranging and consenting to

1 educational plans for the child; applying for financial assistance and  
2 social services for which the child is eligible; applying for a motor  
3 vehicle operator's license; applying for admission to college;  
4 responsibility for activities necessary to ensure the child's safety,  
5 permanency and well-being; and ensuring the maintenance and  
6 protection of the child; except that a kinship legal guardian may not  
7 consent to the adoption of the child or a name change for the child;

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

10 (3) the birth parent of the child retains the obligation to pay  
11 child support;

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

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

18 (6) kinship legal guardianship terminates when the child reaches  
19 18 years of age or when the child is no longer continuously enrolled  
20 in a secondary education program, whichever event occurs later, or  
21 when kinship legal guardianship is otherwise terminated.

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

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

35 g. An order or judgment awarding kinship legal guardianship  
36 may be vacated by the court if, based upon clear and convincing  
37 evidence, the court finds that the guardian failed or is unable,  
38 unavailable or unwilling to provide proper care and custody of the  
39 child, or that the guardianship is no longer in the child's best  
40 interests.

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

42  
43 33. Section 2 of P.L.1977, c.367 (C.9:3-38) is amended to read  
44 as follows:

45 2. For the purposes of this act:

46 a. "Approved agency" means a nonprofit corporation,  
47 association or agency, including any public agency, approved by the

- 1 Department of **Human Services** Children and Families for the  
2 purpose of placing children for adoption in New Jersey;
- 3 b. “Child” means a person under 18 years of age;
- 4 c. “Custody” means the general right to exercise continuing  
5 control over the person of a child derived from court order or  
6 otherwise;
- 7 d. “Guardianship” means the right to exercise continuing  
8 control over the person or property or both of a child which  
9 includes any specific right of control over an aspect of the child's  
10 upbringing derived from court order;
- 11 e. “Guardian ad litem” means a qualified person, not  
12 necessarily an attorney, appointed by the court under the provisions  
13 of this act or at the discretion of the court to represent the interests  
14 of the child whether or not the child is a named party in the action;
- 15 f. “Parent” means a birth parent or parents, including the birth  
16 father of a child born out of wedlock who has acknowledged the  
17 child or to whom the court has ordered notice to be given, or a  
18 parent or parents by adoption;
- 19 g. “Placement for adoption” means the transfer of custody of a  
20 child to a person for the purpose of adoption by that person;
- 21 h. “Plaintiff” means a prospective parent or parents who have  
22 filed a complaint for adoption;
- 23 i. “Legal services” means the provision of counseling or  
24 advice related to the law and procedure for adoption of a child,  
25 preparation of legal documents, or representation of any person  
26 before a court or administrative agency;
- 27 j. “Surrender” means a voluntary relinquishment of all parental  
28 rights by a birth parent, previous adoptive parent, or other person or  
29 agency authorized to exercise these rights by law, court order or  
30 otherwise, for purposes of allowing a child to be adopted;
- 31 k. “Home study” means an approved agency's formal  
32 assessment of the capacity and readiness of prospective adoptive  
33 parents to adopt a child, including the agency's written report and  
34 recommendations conducted in accordance with rules and  
35 regulations promulgated by the Director of the Division of Youth  
36 and Family Services; and
- 37 l. “Intermediary” means any person, firm, partnership,  
38 corporation, association or agency, which is not an approved agency  
39 as defined in this section, who acts for or between any parent and  
40 any prospective parent or acts on behalf of either in connection with  
41 the placement of the parent's child for adoption in the State or in  
42 any other state or country. An intermediary in any other state or  
43 country shall not receive money or other valuable consideration in  
44 connection with the placement of a child for adoption in this State.  
45 An intermediary in this State shall not receive money or other  
46 valuable consideration in connection with the placement of a child  
47 for adoption in this State or in any other state or country. The  
48 provisions of this subsection shall not be construed to prohibit the

1 receipt of money or other valuable consideration specifically  
2 authorized in section 18 of P.L.1993, c.345 (C.9:3-39.1).  
3 (cf: P.L.1999, c.53, s.2)  
4

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

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

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

11 (2) the firm, partnership, corporation, association or agency is  
12 an approved agency to act as agent, finder or to otherwise  
13 materially assist in the placement of any child for adoption in this  
14 State, or

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

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

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

40 (c) Written notice shall be given to the birth parent, except one  
41 who cannot be identified or located prior to the placement of the  
42 child for adoption, and the adoptive parent that the decision not to  
43 place the child for adoption or the return of the child to the birth  
44 parent cannot be conditioned upon reimbursement of expenses by  
45 the birth parent to the adoptive parent, and that payments by the  
46 adoptive parent are non-refundable. Provision of such notice shall  
47 be confirmed in a written document signed by the birth parent and  
48 adoptive parent in separate documents which shall be acknowledged

1 in this State pursuant to section 1 of P.L.1991, c.308 [(C.46:14-  
2 2.1)] (R.S.46:14-2.1) or acknowledged in another state or country  
3 pursuant to section 1 of P.L.1991, c.308 (R.S.46:14-6.1), a copy of  
4 which shall be provided to the birth parent, and the agency  
5 conducting the adoption complaint investigation pursuant to section  
6 12 of P.L.1977, c.367 (C.9:3-48), and shall be filed with the court  
7 prior to termination of parental rights.

8 b. The Superior Court in an action by the Commissioner of  
9 [Human Services] Children and Families may enjoin any party  
10 found by the court to have violated this section from any further  
11 violation of this section.

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

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

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

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

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

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

39  
40 35. Section 4 of P.L.1977, c.367 (C.9:3-40) is amended to read  
41 as follows:

42 4. The Commissioner of [Human Services] Children and  
43 Families shall promulgate rules and regulations relating to the  
44 qualification of agencies for approval to make placements for  
45 adoption in New Jersey. The rules and regulations shall include, but  
46 shall not be limited to, standards of professional training and  
47 experience of staff, requirements relating to responsibilities and the  
48 character of trustees, officers or other persons supervising or

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

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

16  
17 36. Section 2 of P.L.2003, c.11 (C.9:3-40.1) is amended to read  
18 as follows:

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

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

27  
28 37. Section 1 of P.L.1979, c.292 (C.9:3-41.1) is amended to read  
29 as follows:

30 1. a. An approved agency making an investigation of the facts  
31 and circumstances surrounding the surrender of a child shall  
32 provide a prospective parent with all available information, other  
33 than information which would identify or permit the identification  
34 of the birth parent of the child, relevant to the child's development,  
35 including his developmental and medical history, personality and  
36 temperament, the parent's complete medical histories, including  
37 conditions or diseases which are believed to be hereditary, any  
38 drugs or medications taken during pregnancy and any other  
39 conditions of the parent's health which may be a factor influencing  
40 the child's present or future health. This information shall be made  
41 available to the prospective parent prior to the actual adoptive  
42 placement to the extent available and supplemented upon the  
43 completion of an investigation conducted by an approved agency  
44 pursuant to section 12 of P.L.1977, c.367 (C.9:3-48).

45 b. The available information required of an approved agency by  
46 subsection a. of this section shall be presented to the adoptive  
47 parents on standardized forms prepared by the Commissioner of

1   **【Human Services】** Children and Families.

2   (cf: P.L.1993,c.345,s.4)

3

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

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

19   (cf: P.L.1998, c.20, s.6)

20

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

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

27   (cf: P.L.1993, c.345, s.19)

28

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

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

38       For the purposes of this section, the federal criminal history  
39 record check conducted by the **【Immigration and Naturalization**  
40 **Service in the federal Department of Justice】** U.S. Citizenship and  
41 Immigration Services in the Department of Homeland Security on a  
42 prospective adoptive parent shall be valid for the prospective  
43 adoptive parent in fulfilling the home study requirement for the  
44 State.

45       (2) Each prospective adoptive parent and each member of the  
46 prospective adoptive parent's household, age 18 or older, shall  
47 submit to the approved agency standard fingerprint cards containing



1 his name, address and fingerprints taken by a State or municipal law  
2 enforcement agency.

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

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

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

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

20 (7) The commissioner shall adopt regulations for the use of  
21 criminal history record information by approved agencies when  
22 determining the suitability of a home for the placement of a child  
23 for the purposes of adoption.

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

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

44 (cf: P.L.1997, c.176, s. 1)

45

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

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

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

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

37       c. If the child abuse or neglect is the result of several incidents  
38 occurring in an institution, within 30 days of receipt of the report of  
39 child abuse or neglect, the department may request that the chief  
40 administrator of the institution make administrative, personnel or  
41 structural changes at the institution. Within 30 days of the date the  
42 department made its request, the chief administrator shall notify the  
43 department of the progress in complying with the terms of the  
44 department's request. The department and chief administrator shall  
45 determine a time frame for completion of the terms of the request.

46       d. If a chief administrator of an institution does not formulate  
47 or implement a remedial plan or make the changes requested by the  
48 department, the department may impose appropriate sanctions or

1 actions if the department licenses, oversees, approves or authorizes  
2 the operation of the institution. If the department does not license,  
3 oversee, approve or authorize the operation of the institution, the  
4 department may recommend to the authority which licenses,  
5 oversees, approves or authorizes the operation of the institution that  
6 appropriate sanctions or actions be imposed against the institution.  
7 (cf: P.L.2004, c.130, s.21)

8  
9 42. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to  
10 read as follows:

11 1. a. All records of child abuse reports made pursuant to section  
12 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained by the  
13 Department of **【Human Services】** Children and Families in  
14 investigating such reports including reports received pursuant to  
15 section 20 of P.L.1974, c.119 (C.9:6-8.40), and all reports of  
16 findings forwarded to the child abuse registry pursuant to section 4  
17 of P.L.1971, c.437 (C.9:6-8.11) shall be kept confidential and may  
18 be disclosed only under the circumstances expressly authorized  
19 under subsections b., c., d., e., f. and g. herein. The department  
20 shall disclose information only as authorized under subsections b.,  
21 c., d., e., f. and g. of this section that is relevant to the purpose for  
22 which the information is required, provided, however, that nothing  
23 may be disclosed which would likely endanger the life, safety, or  
24 physical or emotional well-being of a child or the life or safety of  
25 any other person or which may compromise the integrity of a  
26 department investigation or a civil or criminal investigation or  
27 judicial proceeding. If the department denies access to specific  
28 information on this basis, the requesting entity may seek disclosure  
29 through the Chancery Division of the Superior Court. This section  
30 shall not be construed to prohibit disclosure pursuant to paragraphs  
31 (2) and (7) of subsection b. of this section.

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

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

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

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

42 (3) A physician who has before him a child whom he reasonably  
43 suspects may be abused or neglected or an authorized member of  
44 the staff of a duly designated regional child abuse diagnostic and  
45 treatment center which is involved with a particular child who is the  
46 subject of the request;

47 (4) A physician, a hospital director or his designate, a police  
48 officer or other person authorized to place a child in protective

1 custody when such person has before him a child whom he  
2 reasonably suspects may be abused or neglected and requires the  
3 information in order to determine whether to place the child in  
4 protective custody;

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

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

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

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

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

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

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

42 (12) Any person appealing a department service or status action  
43 or a substantiated finding of child abuse or neglect and his attorney  
44 or authorized lay representative upon a determination by the  
45 department or the presiding Administrative Law Judge that such  
46 disclosure is necessary for a determination of the issue on appeal;

47 (13) Any person or entity mandated by statute to consider child  
48 abuse or neglect information when conducting a background check

1 or employment-related screening of an individual employed by or  
2 seeking employment with an agency or organization providing  
3 services to children;

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

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

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

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

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

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

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

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

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

41 (23) Members of a family team or other case planning group  
42 formed by the Division of Youth and Family Services and  
43 established in accordance with regulations adopted by the  
44 Commissioner of [Human Services] Children and Families for the  
45 purpose of addressing the child's safety, permanency or well-being,  
46 when the provision of such information is in the best interests of the  
47 child as determined by the Division of Youth and Family Services.

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

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

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

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

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

45 g. The department shall release the records and reports referred  
46 to in subsection a. of this section to a unified child care agency  
47 contracted with the department pursuant to N.J.A.C.10:15-2.1 for  
48 the purpose of providing information on child abuse or neglect

1 allegations involving a prospective approved home provider or any  
2 adult household member pursuant to section 2 of P.L.2003, c.185  
3 (C.30:5B-32) to a child's parent when the information is necessary  
4 for the parent to make a decision concerning the placement of the  
5 child in an appropriate child care arrangement.

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

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

10  
11 43. Section 2 of P.L.2003, c.301 (C.9:6-8.10c) is amended to  
12 read as follows:

13 2. a. Upon receiving the presentencing investigation information  
14 from the court pursuant to section 1 of P.L.2003, c.301 (C.2C:44-  
15 6.2) concerning a sole caretaker of a child who will be incarcerated  
16 and the person who will assume care and custody of the child  
17 during the period of incarceration, the Division of Youth and  
18 Family Services in the Department of **【Human Services】** Children  
19 and Families shall conduct a child abuse record information check  
20 of its child abuse records to determine if an incident of child abuse  
21 or neglect has been substantiated against the person who will be  
22 responsible for the child's care and custody or any adult and  
23 juvenile over 12 years of age in the person's household.

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

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

31  
32 44. Section 4 of P.L.2003, c.301 (C.9:6-8.10d) is amended to  
33 read as follows:

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

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

39  
40 45. Section 9 of P.L.2005, c.370 (C.9:6-8.10e) is amended to  
41 read as follows:

42 9. a. In accordance with the provisions of sections 6 and 7 of  
43 P.L.2005, c.370 (C.52:27G-37 and C.52:27G-38), the Department  
44 of **【Human Services】** Children and Families shall conduct a check  
45 of its child abuse registry for each person seeking registration as a  
46 professional guardian who is required to undergo such a check  
47 pursuant to P.L.2005, c.370 (C.52:27G-32 et al.). The department

1 shall immediately forward the information obtained as a result of  
2 the check to the Office of the Public Guardian for Elderly Adults.

3 b. **【The department shall promptly notify the Office of the**  
4 **Public Guardian for Elderly Adults in the event a person who is**  
5 **required to undergo a check of the child abuse registry pursuant to**  
6 **section 6 of P.L.2005, c.370 (C.52:27G-37) is listed in the registry**  
7 **after the date the child abuse registry check was performed.】**

8 Subsequent to the initial registration of an individual as a  
9 professional guardian, the public guardian may submit the name of  
10 a registered professional guardian for an additional child abuse  
11 registry check. Upon receipt of **【such notification】** a response from  
12 the department, the public guardian shall make a determination  
13 regarding the continuation of the registration of the person as a  
14 professional guardian.

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

16  
17 46. Section 4 of P.L.1971, c.437 (C.9:6-8.11) is amended to read  
18 as follows:

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

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

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

40  
41 47. Section 1 of P.L.1974, c.119 (C.9:6-8.21) is amended to read  
42 as follows:

43 1. As used in this act, unless the specific context indicates  
44 otherwise:

45 a. “Parent or guardian” means any natural parent, adoptive  
46 parent, resource family parent, stepparent, paramour of a parent or  
47 any person, who has assumed responsibility for the care, custody or



1 control of a child or upon whom there is a legal duty for such care.  
2 Parent or guardian includes a teacher, employee or volunteer,  
3 whether compensated or uncompensated, of an institution who is  
4 responsible for the child's welfare and any other staff person of an  
5 institution regardless of whether or not the person is responsible for  
6 the care or supervision of the child. Parent or guardian also  
7 includes a teaching staff member or other employee, whether  
8 compensated or uncompensated, of a day school as defined in  
9 section 1 of P.L.1974, c.119 (C.9:6-8.21).

10 b. "Child" means any child alleged to have been abused or  
11 neglected.

12 c. "Abused or neglected child" means a child less than 18 years  
13 of age whose parent or guardian, as herein defined, (1) inflicts or  
14 allows to be inflicted upon such child physical injury by other than  
15 accidental means which causes or creates a substantial risk of death,  
16 or serious or protracted disfigurement, or protracted impairment of  
17 physical or emotional health or protracted loss or impairment of the  
18 function of any bodily organ; (2) creates or allows to be created a  
19 substantial or ongoing risk of physical injury to such child by other  
20 than accidental means which would be likely to cause death or  
21 serious or protracted disfigurement, or protracted loss or  
22 impairment of the function of any bodily organ; (3) commits or  
23 allows to be committed an act of sexual abuse against the child; (4)  
24 or a child whose physical, mental, or emotional condition has been  
25 impaired or is in imminent danger of becoming impaired as the  
26 result of the failure of his parent or guardian, as herein defined, to  
27 exercise a minimum degree of care (a) in supplying the child with  
28 adequate food, clothing, shelter, education, medical or surgical care  
29 though financially able to do so or though offered financial or other  
30 reasonable means to do so, or (b) in providing the child with proper  
31 supervision or guardianship, by unreasonably inflicting or allowing  
32 to be inflicted harm, or substantial risk thereof, including the  
33 infliction of excessive corporal punishment; or by any other acts of  
34 a similarly serious nature requiring the aid of the court; (5) or a  
35 child who has been willfully abandoned by his parent or guardian,  
36 as herein defined; (6) or a child upon whom excessive physical  
37 restraint has been used under circumstances which do not indicate  
38 that the child's behavior is harmful to himself, others or property;  
39 (7) or a child who is in an institution and (a) has been placed there  
40 inappropriately for a continued period of time with the knowledge  
41 that the placement has resulted or may continue to result in harm to  
42 the child's mental or physical well-being or (b) who has been  
43 willfully isolated from ordinary social contact under circumstances  
44 which indicate emotional or social deprivation.

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

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

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

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

17 f. "Division" means the Division of Youth and Family  
18 Services in the Department of **[Human Services]** Children and  
19 Families unless otherwise specified.

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

25 h. "Day school" means a public or private school which  
26 provides general or special educational services to day students in  
27 grades kindergarten through 12. Day school does not include a  
28 residential facility, whether public or private, which provides care  
29 on a 24-hour basis.

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

31  
32 48. Section 7 of P.L.1974, c.119 (C.9:6-8.27) is amended to read  
33 as follows:

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

41 b. **[However, if the Division of Youth and Family Services**  
42 **removes a child with the written consent of the parent or guardian,**  
43 **the proceedings under this act shall not apply, unless the division**  
44 **files a complaint to commence proceedings under this act.]**  
45 (Deleted by amendment, P.L. , c. ) (pending before the  
46 Legislature as this bill)

47 (cf: P.L.1977, c.209, s.6)

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

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

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

25       c. Whenever a child has been removed pursuant to section 7 or  
26 9 of **[this act]** P.L.1974, c.119 (C.9:6-8.27 and 9:6-8.29), the  
27 division shall arrange for immediate medical **[examination]**  
28 screening of the child and shall have legal authority to consent to  
29 such **[examination]** screening. If necessary to safeguard the child's  
30 health or life, the division also is authorized to arrange for and  
31 consent to medical care or treatment of the child. Consent by the  
32 division pursuant to this subsection shall be deemed legal and valid  
33 for all purposes with respect to any person, hospital, or other health  
34 care facility screening, examining or providing care or treatment to  
35 a child in accordance with and in reliance upon such consent.  
36 Medical reports resulting from such screening, examination or care  
37 or treatment shall be released to the division for the purpose of  
38 aiding in the determination of whether the child has been abused or  
39 neglected. Any person or health care facility acting in good faith in  
40 the screening of, examination of or provision of care and treatment  
41 to a child or in the release of medical records shall have immunity  
42 from any liability, civil or criminal, that might otherwise be  
43 incurred or imposed as a result of such act.

44 (cf: P.L.2004, c.130, s.29)

45

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

1       1. The Department of **【Human Services】** Children and  
2 Families shall immediately report all instances of suspected child  
3 abuse and neglect, as defined by regulations, to the county  
4 prosecutor of the county in which the child resides. The regulations  
5 shall be developed jointly by the department and the county  
6 prosecutors, approved by the Attorney General, and promulgated by  
7 the Commissioner of **【Human Services】** Children and Families.

8 (cf: P.L.2004, c.130, s.30)

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

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

31  
32       52. Section 1 of P.L.1997, c.62 (C.9:6-8.40a) is amended to read  
33 as follows:

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

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

44       The definition of, and process for, making a determination of an  
45 unfounded report, complaint or allegation of an incident of child  
46 abuse or neglect shall be defined in regulations promulgated by the

1 department pursuant to the "Administrative Procedure Act,"  
2 P.L.1968, c.410 (C.52:14B-1 et seq.).  
3 (cf: P.L.2004, c.130, s.32)

4  
5 53. Section 2 of P.L.1998, c.127 (C.9:6-8.58b) is amended to  
6 read as follows:

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

12  
13 54. Section 8 of P.L.1987, c.341 (C.9:6-8.72a) is amended to  
14 read as follows:

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

24  
25 55. Section 2 of P.L.1994, c.119 (C.9:6-8.75) is amended to read  
26 as follows:

27 2. There is established the "New Jersey Task Force on Child  
28 Abuse and Neglect."

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

39 b. The task force shall receive, evaluate and approve  
40 applications of public and private agencies and organizations for  
41 grants from moneys annually appropriated from the "Children's  
42 Trust Fund" established pursuant to section 2 of P.L.1985, c.197  
43 (C.54A:9-25.4). Any portion of the moneys actually appropriated  
44 which are remaining at the end of a fiscal year shall lapse to the  
45 "Children's Trust Fund."

46 Grants shall be awarded to public and private agencies for the  
47 purposes of planning and establishing or improving programs and

1 services for the prevention of child abuse and neglect, including  
2 activities which:

3 (1) Provide Statewide educational and public informational  
4 seminars for the purpose of developing appropriate public  
5 awareness regarding the problems of child abuse and neglect;

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

8 (3) Make information about the problems of child abuse and  
9 neglect available to the public and organizations and agencies  
10 which deal with problems of child abuse and neglect; and

11 (4) Encourage the development of community prevention  
12 programs, including:

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

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

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

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

38 <sup>1</sup>c. The task force shall establish a Staffing and Oversight  
39 Review Subcommittee to review staffing levels of the Division of  
40 Youth and Family Services in order to develop recommendations  
41 regarding staffing levels and the most effective methods of  
42 recruiting, hiring, and retaining staff within the division. In  
43 addition, the subcommittee shall review the division's performance  
44 in the achievement of management and client outcomes, and shall  
45 issue a preliminary report with its findings and recommendations no  
46 later than January 1, 2007, and subsequent reports annually  
47 thereafter with the first full report due no later than July 1, 2007.  
48 The subcommittee shall directly issue its reports to the Governor

1 and pursuant, to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
2 Legislature.<sup>1</sup>

3 (cf: P.L.1994, c.119, s.2)

4  
5 56. Section 3 of P.L.1994, c.119 (C.9:6-8.76) is amended to read  
6 as follows:

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

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

37 The task force shall be co-chaired, one co-chair shall be the  
38 Commissioner of **[Human Services]** Children and Families and the  
39 other shall be appointed by the Governor with the advice and  
40 consent of the Senate. The second co-chair shall be selected from  
41 among the public members and shall serve at the pleasure of the  
42 Governor. The public members shall serve for a term **[not to**  
43 **exceed]** of three years. **[The second co-chair shall be allowed to**  
44 **serve two three-year terms]**.

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

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

3       5. The Department of **【Human Services】** Children and Families  
4 shall provide professional and clerical staff to the task force as  
5 necessary to effectuate the purposes of this act.  
6 (cf: P.L.1994, c.119, s.5)  
7

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

10       2. As used in this act:

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

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

14       “Commissioner” means the Commissioner of **【Human Services】**  
15 Children and Families.

16       “Division” means the Division of Youth and Family Services in  
17 the Department of **【Human Services】** Children and Families.

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

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

22       “Parent or guardian” means a person defined pursuant to section  
23 1 of P.L.1974, c.119 (C.9:6-8.21) who has the responsibility for the  
24 care, custody or control of a child or upon whom there is a legal  
25 duty for such care.

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

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

34       a. the employment, use, persuasion, inducement, enticement or  
35 coercion of any child to engage in, or assist any other person to  
36 engage in, any sexually explicit conduct or simulation of such  
37 conduct;

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

40       c. sexual penetration and sexual contact as defined in  
41 N.J.S.2C:14-1 and a prohibited sexual act as defined in  
42 N.J.S.2C:24-4.

43       “Significant bodily injury” means a temporary loss of the  
44 functioning of any bodily member or organ or temporary loss of any  
45 one of the five senses.

46       “Withholding of medically indicated treatment” means the  
47 failure to respond to a child's life-threatening conditions by  
48 providing treatment, including appropriate nutrition, hydration, and



1 medication which, in the treating physician's reasonable judgment,  
2 will most likely be effective in ameliorating or correcting all such  
3 conditions. The term does not include the failure to provide  
4 treatment, other than appropriate nutrition, hydration, or medication  
5 to a child when, in the treating physician's reasonable medical  
6 judgment:

7 a. the child is chronically and irreversibly comatose;

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

12 c. the provision of such treatment would be virtually futile in  
13 terms of the survival of the child and the treatment itself under such  
14 circumstances would be inhumane.

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

16

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

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

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

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

41

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

44 7. a. The board shall consist of 14 members as follows: the  
45 Commissioner of **【Human Services】** Children and Families, the  
46 Commissioner of Health and Senior Services, the Director of the  
47 Division of Youth and Family Services in the Department of  
48 **【Human Services】** Children and Families, the Attorney General, the

1 Child Advocate and the Superintendent of State Police, or their  
2 designees, the State Medical Examiner, and the Chairperson or  
3 Executive Director of the New Jersey Task Force on Child Abuse  
4 and Neglect, who shall serve ex officio; and six public members  
5 appointed by the Governor, one of whom shall be a representative  
6 of the New Jersey Prosecutors' Association, one of whom shall be a  
7 Law Guardian, one of whom shall be a pediatrician with expertise  
8 in child abuse and neglect, one of whom shall be a psychologist  
9 with expertise in child abuse and neglect, one of whom shall be a  
10 social work educator with experience and expertise in the area of  
11 child abuse or a related field and one of whom shall have expertise  
12 in substance abuse.

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

22 c. The Governor shall appoint a public member to serve as  
23 chairperson of the board who shall be responsible for the  
24 coordination of all activities of the board and who shall provide the  
25 technical assistance needed to execute the duties of the board.

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

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

38

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

41 19. The Department of **Human Services** Children and  
42 Families shall adopt rules and regulations pursuant to the  
43 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
44 seq.) to effectuate the purposes of this act.

45 (cf.: P.L.1997, c.175, s.19)

46

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

1       1. The Commissioner of **【Human Services】** Children and  
2 Families shall establish four regional diagnostic and treatment  
3 centers for child abuse and neglect affiliated with medical teaching  
4 institutions in the State that meet the standards adopted by the  
5 commissioner, in consultation with the New Jersey Task Force on  
6 Child Abuse and Neglect. The regional centers shall be located in  
7 the northern, north central, south central and southern regions of the  
8 State. Each center shall have experience in addressing the medical  
9 and mental health diagnostic and treatment needs of abused and  
10 neglected children in the region in which it is located.

11 (cf: P.L.1998, c.19, s.1)

12  
13       63. Section 2 of P.L.1998, c.19 (C.9:6-8.100) is amended to read  
14 as follows:

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

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

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

33  
34       64. Section 4 of P.L.1998, c.19 (C.9:6-8.102) is amended to read  
35 as follows:

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

38       a. Providing psychological and medical evaluation and  
39 treatment of the child, counseling for family members and  
40 substance abuse assessment and mental health and substance abuse  
41 counseling for the parents or guardians of the child;

42       b. Providing referral for appropriate social services and  
43 medical care;

44       c. Providing testimony regarding alleged child abuse or neglect  
45 at judicial proceedings;

46       d. Providing treatment recommendations for the child and  
47 mental health and substance abuse treatment recommendations for  
48 his family, and providing mental health and substance abuse

1 treatment recommendations for persons convicted of child abuse or  
2 neglect;

3 e. Receiving referrals from the Department of [Human  
4 Services] Children and Families and the county prosecutor's office  
5 and assisting them in any investigation of child abuse or neglect;

6 f. Providing educational material and seminars on child abuse  
7 and neglect and the services the center provides to children, parents,  
8 teachers, law enforcement officials, the judiciary, attorneys and  
9 other citizens.

10 (cf: P.L.2004, c.130, s.35)

11

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

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

35 As used in this section, "child advocacy center" means a county-  
36 based center which meets the standards for a county team  
37 established by the commissioner pursuant to this section and  
38 demonstrates a multidisciplinary approach in providing  
39 comprehensive, culturally competent child abuse prevention,  
40 intervention and treatment services to children who are victims of  
41 child abuse or neglect.

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

43

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

46 8. The Commissioner of [Human Services] Children and  
47 Families shall adopt rules and regulations pursuant to the

1 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
2 seq.) necessary to effectuate the provisions of this act.  
3 (cf: P.L.1998, c.19, s.8)  
4

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

7 7. In addition to moneys deposited into the “Children's Trust  
8 Fund” pursuant to **[section 3 of this act]** P.L.1985, c.197 (C.9:6A-1  
9 et al.), the Commissioner of **[the Department of Human Services]**  
10 Children and Families may designate moneys to be deposited into  
11 the fund which have been appropriated from the General Fund to  
12 the Department of **[Human Services]** Children and Families as he  
13 deems necessary to effect the establishment of the “Children's Trust  
14 Fund.”

15 (cf: P.L.1985, c.197, s.7)  
16

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

19 8. Any costs incurred for collection or administration  
20 attributable to this act by the Division of Taxation may be deducted  
21 from receipts collected pursuant to section **[1]** 2 of **[this act]**  
22 P.L.1985, c.197 (C.54A:9-25.4), as determined by the Director of  
23 the Division of Budget and Accounting.

24 (cf: P.L.1985, c.197, s.8)  
25

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

28 The Department of **[Human Services]** Children and Families  
29 shall establish a program, using county human services advisory  
30 councils, to encourage each county in this State to establish a  
31 special county commission on child abuse and missing children.  
32 The special county commission shall address the problems of child  
33 abuse and missing children in the county and its activities may  
34 include, but shall not be limited to, arranging for educational  
35 programs for parents and children, providing information  
36 concerning the available services in the county and in the State for  
37 abused children and their parents and the parents of missing  
38 children, and coordinating the provision of services and programs  
39 concerning child abuse and missing children that are offered in the  
40 county and neighboring counties.

41 (cf: P.L.1986, c.27, s.2)  
42

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

45 2. The Legislature finds and declares that:

46 a. A child placed outside his home by the Department of  
47 Human Services, the Department of Children and Families, the

1 Department of Health and Senior Services or a board of education,  
2 or an agency or organization with which the applicable department  
3 contracts to provide services has certain specific rights separate  
4 from and independent of the child's parents or legal guardian by  
5 virtue of his placement in another residential setting;

6 b. The State has an affirmative obligation to recognize and  
7 protect these rights through its articulation of a clear and specific  
8 bill of rights that reflects the best interests of the child whereby the  
9 safety of the child is of paramount concern and an affirmation by  
10 the State of its commitment to enforce these rights in order to  
11 protect and promote the welfare of the child placed outside his  
12 home; and

13 c. The obligation of the State to recognize and protect the  
14 rights of the child placed outside his home shall be fulfilled in the  
15 context of a clear and consistent policy to promote the child's  
16 eventual return to his home or placement in an alternative  
17 permanent setting, which this Legislature has expressly declared to  
18 be in the public interest in section 2 of the "Child Placement  
19 Review Act," P.L.1977, c.424 (C.30:4C-51).  
20 (cf: P.L.1999, c.53, s.18)

21  
22 71. Section 3 of P.L.1991, c.290 (C.9:6B-3) is amended to read  
23 as follows:

24 3. As used in this act:

25 "Child placed outside his home" means a child placed outside his  
26 home by the Department of Human Services, the Department of  
27 Children and Families, the Department of Health and Senior  
28 Services or a board of education.

29 "Department" means the Department of Human Services, the  
30 Department of Children and Families, the Department of Health and  
31 Senior Services or board of education, as applicable.

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

33  
34 72. Section 5 of P.L.1991, c.290 (C.9:6B-5) is amended to read  
35 as follows:

36 5. The Departments of Human Services, Children and Families,  
37 Health and Senior Services, and Education shall each prepare and  
38 update at least every six months, and shall make available to the  
39 public upon request, aggregate non-identifying data about children  
40 under their care, custody or supervision who are placed in out-of-  
41 home settings, by category as appropriate. The data shall include  
42 the following:

43 a. The number of children placed outside their homes during the  
44 six-month period and the cumulative number of children residing in  
45 out-of-home settings;

46 b. The age, sex and race of the children residing in out-of-home  
47 settings;

48 c. The reasons for placement of these children;

- 1       d. The types of settings in which these children reside;  
2       e. The length of time that these children have resided in these  
3 settings;  
4       f. The number of placements for those children who have been  
5 placed in more than one setting;  
6       g. The number of children who have been placed in the same  
7 county in which their parents or legal guardians reside and the  
8 number who have been placed outside of the State;  
9       h. The number of children who have been permanently placed or  
10 returned to their homes during the six-month period, and a  
11 projection of the number of children who will be permanently  
12 placed or returned to their homes during the following six-month  
13 period; and  
14       i. The number of children who have been permanently placed or  
15 returned to their homes who are subsequently returned to an out-of-  
16 home setting during the six-month period.

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

18

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

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

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

27

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

30       3. As used in this act:

31       “Department” means the Department of **【Human Services】**  
32 Children and Families.

33       “Division” means the Division of Youth and Family Services in  
34 the Department of **【Human Services】** Children and Families.

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

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

39

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

42       8. Subject to the “Administrative Procedure Act,” P.L.1968,  
43 c.410 (C.52:14B-1 et seq.), the Commissioner of **【Human Services】**  
44 Children and Families shall adopt rules and regulations for the  
45 licensing by the department of organizations and agencies that  
46 provide street outreach or basic center shelter or transitional living  
47 programs for homeless youth.

48 (cf: P.L.1999, c.224, s.8)

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

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

10

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

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

18

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

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

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

30       (1) a provision making it available for joinder by all states;

31       (2) a provision for withdrawal from the compact upon written  
32 notice to the parties, with a period of one year between the date of  
33 the notice and the effective date of the withdrawal;

34       (3) a requirement that the protections afforded by or pursuant to  
35 the compact be covered by a written agreement between the agency  
36 providing services and the parents, adoptive parents, or other  
37 caregiver for the child and that the protections continue in force for  
38 the duration of the written agreement for all children who, on the  
39 effective date of the withdrawal, are receiving services from a party  
40 state other than the one in which they reside; and

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

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

44

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



1       1. When a complaint made against a school employee alleging  
2 child abuse or neglect is investigated by the Department of [Human  
3 Services] Children and Families, the department shall notify the  
4 school district and the employee of its findings. Upon receipt of a  
5 finding by the department that such a complaint is unfounded, the  
6 school district shall remove any references to the complaint and  
7 investigation by the department from the employee's personnel  
8 records. A complaint made against a school employee that has been  
9 classified as unfounded by the department shall not be used against  
10 the employee for any purpose relating to employment, including but  
11 not limited to, discipline, salary, promotion, transfer, demotion,  
12 retention or continuance of employment, termination of  
13 employment or any right or privilege relating to employment.  
14 (cf: P.L.2004, c.130, s.38)

15  
16       80. Section 2 of P.L.2005, c.310 (C.18A:6-112) is amended to  
17 read as follows:

18       2. The State Board of Education, in consultation with the New  
19 Jersey Youth Suicide Prevention Advisory Council established in  
20 the Department of [Human Services] Children and Families  
21 pursuant to P.L.2003, c.214 (C.30:9A-22 et seq.), shall, as part of  
22 the professional development requirement established by the State  
23 board for public school teaching staff members, require each public  
24 school teaching staff member to complete at least two hours of  
25 instruction in suicide prevention, to be provided by a licensed  
26 health care professional with training and experience in mental  
27 health issues, in each professional development period.  
28 (cf: P.L.2005, c.310, s.2)

29  
30       81. Section 6 of P.L.1979, c.207, s.6 (C.18A:7B-2) is amended  
31 to read as follows:

32       6. a. For each State-placed child who is resident in a district and  
33 in a State facility on the last school day prior to October 16 of the  
34 prebudget year, and for each district-placed child who is resident in  
35 a district and in a State facility on the last school day prior to  
36 October 16 of the budget year, the Commissioner of Education shall  
37 deduct from the State aid payable to that district an amount equal to  
38 the approved per pupil cost established pursuant to the provisions of  
39 section 24 of P.L.1996, c.138 (C.18A:7F-24); except that for a child  
40 in a county juvenile detention center, no deduction shall be made  
41 until Fiscal Year 1999, in which year and thereafter 50% of the per  
42 pupil cost shall be deducted.

43       b. If, for any district, the amount to be deducted pursuant to  
44 subsection a. of this section is greater than State aid payable to the  
45 district, the district shall pay to the Department of Education the  
46 difference between the amount to be deducted and the State aid  
47 payable to the district.

1 c. The amount deducted pursuant to subsection a. of this section  
2 and the amount paid to the Department of Education pursuant to  
3 subsection b. of this section shall be forwarded to the Department of  
4 Human Services or Department of Children and Families, as  
5 applicable, if the facility is operated by or under contract with that  
6 department, or to the Department of Corrections if the facility is  
7 operated by or under contract with that department, or to the  
8 Juvenile Justice Commission established pursuant to section 2 of  
9 P.L.1995, c.284 (C.52:17B-170) if the facility is operated by or  
10 under contract with that commission, and shall serve as payment by  
11 the district of tuition for the child. In the case of county juvenile  
12 detention centers, the tuition shall be deemed to supplement funds  
13 currently provided by the county for this purpose under chapter 10  
14 and chapter 11 of Title 9 of the Revised Statutes. In Fiscal Year  
15 1998, a county shall not decrease its level of contribution as a result  
16 of the payment of tuition pursuant to this section. In Fiscal Year  
17 1999 and thereafter, a county shall be required to pay 50% of the  
18 approved per pupil costs established pursuant to the provisions of  
19 section 24 of P.L.1996, c.138 (C.18A:7F-24) for the purpose of  
20 implementing chapters 10 and 11 of Title 9 of the Revised Statutes.  
21 Amounts so deducted shall be used solely for the support of  
22 educational programs and shall be maintained in a separate account  
23 for that purpose. No district shall be responsible for the tuition of  
24 any child admitted by the State to a State facility after the last  
25 school day prior to October 16 of the prebudget year.  
26 (cf: P.L.1996, c.138, s.41)

27  
28 82. Section 8 of P.L.1979, c.207 (C.18A:7B-4) is amended to  
29 read as follows:

30 8. Funds received pursuant to this act by the Department of  
31 Human Services, **[by the]** Department of Children and Families,  
32 Department of Corrections or [by] the Juvenile Justice Commission  
33 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)  
34 shall be used only for the salaries of teachers, educational  
35 administrators at the program level, child study team personnel,  
36 clerical staff assigned to child study teams or to educational day  
37 programs, paraprofessionals assigned to educational programs in  
38 State facilities, and for diagnostic services required as part of the  
39 child study team evaluations and related educational services  
40 personnel whose function requires an educational certificate issued  
41 by the State Department of Education, and for the costs of  
42 educational materials, supplies and equipment for these programs.  
43 No such funds shall be used for the renovation or construction of  
44 capital facilities, for the maintenance and operation of educational  
45 facilities, or for custodial, habilitation or other noneducational  
46 costs.

47 There are hereby authorized to be appropriated to the  
48 Departments of Human Services, Children and Families and

1 Corrections such funds as may be necessary to provide for adult,  
2 post-secondary and college programs.

3 (cf: P.L.1995, c.280, s.25)  
4

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

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

11 b. The administrative review process shall include the following  
12 sequence:

13 (1) A conference with teaching staff members or child study  
14 team personnel;

15 (2) A conference with the Director of Educational Services of  
16 the Department of Human Services, the Department of Children and  
17 Families, the Department of Corrections, or the Juvenile Justice  
18 Commission, whichever is appropriate;

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

21 c. The due process rights available to children, parents and  
22 guardians in the public schools on matters of educational  
23 classification or educational program shall be available to children,  
24 parents and guardians in State facilities.

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

28 (cf: P.L.1996, c.138, s.43)  
29

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

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

38 The director shall hold the appropriate certificate issued by the  
39 State Board of Examiners and shall be qualified by training and  
40 experience for his position and shall be appointed by the  
41 Commissioner of **【Human Services】** Children and Families. He  
42 shall serve at the pleasure of the commissioner and shall receive  
43 such salary as shall be fixed by the commissioner.

44 The director shall establish primary, secondary, and vocational  
45 programs which meet the educational needs of school age persons  
46 for whom the department is responsible. Appropriate credit and  
47 certification shall be given for the successful completion of such  
48 programs.

1       Within any available appropriation, the program of education  
2 shall include adult, post-secondary and college programs offered by  
3 institutions licensed by the Department of Education or the  
4 Commission on Higher Education.

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

6  
7       85. Section 19 of P.L.1979, c.207 (C.18A:7B-12) is amended to  
8 read as follows:

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

11       a. The district of residence for children in resource family  
12 homes shall be the district in which the resource family parents  
13 reside. If a child in a resource family home is subsequently placed  
14 in a State facility or by a State agency, the district of residence of  
15 the child shall then be determined as if no such resource family  
16 placement had occurred.

17       b. The district of residence for children who are in residential  
18 State facilities, or who have been placed by State agencies in group  
19 homes, skill development homes, private schools or out-of-State  
20 facilities, shall be the present district of residence of the parent or  
21 guardian with whom the child lived prior to his most recent  
22 admission to a State facility or most recent placement by a State  
23 agency.

24       If this cannot be determined, the district of residence shall be the  
25 district in which the child resided prior to such admission or  
26 placement.

27       c. The district of residence for children whose parent or  
28 guardian temporarily moves from one school district to another as  
29 the result of being homeless shall be the district in which the parent  
30 or guardian last resided prior to becoming homeless. For the  
31 purpose of this amendatory and supplementary act, "homeless"  
32 shall mean an individual who temporarily lacks a fixed, regular and  
33 adequate residence.

34       d. If the district of residence cannot be determined according to  
35 the criteria contained herein, or if the criteria contained herein  
36 identify a district of residence outside of the State, the State shall  
37 assume fiscal responsibility for the tuition of the child. The tuition  
38 shall equal the approved per pupil cost established pursuant to  
39 P.L.1996, c.138 (C.18A:7F-1 et seq.). This amount shall be  
40 appropriated in the same manner as other State aid under this act.  
41 The Department of Education shall pay the amount to the  
42 Department of Human Services, the Department of Children and  
43 Families, the Department of Corrections or the Juvenile Justice  
44 Commission established pursuant to section 2 of P.L.1995, c.284  
45 (C.52:17B-170) or, in the case of a homeless child, the Department  
46 of Education shall pay the appropriate T&E amount and any  
47 appropriate additional cost factor for special education pursuant to

1 section 19 of P.L.1996, c.138 (C.18A:7F-19) to the school district  
2 in which the child is enrolled.

3 e. If the State has assumed fiscal responsibility for the tuition  
4 of a child in a private educational facility approved by the  
5 Department of Education to serve children who are classified as  
6 needing special education services, the department shall pay to the  
7 Department of Human Services, the Department of Children and  
8 Families or the Juvenile Justice Commission, as appropriate, the aid  
9 specified in subsection d. of this section and in addition, such aid as  
10 required to make the total amount of aid equal to the actual cost of  
11 the tuition.

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

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

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

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

29  
30 87. Section 3 of P.L.1996, c.138 (C.18A:7F-3) is amended to  
31 read as follows:

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

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

41 "Bilingual education pupil" means a pupil enrolled in a program  
42 of bilingual education or in an English as a second language  
43 program approved by the State Board of Education;

44 "Budgeted local share" means the sum of designated general  
45 fund balance, miscellaneous revenues estimated consistent with  
46 GAAP, and that portion of the district's local tax levy contained in  
47 the T&E budget certified for taxation purposes;

48 "Capital outlay" means capital outlay as defined in GAAP;

1 "Commissioner" means the Commissioner of Education;

2 "Concentration of low-income pupils" shall be based on  
3 prebudget year pupil data and means, for a school district or a  
4 county vocational school district, the number of low-income pupils  
5 among those counted in modified district enrollment, divided by  
6 modified district enrollment. For a school, it means the number of  
7 low-income pupils recorded in the registers at that school, divided  
8 by the total number of pupils recorded in the school's registers;

9 "CPI" means the average annual increase, expressed as a  
10 decimal, in the consumer price index for the New York City and  
11 Philadelphia areas during the fiscal year preceding the prebudget  
12 year as reported by the United States Department of Labor;

13 "County special services school district" means any entity  
14 established pursuant to article 8 of chapter 46 of Title 18A of the  
15 New Jersey Statutes;

16 "County vocational school district" means any entity established  
17 pursuant to article 3 of chapter 54 of Title 18A of the New Jersey  
18 Statutes;

19 "County vocational school, special education services pupil"  
20 means a pupil who is attending a county vocational school and who  
21 is receiving specific services pursuant to chapter 46 of Title 18A of  
22 the New Jersey Statutes;

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

36 "District factor group A district" means a school district, other  
37 than an Abbott district or a school district in which the equalized  
38 valuation per pupil is more than twice the average Statewide  
39 equalized valuation per pupil and in which resident enrollment  
40 exceeds 2,000 pupils, which based on the 1990 federal census data  
41 is included within the Department of Education's district factor  
42 group A;

43 "District income" for the 1997-98 school year means the  
44 aggregate income of the residents of the taxing district or taxing  
45 districts, based upon data provided by the Bureau of the Census in  
46 the United States Department of Commerce for 1989. Beginning  
47 with the 1998-99 school year and thereafter, district income means  
48 the aggregate income of the residents of the taxing district or taxing

1 districts, based upon data provided by the Division of Taxation in  
2 the New Jersey Department of the Treasury and contained on the  
3 New Jersey State Income Tax forms for the calendar year ending  
4 prior to the prebudget year. The commissioner may supplement  
5 data contained on the State Income Tax forms with data available  
6 from other State or federal agencies in order to better correlate the  
7 data to that collected on the federal census. With respect to  
8 regional districts and their constituent districts, however, the district  
9 income as described above shall be allocated among the regional  
10 and constituent districts in proportion to the number of pupils  
11 resident in each of them;

12 "Estimated minimum equalized tax rate" for a school district  
13 means the district's required local share divided by its equalized  
14 valuation; for the State it means the sum of the required local shares  
15 of all school districts in the State, excluding county vocational and  
16 county special services school districts as defined pursuant to this  
17 section, divided by the sum of the equalized valuations for all the  
18 school districts in the State except those for which there is no  
19 required local share;

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

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

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

40 "Lease purchase payment" means and includes payments of  
41 principal and interest for lease purchase agreements in excess of  
42 five years approved pursuant to subsection f. of N.J.S.18A:20-4.2 to  
43 finance the purchase or construction of school facilities, additions  
44 to school facilities, or the reconstruction, remodeling, alteration,  
45 modernization, renovation or repair of school facilities, including  
46 furnishings, equipment, architect fees and issuance costs. Approved  
47 lease purchase agreements in excess of five years shall be accorded  
48 the same accounting treatment as school bonds;

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

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

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

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

29 "Net T&E budget" means the sum of the T&E program budget,  
30 early childhood program aid, demonstrably effective program aid,  
31 instructional supplement aid, transportation aid, and categorical  
32 program aid received pursuant to sections 19 through 22, 28, and 29  
33 of this act;

34 "Prebudget year" means the school fiscal year preceding the year  
35 in which the school budget is implemented;

36 "Prebudget year equalized tax rate" means the amount calculated  
37 by dividing the district's general fund levy for the prebudget year by  
38 its equalized valuation certified in the year prior to the prebudget  
39 year;

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



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

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

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

34 "School enrollment" means the number of pupils other than  
35 preschool pupils, evening school pupils, post-graduate pupils, and  
36 post-secondary vocational pupils who, on the last school day prior  
37 to October 16 of the current school year, are recorded in the  
38 registers of the school;

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

42 "Spending growth limitation" means the annual rate of growth  
43 permitted in the net budget of a school district, county vocational  
44 school district or county special services school district as measured  
45 between the net budget of the prebudget year and the net budget of  
46 the budget year as calculated pursuant to subsection d. of section 5  
47 of this act;

1 "Stabilization aid growth limit" means 10% or the rate of growth  
2 in the district's projected resident enrollment over the prebudget  
3 year, whichever is greater. For the 1997-98 school year, this means  
4 8% or one-half the rate of growth in the district's projected resident  
5 enrollment and preschool enrollment between the October 1991  
6 enrollment report as contained on the district's Application for State  
7 School Aid for 1992-93 and the 1997-98 school year, whichever is  
8 greater. For the 1998-99 and 1999-2000 school years, this means  
9 the greatest of the following: 10%, one-half the district's rate of  
10 growth in projected resident enrollment and preschool enrollment  
11 over the October 1991 enrollment report as contained on the  
12 district's Application for State School Aid for 1992-93, or the  
13 district's projected rate of growth in resident enrollment over the  
14 prebudget year;

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

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

33 "Statewide equalized valuation per pupil" means the equalized  
34 valuations of all taxing districts having resident enrollment in the  
35 State, divided by the resident enrollment for the State;

36 "T&E amount" means the cost per elementary pupil of delivering  
37 the core curriculum content standards and extracurricular and  
38 cocurricular activities necessary for a thorough regular education  
39 under the assumptions of reasonableness and efficiency contained in  
40 the Report on the Cost of Providing a Thorough and Efficient  
41 Education;

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

44 "T&E program budget" means the sum of core curriculum  
45 standards aid, supplemental core curriculum standards aid,  
46 stabilization aid, designated general fund balance, miscellaneous  
47 local general fund revenue and that portion of the district's local  
48 levy that supports the district's T&E budget;

1 "T&E range" means the range of regular education spending  
2 which shall be considered thorough and efficient. The range shall  
3 be expressed in terms of T&E budget spending per elementary  
4 pupil, and shall be delineated by alternatively adding to and  
5 subtracting from the T&E amount the T&E flexible amount;

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

9  
10 88. Section 19 of P.L.1996, c.138 (C.18A:7F-19) is amended to  
11 read as follows:

12 19. a. Special education categorical aid for each school district  
13 and county vocational school district shall be calculated for the  
14 1997-98 school year as follows:

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

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

43 The commissioner shall develop a system to provide that each  
44 school district submits data to the department on the number of the  
45 district's pupils with a classification definition of perceptually  
46 impaired who are enrolled in a county vocational school. Such  
47 pupils shall be counted in the district of residence's resident

1 enrollment for the purpose of calculating the limit on perceptually  
2 impaired classifications for Tier II State aid.

3 Tier III is the number of classified pupils resident in the district  
4 in categories other than speech correction services, perceptually  
5 impaired, neurologically impaired, educable mentally retarded,  
6 socially maladjusted, preschool handicapped, and who do not meet  
7 the criteria of Tier IV, intensive services; and nonclassified pupils  
8 in juvenile community programs. Aid shall equal 0.8847 of the  
9 T&E amount for each pupil meeting the Tier III criteria.

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

24 Classified pupils in Tiers II through IV shall be eligible for Tier I  
25 aid. Classified pupils shall be eligible to receive aid for up to four  
26 services under Tier I.

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

33 For the purposes of this section, classified pupil counts shall  
34 include pupils attending State developmental centers, Department of  
35 **【Human Services】** Children and Families Regional Day Schools,  
36 Department of **【Human Services】** Children and Families residential  
37 centers, State residential mental health centers, and institutions  
38 operated by or under contract with the Department of Human  
39 Services or the Department of Children and Families. Classified  
40 pupils of elementary equivalent age shall include classified  
41 preschool handicapped and kindergarten pupils.

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

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

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

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

22 A district, in order to receive funding pursuant to this subsection,  
23 shall file an application with the department that details the  
24 expenses incurred on behalf of the particular classified pupil for  
25 which the district is seeking reimbursement. Additional State aid  
26 awarded for extraordinary special education costs shall be recorded  
27 by the district as revenue in the current school year and paid to the  
28 district in the subsequent school year.

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

36 d. The department shall review expenditures of federal and  
37 State special education aid by a district in every instance in which  
38 special education monitoring identifies a failure on the part of the  
39 district to provide services consistent with a pupil's individualized  
40 education program.

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

42

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

45 24. Annually by December 15, the Department of Corrections,  
46 the Department of Human Services, the Department of Children and  
47 Families and the Juvenile Justice Commission shall each submit to  
48 the commissioner for approval, with respect to the facilities under

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

14 (cf: P.L.1996, c.138, s.24)

15  
16 90. Section 3 of P.L.2000, c.72 (C.18A:7G-3) is amended to  
17 read as follows:

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

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

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

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

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

41 "Community early childhood education facilities project" means  
42 a school facilities project consisting of facilities in which early  
43 childhood education programs are provided to 3 or 4-year old  
44 children under contract with the ECPA district but which are owned  
45 and operated by a community provider;

46 "Commissioner" means the Commissioner of Education;

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

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

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

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

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

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

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

44 "Excess costs" means the additional costs, if any, which shall be  
45 borne by the district, of a school facilities project which result from  
46 design factors that are not required to meet the facilities efficiency  
47 standards and not approved pursuant to paragraph (1) of subsection  
48 g. of section 5 of this act or are not authorized as community design

1 features included in final eligible costs pursuant to subsection c. of  
2 section 6 of this act;

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

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

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

44 "Functional capacity" means the number of students that can be  
45 housed in a building in order to have sufficient space for it to be  
46 educationally adequate for the delivery of programs and services  
47 necessary for student achievement of the core curriculum content  
48 standards. Functional capacity is determined by dividing the



1 existing gross square footage of a school building by the minimum  
2 area allowance per FTE student pursuant to subsection b. of section  
3 8 of this act for the grade level students contained therein. The  
4 difference between the projected enrollment determined pursuant to  
5 subsection a. of section 8 of this act and the functional capacity is  
6 the unhoused students that are the basis upon which the additional  
7 costs of space to provide educationally adequate facilities for the  
8 entire projected enrollment are determined. The existing gross  
9 square footage for the purposes of defining functional capacity is  
10 exclusive of existing spaces that are not contained in the facilities  
11 efficiency standards but which are used to deliver programs and  
12 services aligned to the core curriculum content standards, used to  
13 provide support services directly to students, or other existing  
14 spaces that the district can demonstrate would be structurally or  
15 fiscally impractical to convert to other uses contained in the  
16 facilities efficiency standards;

17 "Lease purchase payment" means and includes payment of  
18 principal and interest for lease purchase agreements in excess of  
19 five years approved pursuant to subsection f. of N.J.S.18A:20-4.2  
20 prior to the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) to  
21 finance the purchase or construction of school facilities, additions  
22 to school facilities, or the reconstruction, remodeling, alteration,  
23 modernization, renovation or repair of school facilities, including  
24 furnishings, equipment, architect fees and issuance costs. Approved  
25 lease purchase agreements in excess of five years shall be accorded  
26 the same accounting treatment as school bonds;

27 "Local share" means, in the case of a school facilities project to  
28 be constructed by the authority, the total costs less the State share  
29 as determined pursuant to section 5 of this act; in the case of a  
30 demonstration project, the total costs less the State share as  
31 determined pursuant to sections 5 and 6 of this act; and in the case  
32 of a school facilities project not to be constructed by the authority,  
33 but which shall be financed pursuant to section 15 of this act, the  
34 total costs less the State share as determined pursuant to that  
35 section;

36 "Local unit" means a county, municipality, board of education or  
37 any other political subdivision or instrumentality authorized to  
38 construct, operate and maintain a school facilities project and to  
39 borrow money for those purposes pursuant to law;

40 "Local unit obligations" means bonds, notes, refunding bonds,  
41 refunding notes, lease obligations and all other obligations of a  
42 local unit which are issued or entered into for the purpose of paying  
43 for all or a portion of the costs of a school facilities project,  
44 including moneys payable to the authority;

45 "Long-range facilities plan" means the plan required to be  
46 submitted to the commissioner by a district pursuant to section 4 of  
47 this act;

1 "Maintenance" means expenditures which are approved for  
2 repairs and replacements for the purpose of keeping a school  
3 facility open and safe for use or in its original condition, including  
4 repairs and replacements to a school facility's heating, lighting,  
5 ventilation, security and other fixtures to keep the facility or  
6 fixtures in effective working condition. Maintenance shall not  
7 include contracted custodial or janitorial services, expenditures for  
8 the cleaning of a school facility or its fixtures, the care and upkeep  
9 of grounds or parking lots, and the cleaning of, or repairs and  
10 replacements to, movable furnishings or equipment, or other  
11 expenditures which are not required to maintain the original  
12 condition over the school facility's useful life. Approved  
13 maintenance expenditures shall be as determined by the  
14 commissioner pursuant to regulations to be adopted by the  
15 commissioner pursuant to section 26 of this act;

16 "Other allowable costs" means the costs of site development,  
17 acquisition of land or other real property interests necessary to  
18 effectuate the school facilities project, fees for the services of  
19 design professionals, including architects, engineers, construction  
20 managers and other design professionals, legal fees, financing costs  
21 and the administrative costs of the authority or the district incurred  
22 in connection with the school facilities project;

23 "Preliminary eligible costs" means the initial eligible costs of a  
24 school facilities project as calculated pursuant to the formulas set  
25 forth in section 7 of this act which shall be deemed to include the  
26 costs of construction and other allowable costs;

27 "Redevelopment entity" means a redevelopment entity  
28 authorized by a municipal governing body to implement plans and  
29 carry out redevelopment projects in the municipality pursuant to the  
30 "Local Redevelopment and Housing Law," P.L.1992, c.79  
31 (C.40A:12A-1 et seq.);

32 "Report on the Cost of Providing a Thorough and Efficient  
33 Education" or "Report" means the report issued by the  
34 commissioner pursuant to section 4 of P.L.1996, c.138 (C.18A:7F-  
35 4);

36 "School bonds" means, in the case of a school facilities project  
37 which is to be constructed by the authority, a redevelopment entity,  
38 or a district under section 15 of this act, bonds, notes or other  
39 obligations issued by a district to finance the local share; and, in the  
40 case of a school facilities project which is not to be constructed by  
41 the authority or a redevelopment entity, or financed under section  
42 15 of this act, bonds, notes or other obligations issued by a district  
43 to finance the total costs;

44 "School enrollment" means the number of FTE students other  
45 than evening school students, including post-graduate students and  
46 post-secondary vocational students, who, on the last school day  
47 prior to October 16 of the current school year, are recorded in the  
48 registers of the school;

1 "School facility" means and includes any structure, building or  
2 facility used wholly or in part for academic purposes by a district,  
3 but shall exclude athletic stadiums, grandstands, and any structure,  
4 building or facility used solely for school administration;

5 "School facilities project" means the acquisition, demolition,  
6 construction, improvement, repair, alteration, modernization,  
7 renovation, reconstruction or maintenance of all or any part of a  
8 school facility or of any other personal property necessary for, or  
9 ancillary to, any school facility, and shall include fixtures,  
10 furnishings and equipment, and shall also include, but is not limited  
11 to, site acquisition, site development, the services of design  
12 professionals, such as engineers and architects, construction  
13 management, legal services, financing costs and administrative  
14 costs and expenses incurred in connection with the project;

15 "Special education services pupil" means a pupil receiving  
16 specific services pursuant to chapter 46 of Title 18A of the New  
17 Jersey Statutes;

18 "State aid" means State municipal aid and State school aid;

19 "State debt service aid" means for school bonds issued for school  
20 facilities projects approved by the commissioner after the effective  
21 date of P.L.2000, c.72 (C.18A:7G-1 et al.) of districts which elect  
22 not to have the authority or a redevelopment entity construct the  
23 project or which elect not to finance the project under section 15 of  
24 this act, the amount of State aid determined pursuant to section 9 of  
25 this act; and for school bonds or certificates of participation issued  
26 for school facilities projects approved by the commissioner prior to  
27 the effective date of P.L.2000, c.72 (C.18A:7G-1 et al.) the amount  
28 of State aid determined pursuant to section 10 of this act;

29 "State municipal aid" means business personal property tax  
30 replacement revenues, State urban aid and State revenue sharing, as  
31 these terms are defined in section 2 of P.L.1976, c.38 (C.40A:3-3),  
32 or other similar forms of State aid payable to the local unit and to  
33 the extent permitted by federal law, federal moneys appropriated or  
34 apportioned to the municipality or county by the State;

35 "State school aid" means the funds made available to school  
36 districts pursuant to sections 15 and 17 of P.L.1996, c.138  
37 (C.18A:7F-15 and 17);

38 "State share" means the State's proportionate share of the final  
39 eligible costs of a school facilities project to be constructed by the  
40 authority as determined pursuant to section 5 of this act; in the case  
41 of a demonstration project, the State's proportionate share of the  
42 final eligible costs of the project as determined pursuant to sections  
43 5 and 6 of this act; and in the case of a school facilities project to be  
44 financed pursuant to section 15 of this act, the State share as  
45 determined pursuant to that section;

46 "Total costs" means, in the case of a school facilities project  
47 which is to be constructed by the authority or a redevelopment  
48 entity or financed pursuant to section 15 of this act, the final

1 eligible costs plus excess costs if any; and in the case of a school  
2 facilities project which is not to be constructed by the authority or a  
3 redevelopment entity or financed pursuant to section 15 of this act,  
4 the total cost of the project as determined by the district.  
5 (cf: P.L.2005, c.235, s.31)

6  
7 91. Section 5 of P.L.2000, c.72 (C.18A:7G-5) is amended to  
8 read as follows:

9 5. a. The authority shall construct and finance the school  
10 facilities projects of Abbott districts, districts in level II monitoring  
11 pursuant to section 14 of P.L.1975, c.212 (C.18A:7A-14) as of the  
12 effective date of P.L.2000, c.72 (C.18A:7G-1 et al.), and districts  
13 with a district aid percentage equal to or greater than 55%.

14 b. Any district whose district aid percentage is less than 55%  
15 may elect to have the authority undertake the construction of a  
16 school facilities project in the district and the State share shall be  
17 determined pursuant to this section. In the event that the district  
18 elects not to have the authority undertake the construction of the  
19 project, State support for the project shall be determined pursuant to  
20 section 9 or section 15 of this act, as applicable.

21 c. Notwithstanding any provision of N.J.S.18A:18A-16 to the  
22 contrary, the procedures for obtaining approval of a school facilities  
23 project shall be as set forth in this act; provided that any district  
24 whose district aid percentage is less than 55%, which elects not to  
25 have the authority or a redevelopment entity undertake the  
26 construction of the project, shall also be required to comply with the  
27 provisions of N.J.S.18A:18A-16.

28 d. Any district seeking to initiate a school facilities project  
29 shall apply to the commissioner for approval of the project. The  
30 application shall, at a minimum, contain the following information:  
31 a description of the school facilities project; a schematic drawing of  
32 the project or, at the option of the district, preliminary plans and  
33 specifications; a delineation and description of each of the  
34 functional components of the project; the number of unhoused  
35 students to be housed in the project; the area allowances per FTE  
36 student as calculated pursuant to section 8 of this act; and the  
37 estimated cost to complete the project as determined by the district.

38 e. The commissioner shall review each proposed school  
39 facilities project to determine whether it is consistent with the  
40 district's long-range facilities plan and whether it complies with the  
41 facilities efficiency standards and the area allowances per FTE  
42 student derived from those standards. The commissioner shall  
43 make a decision on a district's application within 90 days from the  
44 date he determines that the application is fully and accurately  
45 completed and that all information necessary for a decision has  
46 been filed by the district, or from the date of the last revision made  
47 by the district. If the commissioner is not able to make a decision  
48 within 90 days, he shall notify the district in writing explaining the

1 reason for the delay and indicating the date on which a decision on  
2 the project will be made, provided that the date shall not be later  
3 than 60 days from the expiration of the original 90 days set forth in  
4 this subsection. If the decision is not made by the subsequent date  
5 indicated by the commissioner, then the project shall be deemed  
6 approved and the preliminary eligible costs for new construction  
7 shall be calculated by using the proposed square footage of the  
8 building as the approved area for unhoused students.

9 f. If the commissioner determines that the school facilities  
10 project complies with the facilities efficiency standards and the  
11 district's long-range facilities plan and does not exceed the area  
12 allowance per FTE student derived from those standards, the  
13 commissioner shall calculate the preliminary eligible costs of the  
14 project pursuant to the formulas set forth in section 7 of this act;  
15 except that in the case of a county special services school district or  
16 a county vocational school district, the commissioner shall calculate  
17 the preliminary eligible costs to equal the amount determined by the  
18 board of school estimate and approved by the board of chosen  
19 freeholders pursuant to section 14 of P.L.1971, c.271 (C.18A:46-  
20 42) or N.J.S.18A:54-31 as appropriate.

21 g. If the commissioner determines that the school facilities  
22 project is inconsistent with the facilities efficiency standards or  
23 exceeds the area allowances per FTE student derived from those  
24 standards, the commissioner shall notify the district.

25 (1) The commissioner shall approve area allowances in excess  
26 of the area allowances per FTE student derived from the facilities  
27 efficiency standards if the board of education or State district  
28 superintendent, as appropriate, demonstrates that school facilities  
29 needs related to required programs cannot be addressed within the  
30 facilities efficiency standards and that all other proposed spaces are  
31 consistent with those standards. The commissioner shall approve  
32 area allowances in excess of the area allowances per FTE student  
33 derived from the facilities efficiency standards if the additional area  
34 allowances are necessary to accommodate centralized facilities to  
35 be shared among two or more school buildings within the district  
36 and the centralized facilities represent a more cost effective  
37 alternative.

38 (2) The commissioner may waive a facilities efficiency standard  
39 if the board of education or State district superintendent, as  
40 appropriate, demonstrates to the commissioner's satisfaction that the  
41 waiver will not adversely affect the educational adequacy of the  
42 school facility, including the ability to deliver the programs and  
43 services necessary to enable all students to achieve the core  
44 curriculum content standards.

45 (3) To house the district's central administration, a district may  
46 request an adjustment to the approved areas for unhoused students  
47 of 2.17 square feet for each FTE student in the projected total  
48 district school enrollment if the proposed administrative offices will

1 be housed in a school facility and the district demonstrates either  
2 that the existing central administrative offices are obsolete or that it  
3 is more practical to convert those offices to instructional space. To  
4 the extent that existing administrative space will continue to be used  
5 for administrative purposes, the space shall be included in the  
6 formulas set forth in section 7 of this act.

7 If the commissioner approves excess facilities efficiency  
8 standards or additional area allowances pursuant to paragraph (1),  
9 (2), or (3) of this subsection, the commissioner shall calculate the  
10 preliminary eligible costs based upon the additional area allowances  
11 or excess facilities efficiency standards pursuant to the formulas set  
12 forth in section 7 of this act. In the event that the commissioner  
13 does not approve the excess facilities efficiency standards or  
14 additional area allowances, the district may either: modify its  
15 submission so that the school facilities project meets the facilities  
16 efficiency standards; or pay for the excess costs.

17 (4) The commissioner shall approve spaces in excess of, or  
18 inconsistent with, the facilities efficiency standards, hereinafter  
19 referred to as nonconforming spaces, upon a determination by the  
20 district that the spaces are necessary to comply with State or federal  
21 law concerning individuals with disabilities. A district may apply  
22 for additional State aid for nonconforming spaces that will permit  
23 pupils with disabilities to be educated to the greatest extent possible  
24 in the same buildings or classes with their nondisabled peers. The  
25 nonconforming spaces may: (a) allow for the return of pupils with  
26 disabilities from private facilities; (b) permit the retention of pupils  
27 with disabilities who would otherwise be placed in private facilities;  
28 (c) provide space for regional programs in a host school building  
29 that houses both disabled and nondisabled pupils; and (d) provide  
30 space for the coordination of regional programs by a county special  
31 services school district, educational services commission, jointure  
32 commission, or other agency authorized by law to provide regional  
33 educational services in a school building that houses both disabled  
34 and nondisabled pupils. A district's State support ratio shall be  
35 adjusted to equal the lesser of the sum of its district aid percentage  
36 as defined in section 3 of this act plus 0.25, or 100% for any  
37 nonconforming spaces approved by the commissioner pursuant to  
38 this paragraph.

39 h. Upon approval of a school facilities project and  
40 determination of the preliminary eligible costs:

41 (1) In the case of a district whose district aid percentage is less  
42 than 55% and which has elected not to have the authority undertake  
43 the construction of the school facilities project, the commissioner  
44 shall notify the district whether the school facilities project is  
45 approved and, if so approved, the preliminary eligible costs and the  
46 excess costs, if any. Following the determination of preliminary  
47 eligible costs and the notification of project approval, the district  
48 may appeal to the commissioner for an increase in those costs if the

1 detailed plans and specifications completed by a design professional  
2 for the school facilities project indicate that the cost of constructing  
3 that portion of the project which is consistent with the facilities  
4 efficiency standards and does not exceed the area allowances per  
5 FTE student exceeds the preliminary eligible costs as determined by  
6 the commissioner for the project by 10% or more. The district shall  
7 file its appeal within 30 days of the preparation of the plans and  
8 specifications. If the district chooses not to file an appeal, then the  
9 final eligible costs shall equal the preliminary eligible costs.

10 The appeal shall outline the reasons why the preliminary eligible  
11 costs calculated for the project are inadequate and estimate the  
12 amount of the adjustment which needs to be made to the  
13 preliminary eligible costs. The commissioner shall forward the  
14 appeal information to the authority for its review and  
15 recommendation. If the additional costs are the result of factors  
16 that are within the control of the district or are the result of design  
17 factors that are not required to meet the facilities efficiency  
18 standards, the authority shall recommend to the commissioner that  
19 the preliminary eligible costs be accepted as the final eligible costs.  
20 If the authority determines the additional costs are not within the  
21 control of the district or are the result of design factors required to  
22 meet the facilities efficiency standards, the authority shall  
23 recommend to the commissioner a final eligible cost based on its  
24 experience for districts with similar characteristics, provided that,  
25 notwithstanding anything to the contrary, the commissioner shall  
26 not approve an adjustment to the preliminary eligible costs which  
27 exceeds 10% of the preliminary eligible costs. The commissioner  
28 shall make a determination on the appeal within 30 days of its  
29 receipt. If the commissioner does not approve an adjustment to the  
30 school facilities project's preliminary eligible costs, the  
31 commissioner shall issue his findings in writing on the reasons for  
32 the denial and on why the preliminary eligible costs as originally  
33 calculated are sufficient.

34 (2) In all other cases, the commissioner shall promptly prepare  
35 and submit to the authority a preliminary project report which shall  
36 consist, at a minimum, of the following information: a complete  
37 description of the school facilities project; the actual location of the  
38 project; the total square footage of the project together with a  
39 breakdown of total square footage by functional component; the  
40 preliminary eligible costs of the project; the project's priority  
41 ranking determined pursuant to subsection m. of this section; any  
42 other factors to be considered by the authority in undertaking the  
43 project; and the name and address of the person from the district to  
44 contact in regard to the project.

45 i. Upon receipt by the authority of the preliminary project  
46 report, the authority, upon consultation with the district, shall  
47 prepare detailed plans and specifications and schedules which  
48 contain the authority's estimated cost and schedule to complete the

1 school facilities project. The authority shall transmit to the  
2 commissioner the authority's recommendations in regard to the  
3 project which shall, at a minimum, contain the detailed plans and  
4 specifications; whether the school facilities project can be  
5 completed within the preliminary eligible costs; and any other  
6 factors which the authority determines should be considered by the  
7 commissioner.

8 (1) In the event that the authority determines that the school  
9 facilities project can be completed within the preliminary eligible  
10 costs: the final eligible costs shall be deemed to equal the  
11 preliminary eligible costs; the commissioner shall be deemed to  
12 have given final approval to the project; and the preliminary project  
13 report shall be deemed to be the final project report delivered to the  
14 authority pursuant to subsection j. of this section.

15 (2) In the event that the authority determines that the school  
16 facilities project cannot be completed within the preliminary  
17 eligible costs, prior to the submission of the authority's  
18 recommendations to the commissioner, the authority shall, in  
19 consultation with the district and the commissioner, determine  
20 whether changes can be made in the project which will result in a  
21 reduction in costs while at the same time meeting the facilities  
22 efficiency standards approved by the commissioner.

23 (a) If the authority determines that changes in the school  
24 facilities project are possible so that the project can be  
25 accomplished within the scope of the preliminary eligible costs  
26 while still meeting the facilities efficiency standards, the authority  
27 shall so advise the commissioner, whereupon the commissioner  
28 shall: calculate the final eligible costs to equal the preliminary  
29 eligible costs; give final approval to the project with the changes  
30 noted; and issue a final project report to the authority pursuant to  
31 subsection j. of this section.

32 (b) If the authority determines that it is not possible to make  
33 changes in the school facilities project so that it can be completed  
34 within the preliminary eligible costs either because the additional  
35 costs are the result of factors outside the control of the district or  
36 the additional costs are required to meet the facilities efficiency  
37 standards, the authority shall recommend to the commissioner that  
38 the preliminary eligible costs be increased accordingly, whereupon  
39 the commissioner shall: calculate the final eligible costs to equal the  
40 sum of the preliminary eligible costs plus the increase  
41 recommended by the authority; give final approval to the project;  
42 and issue a final project report to the authority pursuant to  
43 subsection j. of this section.

44 (c) If the additional costs are the result of factors that are within  
45 the control of the district or are the result of design factors that are  
46 not required to meet the facilities efficiency standards or approved  
47 pursuant to paragraph (1) of subsection g. of this section, the  
48 authority shall recommend to the commissioner that the preliminary



1 eligible costs be accepted, whereupon the commissioner shall:  
2 calculate the final eligible costs to equal the preliminary eligible  
3 costs and specify the excess costs which are to be borne by the  
4 district; give final approval to the school facilities project; and issue  
5 a final project report to the authority pursuant to subsection j. of  
6 this section; provided that the commissioner may approve final  
7 eligible costs which are in excess of the preliminary eligible costs  
8 if, in his judgment, the action is necessary to meet the educational  
9 needs of the district.

10 (d) For a school facilities project constructed by the authority,  
11 the authority shall be responsible for any costs of construction, but  
12 only from the proceeds of bonds issued by the authority pursuant to  
13 this act, which exceed the amount originally projected by the  
14 authority and approved for financing by the authority, provided that  
15 the excess is the result of an underestimate of labor or materials  
16 costs by the authority. After receipt by the authority of the final  
17 project report, the district shall be responsible only for the costs  
18 associated with changes, if any, made at the request of the district to  
19 the scope of the school facilities project.

20 j. The authority shall not commence the acquisition or  
21 construction of a school facilities project unless the commissioner  
22 transmits to the authority a final project report and the district  
23 complies with the approval requirements for the local share, if any,  
24 pursuant to section 11 of this act. The final project report shall  
25 contain all of the information contained in the preliminary project  
26 report and, in addition, shall contain: the final eligible costs; the  
27 excess costs, if any; the total costs which equals the final eligible  
28 costs plus excess costs, if any; the State share; and the local share.

29 k. For the Abbott districts, the State share shall be 100% of the  
30 final eligible costs. For all other districts, the State share shall be  
31 an amount equal to 115% of the district aid percentage; except that  
32 the State share shall not be less than 40% of the final eligible costs.

33 If any district which is included in district factor group A or B,  
34 other than an Abbott district, is having difficulty financing the local  
35 share of a school facilities project, the district may apply to the  
36 commissioner to receive 100% State support for the project and the  
37 commissioner may request the approval of the Legislature to  
38 increase the State share of the project to 100%.

39 l. The local share for school facilities projects constructed by  
40 the authority or a redevelopment entity shall equal the final eligible  
41 costs plus any excess costs less the State share.

42 m. The commissioner shall establish, in consultation with the  
43 Abbott districts, a priority ranking of all school facilities projects in  
44 the Abbott districts based upon his determination of critical need,  
45 and shall establish priority categories for all school facilities  
46 projects in non-Abbott districts. The commissioner shall rank  
47 projects from Tier I to Tier IV in terms of critical need according to  
48 the following prioritization:

- 1 Tier I: health and safety, including electrical system upgrades;  
2 required early childhood education programs; unhoused  
3 students/class size reduction as required to meet the standards of the  
4 "Comprehensive Educational Improvement and Financing Act of  
5 1996," P.L.1996, c.138 (C.18A:7F-1 et seq.);
- 6 Tier II: educational adequacy - specialized instructional spaces,  
7 media centers, cafeteriums, and other non-general classroom spaces  
8 contained in the facilities efficiency standards; special education  
9 spaces to achieve the least restrictive environment;
- 10 Tier III: technology projects; regionalization or consolidation  
11 projects;
- 12 Tier IV: other local objectives.
- 13 n. The provisions of the "Public School Contracts Law,"  
14 N.J.S.18A:18A-1 et seq., shall be applicable to any school facilities  
15 project constructed by a district but shall not be applicable to  
16 projects constructed by the authority or a redevelopment entity  
17 pursuant to the provisions of this act.
- 18 o. In the event that a district whose district aid percentage is  
19 less than 55% elects not to have the authority undertake  
20 construction of a school facilities project, any proceeds of school  
21 bonds issued by the district for the purpose of funding the project  
22 which remain unspent upon completion of the project shall be used  
23 by the district to reduce the outstanding principal amount of the  
24 school bonds.
- 25 p. Upon completion by the authority of a school facilities  
26 project, if the cost of construction and completion of the project is  
27 less than the total costs, the district shall be entitled to receive a  
28 portion of the local share based on a pro rata share of the difference  
29 based on the ratio of the State share to the local share.
- 30 q. The authority shall determine the cause of any costs of  
31 construction which exceed the amount originally projected by the  
32 authority and approved for financing by the authority.
- 33 r. In the event that a district has engaged architectural services  
34 to prepare the documents required for initial proposal of a school  
35 facilities project, the district shall, if permitted by the terms of the  
36 district's contract for architectural services, and at the option of the  
37 authority assign the contract for architectural services to the  
38 authority if the authority determines that the assignment would be  
39 in the best interest of the school facilities project.
- 40 s. Notwithstanding anything to the contrary contained in  
41 P.L.2000, c.72 (C.18A:7G-1 et al.), an ECPA district, at its option,  
42 may provide in its long-range facilities plan submitted pursuant to  
43 section 4 of this act, for one or more community early childhood  
44 education facilities projects. If the district has requested  
45 designation of a demonstration project pursuant to section 6 of this  
46 act and is eligible to submit a plan for a community early childhood  
47 education facilities project pursuant to this section, the district shall

1 be permitted to include the community early childhood education  
2 facilities project as part of the demonstration project.

3 (1) An ECPA district seeking to initiate a community early  
4 childhood education facilities project shall apply to the  
5 commissioner for approval of the project. The application shall, at  
6 a minimum, contain the following information: the name of the  
7 community provider; evidence that the community provider is  
8 licensed by the Department of **Human Services** Children and  
9 Families pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.) and is a  
10 tax exempt nonprofit organization; evidence that the community  
11 provider is or shall provide early childhood education programs for  
12 the district; a description of the community early childhood  
13 education facilities project; a schematic drawing of the project, or at  
14 the option of the district, preliminary plans and specifications; a  
15 delineation and description of each of the functional components of  
16 the project; identification of those portions of the proposed project  
17 which shall be devoted in whole or in part to the provision of early  
18 childhood education programs to 3 or 4-year old children from the  
19 ECPA district; the estimated cost to complete the project as  
20 determined by the district in consultation with the community  
21 provider; and whether the facility provides services other than early  
22 childhood education programs for 3 and 4-year old children,  
23 pursuant to a contract with the ECPA district.

24 (2) The commissioner shall review the proposed early childhood  
25 education facilities project to determine whether it is consistent  
26 with the district's long-range facilities plan, whether it will provide  
27 a facility which is structurally adequate and safe and capable of  
28 providing a program which will enable preschool children being  
29 served pursuant to the ECPA district's approved early childhood  
30 education operational plan to meet the standards for early childhood  
31 education programs established by the department and whether  
32 there is a need for increased capacity or to rehabilitate existing  
33 space to meet these standards. Only those facilities which are used  
34 for 3 or 4-year old children pursuant to a contract with the ECPA  
35 district shall be eligible for approval, provided that facilities which  
36 are jointly used by 3 or 4-year old children from the ECPA district  
37 and from other districts shall also be eligible for approval.

38 (3) If the commissioner approves the project, the commissioner  
39 shall determine, in consultation with the authority, the cost to  
40 complete the approved project, which shall be the reasonable,  
41 estimated cost of the renovation or new construction necessary to  
42 provide a facility which is structurally adequate and safe and  
43 capable of providing a program which will enable preschool  
44 children being served pursuant to the ECPA district's approved  
45 early childhood education operation plan to meet the standards for  
46 early childhood education programs established by the department.  
47 For projects initiated by an Abbott district, the State support shall  
48 be 100% of such reasonable, estimated cost. For projects initiated

1 by an ECPA district that is not an Abbott district, the State support  
2 shall be an amount equal to 115% of the district aid percentage of  
3 that ECPA district, of such reasonable, estimated cost, except that  
4 the State support shall not be less than 40% of such reasonable,  
5 estimated cost. The commissioner shall issue a final project report  
6 to the authority which shall contain a complete description of the  
7 project, the actual location of the project, the total square footage of  
8 the project together with a breakdown of total square footage by  
9 functional component; any other factors to be considered by the  
10 authority in undertaking the project; the names and addresses of the  
11 people to contact from the district and the community provider; the  
12 amount of State support for the project; and the amount of local  
13 support required from the community provider to pay for costs, if  
14 any, of the project which have not been approved by the  
15 commissioner for State support.

16 (4) Upon submission to the authority of a final project report,  
17 the authority shall undertake the financing, acquisition, construction  
18 and all other appropriate actions necessary to complete the  
19 community early childhood education facilities project, provided,  
20 that if there is local support required for the project, such actions  
21 shall not commence until the authority receives the local support  
22 from the community provider. The authority may, in its discretion,  
23 and upon consultation with the commissioner, authorize a  
24 community provider to undertake the acquisition, construction and  
25 all other appropriate action necessary to complete the project, in  
26 which case the authority shall not provide State support until the  
27 community provider provides the local support, if any.

28 (5) In order to implement the arrangements established for  
29 community early childhood education facilities projects, the  
30 authority shall enter into an agreement with the district, the  
31 commissioner and the community provider containing the terms and  
32 conditions determined by the parties to be necessary to effectuate  
33 the project.

34 (6) The authority shall require as a condition of providing State  
35 support for any community early childhood education facilities  
36 project that the State support must be repaid by the community  
37 provider in the event that (a) the commissioner determines that the  
38 project is no longer being used for the purposes for which it was  
39 intended; or (b) the project is sold, leased or otherwise conveyed to  
40 an individual or organization that does not have tax exempt  
41 nonprofit or government status.

42 (cf: P.L.2005, c.235, s.32)

43

44 92. Section 1 of P.L.1979, c.391 (C.18A:16-12) is amended to  
45 read as follows:

46 1. As used in this act:

47 a. "Dependents" means an employee's spouse and the  
48 employee's unmarried children, including stepchildren, legally

1 adopted children, and, at the option of the local board of education  
2 and the carrier, children placed by the Department of [Human  
3 Services] Children and Families with a resource family, under the  
4 age of 19 who live with the employee in a regular parent-child  
5 relationship, and may also include, at the option of the local board  
6 of education and the carrier, other unmarried children of the  
7 employee under the age of 23 who are dependent upon the  
8 employee for support and maintenance, but shall not include a  
9 spouse or child while serving in the military service. At the option  
10 of the local board of education, “dependent” may include an  
11 employee’s domestic partner as defined in section 3 of P.L.2003,  
12 c.246 (C.26:8A-3);

13 b. “Employees” may, at the option of the local board of  
14 education, include elected officials, but shall not include persons  
15 employed on a short-term, seasonal, intermittent or emergency  
16 basis, persons compensated on a fee basis, or persons whose  
17 compensation from the local board of education is limited to  
18 reimbursement of necessary expenses actually incurred in the  
19 discharge of their duties;

20 c. “Federal Medicare Program” means the coverage provided  
21 under Title XVIII of the Social Security Act as amended in 1965, or  
22 its successor plan or plans.

23 (cf: P.L.2005, c.334, s.1)

24

25 93. Section 1 of P.L.1986, c.73 (C.18A:18A-3.2) is amended to  
26 read as follows:

27 1. Any school district, hereinafter referred to as an employer,  
28 may enter into contracts of group legal insurance with an insurer  
29 authorized, pursuant to P.L.1981, c.160 (C.17:46C-1 et seq.), to  
30 engage in the business of legal insurance in this State or may  
31 contract with a duly recognized prepaid legal services plan with  
32 respect to the benefits which they are authorized to provide. The  
33 contract or contracts shall provide coverage for the employees of  
34 the employer and may include their dependents. “Dependents”  
35 shall include an employee’s spouse and the employee’s unmarried  
36 children, including stepchildren and legally adopted children, and,  
37 at the option of the employer and the carrier, children placed by the  
38 Department of [Human Services] Children and Families with a  
39 resource family, under the age of 19 who live with the employee in  
40 a regular parent-child relationship, and may also include, at the  
41 option of the employer and the carrier, other unmarried children of  
42 the employee under the age of 23 who are dependent upon the  
43 employee for support and maintenance. A spouse or child enlisting  
44 or inducted into military service shall not be considered a dependent  
45 during the military service.

46 “Employees” shall not include persons employed on a short-  
47 term, seasonal, intermittent or emergency basis, persons  
48 compensated on a fee basis, or persons whose compensation from

1 the public employer is limited to reimbursement of necessary  
2 expenses actually incurred in the discharge of their duties.

3 The contract shall include provisions to prevent duplication of  
4 benefits and shall condition the eligibility of an employee for  
5 coverage upon satisfying a waiting period stated in the contract.

6 The coverage of an employee, and of his dependents, if any, shall  
7 cease upon the discontinuance of his employment or upon cessation  
8 of active full-time employment in the classes eligible for coverage,  
9 subject to the provision as may be made in a contract by his  
10 employer for limited continuance of coverage during disability,  
11 part-time employment, leave of absence other than leave for  
12 military service or layoff, or for continuance of coverage after  
13 retirement.

14 A contract for group legal insurance entered into pursuant to this  
15 act shall not include any legal services attendant to a claim brought  
16 by a teaching staff member against a board of education or legal  
17 services for the defense of a teaching staff member facing  
18 disciplinary action pursuant to subarticle B of article 2 of chapter 6  
19 of Title 18A of the New Jersey Statutes (N.J.S.18A:6-9 et seq.).  
20 (cf: P.L.2004, c.130, s.42)

21

22 94. N.J.S.18A:38-1 is amended to read as follows:

23 18A:38-1. Public schools shall be free to the following persons  
24 over five and under 20 years of age:

25 a. Any person who is domiciled within the school district;

26 b. (1) Any person who is kept in the home of another person  
27 domiciled within the school district and is supported by such other  
28 person gratis as if he were such other person's own child, upon  
29 filing by such other person with the secretary of the board of  
30 education of the district, if so required by the board, a sworn  
31 statement that he is domiciled within the district and is supporting  
32 the child gratis and will assume all personal obligations for the  
33 child relative to school requirements and that he intends so to keep  
34 and support the child gratuitously for a longer time than merely  
35 through the school term, and a copy of his lease if a tenant, or a  
36 sworn statement by his landlord acknowledging his tenancy if  
37 residing as a tenant without a written lease, and upon filing by the  
38 child's parent or guardian with the secretary of the board of  
39 education a sworn statement that he is not capable of supporting or  
40 providing care for the child due to a family or economic hardship  
41 and that the child is not residing with the resident of the district  
42 solely for the purpose of receiving a free public education within  
43 the district. The statement shall be accompanied by documentation  
44 to support the validity of the sworn statements, information from or  
45 about which shall be supplied only to the board and only to the  
46 extent that it directly pertains to the support or nonsupport of the  
47 child. If in the judgment of the board of education the evidence  
48 does not support the validity of the claim by the resident, the board

1 may deny admission to the child. The resident may contest the  
2 board's decision to the commissioner within 21 days of the date of  
3 the decision and shall be entitled to an expedited hearing before the  
4 commissioner on the validity of the claim and shall have the burden  
5 of proof by a preponderance of the evidence that the child is eligible  
6 for a free education under the criteria listed in this subsection. The  
7 board of education shall, at the time of its decision, notify the  
8 resident in writing of his right to contest the board's decision to the  
9 commissioner within 21 days. No child shall be denied admission  
10 during the pendency of the proceedings before the commissioner.  
11 In the event the child is currently enrolled in the district, the student  
12 shall not be removed from school during the 21-day period in which  
13 the resident may contest the board's decision nor during the  
14 pendency of the proceedings before the commissioner. If in the  
15 judgment of the commissioner the evidence does not support the  
16 claim of the resident, he shall assess the resident tuition for the  
17 student prorated to the time of the student's ineligible attendance in  
18 the school district. Tuition shall be computed on the basis of 1/180  
19 of the total annual per pupil cost to the local district multiplied by  
20 the number of days of ineligible attendance and shall be collected in  
21 the manner in which orders of the commissioner are enforced.  
22 Nothing shall preclude a board from collecting tuition from the  
23 resident, parent or guardian for a student's period of ineligible  
24 attendance in the schools of the district where the issue is not  
25 appealed to the commissioner;

26 (2) If the superintendent or administrative principal of a school  
27 district finds that the parent or guardian of a child who is attending  
28 the schools of the district is not domiciled within the district and the  
29 child is not kept in the home of another person domiciled within the  
30 school district and supported by him gratis as if the child was the  
31 person's own child as provided for in paragraph (1) of this  
32 subsection, the superintendent or administrative principal may  
33 apply to the board of education for the removal of the child. The  
34 parent or guardian shall be entitled to a hearing before the board  
35 and if in the judgment of the board the parent or guardian is not  
36 domiciled within the district or the child is not kept in the home of  
37 another person domiciled within the school district and supported  
38 by him gratis as if the child was the person's own child as provided  
39 for in paragraph (1) of this subsection, the board may order the  
40 transfer or removal of the child from school. The parent or  
41 guardian may contest the board's decision before the commissioner  
42 within 21 days of the date of the decision and shall be entitled to an  
43 expedited hearing before the commissioner and shall have the  
44 burden of proof by a preponderance of the evidence that the child is  
45 eligible for a free education under the criteria listed in this  
46 subsection. The board of education shall, at the time of its decision,  
47 notify the parent or guardian in writing of his right to contest the  
48 decision within 21 days. No child shall be removed from school

1 during the 21-day period in which the parent may contest the  
2 board's decision or during the pendency of the proceedings before  
3 the commissioner. If in the judgment of the commissioner the  
4 evidence does not support the claim of the parent or guardian, the  
5 commissioner shall assess the parent or guardian tuition for the  
6 student prorated to the time of the student's ineligible attendance in  
7 the schools of the district. Tuition shall be computed on the basis  
8 of 1/180 of the total annual per pupil cost to the local district  
9 multiplied by the number of days of ineligible attendance and shall  
10 be collected in the manner in which orders of the commissioner are  
11 enforced. Nothing shall preclude a board from collecting tuition  
12 from the parent or guardian for a student's period of ineligible  
13 attendance in the schools of the district where the issue is not  
14 appealed to the commissioner;

15 The provisions of this section requiring proof of support, custody  
16 or tenancy shall not apply to a person keeping a child in his home  
17 whose parent or guardian is a member of the New Jersey National  
18 Guard or a member of the reserve component of the armed forces of  
19 the United States and who has been ordered into active military  
20 service in any of the armed forces of the United States in time of  
21 war or national emergency. In such a situation, the child shall be  
22 eligible to enroll in the district in which he is being kept, and no  
23 tuition shall be charged by the district. Following the return of the  
24 child's parent or guardian from active military service, the child's  
25 eligibility for enrollment without tuition in the district in which he  
26 or she is being kept shall cease at the end of the current school year;

27 c. Any person who fraudulently allows a child of another person  
28 to use his residence and is not the primary financial supporter of  
29 that child and any person who fraudulently claims to have given up  
30 custody of his child to a person in another district commits a  
31 disorderly persons offense;

32 d. Any person whose parent or guardian, even though not  
33 domiciled within the district, is residing temporarily therein, but  
34 any person who has had or shall have his all-year-round dwelling  
35 place within the district for one year or longer shall be deemed to be  
36 domiciled within the district for the purposes of this section;

37 e. Any person for whom the Division of Youth and Family  
38 Services in the Department of **【Human Services】** Children and  
39 Families is acting as guardian and who is placed in the district by  
40 **【said bureau】** the division;

41 f. Any person whose parent or guardian moves from one school  
42 district to another school district as a result of being homeless and  
43 whose district of residence is determined pursuant to section 19 of  
44 P.L.1979, c.207 (C.18A:7B-12).

45 (cf: P.L. 1994, c.169,s.1).

46

47 95. Section 1 of P.L.2000, c.138 (C.18A:44-5) is amended to  
48 read as follows:



1       1. a. There is established a Commission on Early Childhood  
2 Education in, but not of, the Department of Education. The  
3 commission shall consist of ~~23~~ 24 members, including the  
4 Commissioners of Education ~~[and]~~, Human Services and Children  
5 and Families and the State Treasurer, or their designees, who shall  
6 serve as ex officio members, and 20 public members who shall be  
7 appointed by the Governor, including two representatives of higher  
8 education and one representative of each of the following  
9 organizations: the New Jersey Child Care Advisory Council; the  
10 Association for Children of New Jersey; the Center for Early  
11 Education at Rutgers, the State University; the New Jersey  
12 Association for the Education of Young Children; the New Jersey  
13 Association of Child Care Resources and Referral Agencies; the  
14 New Jersey Association of Early Childhood Teacher Educators; the  
15 New Jersey Association of School Administrators; the New Jersey  
16 Child Care Association; the New Jersey Congress of Parents and  
17 Teachers; the Statewide Parent Advocacy Network; the New Jersey  
18 Education Association; the New Jersey State Federation of  
19 Teachers; the New Jersey School Boards Association; the New  
20 Jersey Head Start Association; the New Jersey Policy Development  
21 Board; the New Jersey Principals and Supervisors Association; the  
22 Advisory Committee for Nonpublic Schools of the Department of  
23 Education; and the New Jersey Professional Development Center of  
24 New Jersey.

25       Within 60 days of the effective date of this act, and at least one  
26 month prior to the expiration of the term of a member nominated by  
27 an organization listed above, that organization shall submit to the  
28 Governor three nominees for consideration, from which the  
29 Governor may choose. If any organization does not submit three  
30 nominees for consideration at any time required, the Governor may  
31 appoint a member of her choice.

32       Of the 20 public members appointed by the Governor, no more  
33 than 10 shall be of the same political party. Of the 20 public  
34 members appointed by the Governor, at least six shall represent the  
35 northern region of the State and reside in one of the following  
36 counties: Bergen, Essex, Hudson, Morris, Passaic, Sussex, Union or  
37 Warren. Of the 20 public members appointed by the Governor, at  
38 least six shall represent the central region of the State and reside in  
39 one of the following counties: Hunterdon, Somerset, Middlesex,  
40 Mercer, Monmouth or Ocean. Of the 20 public members appointed  
41 by the Governor, at least six shall represent the southern region of  
42 the State and reside in one of the following counties: Atlantic,  
43 Burlington, Camden, Cape May, Cumberland, Gloucester or Salem.

44       The public members shall serve for three-year terms, but of the  
45 members first appointed, six shall be appointed for a term of one  
46 year, seven shall be appointed for a term of two years and seven  
47 shall be appointed for a term of three years. A member shall hold

1 office for the term of his appointment and until his successor has  
2 been appointed.

3 Vacancies in the membership of the commission shall be filled in  
4 the same manner as the original appointments are made and a  
5 member may be eligible for reappointment. Vacancies occurring  
6 other than by expiration of a term shall be filled for the unexpired  
7 term.

8 The members of the commission shall serve without  
9 compensation but shall be reimbursed for the reasonable expenses  
10 necessarily incurred in the performance of their duties within the  
11 limits of funds appropriated or otherwise made available to the  
12 commission for its purposes.

13 b. The commission shall organize no later than 30 days after the  
14 appointment of all the members and shall select a chairman from  
15 among its members and a secretary who need not be a member of  
16 the commission.

17 c. The department shall provide such stenographic, clerical and  
18 other administrative assistants, and such professional staff, as the  
19 commission requires to carry out its work.

20 d. It shall be the responsibility of the commission to provide  
21 advice on early childhood education issues, including, but not  
22 limited to:

23 (1) the appropriate staff credentials for pre-school educators;

24 (2) appropriate Statewide standards for early childhood  
25 education program design, implementation and assessment;

26 (3) the development of standards for appropriate facilities for  
27 early childhood education programs;

28 (4) coordination of early childhood programs and services  
29 across State agencies;

30 (5) the identification and dissemination of information on model  
31 early childhood programs;

32 (6) the funding levels necessary to support high quality early  
33 childhood education programs, including funding for certified, well-  
34 trained teachers, developmentally appropriate curriculum and  
35 materials, appropriate facilities and particularized needs.

36 (cf: P.L.2000, c.138, s.1)

37

38 96. N.J.S.18A:46-13 is amended to read as follows:

39 18A:46-13. It shall be the duty of each board of education to  
40 provide suitable facilities and programs of education for all the  
41 children who are classified as handicapped under this chapter. The  
42 absence or unavailability of a special class facility in any district  
43 shall not be construed as relieving a board of education of the  
44 responsibility for providing education for any child who qualifies  
45 under this chapter.

46 The Department of Human Services, and the Department of  
47 Children and Families, as applicable, shall provide transportation

1 for all children who attend day training centers operated by the  
2 department.

3 A board of education is not required to provide any further  
4 educational program for children who have been admitted to the  
5 Marie H. Katzenbach School for the Deaf but shall be required to  
6 furnish necessary daily transportation Monday through Friday to  
7 and from the school for nonboarding pupils when such  
8 transportation is approved by the county superintendent of schools  
9 in accordance with such rules and regulations as the State board  
10 shall promulgate for such transportation. Any special education  
11 facility or program authorized and provided for a child attaining age  
12 20 during a school year shall be continued for the remainder of that  
13 school year.

14 (cf: P.L.1992, c.129, s.1)

15

16 97. Section 2 of P.L.1986, c.32 (C.18A:46-18.3) is amended to  
17 read as follows:

18 2. a. The multidisciplinary treatment team at a State facility  
19 shall provide written notice to the parent or legal guardian of a child  
20 who is placed in the facility, when the child attains the age of 18,  
21 or, if the child is over the age of 18 when placed in the facility, at  
22 the time of placement, that the child is not entitled to receive tuition  
23 free educational services after the age of 21.

24 b. Written notice given pursuant to this section shall describe in  
25 detail the parent's or guardian's opportunity to consent to having the  
26 child's name or other relevant information forwarded in a report to  
27 the Commissioner of **the Department of** Human Services, the  
28 Commissioner of Children and Families, or the Commissioner of  
29 **the Department of** Corrections, as appropriate, for the purposes of  
30 determining whether the child will likely need services after the age  
31 of 21 and, if so, recommending possible adult educational services.  
32 For the purposes of this subsection, "relevant information" means  
33 that information in the possession of and used by the  
34 multidisciplinary treatment team to ascertain the physical, mental,  
35 emotional and cultural-educational factors which contribute to the  
36 child's handicapping condition, including but not limited to: (1)  
37 results of physical and psychological examinations performed by  
38 private and school district physicians and psychologists; (2)  
39 relevant information presented by the parent or legal guardian and  
40 teacher; (3) school data which bear on the child's progress,  
41 including the child's most recent individualized educational  
42 program; (4) results of the most recent examinations and  
43 evaluations performed; and (5) results of other suitable evaluations  
44 and examinations possessed by the team. Nothing in this subsection  
45 shall be construed to require a multidisciplinary treatment team to  
46 perform any examination or evaluation not otherwise required by  
47 law.

1 c. Upon the written consent of the parent or legal guardian, the  
2 multidisciplinary treatment team shall forward the child's name and  
3 other relevant information in a report to the Commissioner of  
4 Human Services, the Commissioner of Children and Families, or the  
5 Commissioner of Corrections, as appropriate, for the development  
6 of a recommendation for adult educational services. A copy of the  
7 report shall also be submitted to the Commissioner of Education at  
8 the same time that the report is submitted to the Commissioner of  
9 Human Services, the Commissioner of Children and Families or the  
10 Commissioner of Corrections, as applicable.

11 (cf: P.L.1986, c.32, s.2)

12  
13 98. Section 3 of P.L.1986, c.32 (C.18A:46-18.4) is amended to  
14 read as follows:

15 3. a. The Commissioner of Human Services, the Commissioner  
16 of Children and Families, or the Commissioner of Corrections, as  
17 appropriate, or their designees, in consultation with the  
18 Commissioner of Education, or his designee, shall determine  
19 whether a child, whose report is submitted to the Department of  
20 Human Services, Department of Children and Families, or the  
21 Department of Corrections, as appropriate, pursuant to subsection c.  
22 of section 2 of this act, will likely need adult educational services  
23 and, if the need will likely exist, develop a recommendation of all  
24 appropriate educational programs operated or approved by the  
25 Department of Human Services, Department of Children and  
26 Families, Department of Corrections or Department of Education  
27 which may be available when the child attains the age of 21. If  
28 necessary and appropriate, the Commissioner of Human Services,  
29 the Commissioner of Children and Families, or the Commissioner  
30 of Corrections, as appropriate, may conduct an evaluation of the  
31 child to determine if adult educational services will be needed. The  
32 recommendation of all programs shall be made available to the  
33 parent or guardian of the child as soon as practicable but not later  
34 than six months before the child attains the age of 21.

35 b. If the Commissioner of Human Services, Commissioner of  
36 Children and Families, or Commissioner of Corrections, as  
37 appropriate, determines, pursuant to subsection a. of this section,  
38 that the child will not require adult educational services, the  
39 commissioner shall notify the child's parent or guardian in writing  
40 of the determination. The notice shall be given as soon as  
41 practicable but no later than six months before the child attains the  
42 age of 21.

43 (cf: P.L.1986, c.32, s.3)

44  
45 99. Section 4 of P.L.1986, c.32 (C.18A:46-18.5) is amended to  
46 read as follows:

47 5. The multidisciplinary treatment team shall prepare and submit  
48 an annual report to the Departments of Education, Corrections,

1 Children and Families, and Human Services on October 1, 1986 and  
2 thereafter on or before October 1 of each year. The annual report  
3 shall contain the number of cases submitted to the Commissioner of  
4 Human Services, the Commissioner of Children and Families, and  
5 the Commissioner of Corrections pursuant to subsection c. of  
6 section 2 of this act, the type and severity of the handicapping  
7 condition involved with each case, and other necessary information.  
8 The annual report shall not contain individually identifying  
9 information.

10 (cf: P.L.1986, c.32, s.4)

11  
12 100. Section 5 of P.L.1986, c.32 (C.18A:46-18.6) is amended to  
13 read as follows:

14 5. The Commissioner of Human Services, the Commissioner of  
15 Children and Families, and the Commissioner of Corrections shall  
16 adopt, within six months from the date that this act takes effect,  
17 rules and regulations in accordance with the "Administrative  
18 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) that are  
19 appropriate to implement this act.

20 (cf: P.L.1986, c.32, s.5)

21  
22 101. N.J.S.18A:60-1 is amended to read as follows:

23 18A:60-1. The services of all professors, associate professors,  
24 assistant professors, instructors, supervisors, registrars, teachers,  
25 and other persons employed in a teaching capacity, who are or shall  
26 hereafter be employed by the commissioner in the Marie H.  
27 Katzenbach School for the Deaf or in any other educational  
28 institution, or employed in any State college or in any county  
29 college, and teachers and other certified persons employed in State  
30 institutions within the Department of Corrections, the Department  
31 of Children and Families, or the Department of Human Services,  
32 with the exception of the Director of Educational Services, shall be  
33 under tenure during good behavior and efficiency:

34 a. after the expiration of a period of employment of three  
35 consecutive calendar years in any such institution or institutions; or

36 b. after employment for three consecutive academic years  
37 together with employment at the beginning of the next succeeding  
38 academic year in any such institution or institutions; or

39 c. after employment in any such institution or institutions,  
40 within a period of any four consecutive academic years, for the  
41 equivalent of more than three academic years.

42 An academic year, for the purpose of this section, means the  
43 period between the time school opens in the institution after the  
44 general summer vacation until the next succeeding summer  
45 vacation.

46 The provisions of this section shall not apply to any faculty  
47 member employed by a State or county college who begins

1 employment after the 1973-74 school year.

2 (cf: P.L.1999, c.46, s.33)

3

4 102. Section 1 of P.L.1986, c.158 (C.18A:60-1.1) is amended to  
5 read as follows:

6 1. The Legislature hereby finds that it is in the best interests of  
7 the State of New Jersey to provide job security during good  
8 behavior and efficiency for the teachers and other certified  
9 professional educators employed in State institutions within the  
10 Department of Corrections, the Department of Children and  
11 Families, and the Department of Human Services. To accomplish  
12 this goal it is appropriate to provide tenure protection for such  
13 professionals teaching in such State institutions, subject to the  
14 provisions set forth in this act.

15 (cf: P.L.1986, c.158, s.1)

16

17 103. Section 3 of P.L.1986, c.158 (C.18A:60-1.2) is amended to  
18 read as follows:

19 3. Any teacher or other certified individual serving in a teaching  
20 capacity in a State institution within the Department of Corrections,  
21 the Department of Children and Families, or the Department of  
22 Human Services as of July 1, 1986, who has completed at least two  
23 academic years of teaching service or its equivalent within three  
24 calendar years with satisfactory evaluations, shall acquire tenure  
25 under this act upon the completion of one additional calendar year  
26 of satisfactory service in such capacity.

27 (cf: P.L.1986, c.158, s.3)

28

29 104. N.J.S.18A:60-3 is amended to read as follows:

30 18A:60-3. Nothing contained in this chapter shall be held to  
31 limit the right of the commissioner, in the case of any educational  
32 institution conducted under his jurisdiction, supervision or control;  
33 or the Commissioner of Corrections, the Commissioner of Children  
34 and Families, or the Commissioner of Human Services, in the case  
35 of any State institution conducted under their jurisdiction,  
36 supervision or control; or of the board of trustees of a college, in the  
37 case of a college, to reduce the number of professors, associate  
38 professors, assistant professors, instructors, supervisors, registrars,  
39 teachers, or other persons employed in a teaching capacity in any  
40 such institution or institutions when the reduction is due to natural  
41 diminution of the number of students or pupils in the institution or  
42 institutions. Dismissals resulting from such reduction shall not be  
43 by reason of residence, age, sex, marriage, race, religion, or  
44 political affiliation. When such professors, associate professors,  
45 assistant professors, instructors, supervisors, registrars, teachers, or  
46 other persons employed in a teaching capacity under tenure are  
47 dismissed by reason of such reduction, those professors, associate  
48 professors, assistant professors, instructors, supervisors, registrars,

1 teachers, or other persons employed in a teaching capacity having  
2 the least number of years of service to their credit shall be  
3 dismissed in preference to those having longer terms of service.  
4 Should any such professor, associate professor, assistant professor,  
5 instructor, supervisor, registrar, teacher, or other person employed  
6 in a teaching capacity under tenure be dismissed as a result of such  
7 reduction, such person shall be and remain upon a preferred eligible  
8 list in the order of years of service for reemployment, whenever  
9 vacancies occur, and shall be reemployed by the commissioner in  
10 such order, when, and if, a vacancy in a position for which such  
11 professor, associate professor, assistant professor, instructor,  
12 supervisor, registrar, teacher, or other person employed in a  
13 teaching capacity shall be qualified. Such reemployment shall give  
14 full recognition to previous years of service.  
15 (cf: P.L.1986, c.158, s.4)

16  
17 105. Section 4 of P.L.1987, c.370 (C.26:2-151) is amended to  
18 read as follows:

19 4. There is established in, but not of, the State Department of  
20 Human Services the Catastrophic Illness in Children Relief Fund  
21 Commission. The commission shall consist of the Commissioner of  
22 **【the State Department of】** Health and Senior Services, the  
23 Commissioner of **【the Department of】** Human Services, the  
24 Commissioner of Children and Families, the Commissioner of **【the**  
25 **Department of】** Banking and Insurance, and the State Treasurer,  
26 who shall be members ex officio, and seven public members who  
27 are residents of this State, appointed by the Governor with the  
28 advice and consent of the Senate for terms of five years, two of  
29 whom are appointed upon the recommendation of the President of  
30 the Senate, one of whom is a provider of health care services to  
31 children in this State and two of whom are appointed upon the  
32 recommendation of the Speaker of the General Assembly, one of  
33 whom is a provider of health care services to children in this State.  
34 The five public members first appointed by the Governor shall serve  
35 for terms of one, two, three, four and five years, respectively.

36 Each member shall hold office for the term of his appointment  
37 and until his successor has been appointed and qualified. A  
38 member of the commission is eligible for reappointment.

39 Each ex officio member of the commission may designate an  
40 officer or employee of his department to represent him at meetings  
41 of the commission, and each designee may lawfully vote and  
42 otherwise act on behalf of the member for whom he constitutes the  
43 designee. Any designation shall be in writing delivered to the  
44 commission and filed with the office of the Secretary of State and  
45 shall continue in effect until revoked or amended in the same  
46 manner as provided for designation.

47 (cf: P.L.1998, c.143, s.2)

1       106. Section 2 of P.L.1997, c.229 (C.26:2-171) is amended to  
2 read as follows:

3       2. a. There is established in the Executive Branch of the State  
4 Government an Advisory Council on Adolescent Pregnancy. For  
5 the purposes of complying with the provisions of Article V, Section  
6 IV, paragraph 1 of the New Jersey Constitution, the advisory  
7 council is allocated within the Department of Health and Senior  
8 Services, but notwithstanding that allocation, the advisory council  
9 shall be independent of any supervision or control by the  
10 department or by any board or officer thereof.

11       b. The advisory council shall consist of ~~23~~ 24 members as  
12 follows: the Commissioners of the Departments of Health and  
13 Senior Services, Human Services, Children and Families,  
14 Education, Community Affairs, and Labor and Workforce  
15 Development, who shall serve as ex officio members, and 18 public  
16 members, four of whom shall be teenagers, including two teenage  
17 parents and two teenagers who are not parents, and fourteen of  
18 whom shall be representatives of community based religious, health  
19 and social service organizations which serve adolescents and health  
20 professionals and educators with recognized expertise in the field of  
21 adolescent pregnancy. Of the public members, three shall be  
22 appointed by the President of the Senate, no more than two of  
23 whom shall be of the same political party; three shall be appointed  
24 by the Speaker of the General Assembly, no more than two of  
25 whom shall be of the same political party; and 12 shall be appointed  
26 by the Governor with the advice and consent of the Senate, no more  
27 than six of whom shall be of the same political party. The advisory  
28 council shall organize within 30 days after the appointment of its  
29 members. The members shall select one person from among them  
30 to serve as the chairperson and the members shall select a secretary,  
31 who need not be a member of the advisory council.

32       c. Each ex officio member may designate an employee of the  
33 member's department to represent the member at hearings of the  
34 advisory council. All designees may lawfully vote and otherwise  
35 act on behalf of the member for whom they constitute the designee.

36       d. Each public member shall be appointed for a term of three  
37 years, but of the members first appointed, six shall serve for a term  
38 of one year, six for a term of two years and six for a term of three  
39 years. Members shall serve until their successors are appointed and  
40 qualified. Vacancies shall be filled in the same manner as the  
41 original appointments were made.

42       e. Members of the advisory council shall serve without  
43 compensation but, within the limits of funds appropriated or  
44 otherwise made available to it, shall be eligible for reimbursement  
45 of necessary expenses incurred in the performance of their duties.

46       f. The Department of Health and Senior Services shall provide  
47 such staff as the advisory council requests to carry out the purposes



1 of this act.

2 (cf: P.L.1997, c.229, s.2)

3

4 107. Section 2 of P.L.1989, c.51 (C.26:2BB-2) is amended to  
5 read as follows:

6 2. There is created a **【25-member】** 26-member council in, but  
7 not of, the Department of the Treasury which shall be designated as  
8 the Governor's Council on Alcoholism and Drug Abuse. For the  
9 purposes of complying with the provisions of Article V, Section IV,  
10 paragraph 1 of the New Jersey Constitution, the Governor's Council  
11 on Alcoholism and Drug Abuse is allocated to the Department of  
12 the Treasury, but, notwithstanding the allocation, the office shall be  
13 independent of any supervision or control by the department or by  
14 any board or officer thereof.

15 The council shall consist of **【11】** 12 ex officio members and 14  
16 public members.

17 a. The ex officio members of the council shall be: the Attorney  
18 General, the Commissioners of the Departments of Labor and  
19 Workforce Development, Education, Human Services, Health and  
20 Senior Services, Children and Families, Community Affairs,  
21 Personnel and Corrections, the chair of the executive board of the  
22 New Jersey Presidents' Council, the Administrative Director of the  
23 Administrative Office of the Courts and the Adjutant General. An  
24 ex officio member may designate an officer or employee of the  
25 department or office which he heads to serve as his alternate and  
26 exercise his functions and duties as a member of the Governor's  
27 Council on Alcoholism and Drug Abuse.

28 b. The 14 public members shall be residents of the State who are  
29 selected for their knowledge, competence, experience or interest in  
30 connection with alcoholism or drug abuse. They shall be appointed  
31 as follows: two shall be appointed by the President of the Senate,  
32 two shall be appointed by the Speaker of the General Assembly and  
33 10 shall be appointed by the Governor, with the advice and consent  
34 of the Senate. At least two of the public members appointed by the  
35 Governor shall be rehabilitated alcoholics and at least two of the  
36 public members appointed by the Governor shall be rehabilitated  
37 drug abusers.

38 c. The term of office of each public member shall be three years;  
39 except that of the first members appointed, four shall be appointed  
40 for a term of one year, five shall be appointed for a term of two  
41 years and five shall be appointed for a term of three years. Each  
42 member shall serve until his successor has been appointed and  
43 qualified, and vacancies shall be filled in the same manner as the  
44 original appointments for the remainder of the unexpired term. A  
45 public member is eligible for reappointment to the council.

46 d. The chairman of the council shall be appointed by the  
47 Governor from among the public members of the council and shall  
48 serve at the pleasure of the Governor during the Governor's term of

1 office and until the appointment and qualification of the chairman's  
2 successor. The members of the council shall elect a vice-chairman  
3 from among the members of the council. The Governor may  
4 remove any public member for cause, upon notice and opportunity  
5 to be heard.

6 e. The council shall meet at least monthly and at such other  
7 times as designated by the chairman. Fourteen members of the  
8 council shall constitute a quorum. The council may establish any  
9 advisory committees it deems advisable and feasible.

10 f. The chairman shall be the request officer for the council  
11 within the meaning of such term as defined in section 6 of article 3  
12 of P.L.1944, c.112 (C.52:27B-15).

13 g. The public members of the council shall receive no  
14 compensation for their services, but shall be reimbursed for their  
15 expenses incurred in the discharge of their duties within the limits  
16 of funds appropriated or otherwise made available for this purpose.

17 (cf: P.L. 1996, c.5,s.1)

18  
19 108. Section 33 of P.L.1991, c.187 (C.26:2H-5.7) is amended to  
20 read as follows:

21 33. There is established in the Department of Health and Senior  
22 Services a State Health Planning Board. The members of the board  
23 shall include: the Commissioners of Health and Senior Services,  
24 Children and Families and Human Services, or their designees, who  
25 shall serve as ex officio, nonvoting members; the chairmen of the  
26 Health Care Administration Board and the Public Health Council,  
27 or their designees, who shall serve as ex officio members; and nine  
28 public members appointed by the Governor with the advice and  
29 consent of the Senate, five of whom are consumers of health care  
30 services who are neither providers of health care services or persons  
31 with a fiduciary interest in a health care service.

32 Of the additional public members first appointed pursuant to  
33 P.L.1998, c.43, two shall serve for a term of two years and two shall  
34 serve for a term of three years. Following the expiration of the  
35 original terms, the public members shall serve for a term of four  
36 years and are eligible for reappointment. Public members serving  
37 on the board on the effective date of P.L.1998, c.43 shall continue  
38 to serve for the term of their appointment. Any vacancy shall be  
39 filled in the same manner as the original appointment, for the  
40 unexpired term. Public members shall continue to serve until their  
41 successors are appointed. The public members shall serve without  
42 compensation but may be reimbursed for reasonable expenses  
43 incurred in the performance of their duties, within the limits of  
44 funds available to the board.

45 a. A member or employee of the State Health Planning Board  
46 shall not, by reason of his performance of any duty, function or  
47 activity required of, or authorized to be undertaken by the board, be  
48 held civilly or criminally liable if that person acted within the scope

1 of his duty, function or activity as a member or employee of the  
2 board, without gross negligence or malice toward any person  
3 affected thereby.

4 b. A member of the State Health Planning Board shall not vote  
5 on any matter before the board concerning an individual or entity  
6 with which the member has, or within the last 12 months has had,  
7 any substantial ownership, employment, medical staff, fiduciary,  
8 contractual, creditor or consultative relationship. A member who  
9 has or has had such a relationship with an individual or entity  
10 involved in any matter before the board shall make a written  
11 disclosure of the relationship before any action is taken by the  
12 board with respect to the matter and shall make the relationship  
13 public in any meeting in which action on the matter is to be taken.

14 (cf: P.L.1998, c.43, s.4)

15

16 109. Section 1 of P.L.1998, c.136 (C.26:2H-12.6a) is amended  
17 to read as follows:

18 1. a. The Department of **【Human Services】** Children and  
19 Families, in consultation with the Department of Health and Senior  
20 Services, shall prepare a pamphlet which provides information on  
21 child abuse and neglect to all parents of newborn infants born in  
22 this State. The pamphlet shall be distributed to each parent present  
23 during the infant's birth, by the personnel at a hospital or birthing  
24 facility at the time of the mother's discharge, as part of the hospital  
25 or birthing facility's discharge procedures.

26 b. The pamphlet shall include information on the signs of child  
27 abuse and neglect, the services provided by the State which help in  
28 preventing child abuse and neglect and the legal ramifications of  
29 abusing or neglecting a child.

30 c. The department shall distribute the pamphlet, at no charge,  
31 to all the hospitals and birthing facilities in the State. The  
32 department shall update the pamphlet as necessary, and shall make  
33 additional copies of the pamphlet available to health care providers  
34 upon request.

35 (cf: P.L.1998, c.136, s.1)

36

37 110. R.S.26:3-31 is amended to read as follows:

38 26:3-31. The local board of health shall have power to pass,  
39 alter or amend ordinances and make rules and regulations in regard  
40 to the public health within its jurisdiction, for the following  
41 purposes:

42 a. To protect the public water supply and prevent the pollution  
43 of any stream of water or well, the water of which is used for  
44 domestic purposes, and to prevent the use of or to close any well,  
45 the water of which is polluted or detrimental to the public health.

46 b. (1) To prohibit the cutting, sale or delivery of ice in any  
47 municipality without obtaining a permit from the local board. No

1 person shall cut, sell or deliver ice in any municipality without  
2 obtaining such permit.

3 (2) To refuse such permit or revoke any permit granted by it  
4 when in its judgment the use of any ice cut, sold or delivered under  
5 the permit would be detrimental to the public health. Upon the  
6 refusal or revocation of a permit by the local board, an appeal may  
7 be taken to the State department. Upon order of the State  
8 department a permit shall be granted or the revocation set aside.

9 (3) To prohibit the importation, distribution or sale of any  
10 impure ice which would be detrimental to the public health.

11 c. To license and regulate the sanitary conditions of hotels,  
12 restaurants, cafes, and other public eating houses and to provide for  
13 the posting of ratings or score cards setting forth the sanitary  
14 condition of any public eating house after inspection of the same  
15 and to post the rating or score card in some conspicuous or public  
16 place in such eating house.

17 d. To compel any owner of property along the line of any  
18 sewer to connect his house or other building therewith. This  
19 paragraph shall be enforced by the local board within its jurisdiction  
20 and it shall by ordinance provide a fine of \$25 to be imposed upon  
21 any person who shall not comply with any order issued under the  
22 authority of this paragraph, within 30 days after notice by the  
23 proper officer of the board to make the required connections. An  
24 additional fine of \$10 shall be provided for each day of delay, after  
25 the expiration of the 30 days, in which the provisions of the order or  
26 notice are not complied with. Such notice may be served upon the  
27 owner personally or by leaving it at his usual place of abode with a  
28 member of his family above the age of 18 years.

29 e. (Deleted by amendment, P.L.1987, c.442.)

30 f. To regulate, control, and prohibit the accumulation of offal  
31 and any decaying or vegetable substance.

32 g. (1) To regulate the location, construction, maintenance,  
33 method of emptying or cleaning, and the frequency of cleaning of  
34 any privy or other place used for the reception or storage of human  
35 excrement, and to prohibit the construction or maintenance of any  
36 privy or other such place until a license therefor shall have been  
37 issued by the board, which license shall continue in force for one  
38 year from the date of issue.

39 (2) To fix the fee, not exceeding \$5, for such license, and to use  
40 the fees so collected in supervising and maintaining said privies or  
41 other places and in removing and disposing of the excrement  
42 therefrom.

43 (3) To revoke such license at any time if the owner or tenant of  
44 the property on which any privy or other such place is located,  
45 maintains the same in violation of law, or of the State sanitary code,  
46 or any ordinance or rule of the board.

47 h. To regulate, control, or prohibit the cleaning of any sewer,  
48 the dumping of garbage, the filling of any sunken lot or marsh land,

1 and to provide for the filling up of any such lot or land, which has  
2 become filled with stagnant water and is located in any built-up  
3 area.

4 i. (1) To license and regulate the business of cleaning cesspools  
5 and privies, which license shall continue for the term of one year  
6 from the date of granting, and to fix the fee that shall be charged for  
7 such license, not exceeding \$20 for each vehicle or conveyance.

8 (2) To prohibit unlicensed persons from engaging in such  
9 business.

10 (3) To require any vehicle or conveyance used in such business  
11 within its jurisdiction to be approved by it.

12 (4) To revoke such license if any licensee or his employee or  
13 agent shall violate any ordinance or rule of the board in cleaning  
14 any cesspool or privy, or in removing the contents thereof.

15 j. To aid in the enforcement of laws as to the adulteration of all  
16 kinds of food and drink, and to prevent the sale or exposure for sale  
17 of any meat or vegetable that is unwholesome or unfit for food.

18 k. To regulate, control, or prohibit the keeping or slaughtering  
19 of animals.

20 l. To license and regulate the keeping of boarding houses for  
21 infants and children and to fix a license fee for the same and to  
22 prevent unlicensed persons from keeping such boarding houses.  
23 This paragraph shall not apply to:

24 (1) The Department of [Human Services] Children and  
25 Families.

26 (2) Any children's home, orphan asylum, or children's aid  
27 society incorporated under the laws of this State.

28 (3) Any aid society of a properly organized and accredited  
29 church or fraternal society organized for aid and relief to its  
30 members.

31 (4) Any charitable society incorporated under the laws of this  
32 State having as one of its objects the prevention of cruelty to  
33 children or the care and protection of children.

34 m. To require in buildings, designed to be occupied, or  
35 occupied, as residences by more than two families and when the  
36 owners have agreed to supply heat, that from October 1 of each year  
37 to the next succeeding May 1, every unit of dwelling space and  
38 every habitable room therein shall be maintained at least at 68  
39 degrees F. whenever the outside temperature falls below 55 degrees  
40 during daytime hours from 6 a.m. to 11 p.m. At times other than  
41 those specified interiors of units of dwelling space shall be  
42 maintained at least at 55 degrees F. whenever the outside  
43 temperature falls below 40 degrees.

44 In meeting the aforesaid standards, the owner shall not be  
45 responsible for heat loss and the consequent drop in the interior  
46 temperature arising out of action by the occupants in leaving  
47 windows or doors open to the exterior of the building. The owner  
48 shall be obligated to supply required fuel or energy and maintain

1 the heating system in good operating condition so that it can supply  
2 heat as required herein notwithstanding any contractual provision  
3 seeking to delegate or shift responsibility to the occupant or third  
4 person, except that the owner shall not be required to supply fuel or  
5 energy for heating purposes to any unit where the occupant thereof  
6 agrees in writing to supply heat to his own unit of dwelling space  
7 and the said unit is served by its own exclusive heating equipment  
8 for which the source of heat can be separately computed and billed.

9 n. To regulate the practice of midwifery, but the exercise of  
10 such authority shall not conflict with the provisions of chapter 10 of  
11 Title 45 of the Revised Statutes ( R.S.45:10-1 et seq.).

12 o. To enforce the making of returns or reports to the local  
13 board on the part of any person charged with such duty under any  
14 law and to take cognizance of any failure to make such returns and  
15 deal with the same in an effective manner.

16 p. To act as the agent for a landlord in the engaging of  
17 repairmen and the ordering of any parts necessary to restore to  
18 operating condition the furnace, boiler or other equipment essential  
19 to the proper heating of any residential unit rented by said landlord,  
20 provided, however, that at least 24 hours have elapsed since the  
21 tenant has lodged a complaint with the local board of health, prior  
22 to which a bona fide attempt has been made by the tenant to notify  
23 the landlord of the failure of the heating equipment, and the  
24 landlord has failed to take appropriate action, and the outside air  
25 temperature is less than 55 degrees F.

26 Any person who supplies material or services in accordance with  
27 this section shall bill the landlord directly and by filing a notice  
28 approved by the local board of health, with the county clerk, shall  
29 have a lien on the premises where the materials were used or  
30 services supplied.

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

32  
33 111. Section 1 of P.L.1991, c.524 (C.30:1-1.1) is amended to  
34 read as follows:

35 1. a. The Commissioner of Human Services, in consultation  
36 with the Commissioners of Community Affairs, Health and Senior  
37 Services, Children and Families and Labor and Workforce  
38 Development, shall establish and maintain on a 24-hour daily basis  
39 a comprehensive social services information toll-free telephone  
40 hotline service, operating through one of the existing telephone  
41 hotline services of the department. The hotline service shall use a  
42 computerized Statewide social services data bank to be developed  
43 by the Department of Human Services and shall include among its  
44 staff persons who speak English and Spanish. The hotline service  
45 shall receive and respond to calls from persons seeking information  
46 and referrals concerning agencies and programs which provide  
47 various social services, including but not limited to: child care,  
48 child abuse emergency response job skills training, services for

1 victims of domestic violence, alcohol and drug abuse, home health  
2 care, senior citizen programs, rental assistance, services for persons  
3 with developmental disabilities, mental health programs, emergency  
4 shelter assistance, family planning, legal services, assistance for  
5 runaways and services for the deaf and hearing impaired, as well as  
6 information about public assistance, Medicaid, Pharmaceutical  
7 Assistance to the Aged and Disabled, Lifeline, Hearing Aid  
8 Assistance for the Aged and Disabled, food stamps and home  
9 energy assistance.

10 b. The Commissioner of Human Services, in conjunction with  
11 the Commissioners of Community Affairs, Health and Senior  
12 Services, Children and Families and Labor and Workforce  
13 Development, shall take such actions as are necessary to  
14 consolidate existing State telephone hotline services into the  
15 comprehensive social services information toll-free telephone  
16 hotline service, and thereby eliminate duplicative telephone hotline  
17 services.

18 c. Notwithstanding the provisions of subsection b. of this section  
19 to the contrary, the Commissioner of Human Services shall also  
20 establish and maintain a toll-free telephone hotline service for  
21 persons who are receiving institutional or community-based  
22 services from, or through an agency contracting with, the Division  
23 of Mental Health **[and Hospitals]** Services or the Division of  
24 Developmental Disabilities, or their parents, guardians or other  
25 responsible persons, to register complaints, request information or  
26 assistance, or discuss issues and problems, regarding those services  
27 in a confidential manner.

28 (cf: P.L.1995, c.85, s.1)  
29

30 112. Section 1 of P.L.2004, c.130 (C.30:4C-1.1) is amended to  
31 read as follows:

32 1. The Legislature finds and declares that:

33 a. New Jersey must improve the ability of its child welfare  
34 system to protect children from abuse and neglect, and to provide  
35 services to at-risk children and families in order to prevent harm to  
36 their children;

37 b. Recent data and assessments of the child welfare system in  
38 this State demonstrate the need for a new approach to delivering  
39 services to this vulnerable population, and the system must  
40 therefore be reformed;

41 c. Because the safety of children must always be paramount,  
42 allegations of child abuse and neglect must be investigated quickly  
43 and thoroughly and protective actions must be taken immediately if  
44 necessary;

45 d. Concerns about the safety, permanency and well-being of  
46 children require significant changes in: the organization of the  
47 child welfare system, the ability to implement best practices within  
48 the system; the development of effective services to meet the needs

- 1 of children and families; and the elimination of impediments to the  
2 quick and efficient management of abuse and neglect cases;
- 3 e. Children need safe, stable and positive relationships with  
4 caring adults in order to thrive; and, if their parents are incapable of  
5 providing such a caring relationship, the State must look to other  
6 families to provide this kind of relationship;
- 7 f. To ensure the best outcomes for children and their families,  
8 these substitute families must be viewed and treated as “resource  
9 families” and provided with appropriate support, training and  
10 responsibilities, which will include: expedited licensure for this  
11 purpose, equalized payment rates for care among the various types  
12 of resource families, and enhanced access to necessary support  
13 services tailored to their respective needs;
- 14 g. Youths must be provided with supports and services in their  
15 communities that will enable them to grow into healthy and  
16 productive adults; and those youths who previously received child  
17 welfare services must continue to receive those services beyond the  
18 age of 18, up to age 21, as appropriate; and
- 19 h. **【This act is necessary in order to make the initial statutory**  
20 **changes required under a comprehensive child welfare reform plan**  
21 **issued by the Department of Human Services as part of a federal**  
22 **class action settlement, which is designed to address the**  
23 **deficiencies identified in the child welfare system in this State over**  
24 **a five-year period;】** (Deleted by amendment, P.L. , c. )(pending  
25 before the Legislature as this bill)
- 26 i. **【The comprehensive child welfare reform plan calls for**  
27 **changes in the approach taken by the State to case practice,**  
28 **recruitment and support of resource families, partnering with the**  
29 **community, creating and delivering services to children and**  
30 **families, providing support and training to the child welfare system**  
31 **workforce, and ensuring accountability and continuous quality**  
32 **improvement within the system;】** (Deleted by amendment,  
33 P.L. , c. )(pending before the Legislature as this bill)
- 34 j. **【This act is designed to allow the Division of Youth and**  
35 **Family Services to focus its mission on abused and neglected**  
36 **children by creating the Division of Child Behavioral Health**  
37 **Services and the Division of Prevention and Community**  
38 **Partnerships in order to build the capacity to meet the needs of**  
39 **children and families in those respective areas of the child welfare**  
40 **system, with all three divisions operating under a deputy**  
41 **commissioner who is responsible for the Office of Children's**  
42 **Services established under this act;】** (Deleted by amendment,  
43 P.L. , c. )(pending before the Legislature as this bill)
- 44 k. **【This act is also designed to enable the Division of Youth**  
45 **and Family Services to better focus on issues relating to abused and**  
46 **neglected children by transferring its responsibilities for licensure**  
47 **and investigating institutional abuse to the Department of Human**



1 Services, as well as transferring other responsibilities to the  
2 department that will be assigned to the new Division of Child  
3 Behavioral Health Services and the new Division of Prevention and  
4 Community Partnerships; and] (Deleted by amendment,  
5 P.L. , c. )(pending before the Legislature as this bill)

6 1. This act will otherwise enhance the quality of the child  
7 welfare system in New Jersey by facilitating the transition to other  
8 needed long-term systemic changes with regard to out-of-home  
9 placements and permanency options for children who cannot live  
10 with their birth families.

11 (cf: P.L.2004, c.130, s.1)

12

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

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

18 (a) The term “Division of Youth and Family Services,” or  
19 “division,” successor to the “Bureau of Children's Services” means  
20 the State agency for the care, custody, guardianship, maintenance  
21 and protection of children, as more specifically described by the  
22 provisions of this act, and succeeding the agency heretofore  
23 variously designated by the laws of this State as the State Board of  
24 Child Welfare or the State Board of Children's Guardians.

25 (b) The word “child” includes stepchild and illegitimate child,  
26 and further means any person under the age of 18 years.

27 (c) The term “care” means cognizance of a child for the purpose  
28 of providing necessary welfare services, or maintenance, or both.

29 (d) The term “custody” means continuing responsibility for the  
30 person of a child, as established by a surrender and release of  
31 custody or consent to adoption, for the purpose of providing  
32 necessary welfare services, or maintenance, or both.

33 (e) The term “guardianship” means control over the person and  
34 property of a child as established by the order of a court of  
35 competent jurisdiction, and as more specifically defined by the  
36 provisions of this act. Guardianship by the Division of Youth and  
37 Family Services shall be treated as guardianship by the  
38 Commissioner of **[Human Services]** Children and Families  
39 exercised on his behalf wholly by and in the name of the Division  
40 of Youth and Family Services, acting through the chief executive  
41 officer of the division or his authorized representative. Such  
42 exercise of guardianship by the division shall be at all times and in  
43 all respects subject to the supervision of the commissioner.

44 (f) The term “maintenance” means moneys expended by the  
45 Division of Youth and Family Services to procure board, lodging,  
46 clothing, medical, dental, and hospital care, or any other similar or  
47 specialized commodity or service furnished to, on behalf of, or for a  
48 child pursuant to the provisions of this act; maintenance also

1 includes but is not limited to moneys expended for shelter, utilities,  
2 food, repairs, essential household equipment, and other  
3 expenditures to remedy situations of an emergent nature to permit,  
4 as far as practicable, children to continue to live with their families.

5 (g) The term “welfare services” means consultation, counseling,  
6 and referral to or utilization of available resources, for the purpose  
7 of determining and correcting or adjusting matters and  
8 circumstances which are endangering the welfare of a child, and for  
9 the purpose of promoting his proper development and adjustment in  
10 the family and the community.

11 (h) The term “resource family parent” means any person other  
12 than a natural or adoptive parent with whom a child in the care,  
13 custody or guardianship of the Department of **[Human Services]**  
14 Children and Families is placed by the department, or with its  
15 approval, for care, and shall include any person with whom a child  
16 is placed by the division for the purpose of adoption until the  
17 adoption is finalized.

18 (i) The term “resource family home” means and includes  
19 private residences wherein any child in the care, custody or  
20 guardianship of the Department of **[Human Services]** Children and  
21 Families may be placed by the department, or with its approval, for  
22 care, and shall include any private residence maintained by persons  
23 with whom any such child is placed by the division for the purpose  
24 of adoption until the adoption is finalized.

25 (j) The singular includes the plural form.

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

27 (l) The word “may” shall be construed to be permissive.

28 (m) The term “group home” means and includes any single  
29 family dwelling used in the placement of 12 children or less  
30 pursuant to law, recognized as a group home by the Department of  
31 **[Human Services]** Children and Families in accordance with rules  
32 and regulations adopted by the Commissioner of **[Human Services]**  
33 Children and Families; provided, however, that no group home shall  
34 contain more than 12 children.

35 (n) The term “youth facility” means a facility within this State  
36 used to house or provide services to children under this act,  
37 including but not limited to group homes, residential facilities, day  
38 care centers, and day treatment centers.

39 (o) The term “youth facility aid” means aid provided by the  
40 Division of Youth and Family Services to public, private or  
41 voluntary agencies to purchase, construct, renovate, repair, upgrade  
42 or otherwise improve a youth facility in consideration for an  
43 agreement for the agency to provide residential care, day treatment  
44 or other youth services for children in need of such services.

45 (p) The term “day treatment center” means a facility used to  
46 provide counseling, supplemental educational services, therapy, and  
47 other related services to children for whom it has been determined

1 that such services are necessary, but is not used to house these  
2 children in a residential setting.

3 (q) The term “residential facility” means a facility used to house  
4 and provide treatment and other related services on a 24-hour basis  
5 to children determined to be in need of such housing and services.

6 (r) The term “legally responsible person” means the natural or  
7 adoptive parent, or the spouse of a child receiving maintenance  
8 from or through the Division of Youth and Family Services.

9 (s) “Commissioner” means the Commissioner of **[Human**  
10 **Services]** Children and Families.

11 (t) “Department” means the Department of **[Human Services]**  
12 Children and Families.

13 (cf: P.L.2005, c.169, s.4)

14

15 114. Section 3 of P.L.2004, c.130 (C.30:4C-2.3) is amended to  
16 read as follows:

17 3. Notwithstanding any provision of law to the contrary, the  
18 Department of **[Human Services, through the Office of Children's**  
19 **Services or as otherwise designated by the Commissioner of Human**  
20 **Services,]** Children and Families shall provide services to  
21 individuals who are between 18 and 21 years of age and meet the  
22 following conditions:

23 a. The individual was receiving services from the **[Office of**  
24 **Children's Services, or otherwise from the]** department **[as**  
25 **designated by the commissioner]**, on or after the individual's 16th  
26 birthday;

27 b. The individual, on or after the individual's 18th birthday, has  
28 not refused or requested that these services be terminated, as  
29 applicable; and

30 c. The **[Office of Children's Services or another entity**  
31 **designated by the]** commissioner determines that a continuation of  
32 services would be in the individual's best interest and would assist  
33 the individual to become an independent and productive adult.

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

35

36 115. Section 4 of P.L.2004, c.130 (C.30:4C-2.4) is amended to  
37 read as follows:

38 4. a. There is established the New Jersey Child Welfare  
39 Training Academy in the Department of **[Human Services]**  
40 Children and Families for the purpose of providing a training  
41 program to meet the needs of the child welfare system Statewide.  
42 The training program shall provide:

43 (1) pre-service and in-service training for public employees of  
44 the child welfare system;

45 (2) training opportunities for community-based entities and  
46 other child welfare system stakeholders as designated by the  
47 commissioner; and

1 (3) pre-service and in-service training for resource families.

2 b. The academy shall be responsible for developing and  
3 managing the training activities provided under this program, for  
4 which purpose it shall:

5 (1) administer, coordinate and evaluate all training activities  
6 under the program;

7 (2) seek to partner with social work and other professionals to  
8 ensure that the training provided under the program reflects best  
9 practices;

10 (3) develop training curricula, resources and products;

11 (4) schedule and provide notice of training events and provide  
12 training materials for those events;

13 (5) employ and compensate training event instructors as  
14 necessary;

15 (6) create mechanisms and processes to assess, identify and  
16 monitor training needs for public employees of the child welfare  
17 system, including competency-based training;

18 (7) create mechanisms and processes to evaluate the  
19 effectiveness of the training provided under the program;

20 (8) provide for the development of multimedia training tools to  
21 inform, educate and train public agency staff, resource families and  
22 others in the child welfare system;

23 (9) determine the minimum number of pre-service and in-  
24 service training hours required of, and ensure the availability of  
25 sufficient training opportunities for, public agency staff Statewide;  
26 and

27 (10) conduct any other activities necessary to develop,  
28 implement and manage the training program.

29 c. The training provided to resource families pursuant to this  
30 section shall include courses in the role of caregivers as part of the  
31 care and treatment of children requiring out-of-home placement. A  
32 resource family parent shall be required to complete the number of  
33 hours of pre-service and in-service training prescribed under the  
34 training program as a condition of licensure under P.L.2001, c.419  
35 (C.30:4C-27.3 et seq.).

36 (cf: P.L.2004, c.130, s.4)

37

38 116. Section 126 of P.L.2004, c.130 (30:4C-2.5) is amended to  
39 read as follows:

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

44 (cf: P.L.2004, c.130, s.126)

45

46 117. Section 1 of P.L.2003, c.40 (C.30:4C-3.7) is amended to  
47 read as follows:

1       1. a. The Division of Youth and Family Services in the  
2 Department of **【Human Services】** Children and Families shall  
3 provide for the photographing of each child under its custody no  
4 later than two months after the division assumes custody of the  
5 child. A child who is under the custody of the division on the  
6 effective date of this act shall be photographed for the purposes of  
7 this act no later than one year after its effective date.

8       The division shall, in addition, provide for the fingerprinting of  
9 any child under its custody with respect to whom the division  
10 determines, in accordance with criteria as the Commissioner of  
11 **【Human Services】** Children and Families shall establish by  
12 regulation, that the availability of a fingerprint record would be  
13 appropriate; the fingerprints of any child with respect to whom such  
14 a determination is made shall be taken no later than two months  
15 after the division has made that determination.

16       b. The division shall update the photograph of each child taken  
17 pursuant to subsection a. of this section at least every two years. In  
18 addition, the division shall retain the fingerprint information and  
19 photograph of each child for whom such records are taken for at  
20 least one year after the date that the child is no longer under the  
21 custody of the division.

22       c. The division shall be entitled to receive the assistance of any  
23 other State department, division or agency as it may deem necessary  
24 and may receive the assistance of any county or municipal  
25 government agency, as may be available, in carrying out the  
26 provisions of this act.

27 (cf: P.L.2003, c.40, s.1)

28  
29       118. Section 2 of P.L.2003, c.40 (C.30:4C-3.8) is amended to  
30 read as follows:

31       2. The Commissioner of **【Human Services】** Children and  
32 Families, pursuant to the “Administrative Procedure Act,”  
33 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
34 regulations to effectuate the purposes of this act.

35 (cf: P.L.2003, c.40, s.2)

36  
37       119. Section 4 of P.L.1951, c.138 (C.30:4C-4) is amended to  
38 read as follows:

39       4. The **【Office of Children's Services or other entity designated**  
40 **by the commissioner】** Department of Children and Families shall  
41 have the requisite powers to:

42       (a) Exercise general supervision over children for whom care,  
43 custody or guardianship is provided in accordance with Article II of  
44 this act;

45       (b) Administer **【for the Department of Human Services】** the  
46 powers and duties provided in chapter 3 of Title 9 of the Revised

- 1 Statutes (Adoption), as amended and supplemented, as the same  
2 may be delegated and assigned by the department;
- 3 (c) Administer **for the Commissioner of Human Services** the  
4 powers and duties as provided in chapter 7 of Title 9 of the Revised  
5 Statutes (dependent children; bringing into State), as amended and  
6 supplemented, as the same may be delegated and assigned by the  
7 commissioner;
- 8 (d) Administer **for the State Board of Institutional Trustees**  
9 the powers and duties provided in R.S.30:1-14 through 30:1-17 of  
10 chapter 1 of Title 30 of the Revised Statutes (visitation and  
11 inspection), as amended and supplemented**], so far as the same may**  
12 **be delegated and assigned by the State Board of Institutional**  
13 **Trustees]** with respect to institutions, organizations and  
14 noninstitutional agencies for the care, custody and welfare of  
15 children;
- 16 (e) Provide care and exercise supervision over children paroled  
17 or released from State correctional institutions for juveniles in  
18 accordance with rules and regulations established by the State  
19 Board of Control;
- 20 (f) Make investigations or provide supervision of any child in  
21 this State at the request and on behalf of a public or private agency  
22 or institution of any other State;
- 23 (g) Meet and confer, as the unmet needs of New Jersey's  
24 children may require, with representatives of the public welfare  
25 boards and the private agencies and institutions for the care of  
26 children in this State in order that the programs of such boards,  
27 agencies and institutions may be developed and fully utilized and  
28 that there may be a coordination of all public and private facilities  
29 for the protection and care of children;
- 30 (h) Issue such reasonable rules and regulations as may be  
31 necessary for the purpose of carrying into effect the meaning of this  
32 act, which rules and regulations shall be binding so far as they are  
33 consistent with such purpose;
- 34 (i) Promulgate **and file with the Secretary of State, subject to**  
35 **the approval of the Board of Public Welfare,]** rules and regulations  
36 as may be necessary as a basis for the provision for payment for  
37 services rendered by privately sponsored agencies or institutions to  
38 children under the care, custody or guardianship of the division.  
39 Such rules and regulations shall include, but shall not be limited to,  
40 standards of professional training, experience and practices, and  
41 requirements relating to the moral responsibility of the trustees,  
42 officers or other persons supervising or conducting the program, the  
43 adequacy of the facilities, the maintenance of adequate casework  
44 records, and the furnishing of comprehensive reports;
- 45 (j) Enter into written agreements with public, private or  
46 voluntary agencies to provide maintenance, related services, and  
47 youth facility aid to such agencies, subject to a preaward

1 qualification review of the agency's fiscal and programmatic  
2 abilities and periodic reviews.

3 (cf: P.L. 2004, c.130, s.49)  
4

5 120. Section 1 of P.L.1962, c.140 (C.30:4C-4.1) is amended to  
6 read as follows:

7 1. Notwithstanding the provisions of any other law, no action or  
8 proceeding, including an application for a writ of habeas corpus, in  
9 any court which the **【Bureau of Childrens】** Division of Youth and  
10 Family is authorized by law to commence or maintain shall be  
11 commenced or maintained by the **【said bureau】** division, without  
12 the consent and approval of the **【State Board of Control of**  
13 **Institutions and Agencies or】** the Commissioner of **【the Department**  
14 **of Institutions and Agencies】** Children and Families, as hereinafter  
15 provided.

16 (cf: P.L.1964, c.102, s.18)  
17

18 121. Section 2 of P.L.1962, c.140 (C.30:4C-4.2) is amended to  
19 read as follows:

20 2. **【The said State Board of Control, by departmental rule or**  
21 **regulation, may, as to the commencement or maintenance of certain**  
22 **specified actions or proceedings in any court, grant its consent and**  
23 **approval generally, and as to others, require the consent and**  
24 **approval of the Commissioner of the Department of Institutions**  
25 **and Agencies as the duly authorized agent of the State Board of**  
26 **Control, but in】** In no case shall the **【Bureau of Childrens】** Division  
27 of Youth and Family Services, defend against any action or  
28 proceeding or make or oppose any application for a writ of habeas  
29 corpus without the express consent and approval of the **【State**  
30 **Board of Control of Institutions and Agencies thereto or the consent**  
31 **and approval of the】** Commissioner of **【the Department of**  
32 **Institutions and Agencies as the duly authorized agent of the State**  
33 **Board of Control】** Children and Families.

34 (cf: P.L.1964, c.102, s.19)  
35

36 122. Section 12 of P.L.1951, c.138, (C.30:4C-12) is amended to  
37 read as follows:

38 12. Whenever it shall appear that the parent or parents, guardian,  
39 or person having custody and control of any child within this State  
40 is unfit to be entrusted with the care and education of such child, or  
41 shall fail to provide such child with proper protection, maintenance  
42 and education, or shall fail to ensure the health and safety of the  
43 child, or is endangering the welfare of such child, a written or oral  
44 complaint may be filed with the division, or other entity designated  
45 by the commissioner, by any person or by any public or private  
46 agency or institution interested in such child. When such a  
47 complaint is filed by a public or private agency or institution, it

1 shall be accompanied by a summary setting forth the reason for  
2 such complaint and other social history of the child and his family's  
3 situation which justifies such complaint; or, if this is not feasible,  
4 such summary shall be made available to the division, or other  
5 entity within the department that is investigating the complaint, as  
6 soon thereafter as possible. Upon receipt of a complaint as  
7 provided in this section, the division, or other entity designated by  
8 the commissioner, shall investigate, or shall cause to be  
9 investigated, the statements set forth in such complaint. If the  
10 circumstances so warrant, the parent, parents, guardian, or person  
11 having custody and control of the child may be afforded an  
12 opportunity to file an application for care, as provided in section 11  
13 of P.L.1951, c.138 (C.30:4C-11). If the parent, parents, guardian,  
14 or person having custody and control of the child refuses to permit  
15 or in any way impedes an investigation, and the department  
16 determines that further investigation is necessary in the best  
17 interests of the child, the division may thereupon apply to the  
18 Family Part of the Chancery Division of the Superior Court in the  
19 county where the child resides, for an order directing the parent,  
20 parents, guardian, or person having custody and control of the child  
21 to permit immediate investigation. The court, upon such  
22 application, may proceed to hear the matter in a summary manner  
23 and if satisfied that the best interests of the child so require may  
24 issue an order as requested.

25 If, after such investigation has been completed, it appears that  
26 the child requires care and supervision by the division or other  
27 action to ensure the health and safety of the child, the division may  
28 apply to the Family Part of the Chancery Division of the Superior  
29 Court in the county where the child resides for an order making the  
30 child a ward of the court and placing the child under the care and  
31 supervision or custody of the division.

32 The court, at a summary hearing held upon notice to the division,  
33 and to the parent, parents, guardian, or person having custody and  
34 control of the child, if satisfied that the best interests of the child so  
35 require, may issue an order as requested, which order shall have the  
36 same force and effect as the acceptance of a child for care by the  
37 division as provided in section 11 of P.L.1951, c.138 (C.30:4C-11);  
38 provided, however, that such order shall not be effective beyond a  
39 period of six months from the date of entry unless the court, upon  
40 application by the division, at a summary hearing held upon notice  
41 to the parent, parents, guardian, or person having custody of the  
42 child, extends the time of the order.

43 Immediately after the court's order and while the child is in the  
44 division's care, the division shall initiate a search for the child's  
45 mother or father, if they are not known to the division. The search  
46 shall be initiated within 30 days of the court order. The search will  
47 be completed when all sources contacted have either responded to



1 the inquiry or failed to respond within 45 days. The results shall be  
2 valid for six months after the date it was completed.

3 (cf: P.L.2004, c.130, s.52)

4  
5 123. Section 6 of P.L.1991, c.275 (C.30:4C-12.1) is amended to  
6 read as follows:

7 6. a. In any case in which the [Division of Youth and Family  
8 Services] Department of Children and Families accepts a child in  
9 its care or custody, including placement, the [division] department  
10 shall initiate a search for relatives who may be willing and able to  
11 provide the care and support required by the child. The search shall  
12 be initiated within 30 days of the [division's] department's  
13 acceptance of the child in its care or custody. The search will be  
14 completed when all sources contacted have either responded to the  
15 inquiry or failed to respond within 45 days. The [division]  
16 department shall complete an assessment of each interested  
17 relative's ability to provide the care and support, including  
18 placement, required by the child.

19 b. If the [division] department determines that the relative is  
20 unwilling or unable to assume the care of the child, the [division]  
21 department shall not be required to re-evaluate the relative. The  
22 [division] department shall inform the relative in writing of:

23 (1) the reasons for the [division's] department's determination;

24 (2) the responsibility of the relative to inform the [division]  
25 department if there is a change in the circumstances upon which the  
26 determination was made;

27 (3) the possibility that termination of parental rights may occur  
28 if the child remains in resource family care for more than six  
29 months; and

30 (4) the right to seek review by the [division] department of such  
31 determination.

32 c. The [division] department may decide to pursue the  
33 termination of parental rights if the [division] department  
34 determines that termination of parental rights is in the child's best  
35 interests.

36 (cf: P.L.2004, c.130, s.53)

37  
38 124. Section 4 of P.L.2000, c.58 (C.30:4C-15.7) is amended to  
39 read as follows:

40 4. a. If a person voluntarily delivers a child who is or appears to  
41 be no more than 30 days old to, and leaves the child at a State,  
42 county or municipal police station and does not express an intent to  
43 return for the child, a State, county or municipal police officer shall  
44 take the child to the emergency department of a licensed general  
45 hospital in this State and the hospital shall proceed as specified in  
46 subsection b. of this section.

1       b. If a person voluntarily delivers a child who is or appears to  
2 be no more than 30 days old to, and leaves the child at an  
3 emergency department of a licensed general hospital in this State  
4 and does not express an intent to return for the child, or, if a State,  
5 county or municipal police officer brings a child to a licensed  
6 general hospital under the circumstances set forth in subsection a.  
7 of this section, the hospital shall:

8       (1) take possession of the child without a court order;

9       (2) take any action or provide any treatment necessary to protect  
10 the child's physical health and safety; and

11       (3) no later than the first business day after taking possession of  
12 the child, notify the Division of Youth and Family Services in the  
13 Department of **Human Services** Children and Families that the  
14 hospital has taken possession of the child.

15       c. The Division of Youth and Family Services shall assume the  
16 care, custody and control of the child immediately upon receipt of  
17 notice from a licensed general hospital pursuant to paragraph (3) of  
18 subsection b. of this section. The division shall commence a  
19 thorough search of all listings of missing children to ensure that the  
20 relinquished child has not been reported missing.

21       d. A child for whom the Division of Youth and Family  
22 Services assumes care, custody and control pursuant to subsection  
23 c. of this section shall be treated as a child taken into possession  
24 without a court order.

25       e. It shall be an affirmative defense to prosecution for  
26 abandonment of a child that the parent voluntarily delivered the  
27 child to and left the child at, or voluntarily arranged for another  
28 person to deliver the child to and leave the child at, a State, county  
29 or municipal police station as provided in subsection a. of this  
30 section or the emergency department of a licensed general hospital  
31 in this State as provided in subsection b. of this section. Nothing in  
32 this subsection shall be construed to create a defense to any  
33 prosecution arising from any conduct other than the act of  
34 delivering the child as described herein, and this subsection  
35 specifically shall not constitute a defense to any prosecution arising  
36 from an act of abuse or neglect committed prior to the delivery of  
37 the child to a State, county or municipal police station as provided  
38 in subsection a. of this section or the emergency department of a  
39 licensed general hospital in this State as provided in subsection b.  
40 of this section.

41       f. A State, county or municipal police officer and the  
42 governmental jurisdiction employing that officer or an employee of  
43 an emergency department of a licensed general hospital in this State  
44 and the hospital employing that person shall incur no civil or  
45 criminal liability for any good faith acts or omissions performed  
46 pursuant to this section.

47       g. Any person who voluntarily delivers a child who is or  
48 appears to be no more than 30 days old to a licensed general

1 hospital or a police station in accordance with this section shall not  
2 be required to disclose that person's name or other identifying  
3 information or that of the child or the child's parent, if different  
4 from the person who delivers the child to the hospital or police  
5 station, or provide background or medical information about the  
6 child, but may voluntarily do so.

7 (cf: P.L.2000, c.58, s.4)

8  
9 125. Section 6 of P.L.2000, c.58 (C.30:4C-15.9) is amended to  
10 read as follows:

11 6. a. The Commissioner of **[Human Services]** Children and  
12 Families, in consultation with the Commissioner of Health and  
13 Senior Services, shall establish an educational and public  
14 information program to promote safe placement alternatives for  
15 newborn infants, the confidentiality offered to birth parents and  
16 information regarding adoption procedures. This campaign shall  
17 include the establishment of a 24-hour, toll free hotline to assist in  
18 making information about the safe haven procedures established by  
19 P.L.2000, c.58 (C.30:4C-15.5 et al.) as widely available as possible.

20 b. The Department of **[Human Services]** Children and  
21 Families shall provide to licensed general hospitals in this State and  
22 State, county or municipal police stations information about  
23 relevant social service agencies which may be made available to  
24 any person voluntarily delivering a child as provided in section 4 of  
25 P.L.2000, c.58 (C.30:4C-15.7).

26 (cf: P.L.2000, c.58, s.6)

27  
28 126. Section 9 of P.L.2000, c.58 (C.30:4C-15.10) is amended to  
29 read as follows:

30 9. The Commissioner of **[Human Services]** Children and  
31 Families, in consultation with the Commissioner of Health and  
32 Senior Services and pursuant to the "Administrative Procedure  
33 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
34 regulations to effectuate the purposes of this act.

35 (cf: P.L.2000, c.58, s.9)

36  
37 127. Section 1 of P.L.2005, c.294 is amended to read as follows:

38 1. The Legislature finds and declares that:

39 a. The "New Jersey Safe Haven Infant Protection Act,"  
40 P.L.2000, c.58 (C.30:4C-15.5 et seq.) is intended to provide for the  
41 emergency possession of certain abandoned newborn infants in such  
42 a manner as to ensure the anonymity, confidentiality and freedom  
43 from prosecution that may encourage a parent who may be under  
44 severe emotional stress to leave an infant at a safe haven and  
45 thereby save that infant's life;

46 b. This statute requires the Commissioner of **[Human Services]**  
47 Children and Families to establish an educational and public  
48 information program to promote safe placement alternatives for

1 newborn infants, the confidentiality offered to birth parents and  
2 information regarding adoption procedures;

3 c. Pursuant to the Safe Haven law, the Department of **Human**  
4 **Services** Children and Families established a multifaceted media  
5 campaign to inform the public about its provisions, and this effort  
6 has included: a 24-hour toll-free telephone hotline; public service  
7 announcements on radio and cable television; posters for display in  
8 social service agencies, high schools, stores and churches; pocket  
9 cards and brochures in both English and Spanish; and advertising in  
10 local and college newspapers and on billboards and buses;

11 d. Despite these efforts to promote public awareness of the Safe  
12 Haven law, unlawful abandonment of newborn infants continues to  
13 be a problem in New Jersey, as evidenced by the finding of three  
14 newborn infants who were unlawfully abandoned during a three-  
15 week period in January 2004, instead of being dropped off safely as  
16 provided under P.L.2000, c.58, with the consequent loss of life for  
17 one of those infants; and

18 e. The indications of this continuing problem raise questions  
19 about whether the existing efforts to disseminate information about  
20 the provisions of the Safe Haven law can create sufficient public  
21 awareness to alleviate the problem of unlawful baby abandonment  
22 and thereby achieve the intent of the "New Jersey Safe Haven  
23 Infant Protection Act."

24 (cf: P.L.2005, c.294, s.1)

25  
26 128. Section 2 of P.L.2005, c.294 is amended to read as follows:

27 2. There is established the Safe Haven Awareness Promotion  
28 Task Force in the Department of **Human Services** Children and  
29 Families. The purpose of the task force shall be to study and  
30 evaluate the efficacy of existing efforts to promote awareness  
31 among the general public of the provisions of the "New Jersey Safe  
32 Haven Infant Protection Act," P.L.2000, c.58 (C.30:4C-15.5 et  
33 seq.), and develop recommendations relating to specific actionable  
34 measures to support and enhance efforts that would improve the  
35 effectiveness of the campaign to promote public awareness of the  
36 Safe Haven law.

37 (cf: P.L.2005, c.294, s.2)

38  
39 129. Section 3 of P.L.2005, c.294 is amended to read as follows:

40 3. a. The task force shall consist of 19 members as follows:

41 (1) the Commissioners of Health and Senior Services, **Human**  
42 **Services** Children and Families and Education, the Director of the  
43 Division on Women in the Department of Community Affairs and  
44 the Child Advocate, or their designees, who shall serve ex officio;  
45 and

46 (2) 14 public members, who shall be appointed by the Governor  
47 no later than the 30th day after the effective date of this act, as

1 follows: one person upon the recommendation of the Association  
2 for Children of New Jersey; one person upon the recommendation  
3 of the New Jersey Chapter of the National Association of Social  
4 Workers; one person upon the recommendation of the School of  
5 Social Work at Rutgers, The State University of New Jersey; one  
6 person upon the recommendation of Foster and Adoptive Family  
7 Services; one person upon the recommendation of the American  
8 Academy of Pediatrics-New Jersey Chapter; one person upon the  
9 recommendation of the New Jersey Education Association; one  
10 person upon the recommendation of the New Jersey State School  
11 Nurses Association; one person upon the recommendation of the  
12 New Jersey Hospital Association; one person upon the  
13 recommendation of the Mental Health Association in New Jersey;  
14 one person upon the recommendation of the New Jersey Task Force  
15 on Child Abuse and Neglect, one person upon the recommendation  
16 of the New Jersey Catholic Conference; one person upon the  
17 recommendation of New Jersey Right to Life; and two members of  
18 the public with a demonstrated expertise in issues relating to the  
19 work of the task force.

20 Vacancies in the membership of the task force shall be filled in  
21 the same manner provided for the original appointments.

22 b. The Commissioner of **【Human Services】** Children and  
23 Families or the commissioner's designee shall serve as chairperson  
24 of the task force. The task force shall organize as soon as  
25 practicable following the appointment of its members and shall  
26 select a vice-chairperson from among the members. The chairperson  
27 shall appoint a secretary who need not be a member of the task  
28 force.

29 c. The public members shall serve without compensation, but  
30 shall be reimbursed for necessary expenses incurred in the  
31 performance of their duties and within the limits of funds available  
32 to the task force.

33 d. The task force shall be entitled to call to its assistance and  
34 avail itself of the services of the employees of any State, county or  
35 municipal department, board, bureau, commission or agency as it  
36 may require and as may be available to it for its purposes.

37 e. The task force may meet and hold hearings at the places it  
38 designates during the sessions or recesses of the Legislature.

39 f. The Department of **【Human Services】** Children and Families  
40 shall provide staff support to the task force.

41 (cf: P.L.2005, c.294, s.3)

42

43 130. Section 26 of P.L.1951, c.138 (C.30:4C-26) is amended to  
44 read as follows:

45 26. a. Whenever the circumstances of a child are such that his  
46 needs cannot be adequately met in his own home, the division may  
47 effect his placement in a resource family home, with or without  
48 payment of board, in a group home, or in an appropriate institution

1 if such care is deemed essential for him. The division shall make  
2 every reasonable effort to select a resource family home, a group  
3 home or an institution of the same religious faith as the parent or  
4 parents of such child.

5 b. Whenever the division shall place any child, as provided by  
6 this section, in any municipality and county of this State, the child  
7 shall be deemed a resident of such municipality and county for all  
8 purposes except school funding, and he shall be entitled to the use  
9 and benefit of all health, recreational, vocational and other  
10 facilities of such municipality and county in the same manner and  
11 extent as any other child living in such municipality and county.

12 c. Whenever the division shall place any child, as provided by  
13 this section, in any school district, the child shall be entitled to the  
14 educational benefits of such district; provided, however, that the  
15 district of residence, as determined by the Commissioner of  
16 Education pursuant to law, shall be responsible for paying tuition  
17 for such child to the district in which he is placed.

18 d. No municipality shall enact a planning or zoning ordinance  
19 governing the use of land by, or for, single family dwellings which  
20 shall, by any of its terms or provisions or by any rule or regulation  
21 adopted in accordance therewith, discriminate between children  
22 who are members of such single families by reason of their  
23 relationship by blood, marriage or adoption, children placed with  
24 such families in such dwellings by the division[, Office of  
25 Children's Services] or other entity designated by the  
26 Commissioner of [Human Services] Children and Families, and  
27 children placed pursuant to law with families in single family  
28 dwellings known as group homes.

29 Any planning or zoning ordinance, heretofore or hereafter  
30 enacted by a municipality, which violates the provisions of this  
31 section, shall be invalid and inoperative.

32 (cf: P.L. 2004, c.130, s.58)

33

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

36 1. As used in this act "resource family home" means and  
37 includes private residences wherein any child in the care, custody or  
38 guardianship of the Department of [Human Services] Children and  
39 Families may be placed by the department, or with its approval, for  
40 care, and shall include any private residence maintained by persons  
41 with whom any such child is placed by the Division of Youth and  
42 Family Services for the purpose of adoption until the adoption is  
43 finalized.

44 (cf: P.L. 2005, c.169, s.5)

45

46 132. Section 2 of P.L.1962, c.137 (C.30:4C-26.2) is amended to  
47 read as follows:

1       2. The **【Bureau of Childrens】** Division of Youth and Family  
2       Services, shall establish and maintain, within the limits of available  
3       appropriations, child care shelters in such numbers and at such  
4       locations throughout the State as the Commissioner of **【the**  
5       Department of Institutions and Agencies with the approval of the  
6       State Board of Control**】** Children and Families shall deem to be  
7       necessary.

8       (cf: P.L.1964, c.102, s.12)

9  
10       133. Section 1 of P.L.1962, c.136 (C.30:4C-26.4) is amended to  
11       read as follows:

12       1. As used in this act “resource family parent” shall mean any  
13       person with whom a child in the care, custody or guardianship of  
14       the Department of **【Human Services】** Children and Families is  
15       placed by the department, or with its approval, for care and shall  
16       include any person with whom a child is placed by the Division of  
17       Youth and Family Services for the purpose of adoption until the  
18       adoption is finalized.

19       (cf: P.L.2005, c.169, s.6)

20

21       134. Section 1 of P.L.1962, c.139 (C.30:4C-26.6) is amended to  
22       read as follows:

23       1. As used in this act "resource family parent" shall mean any  
24       person with whom a child in the care, custody or guardianship of  
25       the Department of **【Human Services】** Children and Families is  
26       placed by the department, or with its approval, for care and shall  
27       include any person with whom a child is placed by the Division of  
28       Youth and Family Services for the purpose of adoption until the  
29       adoption is finalized.

30       (cf: P.L.2005, c.169, s.7)

31

32       135. Section 1 of P.L.1985, c.396 (C30:4C-26.8) is amended to  
33       read as follows:

34       1. a. A person, in addition to meeting other requirements as may  
35       be established by the Department of **【Human Services】** Children  
36       and Families, shall become a resource family parent or eligible to  
37       adopt a child only upon the completion of an investigation to  
38       ascertain if there is a State or federal record of criminal history for  
39       the prospective adoptive or resource family parent or any other  
40       adult residing in the prospective parent's home. The investigation  
41       shall be conducted by the Division of State Police in the  
42       Department of Law and Public Safety and shall include an  
43       examination of its own files and the obtaining of a similar  
44       examination by federal authorities.

45       b. If the prospective resource family parent or any adult  
46       residing in the prospective parent's home has a record of criminal  
47       history, the Department of **【Human Services】** Children and

1 Families shall review the record with respect to the type and date of  
2 the criminal offense and make a determination as to the suitability  
3 of the person to become a resource family parent or the suitability  
4 of placing a child in that person's home, as the case may be.

5 c. For the purposes of this section, a conviction for one of the  
6 offenses enumerated in subsection d. or e. of this section has  
7 occurred if the person has been convicted under the laws of this  
8 State or any other state or jurisdiction for an offense that is  
9 substantially equivalent to the offenses enumerated in these  
10 subsections.

11 d. A person shall be disqualified from being a resource family  
12 parent or shall not be eligible to adopt a child if that person or any  
13 adult residing in that person's household ever committed a crime  
14 which resulted in a conviction for:

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

18 (2) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
19 to N.J.S.2C:11-4;

20 (3) aggravated assault which would constitute a crime of the  
21 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

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

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

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

29 (7) robbery which would constitute a crime of the first degree  
30 pursuant to N.J.S.2C:15-1;

31 (8) burglary which would constitute a crime of the second  
32 degree pursuant to N.J.S.2C:18-2;

33 (9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
34 et seq.);

35 (10) endangering the welfare of an incompetent person pursuant  
36 to N.J.S.2C:24-7 or endangering the welfare of an elderly or  
37 disabled person pursuant to N.J.S.2C:24-8;

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

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

42 (13) an attempt or conspiracy to commit an offense listed in  
43 paragraphs (1) through (12) of this subsection.

44 e. A person shall be disqualified from being a resource family  
45 parent if that person or any adult residing in that person's household  
46 was convicted of one of the following crimes and the date of release  
47 from confinement occurred during the preceding five years:

48 (1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;



1 (2) aggravated assault which would constitute a crime of the  
2 fourth degree pursuant to subsection b. of N.J.S.2C:12-1;

3 (3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1  
4 et seq.);

5 (4) robbery which would constitute a crime of the second degree  
6 pursuant to N.J.S.2C:15-1;

7 (5) burglary which would constitute a crime of the third degree  
8 pursuant to N.J.S.2C:18-2; or

9 (6) an attempt or conspiracy to commit an offense listed in  
10 paragraphs (1) through (5) of this subsection.

11 For the purposes of this subsection, the “date of release from  
12 confinement” means the date of termination of court-ordered  
13 supervision through probation, parole, or residence in a correctional  
14 facility, whichever date occurs last.

15 For purposes of this section, “resource family parent” means any  
16 person with whom a child in the care, custody or guardianship of  
17 the Department of **【Human Services】** Children and Families is  
18 placed by the department, or with its approval, for care and shall  
19 include any person with whom a child is placed by the Division of  
20 Youth and Family Services for the purpose of adoption until the  
21 adoption is finalized.

22 (cf: P.L.2005, c.169, s.8)

23

24 136. Section 1 of P.L.1989, c.21 (C.30:4C-26.9) is amended to  
25 read as follows:

26 1. The Department of **【Human Services】** Children and  
27 Families may grant approval to a prospective resource family parent  
28 for a period not to exceed six months, upon completion of the State  
29 portion of the criminal history record investigation required  
30 pursuant to P.L.1985, c.396 (C.30:4C-26.8), pending completion  
31 and review of the federal portion of the criminal history record  
32 investigation required pursuant to that act, if (1) the State portion of  
33 the criminal history record investigation indicates no information  
34 which would disqualify the person, (2) the prospective resource  
35 family parent and any adult residing in the prospective resource  
36 family parent's home submit a sworn statement to the Department of  
37 **【Human Services】** Children and Families attesting that the person  
38 does not have a record of criminal history which would disqualify  
39 the person and (3) there is substantial compliance with department  
40 standards for resource family homes indicating there is no risk to a  
41 child's health or safety.

42 For purposes of this section, “resource family parent” means any  
43 person with whom a child in the care, custody or guardianship of  
44 the Department of **【Human Services】** Children and Families is  
45 placed by the department, or with its approval, for care and shall  
46 include any person with whom a child is placed by the Division of  
47 Youth and Family Services for the purpose of adoption until the

1 adoption is finalized.  
2 (cf: P.L. 2005, c.169, s.9)

3  
4 137. Section 1 of P.L.1962, c.135 (C.30:4C-27.1) is amended to  
5 read as follows:

6 1. As used in this act “resource family parent” shall mean any  
7 person with whom a child in the care, custody or guardianship of  
8 the Department of **Human Services** Children and Families is  
9 placed by the department, or with its approval, for care and shall  
10 include any person with whom a child is placed by the Division of  
11 Youth and Family Services for the purpose of adoption until the  
12 adoption is finalized.  
13 (cf: P.L.2005, c.169, s.10)

14  
15 138. Section 3 of P.L.2001, c.419 (C.30:4C-27.5) is amended to  
16 read as follows:

17 3. As used in this act:

18 “Child” means a person who: is either under the age of 18 or  
19 meets the criteria set forth in subsection f. of section 2 of P.L.1972,  
20 c.81 (C.9:17B-2); and is under the care or custody of the division or  
21 another public or private agency authorized to place children in  
22 New Jersey.

23 “Commissioner” means the Commissioner of **Human Services**  
24 Children and Families.

25 “Department” means the Department of **Human Services**  
26 Children and Families.

27 “Division” means the Division of Youth and Family Services in  
28 the Department of **Human Services** Children and Families.

29 “Resource family home” or “home” means a private residence,  
30 other than a children's group home or shelter home, in which board,  
31 lodging, care and temporary out-of-home placement services are  
32 provided by a resource family parent on a 24-hour basis to a child  
33 under the auspices of the division or any public or private agency  
34 authorized to place children in New Jersey.

35 “Resource family parent” means a person who has been licensed  
36 pursuant to this act to provide resource family care to five or fewer  
37 children, including a child who has been placed by the division with  
38 the person for the purpose of adoption, except that the department  
39 may license a resource family parent to provide care for more than  
40 five children, if necessary, to keep sibling groups intact or to serve  
41 the best interests of the children in the home.

42 “License” means a document issued by the department to a  
43 person who meets the requirements of this act to provide resource  
44 family care to children in the person's home.

45 (cf: P.L.2005, c.169, s.11)

46  
47 139. Section 1 of P.L.2003, c.186 (C.30:4C-27.16) is amended  
48 to read as follows:

1       1. As used in sections 1 through 6 and 8 through 11 of this act:

2       “Department” means the Department of **【Human Services】**  
3 Children and Families.

4       “Division” means the Division of Youth and Family Services in  
5 the Department of **【Human Services】** Children and Families.

6       “Residential child care facility” or “facility” means any public or  
7 private establishment subject to the regulatory authority of the  
8 department that provides room, board, care, shelter or treatment  
9 services for children on a 24-hour-a-day basis. The term shall  
10 include: residential facilities operated by or under contract or  
11 agreement with the division to serve 13 or more children with  
12 emotional or behavioral problems as defined pursuant to section 2  
13 of P.L.1951, c.138 (C.30:4C-2); State-operated children's  
14 psychiatric facilities providing inpatient treatment; group homes,  
15 treatment homes, teaching family homes, alternative care homes  
16 and supervised transitional living homes operated by or under  
17 contract or agreement with the division to serve 12 or fewer  
18 children with emotional or behavioral problems as defined pursuant  
19 to N.J.A.C.10:128-1.2; and shelter care facilities and homes,  
20 including shelters serving children in juvenile-family crisis and in  
21 need of temporary shelter care, as defined pursuant to section 3 of  
22 P.L.1982, c.77 (C.2A:4A-22).

23       “Staff member” means an individual 18 years of age or older  
24 who is an administrator of, employed by, or works in a facility on a  
25 regularly scheduled basis during the facility's operating hours,  
26 including full-time, part-time, voluntary, contract, consulting and  
27 substitute staff, whether compensated or not.  
28 (cf: P.L. 2004, c.130, s.125)

29

30       140. Section 1 of P.L.1962, c.142 (C.30:4C-29.1) is amended to  
31 read as follows:

32       1. a. In any case in which the Department of **【Human Services】**  
33 Children and Families, through the Division of Youth and Family  
34 Services, is providing care or custody for any child when the child  
35 is in a resource family home, any legally responsible person of the  
36 child, if of sufficient financial ability, is liable for the full costs of  
37 maintenance of the child incurred by the division. If the legally  
38 responsible person is of insufficient financial ability, the person is  
39 liable in an amount which a court of competent jurisdiction directs  
40 according to a scheduled rate approved by the division. Nothing  
41 contained herein shall prevent the legally responsible person from  
42 voluntarily executing an agreement for payment to the division for  
43 the costs of maintenance of the child receiving care or custody  
44 when the child is in a resource family home.

45       b. The division shall have a lien against the property of the  
46 legally responsible person in an amount equal to the amount to be  
47 paid, which lien shall have priority over all unrecorded  
48 encumbrances.

1 c. If the legally responsible person fails to reimburse the  
2 department, through the division, for the costs of maintenance of a  
3 child incurred by the division when the child is in a resource family  
4 home, a court of competent jurisdiction, upon the complaint of the  
5 Commissioner of **【Human Services】** Children and Families, may  
6 summon the legally responsible person and other witnesses, and  
7 may order the legally responsible person to pay an amount to the  
8 department, according to a scheduled rate approved by the division.

9 d. In any case in which the department, through the division,  
10 has agreed to provide youth facilities aid to a public, private or  
11 voluntary agency pursuant to this act, the division shall have a lien  
12 against the property of any person, persons or agency so  
13 contracting, in an amount equal to the amount or amounts so  
14 contracted to be paid, which lien shall have priority over all  
15 unrecorded encumbrances. Such lien shall be reduced for each year  
16 of service provided by the agency at a rate to be negotiated by the  
17 division and the agency, but in no case more than 20% a year;  
18 provided, however, that annual reductions shall not exceed \$10,000.  
19 (cf: P.L.2004, c.130, s.80)

20  
21 141. Section 3 of P.L.1977, c.424 (C.30:4C-52) is amended to  
22 read as follows:

23 3. As used in this act, unless the context indicates otherwise:

24 a. “Child” means any person less than 18 years of age;

25 b. “Child placed outside his home” means a child under the  
26 care, custody or guardianship of the division who resides in a  
27 resource family home, group home, residential treatment facility,  
28 shelter for the care of abused or neglected children or juveniles  
29 considered as juvenile-family crisis cases, or independent living  
30 arrangement operated by or approved for payment by the division,  
31 or a child who has been placed by the division in the home of a  
32 person who is not related to the child and does not receive any  
33 payment for the care of the child from the division, or a child placed  
34 by the court in juvenile-family crisis cases pursuant to P.L.1982,  
35 c.77 (C.2A:4A-20 et seq.), but does not include a child placed by  
36 the court in the home of a person related to the child who does not  
37 receive any payment from the division for the care of the child;

38 c. “County of supervision” means the county in which the  
39 division has established responsibility for supervision of the child;

40 d. “Division” means the Division of Youth and Family  
41 Services in the Department of **【Human Services】** Children and  
42 Families;

43 e. “Temporary caretaker” means a resource family parent as  
44 defined in section 1 of P.L.1962, c.136 (C.30:4C-26.4) or a director  
45 of a group home or residential treatment facility;

46 f. “Designated agency” means an agency designated by the  
47 court pursuant to P.L.1982, c.80 (C.2A:4A-76 et seq.) to develop a

1 family services plan.  
2 (cf: P.L. 2005, c.169, s.13)

3  
4 142. Section 1 of P.L.1991, c.448 (C.30:4C-53.1) is amended to  
5 read as follows:

6 1. The Legislature finds and declares that it is in the public  
7 interest, whereby the safety of children shall be of paramount  
8 concern, to afford every child placed outside his home by the  
9 Division of Youth and Family Services in the Department of  
10 **【Human Services】** Children and Families with permanency through  
11 return to his own home, if the child can be returned home without  
12 endangering the child's health or safety; through adoption, if family  
13 reunification is not possible; or through an alternative permanent  
14 placement, if termination of parental rights is not appropriate:

15 a. Due to the severity of health and social problems such as  
16 AIDS, drug abuse and homelessness, the division often works with  
17 families over a period of many years, and the children of these  
18 families often spend a majority of their young lives in resource  
19 family care; and

20 b. Research has shown that the longer children remain in the  
21 resource family care system, the greater number of placements they  
22 experience. As a result of these multiple placements, from birth  
23 family to resource family home and from one resource family home  
24 to another resource family home, children develop emotional and  
25 psychological problems, making it more difficult for them to  
26 develop a positive self-image; and

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

28 d. The obligation of the State to recognize and protect the  
29 rights of children in the child welfare system should be fulfilled in  
30 the context of a clear and consistent policy which limits the  
31 repeated placement of children in resource family care and  
32 promotes the eventual placement of these children in stable and safe  
33 permanent homes.

34 (cf: P.L.2004, c.130, s.84)

35  
36 143. Section 5 of P.L.1991, c.448 (C.30:4C-53.5) is amended to  
37 read as follows:

38 5. Pursuant to the "Administrative Procedure Act," P.L.1968,  
39 c.410 (C.52:14B-1 et seq.), the Commissioner of **【Human Services】**  
40 Children and Families shall adopt all rules and regulations  
41 necessary to effectuate the purposes of this act.

42 (cf: P.L.1991, c.448, s.5)

43  
44 144. Section 4 of P.L.1992, c.111 (C.30:4C-69) is amended to  
45 read as follows:

46 4. The Commissioner of **【Human Services】** Children and  
47 Families shall develop an interdepartmental plan for the  
48 implementation of an individualized, appropriate child and family

1 driven care system for children with special emotional needs and  
2 for the reduction of inappropriate use of out-of-home placements of  
3 these children. The plan shall first address children ready to be  
4 returned from [institutions such as the Arthur Brisbane Child  
5 Treatment Center and other] in-State and out-of-State residential  
6 facilities, and those at imminent risk of extended out-of-home  
7 placement. The commissioner shall consult with appropriate  
8 representatives from the State departments of Education, Human  
9 Services, Corrections, Health and Senior Services, Community  
10 Affairs and the Public Advocate, the Child Advocate, the private  
11 entity, if any, designated by the Governor as the State's mental  
12 health protection and advocacy agency, the Statewide Children's  
13 Coordinating Council in the Department of [Human Services]  
14 Children and Families, the Administrative Office of the Courts, and  
15 Statewide family advocacy groups, in the development of the plan.

16 (cf: P.L. 2005, c.155, s.90)

17  
18 145. Section 5 of P.L.1992, c.111 (C.30:4C-70) is amended to  
19 read as follows:

20 5. A county may establish a CART and CIACC in accordance  
21 with the provisions of this act. In the event that a county does not  
22 establish a CART or CIACC, the Department of [Human Services]  
23 Children and Families may establish a CART or CIACC for that  
24 county.

25 (cf: P.L.1992, c.111, s.5)

26  
27 146. Section 6 of P.L.1992, c.111 (C.30:4C-71) is amended to  
28 read as follows:

29 6. The plan shall:

30 a. Assess current policies and activities of all divisions in the  
31 Department of [Human Services] Children and Families in the  
32 implementation of the individualized, appropriate child and family  
33 driven care system;

34 b. Assess the implementation of the policies and procedures of  
35 the Case Assessment Resource Teams (CARTs) and the County  
36 Inter-Agency Coordinating Councils (CIACCs) sanctioned by the  
37 Department of [Human Services] Children and Families to be  
38 certain, among other things, that a family using the services is a full  
39 participant in the CART/CIACC process;

40 c. Be consistent with principles set forth in section 7 of this act;

41 d. Set forth specific timelines and procedures for the  
42 implementation of new policies and practices that shall be  
43 undertaken to develop a system of care which is integrated across  
44 divisional and departmental lines;

45 e. Specify the role and function of the CARTs and CIACCs in  
46 developing the individualized, appropriate child and family driven  
47 care system;

1 f. Recommend departmental or divisional organizational changes  
2 required to execute the system of care;

3 g. Specify the interdepartmental amounts and sources of  
4 financial resources required to implement and maintain a  
5 coordinated system of care;

6 h. Develop a mechanism to guarantee that savings accrued  
7 through implementation of this plan be applied to community-based  
8 children's services;

9 i. Identify funding mechanisms compatible with individual  
10 county needs to carry out the purposes of this act;

11 j. Develop a system to monitor and evaluate the outcomes for  
12 children with special emotional needs who have received  
13 community-based services as a result of the implementation of an  
14 individualized, appropriate child and family driven care system;

15 k. Develop an independent evaluation mechanism to report at  
16 least quarterly, which is designed to enhance and evaluate the  
17 CART/CIACC inter-agency system at both the local and Statewide  
18 levels;

19 l. Describe all services, both public and private, including  
20 rehabilitation services, vocational services, substance abuse  
21 services, housing services, educational services, medical and dental  
22 care to be provided by local school systems under the "Education of  
23 the Handicapped Act," (20 U.S.C. s.1401 et seq.); and

24 m. Describe how parents will be involved in the development of  
25 the plan and how the plan will insure their full participation in the  
26 CART/CIAAC process.

27 (cf: P.L.1992, c.111, s.6)

28  
29 147. Section 8 of P.L.1992, c.111 (C.30:4C-73) is amended to  
30 read as follows:

31 8. Any monies saved by the Department of **[Human Services]**  
32 Children and Families in preventing the out-of-home placement of  
33 children pursuant to this act shall be used by the department to  
34 provide services pursuant to the interdepartmental plan developed  
35 pursuant to this act.

36 (cf: P.L.1992, c.111, s.8)

37  
38 148. Section 3 of P.L.1993, c.157 (C.30:4C-76) is amended to  
39 read as follows:

40 3. a. The Department of **[Human Services]** Children and  
41 Families may establish, through purchase of service contracts with  
42 community-based organizations, at least one family preservation  
43 services program in each county in the State. The program shall  
44 provide services to families whose children are at imminent risk of  
45 placement as determined by agencies authorized to place children,  
46 or whose children are being prepared for reunification.

47 b. The family preservation services program shall be based on  
48 the following objectives:

(1) The prevention of out-of-home placement by enhancing family functioning and problem solving;

(2) The development of appropriate crisis management and parenting skills;

(3) The provision of services to families, as needed, including transportation, emergency financial assistance for food, clothing and housing, family counseling and substance abuse treatment; and

(4) The development of linkages with service networks and community resources.

(cf: P.L.1993, c.157, s.3)

149. Section 6 of P.L.1993, c.157 (C.30:4C-79) is amended to read as follows:

6. The Department of **【Human Services】** Children and Families shall develop a manual of standards on the operation and programmatic aspects of family preservation services.

(cf: P.L.1993,c.157,s.6)

150. Section 7 of P.L.1993, c.157 (C.30:4C-80) is amended to read as follows:

7. There is established a Family Preservation Services Coordinating Unit in the Department of **【Human Services】** Children and Families. The unit shall consist of persons with knowledge of and experience with the family preservation services program in the State and in all facets of the operation of the program. The coordinating unit personnel shall be appointed by the Commissioner of **【Human Services】** Children and Families. The coordinating unit shall develop, monitor and implement all phases of the family preservation services initiative and its activities will include the provision of technical support and the establishment and the monitoring of all family preservation services programs throughout the State.

(cf: P.L.1993, c.157, s.7)

151. Section 8 of P.L.1993, c.157 (C.30:4C-81) is amended to read as follows:

8. The Commissioner of **【Human Services】** Children and Families shall report to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature by December 31 of each year, on the family preservation services program. The annual report shall contain, but not be limited to:

a. The number of families receiving services through the program;

b. The number of children placed in resource family care, group homes and residential treatment facilities, both in-State and out-of-State;

c. The average cost of providing services to a family through the program;



1 d. The number of children who remain with their families for  
2 one year after receiving services through the program; and

3 e. Any recommendations needed to improve the delivery of  
4 family preservation services in the State.

5 (cf: P.L.2004, c.130, s.92)

6  
7 152. Section 9 of P.L.1993, c.157 (C.30:4C-82) is amended to  
8 read as follows:

9 9. The Department of **【Human Services】** Children and Families  
10 shall seek to maximize any available federal funding which may be  
11 used for the purposes of administering or providing family  
12 preservation services. Any federal funding made available under  
13 this section shall be used to supplement and shall not supplant State  
14 funds used to carry out the purposes of this act.

15 (cf: P.L.1993, c.157, s.9)

16  
17 153. Section 10 of P.L.1993, c.157 (C.30:4C-83) is amended to  
18 read as follows:

19 10. The Commissioner of **【Human Services】** Children and  
20 Families, following prior review and approval from the Office of  
21 Management and Budget, may transfer funds appropriated for  
22 substitute care services to purchase family preservation services  
23 established pursuant to this act.

24 (cf: P.L.1993, c.157, s.10)

25  
26 154. Section 7 of P.L.2001, c.250 (C.30:4C-84) is amended to  
27 read as follows:

28 7. As used in sections 7 through 10 of P.L.2001, c.250  
29 (C.30:4C-84 et seq.):

30 “Caregiver” means a person over 18 years of age, other than a  
31 child's parent, who has a kinship relationship with the child and has  
32 been providing care and support for the child, while the child has  
33 been residing in the caregiver's home, for either the last 12  
34 consecutive months or 15 of the last 22 months. “Caregiver”  
35 includes a resource family parent as defined in section 1 of  
36 P.L.1962, c.136 (C.30:4C-26.4).

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

39 “Commissioner” means the Commissioner of **【Human Services】**  
40 Children and Families.

41 “Court” means the Superior Court, Chancery Division, Family  
42 Part.

43 “Division” means the Division of Youth and Family Services in  
44 the Department of **【Human Services】** Children and Families.

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

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

4 “Kinship legal guardian” means a caregiver who is willing to  
5 assume care of a child due to parental incapacity, with the intent to  
6 raise the child to adulthood, and who is appointed the kinship legal  
7 guardian of the child by the court pursuant to P.L.2001, c.250  
8 (C.3B:12A-1 et al.). A kinship legal guardian shall be responsible  
9 for the care and protection of the child and for providing for the  
10 child's health, education and maintenance.

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

13 (cf: P.L.2005, c.169, s.15)

14  
15 155. Section 11 of P.L.2001 c.250 (C.30:4C-88) is amended to  
16 read as follows:

17 11. The Commissioner of **【Human Services】** Children and  
18 Families, pursuant to the “Administrative Procedure Act,”  
19 P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
20 regulations to effectuate the purposes of this act.

21 (cf: P.L.2001, c.250, s.11)

22  
23 156. Section 2 of P.L.2003, c.132 (C.30:4C-102) is amended to  
24 read as follows:

25 2. There is created in the Department of **【Human Services】**  
26 Children and Families the “Statewide Tuition Waiver Program.”  
27 The purpose of the program is to provide State-paid tuition to  
28 children who have been under the care and custody of the Division  
29 of Youth and Family Services pursuant to section 11 of P.L.1951,  
30 c.138 (C.30:4C-11), and who are interested in pursuing a college or  
31 post-secondary vocational education at a public institution of higher  
32 education or county vocational school in this State.

33 (cf: P.L.2003, c.132, s.2)

34  
35 157. Section 3 of P.L.2003, c.132 (C.30:4C-103) is amended to  
36 read as follows:

37 3. a. A child shall be eligible to qualify for the program if the  
38 child meets the following requirements at the time of the initial  
39 application to the Commissioner of **【Human Services】** Children and  
40 Families for a tuition waiver pursuant to subsection b. of this  
41 section:

42 (1) the child is 16 to 23 years of age;

43 (2) the child:

44 (a) has been in the care and custody of the Division of Youth  
45 and Family Services in the Department of **【Human Services】**  
46 Children and Families for a period of nine months or more  
47 following the child's sixteenth birthday;

1 (b) is or has been residing in an independent living arrangement,  
2 or a transitional living program established pursuant to P.L.1999,  
3 c.224 (C.9:12A-2 et seq.), operated or approved for payment by the  
4 division; or

5 (c) is or has been residing in a transitional living program  
6 located in the State of New Jersey and approved for payment by the  
7 federal government pursuant to the federal "Runaway and Homeless  
8 Youth Act," Title III of Pub.L.93-415 (42 U.S.C.A.s.5701 et seq.);

9 (3) the child has received a high school diploma or a certificate  
10 of high school equivalency; and

11 (4) the child has been granted admission to a New Jersey public  
12 institution of higher education or county vocational school.

13 b. A child who meets the eligibility requirements listed in this  
14 section may apply to the Commissioner of **[Human Services]**  
15 Children and Families for a tuition waiver in a form and manner  
16 prescribed by the commissioner.

17 c. Upon receipt of an application, the Commissioner of  
18 **[Human Services]** Children and Families shall review the  
19 application and if the child meets the program eligibility  
20 requirements, the commissioner shall approve the application and  
21 notify the appropriate New Jersey public institution of higher  
22 education or county vocational school that the child qualifies for a  
23 tuition waiver.

24 d. Eligibility for the program shall be limited to five years from  
25 the date the child applied to the Commissioner of **[Human**  
26 **Services]** Children and Families for a tuition waiver pursuant to  
27 subsection b. of this section.

28 e. Each child approved for the program shall be required to  
29 enroll in a full-time degree, diploma or certificate program or  
30 course of undergraduate study and retain satisfactory academic  
31 progress during the time the child qualifies for a tuition waiver.

32 (cf: P.L.2003, c.132, s.3)

33  
34 158. Section 5 of P.L.2003, c.132 (C.30:4C-105) is amended to  
35 read as follows:

36 5. Subject to the "Administrative Procedure Act," P.L.1968,  
37 c.410 (C.52:14B-1 et seq.), the Commissioner of **[Human Services]**  
38 Children and Families, in consultation with the Higher Education  
39 Student Assistance Authority shall adopt rules and regulations to  
40 effectuate the purposes of this act.

41 (cf: P.L.2003, c.132, s.5)

42  
43 159. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to  
44 read as follows: .

45 3. Definitions. As used in this act, and unless the context  
46 otherwise requires:

- 1 a. "Applicant" means any person who has made application for
- 2 purposes of becoming a "qualified applicant."
- 3 b. "Commissioner" means the Commissioner of Human
- 4 Services.
- 5 c. "Department" means the Department of Human Services,
- 6 which is herein designated as the single State agency to administer
- 7 the provisions of this act.
- 8 d. "Director" means the Director of the Division of Medical
- 9 Assistance and Health Services.
- 10 e. "Division" means the Division of Medical Assistance and
- 11 Health Services.
- 12 f. "Medicaid" means the New Jersey Medical Assistance and
- 13 Health Services Program.
- 14 g. "Medical assistance" means payments on behalf of recipients
- 15 to providers for medical care and services authorized under this act.
- 16 h. "Provider" means any person, public or private institution,
- 17 agency or business concern approved by the division lawfully
- 18 providing medical care, services, goods and supplies authorized
- 19 under this act, holding, where applicable, a current valid license to
- 20 provide such services or to dispense such goods or supplies.
- 21 i. "Qualified applicant" means a person who is a resident of
- 22 this State, and either a citizen of the United States or an eligible
- 23 alien, and is determined to need medical care and services as
- 24 provided under this act, with respect to whom the period for which
- 25 eligibility to be a recipient is determined shall be the maximum
- 26 period permitted under federal law, and who:
- 27 (1) Is a dependent child or parent or caretaker relative of a
- 28 dependent child who would be, except for resources, eligible for the
- 29 aid to families with dependent children program under the State
- 30 Plan for Title IV-A of the federal Social Security Act as of July 16,
- 31 1996;
- 32 (2) Is a recipient of Supplemental Security Income for the Aged,
- 33 Blind and Disabled under Title XVI of the Social Security Act;
- 34 (3) Is an "ineligible spouse" of a recipient of Supplemental
- 35 Security Income for the Aged, Blind and Disabled under Title XVI
- 36 of the Social Security Act, as defined by the federal Social Security
- 37 Administration;
- 38 (4) Would be eligible to receive Supplemental Security Income
- 39 under Title XVI of the federal Social Security Act or, without
- 40 regard to resources, would be eligible for the aid to families with
- 41 dependent children program under the State Plan for Title IV-A of
- 42 the federal Social Security Act as of July 16, 1996, except for
- 43 failure to meet an eligibility condition or requirement imposed
- 44 under such State program which is prohibited under Title XIX of
- 45 the federal Social Security Act such as a durational residency
- 46 requirement, relative responsibility, consent to imposition of a lien;
- 47 (5) (Deleted by amendment, P.L.2000, c.71).

1 (6) Is an individual under 21 years of age who, without regard to  
2 resources, would be, except for dependent child requirements,  
3 eligible for the aid to families with dependent children program  
4 under the State Plan for Title IV-A of the federal Social Security  
5 Act as of July 16, 1996, or groups of such individuals, including but  
6 not limited to, children in resource family placement under  
7 supervision of the Division of Youth and Family Services in the  
8 Department of Children and Families whose maintenance is being  
9 paid in whole or in part from public funds, children placed in a  
10 resource family home or institution by a private adoption agency in  
11 New Jersey or children in intermediate care facilities, including  
12 developmental centers for the developmentally disabled, or in  
13 psychiatric hospitals;

14 (7) Would be eligible for the Supplemental Security Income  
15 program, but is not receiving such assistance and applies for  
16 medical assistance only;

17 (8) Is determined to be medically needy and meets all the  
18 eligibility requirements described below:

19 (a) The following individuals are eligible for services, if they  
20 are determined to be medically needy:

21 (i) Pregnant women;

22 (ii) Dependent children under the age of 21;

23 (iii) Individuals who are 65 years of age and older; and

24 (iv) Individuals who are blind or disabled pursuant to either 42  
25 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.

26 (b) The following income standard shall be used to determine  
27 medically needy eligibility:

28 (i) For one person and two person households, the income  
29 standard shall be the maximum allowable under federal law, but  
30 shall not exceed 133 1/3% of the State's payment level to two  
31 person households under the aid to families with dependent children  
32 program under the State Plan for Title IV-A of the federal Social  
33 Security Act in effect as of July 16, 1996; and

34 (ii) For households of three or more persons, the income standard  
35 shall be set at 133 1/3% of the State's payment level to similar size  
36 households under the aid to families with dependent children  
37 program under the State Plan for Title IV-A of the federal Social  
38 Security Act in effect as of July 16, 1996.

39 (c) The following resource standard shall be used to determine  
40 medically needy eligibility:

41 (i) For one person households, the resource standard shall be  
42 200% of the resource standard for recipients of Supplemental  
43 Security Income pursuant to 42 U.S.C. s.1382(1)(B);

44 (ii) For two person households, the resource standard shall be  
45 200% of the resource standard for recipients of Supplemental  
46 Security Income pursuant to 42 U.S.C. s.1382(2)(B);

1 (iii) For households of three or more persons, the resource  
2 standard in subparagraph (c)(ii) above shall be increased by  
3 \$100.00 for each additional person; and

4 (iv) The resource standards established in (i), (ii), and (iii) are  
5 subject to federal approval and the resource standard may be lower  
6 if required by the federal Department of Health and Human  
7 Services.

8 (d) Individuals whose income exceeds those established in  
9 subparagraph (b) of paragraph (8) of this subsection may become  
10 medically needy by incurring medical expenses as defined in 42  
11 C.F.R.435.831(c) which will reduce their income to the applicable  
12 medically needy income established in subparagraph (b) of  
13 paragraph (8) of this subsection.

14 (e) A six-month period shall be used to determine whether an  
15 individual is medically needy.

16 (f) Eligibility determinations for the medically needy program  
17 shall be administered as follows:

18 (i) County welfare agencies and other entities designated by the  
19 commissioner are responsible for determining and certifying the  
20 eligibility of pregnant women and dependent children. The division  
21 shall reimburse county welfare agencies for 100% of the reasonable  
22 costs of administration which are not reimbursed by the federal  
23 government for the first 12 months of this program's operation.  
24 Thereafter, 75% of the administrative costs incurred by county  
25 welfare  
26 agencies which are not reimbursed by the federal government shall  
27 be reimbursed by the division;

28 (ii) The division is responsible for certifying the eligibility of  
29 individuals who are 65 years of age and older and individuals who  
30 are blind or disabled. The division may enter into contracts with  
31 county welfare agencies to determine certain aspects of eligibility.  
32 In such instances the division shall provide county welfare agencies  
33 with all information the division may have available on the  
34 individual.

35 The division shall notify all eligible recipients of the  
36 Pharmaceutical Assistance to the Aged and Disabled program,  
37 P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the  
38 medically needy program and the program's general requirements.  
39 The division shall take all reasonable administrative actions to  
40 ensure that Pharmaceutical Assistance to the Aged and Disabled  
41 recipients, who notify the division that they may be eligible for the  
42 program, have their applications processed expeditiously, at times  
43 and locations convenient to the recipients; and

44 (iii) The division is responsible for certifying incurred medical  
45 expenses for all eligible persons who attempt to qualify for the  
46 program pursuant to subparagraph (d) of paragraph (8) of this  
47 subsection;

1 (9) (a) Is a child who is at least one year of age and under 19  
2 years of age and, if older than six years of age but under 19 years of  
3 age, is uninsured; and

4 (b) Is a member of a family whose income does not exceed  
5 133% of the poverty level and who meets the federal Medicaid  
6 eligibility requirements set forth in section 9401 of Pub.L.99-509  
7 (42 U.S.C.s.1396a);

8 (10) Is a pregnant woman who is determined by a provider to be  
9 presumptively eligible for medical assistance based on criteria  
10 established by the commissioner, pursuant to section 9407 of  
11 Pub.L.99-509 (42 U.S.C.s.1396a(a));

12 (11) Is an individual 65 years of age and older, or an individual  
13 who is blind or disabled pursuant to section 301 of Pub.L.92-603  
14 (42 U.S.C.s.1382c), whose income does not exceed 100% of the  
15 poverty level, adjusted for family size, and whose resources do not  
16 exceed 100% of the resource standard used to determine medically  
17 needy eligibility pursuant to paragraph (8) of this subsection;

18 (12) Is a qualified disabled and working individual pursuant to  
19 section 6408 of Pub.L.101-239 (42 U.S.C.s.1396d) whose income  
20 does not exceed 200% of the poverty level and whose resources do  
21 not exceed 200% of the resource standard used to determine  
22 eligibility under the Supplemental Security Income Program,  
23 P.L.1973, c.256 (C.44:7-85 et seq.);

24 (13) Is a pregnant woman or is a child who is under one year of  
25 age and is a member of a family whose income does not exceed  
26 185% of the poverty level and who meets the federal Medicaid  
27 eligibility requirements set forth in section 9401 of Pub.L.99-509  
28 (42 U.S.C.s.1396a), except that a pregnant woman who is  
29 determined to be a qualified applicant shall, notwithstanding any  
30 change in the income of the family of which she is a member,  
31 continue to be deemed a qualified applicant until the end of the 60-  
32 day period beginning on the last day of her pregnancy;

33 (14) (Deleted by amendment, P.L.1997, c.272).

34 (15) (a) Is a specified low-income Medicare beneficiary pursuant  
35 to 42 U.S.C.s.1396a(a)10(E)iii whose resources beginning January  
36 1, 1993 do not exceed 200% of the resource standard used to  
37 determine eligibility under the Supplemental Security Income  
38 program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income  
39 beginning January 1, 1993 does not exceed 110% of the poverty  
40 level, and beginning January 1, 1995 does not exceed 120% of the  
41 poverty level.

42 (b) An individual who has, within 36 months, or within 60  
43 months in the case of funds transferred into a trust, of applying to  
44 be a qualified applicant for Medicaid services in a nursing facility  
45 or a medical institution, or for home or community-based services  
46 under section 1915(c) of the federal Social Security Act (42  
47 U.S.C.s.1396n(c)), disposed of resources or income for less than  
48 fair market value shall be ineligible for assistance for nursing

1 facility services, an equivalent level of services in a medical  
2 institution, or home or community-based services under section  
3 1915(c) of the federal Social Security Act (42 U.S.C.s.1396n(c)).  
4 The period of the ineligibility shall be the number of months  
5 resulting from dividing the uncompensated value of the transferred  
6 resources or income by the average monthly private payment rate  
7 for nursing facility services in the State as determined annually by  
8 the commissioner. In the case of multiple resource or income  
9 transfers, the resulting penalty periods shall be imposed  
10 sequentially. Application of this requirement shall be governed by  
11 42 U.S.C.s.1396p(c). In accordance with federal law, this provision  
12 is effective for all transfers of resources or income made on or after  
13 August 11, 1993. Notwithstanding the provisions of this subsection  
14 to the contrary, the State eligibility requirements concerning  
15 resource or income transfers shall not be more restrictive than those  
16 enacted pursuant to 42 U.S.C.s.1396p(c).

17 (c) An individual seeking nursing facility services or home or  
18 community-based services and who has a community spouse shall  
19 be required to expend those resources which are not protected for  
20 the needs of the community spouse in accordance with section  
21 1924(c) of the federal Social Security Act (42 U.S.C.s.1396r-5(c))  
22 on the costs of long-term care, burial arrangements, and any other  
23 expense deemed appropriate and authorized by the commissioner.  
24 An individual shall be ineligible for Medicaid services in a nursing  
25 facility or for home or community-based services under section  
26 1915(c) of the federal Social Security Act (42 U.S.C.s.1396n(c)) if  
27 the individual expends funds in violation of this subparagraph. The  
28 period of ineligibility shall be the number of months resulting from  
29 dividing the uncompensated value of transferred resources and  
30 income by the average monthly private payment rate for nursing  
31 facility services in the State as determined by the commissioner.  
32 The period of ineligibility shall begin with the month that the  
33 individual would otherwise be eligible for Medicaid coverage for  
34 nursing facility services or home or community-based services.

35 This subparagraph shall be operative only if all necessary  
36 approvals are received from the federal government including, but  
37 not limited to, approval of necessary State plan amendments and  
38 approval of any waivers;

39 (16) Subject to federal approval under Title XIX of the federal  
40 Social Security Act, is a dependent child, parent or specified  
41 caretaker relative of a child who is a qualified applicant, who would  
42 be eligible, without regard to resources, for the aid to families with  
43 dependent children program under the State Plan for Title IV-A of  
44 the federal Social Security Act as of July 16, 1996, except for the  
45 income eligibility requirements of that program, and whose family  
46 earned income,

47 (a) if a dependent child, does not exceed 133% of the poverty  
48 level; and



1 (b) if a parent or specified caretaker relative, beginning  
2 September 1, 2005 does not exceed 100% of the poverty level,  
3 beginning September 1, 2006 does not exceed 115% of the poverty  
4 level and beginning September 1, 2007 does not exceed 133% of  
5 the poverty level,  
6 plus such earned income disregards as shall be determined  
7 according to a methodology to be established by regulation of the  
8 commissioner;

9 The commissioner may increase the income eligibility limits for  
10 children and parents and specified caretaker relatives, as funding  
11 permits;

12 (17) Is an individual from 18 through 20 years of age who is not  
13 a dependent child and would be eligible for medical assistance  
14 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to  
15 income or resources, who, on the individual's 18th birthday was in  
16 resource family care under the care and custody of the Division of  
17 Youth and Family Services in the Department of Children and  
18 Families and whose maintenance was being paid in whole or in part  
19 from public funds;

20 (18) Is a person between the ages of 16 and 65 who is  
21 permanently disabled and working, and:

22 (a) whose income is at or below 250% of the poverty level, plus  
23 other established disregards;

24 (b) who pays the premium contribution and other cost sharing as  
25 established by the commissioner, subject to the limits and  
26 conditions of federal law; and

27 (c) whose assets, resources and unearned income do not exceed  
28 limitations as established by the commissioner;

29 (19) Is an uninsured individual under 65 years of age who:

30 (a) has been screened for breast or cervical cancer under the  
31 federal Centers for Disease Control and Prevention breast and  
32 cervical cancer early detection program;

33 (b) requires treatment for breast or cervical cancer based upon  
34 criteria established by the commissioner;

35 (c) has an income that does not exceed the income standard  
36 established by the commissioner pursuant to federal guidelines;

37 (d) meets all other Medicaid eligibility requirements; and

38 (e) in accordance with Pub.L.106-354, is determined by a  
39 qualified entity to be presumptively eligible for medical assistance  
40 pursuant to 42 U.S.C.s.1396a(aa), based upon criteria established by  
41 the commissioner pursuant to section 1920B of the federal Social  
42 Security Act (42 U.S.C.s.1396r-1b); or

43 (20) Subject to federal approval under Title XIX of the federal  
44 Social Security Act, is a single adult or couple, without dependent  
45 children, whose income in 2006 does not exceed 50% of the poverty  
46 level, in 2007 does not exceed 75% of the poverty level and in 2008  
47 and each year thereafter does not exceed 100% of the poverty level;  
48 except that a person who is a recipient of Work First New Jersey

- 1 general public assistance, pursuant to P.L.1947, c.156 (C.44:8-107
- 2 et seq.), shall not be a qualified applicant.
- 3 j. "Recipient" means any qualified applicant receiving benefits
- 4 under this act.
- 5 k. "Resident" means a person who is living in the State
- 6 voluntarily with the intention of making his home here and not for a
- 7 temporary purpose. Temporary absences from the State, with
- 8 subsequent returns to the State or intent to return when the purposes
- 9 of the absences have been accomplished, do not interrupt continuity
- 10 of residence.
- 11 l. "State Medicaid Commission" means the Governor, the
- 12 Commissioner of Human Services, the President of the Senate and
- 13 the Speaker of the General Assembly, hereby constituted a
- 14 commission to approve and direct the means and method for the
- 15 payment of claims pursuant to this act.
- 16 m. "Third party" means any person, institution, corporation,
- 17 insurance company, group health plan as defined in section 607(1)
- 18 of the federal "Employee Retirement and Income Security Act of
- 19 1974," 29 U.S.C.s.1167(1), service benefit plan, health maintenance
- 20 organization, or other prepaid health plan, or public, private or
- 21 governmental entity who is or may be liable in contract, tort, or
- 22 otherwise by law or equity to pay all or part of the medical cost of
- 23 injury, disease or disability of an applicant for or recipient of
- 24 medical assistance payable under this act.
- 25 n. "Governmental peer grouping system" means a separate
- 26 class of skilled nursing and intermediate care facilities administered
- 27 by the State or county governments, established for the purpose of
- 28 screening their reported costs and setting reimbursement rates under
- 29 the Medicaid program that are reasonable and adequate to meet the
- 30 costs that must be incurred by efficiently and economically operated
- 31 State or county skilled nursing and intermediate care facilities.
- 32 o. "Comprehensive maternity or pediatric care provider" means
- 33 any person or public or private health care facility that is a provider
- 34 and that is approved by the commissioner to provide comprehensive
- 35 maternity care or comprehensive pediatric care as defined in
- 36 subsection b. (18) and (19) of section 6 of P.L.1968, c.413
- 37 (C.30:4D-6).
- 38 p. "Poverty level" means the official poverty level based on
- 39 family size established and adjusted under Section 673(2) of
- 40 Subtitle B, the "Community Services Block Grant Act," of
- 41 Pub.L.97-35 (42 U.S.C.s.9902(2)).
- 42 q. "Eligible alien" means one of the following:
- 43 (1) an alien present in the United States prior to August 22,
- 44 1996, who is:
- 45 (a) a lawful permanent resident;
- 46 (b) a refugee pursuant to section 207 of the federal "Immigration
- 47 and Nationality Act" (8 U.S.C.s.1157);

1 (c) an asylee pursuant to section 208 of the federal  
2 "Immigration and Nationality Act" (8 U.S.C.s.1158);

3 (d) an alien who has had deportation withheld pursuant to  
4 section 243(h) of the federal "Immigration and Nationality Act" (8  
5 U.S.C.s.1253 (h));

6 (e) an alien who has been granted parole for less than one year  
7 by the U.S. Citizenship and Immigration Services pursuant to  
8 section 212(d)(5) of the federal "Immigration and Nationality Act"  
9 (8 U.S.C.s.1182(d)(5));

10 (f) an alien granted conditional entry pursuant to section  
11 203(a)(7) of the federal "Immigration and Nationality Act" (8  
12 U.S.C.s.1153(a)(7)) in effect prior to April 1, 1980; or

13 (g) an alien who is honorably discharged from or on active duty  
14 in the United States armed forces and the alien's spouse and  
15 unmarried dependent child.

16 (2) An alien who entered the United States on or after August  
17 22, 1996, who is:

18 (a) an alien as described in paragraph (1)(b), (c), (d) or (g) of  
19 this subsection; or

20 (b) an alien as described in paragraph (1)(a), (e) or (f) of this  
21 subsection who entered the United States at least five years ago.

22 (3) A legal alien who is a victim of domestic violence in  
23 accordance with criteria specified for eligibility for public benefits  
24 as provided in Title V of the federal "Illegal Immigration Reform  
25 and Immigrant Responsibility Act of 1996" (8 U.S.C.s.1641).  
26 (cf: P.L.2005, c.169, s.17)  
27

28 160. Section 10 of P.L.1985, c.307 (C.30:4G-10) is amended to  
29 read as follows:

30 a. There is established in the department an Advisory Council on  
31 Personal Attendant Services which consists of 19 members as  
32 follows: the Commissioner of Health and Senior Services, the  
33 Director of the Division of Youth and Family Services in the  
34 Department of Children and Families, the Director of the Division  
35 of Developmental Disabilities, and the Director of the Division of  
36 Medical Assistance and Health Services **[and the Director of the**  
37 **Division of Veterans' Programs and Special Services]** in the  
38 Department of Human Services, the Director of the Division of  
39 Veterans Services in the Department of Military and Veterans  
40 Affairs, and the Director of the Division of Vocational  
41 Rehabilitation Services in the Department of Labor and Workforce  
42 Development, or their designees, who shall serve ex officio, and 13  
43 members appointed by the commissioner who are residents of this  
44 State, one of whom is a member of the New Jersey Association of  
45 County Representatives of Disabled Persons, four of whom  
46 represent providers of personal attendant services, five of whom  
47 represent consumers of personal attendant services and three of

1 whom represent advocacy groups or agencies for the physically  
2 disabled.

3 A vacancy in the membership of the council shall be filled in the  
4 same manner as the original appointment.

5 The members of the council shall serve without compensation,  
6 but the department shall reimburse the members for the reasonable  
7 expenses incurred in the performance of their duties.

8 b. The council shall hold an organizational meeting within 30  
9 days after the appointment of its members. The members of the  
10 council shall elect from among them a chairman, who shall be the  
11 chief executive officer of the council and the members shall elect a  
12 secretary, who need not be a member of the council.

13 c. The council shall:

14 (1) Advise the commissioner on matters pertaining to personal  
15 attendant services and the development of the personal attendant  
16 program, upon the request of the commissioner;

17 (2) Review the rules and regulations promulgated for the  
18 implementation of the personal attendant program and make  
19 recommendations to the commissioner, as appropriate;

20 (3) Evaluate the effectiveness of the personal attendant program  
21 in achieving the purposes of this act; and

22 (4) Assess the Statewide need for personal attendant services  
23 and the projected cost for providing these services Statewide.

24 (cf: P.L.1985, c.524, s.7)

25

26 161. Section 3 of P.L.1983, c.492 (C.30:5B-3) is amended to  
27 read as follows:

28 3. As used in this act:

29 a. "Child" means any person under the age of 13.

30 b. "Child care center" or "center" means any facility which is  
31 maintained for the care, development or supervision of six or more  
32 children who attend the facility for less than 24 hours a day. In the  
33 case of a center operating in a sponsor's home, children who reside  
34 in the home shall not be included when counting the number of  
35 children being served. This term shall include, but shall not be  
36 limited to, day care centers, drop-in centers, nighttime centers,  
37 recreation centers sponsored and operated by a county or municipal  
38 government recreation or park department or agency, day nurseries,  
39 nursery and play schools, cooperative child centers, centers for  
40 children with special needs, centers serving sick children, infant-  
41 toddler programs, school age child care programs, employer  
42 supported centers, centers that had been licensed by the Department  
43 of Human Services prior to the enactment of the "Child Care Center  
44 Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.) and  
45 kindergartens that are not an integral part of a private educational  
46 institution or system offering elementary education in grades  
47 kindergarten through sixth, seventh or eighth. This term shall not  
48 include:

1 (1) (Deleted by amendment, P.L.1992, c.95).

2 (2) A program operated by a private school which is run solely  
3 for educational purposes. This exclusion shall include  
4 kindergartens, prekindergarten programs or child care centers that  
5 are an integral part of a private educational institution or system  
6 offering elementary education in grades kindergarten through sixth,  
7 seventh or eighth;

8 (3) Centers or special classes operated primarily for religious  
9 instruction or for the temporary care of children while persons  
10 responsible for such children are attending religious services;

11 (4) A program of specialized activity or instruction for children  
12 that is not designed or intended for child care purposes, including,  
13 but not limited to, Boy Scouts, Girl Scouts, 4-H clubs, and Junior  
14 Achievement, and single activity programs such as athletics,  
15 gymnastics, hobbies, art, music, and dance and craft instruction,  
16 which are supervised by an adult, agency or institution;

17 (5) Youth camps required to be licensed under the "New Jersey  
18 Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.). To  
19 qualify for an exemption from licensing under this provision, a  
20 program must have a valid and current license as a youth camp  
21 issued by the Department of Health and Senior Services. A youth  
22 camp sponsor who also operates a child care center shall secure a  
23 license from the Department of **Human Services** Children and  
24 Families for the center;

25 (6) Day training centers operated by or under contract with the  
26 Division of Developmental Disabilities within the Department of  
27 Human Services;

28 (7) Programs operated by the board of education of the local  
29 public school district that is responsible for their implementation  
30 and management;

31 (8) A program such as that located in a bowling alley, health spa  
32 or other facility in which each child attends for a limited time  
33 period while the parent is present and using the facility;

34 (9) A child care program operating within a geographical area,  
35 enclave or facility that is owned or operated by the federal  
36 government;

37 (10) A family day care home that is registered pursuant to the  
38 "Family Day Care Provider Registration Act," P.L.1987, c.27  
39 (C.30:5B-16 et seq.); and

40 (11) Privately operated infant and preschool programs that are  
41 approved by the Department of Education to provide services  
42 exclusively to local school districts for handicapped children,  
43 pursuant to N.J.S.18A:46-1 et seq.

44 c. "Commissioner" means the Commissioner of **the Department**  
45 **of Human Services** Children and Families.

46 d. "Department" means the Department of **Human Services**  
47 Children and Families.

1 e. "Parent" means a natural or adoptive parent, guardian, or any  
2 other person having responsibility for, or custody of, a child.

3 f. "Person" means any individual, corporation, company,  
4 association, organization, society, firm, partnership, joint stock  
5 company, the State or any political subdivision thereof.

6 g. "Sponsor" means any person owning or operating a child care  
7 center.

8 (cf: P.L.1992, c.95, s.2)

9  
10 162. Section 5 of P.L.1999, c.171 (C.30:5B-5.4) is amended to  
11 read as follows:

12 5. The Commissioner of **【Human Services】** Children and  
13 Families, pursuant to the "Administrative Procedure Act," P.L.1968,  
14 c.410 (C.52:14B-1 et seq.), shall adopt regulations to provide for  
15 the implementation by licensed child care centers , registered family  
16 day care homes, and unified child care agencies of such procedures  
17 as the commissioner deems necessary to effectuate the purposes of  
18 subsection f. of section 4 of P.L.1997, c.272 (C.30:4I-4).

19 (cf: P.L.1999, c.171, s.5)

20

21 163. Section 1 of P.L.1997, c.254 (C.30:5B-6.1) is amended to  
22 read as follows:

23 1. As used in this act:

24 "Department" means the Department of **【Human Services】**  
25 Children and Families.

26 "Division" means the Division of Youth and Family Services in  
27 the Department of **【Human Services】** Children and Families.

28 "Staff member" means any owner, sponsor, director or person  
29 employed by or working at a child care center on a regularly  
30 scheduled basis during the center's operating hours, including full-  
31 time, part-time, voluntary, contract, consulting, and substitute staff,  
32 whether compensated or not.

33 "Child care center" or "Center" means any facility which is  
34 maintained for the care, development or supervision of six or more  
35 children under 13 years of age who attend the facility for less than  
36 24 hours a day, and which is subject to State licensure or life-safety  
37 approval, pursuant to the provisions of the "Child Care Licensing  
38 Act," P.L. 1983, c.492 (C.30:5B-1 to 30:5B-15) .

39 (cf: P.L.1997, c.254, s.1)

40

41 164. Section 1 of P.L.2000, c.77 (C30:5B-6.10) is amended to  
42 read as follows:

43 1. As used in sections 1 through 7 and 9 through 12 of  
44 P.L.2000, c.77 (C.30:5B-6.10 et seq.):

45 "Child care center" or "center" means any facility which is  
46 maintained for the care, development or supervision of six or more  
47 children under 13 years of age who attend the facility for less than

1 24 hours a day, and which is subject to State licensure or life-safety  
2 approval pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.).

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

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

7 “Staff member” means a person 18 years of age or older who  
8 owns, sponsors, or directs a child care center, or who is employed  
9 by or works in a child care center on a regularly scheduled basis  
10 during the center's operating hours, including full-time, part-time,  
11 voluntary, contract, consulting, and substitute staff, whether  
12 compensated or not.

13 (cf: P.L.2000, c.77, s.1)

14

15 165. Section 14 of P.L.1983, c.492 (C.30:5B-14) is amended to  
16 read as follows:

17 14. a. The Director of the Division of **[Youth and Family**  
18 **Services]** Family Development in the Department of Human  
19 Services, a designee of the Commissioner of Children and Families,  
20 and the Director of the Division on Women in the Department of  
21 Community Affairs shall establish a Child Care Advisory Council  
22 which shall consist of at least 15 individuals who have experience,  
23 training or other interests in child care issues. To the extent  
24 possible, the directors shall designate members of existing councils  
25 or task forces heretofore established on child care in New Jersey as  
26 the advisory council.

27 b. The advisory council shall:

28 (1) Review rules and regulations or proposed revisions to  
29 existing rules and regulations governing the licensing of child care  
30 centers;

31 (2) Review proposed statutory amendments governing the  
32 licensing of child care centers and make recommendations to the  
33 commissioner;

34 (3) Advise the commissioner on the administration of the  
35 licensing responsibilities under this act;

36 (4) Advise the Commissioners of Human Services, Children and  
37 Families, and Community Affairs and other appropriate units of  
38 State government on the needs, priorities, programs, and policies  
39 relating to child care throughout the State;

40 (5) Study and recommend alternative resources for child care;  
41 and

42 (6) Facilitate employer supported child care through information  
43 and technical assistance.

44 c. The advisory council may accept from any governmental  
45 department or agency, public or private body or any other source  
46 grants or contributions to be used in carrying out its responsibilities  
47 under this act.

48 (cf: P.L.1992, c.95, s.4)

1       166. Section 3 of P.L.1987, c.27 (C.30:5B-18) is amended to  
2 read as follows:

3       3. As used in this act:

4       a. "Certificate of registration" means a certificate issued by the  
5 department to a family day care provider, acknowledging that the  
6 provider is registered pursuant to the provisions of this act.

7       b. "Department" means the Department of **Human Services**  
8 Children and Families.

9       c. "Family day care home" means a private residence in which  
10 child care services are provided for a fee to no less than three and  
11 no more than five children at any one time for no less than 15 hours  
12 per week; except that the department shall not exclude a family day  
13 care home with less than three children from voluntary registration.  
14 A child being cared for under the following circumstances is not  
15 included in the total number of children receiving child care  
16 services:

17       (1) The child being cared for is legally related to the provider;  
18 or

19       (2) Care is being provided as part of an employment agreement  
20 between the family day care provider and an assistant or substitute  
21 provider where no payment for the care is being provided.

22       d. "Family day care provider" means a person at least 18 years  
23 of age who is responsible for the operation and management of a  
24 family day care home.

25       e. "Family day care sponsoring organization" means an agency  
26 or organization which contracts with the department to assist in the  
27 registration of family day care providers in a specific geographical  
28 area.

29       f. "Monitor" means to visit a family day care provider to  
30 review the provider's compliance with the standards established  
31 pursuant to this act.

32       (cf; P.L.2004, c.130, s.103)

33

34       167. Section 10 of P.L.1987, c.27 (C.30:5B-25) is amended to  
35 read as follows:

36       The Commissioner of **Human Services** Children and Families  
37 shall, pursuant to the "Administrative Procedure Act," P.L. 1968, c.  
38 410 (C. 52:14B-1 et seq.), adopt regulations necessary to implement  
39 the provisions of this act.

40       (cf: P.L.1987, c.27, s.10)

41

42       168. Section 2 of P.L.1993, c.350 (C.30:5B-25.2) is amended to  
43 read as follows:

44       2. As used in sections 1 through 4 of P.L.1993, c.350  
45 (C.30:5B-25.1 through C.30:5B-25.4):

46       "Child abuse registry" means the child abuse registry of the  
47 Division of Youth and Family Services in the Department of



1   **【Human Services】** Children and Families established pursuant to  
2   section 4 of P.L.1971, c.437 (C.9:6-8.11).

3       “Provider” means a family day care provider as defined by  
4   section 3 of P.L.1987, c.27 (C.30:5B-18) and includes, but is not  
5   limited to, a family day care provider's assistant and a substitute  
6   family day care provider.

7       “Family day care sponsoring organization” means an agency or  
8   organization which contracts with the Department of Human  
9   Services to assist in the registration of family day care providers in  
10   a specific geographic area pursuant to P.L.1987, c.27 (C.30:5B-16  
11   et seq.).

12       “Household member” means an individual over 14 years of age  
13   who resides in a family day care provider's home.  
14   (cf: P.L.2004, c.130, s.107)

15

16       169. Section 3 of P.L.1993, c.350 (C.30:5B-25.3) is amended to  
17   read as follows:

18       3. a. The Division of Youth and Family Services in the  
19   Department of **【Human Services】** Children and Families shall  
20   conduct a search of its child abuse registry to determine if a report  
21   of child abuse or neglect has been filed, pursuant to section 3 of  
22   P.L.1971, c.437 (C.9:6-8.10), involving a person registering as a  
23   prospective provider or a household member of the prospective  
24   provider or as a current provider or household member of the  
25   current provider.

26       b. The division shall conduct the search only upon receipt of  
27   the prospective or current provider or household member's written  
28   consent to the search. If the person refuses to provide his consent,  
29   the family day care sponsoring organization shall deny the  
30   prospective or current provider's application for a certificate or  
31   renewal of registration.

32       c. The division shall advise the sponsoring organization of the  
33   results of the child abuse registry search within a time period to be  
34   determined by the Department of **【Human Services】** Children and  
35   Families.

36       d. The department shall not issue a certificate or renewal of  
37   registration to a prospective or current provider unless the  
38   department has first determined that no substantiated charge of  
39   child abuse or neglect against the prospective or current provider or  
40   household member is found during the child abuse registry search.

41   (cf: P.L.2004, c.130, s.108)

42

43       170. Section 4 of P.L.1993, c.350 (C.30:5B-25.4) is amended to  
44   read as follows:

45       4. In accordance with the “Administrative Procedure Act,”  
46   P.L.1968, c.410 (C.52:14B-1 et seq.), the Department of **【Human**  
47   **Services】** Children and Families shall adopt rules and regulations

1 necessary to implement the provisions of sections 1 through 4 of  
2 P.L.1993, c.350 (C.30:5B-25.1 through C.30:5B-25.4) including,  
3 but not limited to:

4 a. Implementation of an appeals process to be used in the case  
5 of the denial of an application for a certificate or for renewal of  
6 registration based upon information obtained during a child abuse  
7 registry search; and

8 b. Establishment of time limits for conducting a child abuse  
9 registry search and providing a family day care sponsoring  
10 organization with the results of the search.

11 (cf: P.L.2004, c.130, s.109)

12  
13 171. Section 2 of P.L.2003, c.185 (C.30:5B-32) is amended to  
14 read as follows:

15 2. a. A unified child care agency contracted with the Department  
16 of Human Services pursuant to N.J.A.C.10:15-2.1, shall request that  
17 the Division of Youth and Family Services in the Department of  
18 **【Human Services】** Children and Families conduct a child abuse  
19 record information check of the division's child abuse records, as  
20 promptly as possible, to determine if an incident of child abuse or  
21 neglect has been substantiated, pursuant to section 4 of P.L.1971,  
22 c.437 (C.9:6-8.11), against:

23 (1) a. prospective approved home provider as defined in  
24 N.J.A.C.10:15-1.2 providing child care services under the “New  
25 Jersey Cares for Kids Program” established pursuant to  
26 N.J.A.C.10:15-5.1, or to a child whose parent is receiving  
27 assistance under the Work First New Jersey program established  
28 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) or is employed but  
29 continues to receive supportive services pursuant to the provisions  
30 of section 5 of P.L.1997, c.13 (C.44:10-38); or

31 (2) any adult member of the prospective provider's household.

32 b. The division shall conduct the child abuse record  
33 information check only upon receipt of the prospective approved  
34 home provider's or any adult household member's written consent to  
35 the check. If the person refuses to provide his consent, the unified  
36 child care agency shall deny the prospective approved home  
37 provider's application to provide child care services.

38 c. If the division determines that an incident of child abuse or  
39 neglect by the prospective approved home provider or any adult  
40 member of the household has been substantiated, the division shall  
41 release the results of the child abuse record information check to the  
42 unified child care agency pursuant to subsection g. of section 1 of  
43 P.L.1977, c.102 (C.9:6-8.10a) and the agency shall deny the  
44 prospective approved home provider's application to provide child  
45 care services.

46 d. Before denying the prospective approved home provider's  
47 application to provide child care services, the unified child care  
48 agency shall give notice personally or by certified or registered mail

1 to the last known address of the prospective approved home  
2 provider with return receipt requested, of the reasons why the  
3 application will be denied. The notice shall afford the prospective  
4 approved home provider the opportunity to be heard and to contest  
5 the agency's action. The hearing shall be conducted in accordance  
6 with the "Administrative Procedure Act," P.L.1968, c.410  
7 (C.52:14B-1 et seq.).

8 e. If a prospective approved home provider's application to  
9 provide child care services is denied, the unified child care agency  
10 shall notify the parent of the child who would be eligible to receive  
11 such services, personally and in writing, of the reasons why the  
12 application was denied and the parent's right to select another  
13 provider. The parent shall keep such information confidential and  
14 shall not disclose the information except as authorized by law.  
15 (cf: P.L.2003, c.185, s.2)

16  
17 172. Section 2 of P.L.1995, c.321 (C.30:9A-19) is amended to  
18 read as follows:

19 2. a. A person shall not conduct, maintain or operate a mental  
20 health program unless: (1) the commissioner or the Commissioner  
21 of Children and Families, as applicable, has issued a license to that  
22 person, in accordance with rules and regulations adopted by the  
23 commissioner or the Commissioner of Children and Families, as  
24 applicable, which prescribe standards for the provision of services  
25 by a mental health program; and (2) that person has a purchase of  
26 service contract or an affiliation agreement with the Division of  
27 Mental Health Services in the Department of Human Services or the  
28 Department of Children and Families, including, but not limited to,  
29 the Division of Child Behavioral Health Services, as applicable.

30 b. Application for a license to conduct, maintain or operate a  
31 mental health program shall be made upon forms prescribed by the  
32 commissioner or the Commissioner of Children and Families, as  
33 applicable. The commissioner or the Commissioner of Children  
34 and Families, as applicable, shall charge such nonrefundable fees  
35 for the filing of an application for a license, and for any renewal  
36 thereof, as the commissioner or the Commissioner of Children and  
37 Families, as applicable, shall from time to time fix by regulation.  
38 (cf: P.L.2003, c.117, s.37)

39  
40 173. Section 3 of P.L.1995, c.321 (C.30:9A-20) is amended to  
41 read as follows:

42 3. Nothing in this act shall be construed to:

43 a. limit the authority of the Department of Health and Senior  
44 Services with respect to the licensure of a health care facility  
45 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), regardless of  
46 whether the facility operates a separate psychiatric unit or service,  
47 or limit the authority of the Department of Human Services with  
48 respect to the licensure of an alcohol treatment facility pursuant to

1 P.L.1975, c.305 (C.26:2B-7 et seq.), or the issuance of a certificate  
2 of approval to a narcotic and drug abuse treatment center pursuant  
3 to P.L.1970, c.334 (C.26:2G-21 et seq.);

4 b. require the licensure of any facility or center referenced in  
5 subsection a. of this section by the Department of Human Services;  
6 or

7 c. require licensure of a mental health agency which does not  
8 provide a mental health program that is subject to regulations  
9 adopted by the commissioner or the Commissioner of Children and  
10 Families, as applicable.

11 (cf: P.L.1995, c.321, s.3)

12  
13 174. Section 4 of P.L.1995, c.321 (C.30:9A-21) is amended to  
14 read as follows:

15 4. The commissioner or the Commissioner of Children and  
16 Families, as applicable, pursuant to the "Administrative Procedure  
17 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
18 regulations to effectuate the purposes of this act.

19 (cf: P.L.1995, c.321, s.4)

20  
21 175. Section 4 of P.L.2003, c.214 (C.30:9A-25) is amended to  
22 read as follows:

23 4. There is established in the Department of **[Human Services]**  
24 Children and Families the New Jersey Youth Suicide Prevention  
25 Advisory Council.

26 a. The purpose of the council shall be to: examine existing  
27 needs and services and make recommendations to the division for  
28 youth suicide reporting, prevention and intervention; advise the  
29 division on the content of informational materials to be made  
30 available to persons who report attempted or completed suicides;  
31 and advise the division in the development of regulations required  
32 pursuant to this act.

33 b. The council shall consist of **[17]** 18 members as follows:

34 (1) the Commissioners of Human Services, Children and  
35 Families, Health and Senior Services, and Education, the executive  
36 director of the Juvenile Justice Commission established pursuant to  
37 P.L.1995, c.284 (C.52:17B-169 et seq.) and the chairman of the  
38 Community Mental Health Citizens Advisory Board established  
39 pursuant to P.L.1957, c.146 (C.30:9A-1 et seq.), or their designees,  
40 who shall serve ex officio;

41 (2) six public members appointed by the Governor, as follows:  
42 one person who is a current member of a county mental health  
43 advisory board, one person with personal or family experience with  
44 suicide, one person who is a current or retired primary or secondary  
45 school teacher, one person who is a current or former member of a  
46 local board of education, one psychiatrist and one person with  
47 professional experience in the collection and reporting of social  
48 science data;

1 (3) three public members appointed by the President of the  
2 Senate, no more than two of whom are members of the same  
3 political party, one of whom has volunteer or paid experience in the  
4 provision of services to survivors of suicide or youth at risk of  
5 attempting suicide, one of whom is an alcohol and drug counselor,  
6 and one of whom is a representative of the New Jersey Traumatic  
7 Loss Coalition; and

8 (4) three public members appointed by the Speaker of the  
9 General Assembly, no more than two of whom are members of the  
10 same political party, one of whom has knowledge of and interest in  
11 the prevention of youth suicide and the provision of education about  
12 suicide to high-risk populations, including religious, racial, ethnic  
13 or sexual minorities, one of whom is a pediatrician, and one of  
14 whom is a school-based counselor.

15 c. The public members shall be appointed no later than 60 days  
16 after the date of enactment of this act.

17 d. The public members shall serve for a term of five years; but,  
18 of the members first appointed, three shall serve for a term of two  
19 years, three for a term of three years, three for a term of four years  
20 and three for a term of five years. Members are eligible for  
21 reappointment upon the expiration of their terms. Vacancies in the  
22 membership of the council shall be filled in the same manner  
23 provided for the original appointments.

24 e. The council shall organize as soon as practicable following  
25 the appointment of its members and shall select a chairperson and  
26 vice-chairperson from among the members. The chairperson shall  
27 appoint a secretary who need not be a member of the council.

28 f. The public members shall serve without compensation, but  
29 shall be reimbursed for necessary expenses incurred in the  
30 performance of their duties and within the limits of funds available  
31 to the council.

32 g. The council shall be entitled to call to its assistance and avail  
33 itself of the services of the employees of any State, county or  
34 municipal department, board, bureau, commission or agency as it  
35 may require and as may be available to it for its purposes.

36 h. The Department of [Human Services] Children and  
37 Families shall provide staff support to the council.

38 (cf: P.L.2003, c.214, s.4)

39  
40 176. Section 1 of P.L.1977, c.448, (C.30:11B-1) is amended to  
41 read as follows:

42 1. The Legislature finds that many developmentally disabled  
43 persons who are now housed in large institutions can be better cared  
44 for and given training for independent living in small community  
45 residences. Such persons have a right to the fuller, more normal life  
46 that care in such residences brings, and it is, therefore, the intention  
47 of the Legislature, through this act, to encourage the development  
48 of community residences for the developmentally disabled and to

1 provide for the licensing and regulation of such residences by the  
2 Department of Human Services.

3 The Legislature further finds that there are many persons who  
4 have been hospitalized due to mental illness and are recovered to  
5 the extent that they no longer require such hospitalization, but  
6 would benefit from the specialized independent-living training  
7 available to residents of small community residences for the  
8 mentally ill. These community residences for the mentally ill may  
9 also be utilized by persons who have not been hospitalized for  
10 mental illness but who are participating in community mental health  
11 counseling or training programs provided by a State-affiliated  
12 community mental health agency. These persons have a right to the  
13 fuller, more normal life that care in community residences brings,  
14 and it is, therefore, the intention of the Legislature through this act,  
15 to encourage the development of community residences for the  
16 mentally ill and to provide for the licensing and regulation of the  
17 residences by the Department of Human Services or the Department  
18 of Children and Families, as applicable.

19 In addition, the Legislature finds that many persons who have  
20 sustained head injuries which impair their cognitive, behavioral,  
21 social or physical functioning, and who are now housed in large  
22 institutions can be better cared for and given training for  
23 independent living in small community residences. These persons  
24 have a right to the fuller, more normal life that care in these  
25 residences brings, and it is, therefore, the intention of the  
26 Legislature, through this act, to encourage the development of  
27 community residences for persons with head injuries and to provide  
28 for the licensing and regulation of these residences by the  
29 Department of Human Services.

30 (cf: P.L.1993, c.329, s.1)

31

32 177. Section 2 of P.L.1977, c.448, (C.30:11B-2) is amended to  
33 read as follows:

34 2. "Community residence for the developmentally disabled"  
35 means any community residential facility housing up to 16  
36 developmentally disabled persons which provides food, shelter and  
37 personal guidance for developmentally disabled persons who  
38 require assistance, temporarily or permanently, in order to live  
39 independently in the community. Such residences shall not be  
40 considered health care facilities within the meaning of the "Health  
41 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.)  
42 and shall include, but not be limited to, group homes, halfway  
43 houses, supervised apartment living arrangements and hostels.

44 "Community residence for the mentally ill" means any  
45 community residential facility which provides food, shelter and  
46 personal guidance, under such supervision as required, to not more  
47 than 15 mentally ill persons who require assistance temporarily or  
48 permanently, in order to live independently in the community.

1 These residences shall be approved for a purchase of service  
2 contract or an affiliation agreement pursuant to procedures  
3 established by the Division of Mental Health Services in the  
4 Department of Human Services or the Division of Child Behavioral  
5 Health Services in the Department of Children and Families, as  
6 applicable. These residences shall not house persons who have been  
7 assigned to a State psychiatric hospital after having been found not  
8 guilty of a criminal offense by reason of insanity or unfit to be tried  
9 on a criminal charge. These residences shall not be considered  
10 health care facilities within the meaning of the "Health Care  
11 Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et seq.) and  
12 shall include, but not be limited to, group homes, halfway houses,  
13 supervised apartment living arrangements, family care homes and  
14 hostels.

15 "Community residence for persons with head injuries" means a  
16 community residential facility providing food, shelter and personal  
17 guidance, under such supervision as required, to not more than 15  
18 persons with head injuries, who require assistance, temporarily or  
19 permanently, in order to live in the community, and shall include,  
20 but not be limited to: group homes, halfway houses, supervised  
21 apartment living arrangements, and hostels. Such a residence shall  
22 not be considered a health care facility within the meaning of the  
23 "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1  
24 et seq.).

25 "Developmental disability" or "developmentally disabled" means  
26 a severe, chronic disability of a person which: a. is attributable to a  
27 mental or physical impairment or combination of mental or physical  
28 impairments; b. is manifest before age 22; c. is likely to continue  
29 indefinitely; d. results in substantial functional limitations in three  
30 or more of the following areas of major life activity, that is, self-  
31 care, receptive and expressive language, learning, mobility, self-  
32 direction and capacity for independent living or economic self-  
33 sufficiency; and e. reflects the need for a combination and sequence  
34 of special interdisciplinary or generic care, treatment or other  
35 services which are of lifelong or extended duration and are  
36 individually planned and coordinated. Developmental disability  
37 includes, but is not limited to, severe disabilities attributable to  
38 mental retardation, autism, cerebral palsy, epilepsy, spina bifida and  
39 other neurological impairments where the above criteria are met.

40 "Mentally ill" means any psychiatric disorder which has required  
41 an individual to receive either inpatient psychiatric care or  
42 outpatient psychiatric care on an extended basis.

43 "Person with head injury" means a person who has sustained an  
44 injury, illness or traumatic changes to the skull, the brain contents  
45 or its coverings which results in a temporary or permanent  
46 physiobiological decrease of cognitive, behavioral, social or  
47 physical functioning which causes partial or total disability.

48 (cf: P.L.1995, c.4, s.9)

1       178. Section 4 of P.L.1977, c.448, (C.30:11B-4) is amended to  
2 read as follows:

3       4. All such residences which are operated by any individual or  
4 individuals, corporation, partnership, society or association,  
5 whether public or private, whether incorporated or unincorporated,  
6 whether for profit or nonprofit, shall be licensed by the Department  
7 of Human Services or Department of Children and Families, as  
8 applicable, under appropriate regulations promulgated by the  
9 commissioner or the Commissioner of Children and Families, as  
10 applicable. Such regulations shall govern the operation and  
11 maintenance of residences, and prescribe conditions for admission  
12 and discharge of residents. The regulations shall assure that  
13 essential life-safety, health and comfort conditions exist in a home-  
14 like atmosphere.

15 (cf: P.L.1977, c.448, s.4)

16  
17       179. Section 10 of P.L.1987, c.112 (C.30:11B-4.2) is amended  
18 to read as follows:

19       10. a. Within six months of the effective date of this act, the  
20 Director of the Division of Mental Health Services in the  
21 Department of Human Services or the Division of Child Behavioral  
22 Health Services in the Department of Children and Families, as  
23 applicable shall develop program standards which include criteria  
24 for educational and professional experience of employees of a  
25 community residence for the mentally ill and staffing ratios  
26 appropriate to the needs of the residents of the community  
27 residences for the mentally ill.

28       b. Within six months after the effective date of P.L.1993, c.329,  
29 the Commissioner of Human Services or the Commissioner of  
30 Children and Families, as applicable, shall develop program  
31 standards which include criteria for educational and professional  
32 experience of employees of a community residence for persons with  
33 head injuries and staffing ratios appropriate to the needs of the  
34 residents of these community residences.

35 (cf: P.L.1995, c.4, s.10)

36  
37       180. Section 5 of P.L.1977, c.448 (C.30:11B-5) is amended to  
38 read as follows:

39       5. The geographic location of community residences for the  
40 developmentally disabled, community residences for the mentally  
41 ill and community residences for persons with head injuries shall be  
42 monitored by the Department of Human Services or Department of  
43 Children and Families, as applicable. Through the granting or  
44 withholding of licenses, the respective department shall insure that  
45 these residences are available throughout the State, without  
46 unnecessary concentration in any area.

47 (cf: P.L.1993, c.329, s.5)



1       181. Section 4 of P.L.1979, c.337 (C.30:14-4) is amended to  
2 read as follows:

3       4. a. There is created an Advisory Council on Domestic Violence  
4 which shall consist of 20 members: the Director of the Division on  
5 Women in the Department of Community Affairs, the Director of  
6 the Division of Youth and Family Services in the Department of  
7 Children and Families and the Director of the Division of Family  
8 Development in the Department of Human Services, the Director of  
9 the Administrative Office of the Courts, the Commissioner of the  
10 Department of Education, the Commissioner of Labor and  
11 Workforce Development, the Attorney General, or their designees,  
12 and one representative of Legal Services of New Jersey, one former  
13 domestic violence shelter resident, one representative of the Police  
14 Chiefs Association, one representative of the County Prosecutors  
15 Association, one representative of the New Jersey State Nurses  
16 Association, one representative of the Mental Health Association in  
17 New Jersey, one representative of the New Jersey Crime Prevention  
18 Officers Association, one representative of the New Jersey Hospital  
19 Association, one representative of the Violent Crimes  
20 Compensation Board, and four representatives of the New Jersey  
21 Coalition for Battered Women to be appointed by the Governor.

22       b. The advisory council shall:

23       (1) Monitor the effectiveness of the laws concerning domestic  
24 violence and make recommendations for their improvement;

25       (2) Review proposed legislation governing domestic violence  
26 and make recommendations to the Governor and the Legislature;

27       (3) Study the needs, priorities, programs, and policies relating to  
28 domestic violence throughout the State; and

29       (4) Ensure that all service providers and citizens are aware of  
30 the needs of and services available to victims of domestic violence  
31 and make recommendations for community education and training  
32 programs.

33       c. The advisory council shall periodically advise the Director  
34 of the Division of Youth and Family Services in the Department of  
35 **【Human Services】** Children and Families and the Director of the  
36 Division on Women in the Department of Community Affairs on its  
37 activities, findings and recommendations.

38 (cf: P.L.2005, c.309, s.4)

39

40       182. Section 3 of P.L.2001, c.195 (C.30:14-15) is amended to  
41 read as follows:

42       3. a. There is hereby established the “Domestic Violence  
43 Victims' Fund,” a dedicated fund within the General Fund and  
44 administered by the Division of Youth and Family Services in the  
45 Department of **【Human Services】** Children and Families. The fund  
46 shall be the depository of moneys realized from the civil penalty  
47 imposed pursuant to section 1 of P.L.2001, c.195 (C.2C:25-29.1)  
48 and any other moneys made available for the purposes of the fund.

1       b. All moneys deposited in the “Domestic Violence Victims’  
2 Fund” shall be used for direct services to victims of domestic  
3 violence, including, but not limited to, shelter services, legal  
4 advocacy services and legal assistance services, and for related  
5 administrative costs of the Division of Youth and Family Services.  
6 (cf: P.L.2001, c.195, s.3)

7  
8       183. Section 5 of P.L.1997, c.364 (C.34:5A-10.5) is amended to  
9 read as follows:

10       5. The Department of Health and Senior Services, in  
11 consultation with the Departments of Education, Human Services,  
12 Children and Families and Environmental Protection, and within  
13 180 days of the enactment of P.L.1997, c.364 (C.34:5A-10.1 et  
14 seq.), shall adopt, pursuant to the “Administrative Procedure Act,”  
15 P.L.1968, c.410 (C.52:14B-1 et seq.), regulations necessary to  
16 implement the provisions of this act which are consistent with  
17 federal and State indoor air quality standards and standards  
18 governing the exposure of children to hazardous substances as they  
19 are adopted by the federal government.  
20 (cf: P.L.1997, c.364, s.5)

21  
22       184. Section 3 of P.L.1999, c.279 (C.34:15F-3) is amended to  
23 read as follows:

24       3. There is established in the Department of Labor and  
25 Workforce Development an At-Risk Youth Mentoring Program to  
26 be administered by the Commissioner of Labor and Workforce  
27 Development pursuant to the provisions of this act. The  
28 commissioner shall consult with the Department of Human  
29 Services, the Department of Children and Families, and the  
30 Department of Education and other appropriate State agencies  
31 regarding the development, operation and administration of the  
32 program. The commissioner shall also consult with the Community  
33 Agencies Corporation of New Jersey and other public and private  
34 nonprofit organizations providing youth mentoring services. The  
35 program shall provide for the training of volunteer mentors through  
36 local collaborative partnerships between the school district, the  
37 educational foundation and other community based organizations  
38 and for the assignment of mentors to at-risk students enrolled within  
39 a participating school district. The program shall also provide for  
40 collaboration with public and private organizations that provide  
41 comprehensive health, employment, and social services to youth.  
42 The purpose of the program shall be to enable at-risk students to  
43 develop a relationship with a caring and responsible adult to  
44 provide the personal and emotional support necessary for school  
45 success and future successful functioning in society.  
46 (cf: P.L.1999, c.279, s.3)

1       185. Section 53 of P.L.1975, c.291 (C.40:55D-66) is amended to  
2 read as follows:

3       53. a. For purposes of this act, model homes or sales offices  
4 within a subdivision and only during the period necessary for the  
5 sale of new homes within such subdivision shall not be considered a  
6 business use.

7       b. No zoning ordinance governing the use of land by or for  
8 schools shall, by any of its provisions or by any regulation adopted  
9 in accordance therewith, discriminate between public and private  
10 nonprofit day schools of elementary or high school grade accredited  
11 by the State Department of Education.

12       c. No zoning ordinance shall, by any of its provisions or by any  
13 regulation adopted in accordance therewith, discriminate between  
14 children who are members of families by reason of their  
15 relationship by blood, marriage or adoption, and resource family  
16 children placed with such families in a dwelling by the Division of  
17 Youth and Family Services in the Department of **[Human Services]**  
18 Children and Families or a duly incorporated child care agency and  
19 children placed pursuant to law in single family dwellings known as  
20 group homes. As used in this section, the term “group home”  
21 means and includes any single family dwelling used in the  
22 placement of children pursuant to law recognized as a group home  
23 by the Department of **[Human Services]** Children and Families in  
24 accordance with rules and regulations adopted by the Commissioner  
25 of **[Human Services]** Children and Families provided, however,  
26 that no group home shall contain more than 12 children.  
27 (cf: P.L.2004, c.130, s.113)  
28

29       186. Section 1 of P.L.1983, c.191 (C.40A:10-34.1) is amended  
30 to read as follows:

31       1. Any municipality or county, or agency thereof, hereinafter  
32 referred to as employers, may enter into contracts of group legal  
33 insurance with any insurer authorized, pursuant to P.L.1981, c.160  
34 (C.17:46C-1 et seq.), to engage in the business of legal insurance in  
35 this State or may contract with a duly recognized prepaid legal  
36 services plan with respect to the benefits which they are authorized  
37 to provide. Such contract or contracts shall provide such coverage  
38 for the employees of such employer and may include their  
39 dependents. “Dependents” shall include an employee's spouse and  
40 the employee's unmarried children, including stepchildren and  
41 legally adopted children, and, at the option of the employer and the  
42 carrier, children placed by the Division of Youth and Family  
43 Services in the Department of **[Human Services]** Children and  
44 Families, under the age of 19 who live with the employee in a  
45 regular parent-child relationship, and may also include, at the  
46 option of the employer and the carrier, other unmarried children of  
47 the employee under the age of 23 who are dependent upon the  
48 employee for support and maintenance. A spouse or child enlisting

1 or inducted into military service shall not be considered a dependent  
2 during such military service.

3 Elected officials may be considered, at the option of the  
4 employer, to be “employees” for the purposes hereof, but  
5 “employees” shall not otherwise include persons employed on a  
6 short-term, seasonal, intermittent or emergency basis, persons  
7 compensated on a fee basis, or persons whose compensation from  
8 the public employer is limited to reimbursement of necessary  
9 expenses actually incurred in the discharge of their duties.

10 The contract shall include provisions to prevent duplication of  
11 benefits and shall condition the eligibility of any employee for  
12 coverage upon satisfying a waiting period stated in the contract.

13 The coverage of any employee, and of his dependents, if any,  
14 shall cease upon the discontinuance of his employment or upon  
15 cessation of active full-time employment in the classes eligible for  
16 coverage, subject to such provision as may be made in any contract  
17 by his employer for limited continuance of coverage during  
18 disability, part-time employment, leave of absence other than leave  
19 for military service or layoff, or for continuance of coverage after  
20 retirement.

21 (cf: P.L.2004, c.130, s.115)

22

23 187. R.S.43:21-4 is amended to read as follows:

24 43:21-4. Benefit eligibility conditions. An unemployed  
25 individual shall be eligible to receive benefits with respect to any  
26 week only if:

27 (a) The individual has filed a claim at an unemployment  
28 insurance claims office and thereafter continues to report at an  
29 employment service office or unemployment insurance claims  
30 office, as directed by the division in accordance with such  
31 regulations as the division may prescribe, except that the division  
32 may, by regulation, waive or alter either or both of the requirements  
33 of this subsection as to individuals attached to regular jobs, and as  
34 to such other types of cases or situations with respect to which the  
35 division finds that compliance with such requirements would be  
36 oppressive, or would be inconsistent with the purpose of this act;  
37 provided that no such regulation shall conflict with subsection (a) of  
38 R.S.43:21-3.

39 (b) The individual has made a claim for benefits in accordance  
40 with the provisions of subsection (a) of R.S.43:21-6.

41 (c) (1) The individual is able to work, and is available for work,  
42 and has demonstrated to be actively seeking work, except as  
43 hereinafter provided in this subsection or in subsection (f) of this  
44 section.

45 (2) The director may modify the requirement of actively seeking  
46 work if such modification of this requirement is warranted by  
47 economic conditions.

1 (3) No individual, who is otherwise eligible, shall be deemed  
2 ineligible, or unavailable for work, because the individual is on  
3 vacation, without pay, during said week, if said vacation is not the  
4 result of the individual's own action as distinguished from any  
5 collective action of a collective bargaining agent or other action  
6 beyond the individual's control.

7 (4) (A) Subject to such limitations and conditions as the  
8 division may prescribe, an individual, who is otherwise eligible,  
9 shall not be deemed unavailable for work or ineligible because the  
10 individual is attending a training program approved for the  
11 individual by the division to enhance the individual's employment  
12 opportunities or because the individual failed or refused to accept  
13 work while attending such program.

14 (B) For the purpose of this paragraph (4), any training program  
15 shall be regarded as approved by the division for the individual if  
16 the program and the individual meet the following requirements:

17 (i) The training is for a labor demand occupation and is likely to  
18 enhance the individual's marketable skills and earning power;

19 (ii) The training is provided by a competent and reliable private  
20 or public entity approved by the Commissioner of Labor and  
21 Workforce Development pursuant to the provisions of section 8 of  
22 the "1992 New Jersey Employment and Workforce Development  
23 Act," P.L.1992, c.43 (C.34:15D-8);

24 (iii) The individual can reasonably be expected to complete the  
25 program, either during or after the period of benefits;

26 (iv) The training does not include on the job training or other  
27 training under which the individual is paid by an employer for work  
28 performed by the individual during the time that the individual  
29 receives benefits; and

30 (v) The individual enrolls in vocational training, remedial  
31 education or a combination of both on a full-time basis.

32 (C) If the requirements of subparagraph (B) of this paragraph (4)  
33 are met, the division shall not withhold approval of the training  
34 program for the individual for any of the following reasons:

35 (i) The training includes remedial basic skills education  
36 necessary for the individual to successfully complete the vocational  
37 component of the training;

38 (ii) The training is provided in connection with a program under  
39 which the individual may obtain a college degree, including a post-  
40 graduate degree;

41 (iii) The length of the training period under the program; or

42 (iv) The lack of a prior guarantee of employment upon  
43 completion of the training.

44 (D) For the purpose of this paragraph (4), "labor demand  
45 occupation" means an occupation for which there is or is likely to  
46 be an excess of demand over supply for adequately trained workers,  
47 including, but not limited to, an occupation designated as a labor  
48 demand occupation by the New Jersey Occupational Information

1 Coordinating Committee pursuant to the provisions of subsection h.  
2 of section 1 of P.L.1987, c.457 (C.34:1A-76) or section 12 of  
3 P.L.1992, c.43 (C.34:1A-78).

4 (5) An unemployed individual, who is otherwise eligible, shall  
5 not be deemed unavailable for work or ineligible solely by reason of  
6 the individual's attendance before a court in response to a summons  
7 for service on a jury.

8 (6) An unemployed individual, who is otherwise eligible, shall  
9 not be deemed unavailable for work or ineligible solely by reason of  
10 the individual's attendance at the funeral of an immediate family  
11 member, provided that the duration of the attendance does not  
12 extend beyond a two-day period.

13 For purposes of this paragraph, "immediate family member"  
14 includes any of the following individuals: father, mother, mother-  
15 in-law, father-in-law, grandmother, grandfather, grandchild, spouse,  
16 child, child placed by the Division of Youth and Family Services in  
17 the Department of **Human Services** Children and Families, sister  
18 or brother of the unemployed individual and any relatives of the  
19 unemployed individual residing in the unemployed individual's  
20 household.

21 (7) No individual, who is otherwise eligible, shall be deemed  
22 ineligible or unavailable for work with respect to any week because,  
23 during that week, the individual fails or refuses to accept work  
24 while the individual is participating on a full-time basis in self-  
25 employment assistance activities authorized by the division,  
26 whether or not the individual is receiving a self-employment  
27 allowance during that week.

28 (8) Any individual who is determined to be likely to exhaust  
29 regular benefits and need reemployment services based on  
30 information obtained by the worker profiling system shall not be  
31 eligible to receive benefits if the individual fails to participate in  
32 available reemployment services to which the individual is referred  
33 by the division or in similar services, unless the division determines  
34 that:

35 (A) The individual has completed the reemployment services; or

36 (B) There is justifiable cause for the failure to participate, which  
37 shall include participation in employment and training, self-  
38 employment assistance activities or other activities authorized by  
39 the division to assist reemployment or enhance the marketable skills  
40 and earning power of the individual and which shall include any  
41 other circumstance indicated pursuant to this section in which an  
42 individual is not required to be available for and actively seeking  
43 work to receive benefits.

44 (9) An unemployed individual, who is otherwise eligible, shall  
45 not be deemed unavailable for work or ineligible solely by reason of  
46 the individual's work as a board worker for a county board of  
47 elections on an election day.

1 (d) With respect to any benefit year commencing before January  
2 1, 2002, the individual has been totally or partially unemployed for  
3 a waiting period of one week in the benefit year which includes that  
4 week. When benefits become payable with respect to the third  
5 consecutive week next following the waiting period, the individual  
6 shall be eligible to receive benefits as appropriate with respect to  
7 the waiting period. No week shall be counted as a week of  
8 unemployment for the purposes of this subsection:

9 (1) If benefits have been paid, or are payable with respect  
10 thereto; provided that the requirements of this paragraph shall be  
11 waived with respect to any benefits paid or payable for a waiting  
12 period as provided in this subsection;

13 (2) If it has constituted a waiting period week under the  
14 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25  
15 et seq.);

16 (3) Unless the individual fulfills the requirements of subsections  
17 (a) and of this section;

18 (4) If with respect thereto, claimant was disqualified for benefits  
19 in accordance with the provisions of subsection (d) of R.S.43:21-5.

20 The waiting period provided by this subsection shall not apply to  
21 benefit years commencing on or after January 1, 2002. An  
22 individual whose total benefit amount was reduced by the  
23 application of the waiting period to a claim which occurred on or  
24 after January 1, 2002 and before the effective date of P.L.2002,  
25 c.13, shall be permitted to file a claim for the additional benefits  
26 attributable to the waiting period in the form and manner prescribed  
27 by the division, but not later than the 180th day following the  
28 effective date of P.L.2002, c.13 unless the division determines that  
29 there is good cause for a later filing.

30 (e) (1) (Deleted by amendment, P.L.2001, c.17).

31 (2) With respect to benefit years commencing on or after  
32 January 1, 1996 and before January 7, 2001, except as otherwise  
33 provided in paragraph (3) of this subsection, the individual has,  
34 during his base year as defined in subsection of R.S.43:21-19:

35 (A) Established at least 20 base weeks as defined in paragraph  
36 (2) of subsection (t) of R.S.43:21-19; or

37 (B) If the individual has not met the requirements of  
38 subparagraph (A) of this paragraph (2), earned remuneration not  
39 less than an amount 12 times the Statewide average weekly  
40 remuneration paid to workers, as determined under R.S.43:21-3(c),  
41 which amount shall be adjusted to the next higher multiple of \$100  
42 if not already a multiple thereof; or

43 If the individual has not met the requirements of subparagraph  
44 (A) or (B) of this paragraph (2), earned remuneration not less than  
45 an amount 1,000 times the minimum wage in effect pursuant to  
46 section 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the  
47 calendar year preceding the calendar year in which the benefit year

1 commences, which amount shall be adjusted to the next higher  
2 multiple of \$100 if not already a multiple thereof.

3 (3) With respect to benefit years commencing before January 7,  
4 2001, notwithstanding the provisions of paragraph (2) of this  
5 subsection, an unemployed individual claiming benefits on the basis  
6 of service performed in the production and harvesting of  
7 agricultural crops shall, subject to the limitations of subsection (i)  
8 of R.S.43:21-19, be eligible to receive benefits if during his base  
9 year, as defined in subsection of R.S.43:21-19, the individual:

10 (A) Has established at least 20 base weeks as defined in  
11 paragraph (2) of subsection (t) of R.S.43:21-19; or

12 (B) Has earned 12 times the Statewide average weekly  
13 remuneration paid to workers, as determined under R.S.43:21-3(c),  
14 raised to the next higher multiple of \$100.00 if not already a  
15 multiple thereof, or more; or

16 (C) Has performed at least 770 hours of service in the  
17 production and harvesting of agricultural crops.

18 (4) With respect to benefit years commencing on or after  
19 January 7, 2001, except as otherwise provided in paragraph (5) of  
20 this subsection, the individual has, during his base year as defined  
21 in subsection of R.S.43:21-19:

22 (A) Established at least 20 base weeks as defined in paragraphs  
23 (2) and (3) of subsection (t) of R.S.43:21-19; or

24 (B) If the individual has not met the requirements of  
25 subparagraph (A) of this paragraph (4), earned remuneration not  
26 less than an amount 1,000 times the minimum wage in effect  
27 pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October  
28 1 of the calendar year preceding the calendar year in which the  
29 benefit year commences, which amount shall be adjusted to the next  
30 higher multiple of \$100 if not already a multiple thereof.

31 (5) With respect to benefit years commencing on or after  
32 January 7, 2001, notwithstanding the provisions of paragraph (4) of  
33 this subsection, an unemployed individual claiming benefits on the  
34 basis of service performed in the production and harvesting of  
35 agricultural crops shall, subject to the limitations of subsection (i)  
36 of R.S.43:21-19, be eligible to receive benefits if during his base  
37 year, as defined in subsection of R.S.43:21-19, the individual:

38 (A) Has established at least 20 base weeks as defined in  
39 paragraphs (2) and (3) of subsection (t) of R.S.43:21-19; or

40 (B) Has earned remuneration not less than an amount 1,000  
41 times the minimum wage in effect pursuant to section 5 of  
42 P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year  
43 preceding the calendar year in which the benefit year commences,  
44 which amount shall be adjusted to the next higher multiple of \$100  
45 if not already a multiple thereof; or

46 (C) Has performed at least 770 hours of service in the  
47 production and harvesting of agricultural crops.



1       (6) The individual applying for benefits in any successive  
2 benefit year has earned at least six times his previous weekly  
3 benefit amount and has had four weeks of employment since the  
4 beginning of the immediately preceding benefit year. This  
5 provision shall be in addition to the earnings requirements specified  
6 in paragraph (2), (3), (4) or (5) of this subsection, as applicable.

7       (f) (1) The individual has suffered any accident or sickness not  
8 compensable under the workers' compensation law, R.S.34:15-1 et  
9 seq. and resulting in the individual's total disability to perform any  
10 work for remuneration, and would be eligible to receive benefits  
11 under this chapter (R.S.43:21-1 et seq.) (without regard to the  
12 maximum amount of benefits payable during any benefit year)  
13 except for the inability to work and has furnished notice and proof  
14 of claim to the division, in accordance with its rules and  
15 regulations, and payment is not precluded by the provisions of  
16 R.S.43:21-3(d); provided, however, that benefits paid under this  
17 subsection (f) shall be computed on the basis of only those base  
18 year wages earned by the claimant as a "covered individual," as  
19 defined in R.S.43:21-27(b); provided further that no benefits shall  
20 be payable under this subsection to any individual:

21       (A) For any period during which such individual is not under the  
22 care of a legally licensed physician, dentist, optometrist, podiatrist,  
23 practicing psychologist or chiropractor;

24       (B) (Deleted by amendment, P.L.1980, c.90.)

25       (C) For any period of disability due to willfully or intentionally  
26 self-inflicted injury, or to injuries sustained in the perpetration by  
27 the individual of a crime of the first, second or third degree;

28       (D) For any week with respect to which or a part of which the  
29 individual has received or is seeking benefits under any  
30 unemployment compensation or disability benefits law of any other  
31 state or of the United States; provided that if the appropriate agency  
32 of such other state or the United States finally determines that the  
33 individual is not entitled to such benefits, this disqualification shall  
34 not apply;

35       (E) For any week with respect to which or part of which the  
36 individual has received or is seeking disability benefits under the  
37 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25  
38 et seq.);

39       (F) For any period of disability commencing while such  
40 individual is a "covered individual," as defined in subsection (b) of  
41 section 3 of the "Temporary Disability Benefits Law," P.L.1948,  
42 c.110 (C.43:21-27).

43       (2) Benefit payments under this subsection (f) shall be charged  
44 to and paid from the State disability benefits fund established by the  
45 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25  
46 et seq.), and shall not be charged to any employer account in  
47 computing any employer's experience rate for contributions payable  
48 under this chapter.

1 (g) Benefits based on service in employment defined in  
2 subparagraphs (B) and of R.S.43:21-19 (i)(1) shall be payable in the  
3 same amount and on the terms and subject to the same conditions as  
4 benefits payable on the basis of other service subject to the  
5 “unemployment compensation law”; except that, notwithstanding  
6 any other provisions of the “unemployment compensation law”:

7 (1) With respect to service performed after December 31, 1977,  
8 in an instructional research, or principal administrative capacity for  
9 an educational institution, benefits shall not be paid based on such  
10 services for any week of unemployment commencing during the  
11 period between two successive academic years, or during a similar  
12 period between two regular terms, whether or not successive, or  
13 during a period of paid sabbatical leave provided for in the  
14 individual’s contract, to any individual if such individual performs  
15 such services in the first of such academic years (or terms) and if  
16 there is a contract or a reasonable assurance that such individual  
17 will perform services in any such capacity for any educational  
18 institution in the second of such academic years or terms;

19 (2) With respect to weeks of unemployment beginning after  
20 September 3, 1982, on the basis of service performed in any other  
21 capacity for an educational institution, benefits shall not be paid on  
22 the basis of such services to any individual for any week which  
23 commences during a period between two successive academic years  
24 or terms if such individual performs such services in the first of  
25 such academic years or terms and there is a reasonable assurance  
26 that such individual will perform such services in the second of  
27 such academic years or terms, except that if benefits are denied to  
28 any individual under this paragraph (2) and the individual was not  
29 offered an opportunity to perform these services for the educational  
30 institution for the second of any academic years or terms, the  
31 individual shall be entitled to a retroactive payment of benefits for  
32 each week for which the individual filed a timely claim for benefits  
33 and for which benefits were denied solely by reason of this clause;

34 (3) With respect to those services described in paragraphs (1)  
35 and (2) above, benefits shall not be paid on the basis of such  
36 services to any individual for any week which commences during  
37 an established and customary vacation period or holiday recess if  
38 such individual performs such services in the period immediately  
39 before such vacation period or holiday recess, and there is a  
40 reasonable assurance that such individual will perform such  
41 services in the period immediately following such period or holiday  
42 recess;

43 (4) With respect to any services described in paragraphs (1) and  
44 (2) above, benefits shall not be paid as specified in paragraphs (1),  
45 (2), and (3) above to any individual who performed those services  
46 in an educational institution while in the employ of an educational  
47 service agency, and for this purpose the term “educational service  
48 agency” means a governmental agency or governmental entity

1 which is established and operated exclusively for the purpose of  
2 providing those services to one or more educational institutions.

3 (h) Benefits shall not be paid to any individual on the basis of  
4 any services, substantially all of which consist of participating in  
5 sports or athletic events or training or preparing to so participate,  
6 for any week which commences during the period between two  
7 successive sports seasons (or similar periods) if such individual  
8 performed such services in the first of such seasons (or similar  
9 periods) and there is a reasonable assurance that such individual  
10 will perform such services in the later of such seasons (or similar  
11 periods).

12 (i) (1) Benefits shall not be paid on the basis of services  
13 performed by an alien unless such alien is an individual who was  
14 lawfully admitted for permanent residence at the time the services  
15 were performed and was lawfully present for the purpose of  
16 performing the services or otherwise was permanently residing in  
17 the United States under color of law at the time the services were  
18 performed (including an alien who is lawfully present in the United  
19 States as a result of the application of the provisions of section  
20 212(d)(5) (8 U.S.C.s.1182 (d)(5)) of the Immigration and  
21 Nationality Act (8 U.S.C.s.1101 et seq.)); provided that any  
22 modifications of the provisions of section 3304(a)(14) of the  
23 Federal Unemployment Tax Act (26 U.S.C.s.3304 (a)(14)), as  
24 provided by Pub.L.94-566, which specify other conditions or other  
25 effective dates than stated herein for the denial of benefits based on  
26 services performed by aliens and which modifications are required  
27 to be implemented under State law as a condition for full tax credit  
28 against the tax imposed by the Federal Unemployment Tax Act,  
29 shall be deemed applicable under the provisions of this section.

30 (2) Any data or information required of individuals applying for  
31 benefits to determine whether benefits are not payable to them  
32 because of their alien status shall be uniformly required from all  
33 applicants for benefits.

34 (3) In the case of an individual whose application for benefits  
35 would otherwise be approved, no determination that benefits to such  
36 individual are not payable because of alien status shall be made  
37 except upon a preponderance of the evidence.

38 (j) Notwithstanding any other provision of this chapter, the  
39 director may, to the extent that it may be deemed efficient and  
40 economical, provide for consolidated administration by one or more  
41 representatives or deputies of claims made pursuant to subsection  
42 (f) of this section with those made pursuant to Article III (State  
43 plan) of the "Temporary Disability Benefits Law," P.L.1948, c.110  
44 (C.43:21-25 et seq.).

45 (cf: P.L.2004, c.130, s.116)

46  
47 188. Section 13 of P.L.1971, c.182 (C.52:13D-24) is amended to  
48 read as follows:

1       13. a. No State officer or employee, special State officer or  
2 employee, or member of the Legislature shall solicit, receive or  
3 agree to receive, whether directly or indirectly, any compensation,  
4 reward, employment, gift, honorarium, out-of-State travel or  
5 subsistence expense or other thing of value from any source other  
6 than the State of New Jersey, for any service, advice, assistance,  
7 appearance, speech or other matter related to the officer, employee,  
8 or member's official duties, except as authorized in this section.

9       b. A State officer or employee, special State officer or  
10 employee, or member of the Legislature may, in connection with  
11 any service, advice, assistance, appearance, speech or other matter  
12 related to the officer, employee, or member's official duties, solicit,  
13 receive or agree to receive, whether directly or indirectly, from  
14 sources other than the State, the following:

15       (1) reasonable fees for published books on matters within the  
16 officer, employee, or member's official duties;

17       (2) reimbursement or payment of actual and reasonable  
18 expenditures for travel or subsistence and allowable entertainment  
19 expenses associated with attending an event in New Jersey if  
20 expenditures for travel or subsistence and entertainment expenses  
21 are not paid for by the State of New Jersey;

22       (3) reimbursement or payment of actual and reasonable  
23 expenditures for travel or subsistence outside New Jersey, not to  
24 exceed \$500.00 per trip, if expenditures for travel or subsistence  
25 and entertainment expenses are not paid for by the State of New  
26 Jersey. The \$500 per trip limitation shall not apply if the  
27 reimbursement or payment is made by (a) a nonprofit organization  
28 of which the officer, employee, or member is, at the time of  
29 reimbursement or payment, an active member as a result of the  
30 payment of a fee or charge for membership to the organization by  
31 the State or the Legislature in the case of a member of the  
32 Legislature; (b) a nonprofit organization that does not contract with  
33 the State to provide goods, materials, equipment, or services; or (c)  
34 any agency of the federal government, any agency of another state  
35 or of two or more states, or any political subdivision of another  
36 state.

37       Members of the Legislature shall obtain the approval of the  
38 presiding officer of the member's House before accepting any  
39 reimbursement or payment of expenditures for travel or subsistence  
40 outside New Jersey.

41       As used in this subsection, "reasonable expenditures for travel or  
42 subsistence" means commercial travel rates directly to and from an  
43 event and food and lodging expenses which are moderate and  
44 neither elaborate nor excessive; and "allowable entertainment  
45 expenses" means the costs for a guest speaker, incidental music and  
46 other ancillary entertainment at any meal at an event, provided they  
47 are moderate and not elaborate or excessive, but does not include  
48 the costs of personal recreation, such as being a spectator at or

1 engaging in a sporting or athletic activity which may occur as part  
2 of that event.

3 c. This section shall not apply to the solicitation or acceptance  
4 of contributions to the campaign of an announced candidate for  
5 elective public office, except that campaign contributions may not  
6 be accepted if they are known to be given in lieu of a payment  
7 prohibited pursuant to this section.

8 d. (1) Notwithstanding any other provision of law, a designated  
9 State officer as defined in paragraph (2) of this subsection shall not  
10 solicit, receive or agree to receive, whether directly or indirectly,  
11 any compensation, salary, honorarium, fee, or other form of income  
12 from any source, other than the compensation paid or reimbursed to  
13 him or her by the State for the performance of official duties, for  
14 any service, advice, assistance, appearance, speech or other matter,  
15 except for investment income from stocks, mutual funds, bonds,  
16 bank accounts, notes, a beneficial interest in a trust, financial  
17 compensation received as a result of prior employment or  
18 contractual relationships, and income from the disposition or rental  
19 of real property, or any other similar financial instrument and  
20 except for reimbursement for travel as authorized in subsections (2)  
21 and (3) of paragraph b. of this section. To receive such income, a  
22 designated State officer shall first seek review and approval by the  
23 State Ethics Commission to ensure that the receipt of such income  
24 does not violate the "New Jersey Conflicts of Interest Law,"  
25 P.L.1971, c.182 (C.52:13D-12 et seq.) or any applicable code of  
26 ethics, and does not undermine the full and diligent performance of  
27 the designated State officer's duties.

28 (2) For the purposes of this subsection, "designated State  
29 officer" shall include: the Governor, the Adjutant General, the  
30 Secretary of Agriculture, the Attorney General, the Commissioner  
31 of Banking and Insurance, the Secretary and Chief Executive  
32 Officer of the Commerce and Economic Growth Commission, the  
33 Commissioner of Community Affairs, the Commissioner of  
34 Corrections, the Commissioner of Education, the Commissioner of  
35 Environmental Protection, the Commissioner of Health and Senior  
36 Services, the Commissioner of Human Services, the Commissioner  
37 of Children and Families, the Commissioner of Labor and  
38 Workforce Development, the Commissioner of Personnel, the  
39 President of the State Board of Public Utilities, the Secretary of  
40 State, the Superintendent of State Police, the Commissioner of  
41 Transportation, the State Treasurer, the head of any other  
42 department in the Executive Branch, and the following members of  
43 the staff of the Office of the Governor: Chief of Staff, Chief of  
44 Management and Operations, Chief of Policy and Communications,  
45 Chief Counsel to the Governor, Director of Communications, Policy  
46 Counselor to the Governor, and any deputy or principal  
47 administrative assistant to any of the aforementioned members of  
48 the staff of the Office of the Governor listed in this subsection.

1 e. A violation of this section shall not constitute a crime or  
2 offense under the laws of this State.

3 (cf: P.L.2005, c.382, s.11)  
4

5 189. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to  
6 read as follows:

7 1. Notwithstanding the provisions of the annual appropriations  
8 act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor  
9 shall fix and establish the annual salary, not to exceed \$133,330 in  
10 calendar year 2000, \$137,165 in calendar year 2001 and \$141,000  
11 in calendar year 2002 and thereafter, for each of the following  
12 officers:

13 Title

14 Agriculture Department

15 Secretary of Agriculture

16 Children and Families Department

17 Commissioner of Children and Families

18 Community Affairs Department

19 Commissioner of Community Affairs

20 Corrections Department

21 Commissioner of Corrections

22 Education Department

23 Commissioner of Education

24 Environmental Protection Department

25 Commissioner of Environmental Protection

26 Health and Senior Services Department

27 Commissioner of Health and Senior

28 Services

29 Human Services Department

30 Commissioner of Human Services

31 Banking and Insurance Department

32 Commissioner of Banking and Insurance

33 Labor and Workforce Development Department

34 Commissioner of Labor and Workforce Development

35 Law and Public Safety Department

36 Attorney General

37 Military and Veterans' Affairs Department

38 Adjutant General

39 Personnel Department

40 Commissioner of Personnel

41 State Department

42 Secretary of State

43 Transportation Department

44 Commissioner of Transportation

45 Treasury Department

46 State Treasurer

47 Members, Board of Public Utilities

48 Public Advocate Department

1 Public Advocate

2 Notwithstanding the provisions of this section to the contrary,  
3 the Chief Executive Officer and Secretary of the New Jersey  
4 Commerce and Economic Growth Commission shall receive such  
5 salary as shall be fixed by the Governor pursuant to subsection b. of  
6 section 8 of P.L.1998, c.44 (C.52:27C-68).  
7 (cf: P.L.2005, c.155, s.93)

8

9 190. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to  
10 read as follows:

11 2. As used in this act:

12 (a) The term "State" means the State of New Jersey.

13 (b) The term "commission" means the State Health Benefits  
14 Commission, created by section 3 of this act.

15 (c) The term "employee" means an appointive or elective officer  
16 or full-time employee of the State of New Jersey. For the purposes  
17 of this act an employee of Rutgers, The State University of New  
18 Jersey, shall be deemed to be an employee of the State, and an  
19 employee of the New Jersey Institute of Technology shall be  
20 considered to be an employee of the State during such time as the  
21 Trustees of the Institute are party to a contractual agreement with  
22 the State Treasurer for the provision of educational services. The  
23 term "employee" shall further mean, for purposes of this act, a  
24 former employee of the South Jersey Port Corporation, who is  
25 employed by a subsidiary corporation or other corporation, which  
26 has been established by the Delaware River Port Authority pursuant  
27 to subdivision (m) of Article I of the compact creating the Delaware  
28 River Port Authority (R.S.32:3-2), as defined in section 3 of  
29 P.L.1997, c.150 (C.34:1B-146), and who is eligible for continued  
30 membership in the Public Employees' Retirement System pursuant  
31 to subsection j. of section 7 of P.L.1954, c.84 (C.43:15A-7).

32 For the purposes of this act the term "employee" shall not  
33 include persons employed on a short-term, seasonal, intermittent or  
34 emergency basis, persons compensated on a fee basis, persons  
35 having less than two months of continuous service or persons whose  
36 compensation from the State is limited to reimbursement of  
37 necessary expenses actually incurred in the discharge of their  
38 official duties. An employee paid on a 10-month basis, pursuant to  
39 an annual contract, will be deemed to have satisfied the two-month  
40 waiting period if the employee begins employment at the beginning  
41 of the contract year. The term "employee" shall also not include  
42 retired persons who are otherwise eligible for benefits under this act  
43 but who, although they meet the age eligibility requirement of  
44 Medicare, are not covered by the complete federal program. A  
45 determination by the commission that a person is an eligible  
46 employee within the meaning of this act shall be final and shall be  
47 binding on all parties.

1 (d) (1) The term "dependents" means an employee's spouse, or  
2 an employee's domestic partner as defined in section 3 of P.L.2003,  
3 c.246 (C.26:8A-3), and the employee's unmarried children under the  
4 age of 23 years who live with the employee in a regular parent-child  
5 relationship. "Children" shall include stepchildren, legally adopted  
6 children and children placed by the Division of Youth and Family  
7 Services in the Department of Children and Families, provided they  
8 are reported for coverage and are wholly dependent upon the  
9 employee for support and maintenance. A spouse, domestic partner  
10 or child enlisting or inducted into military service shall not be  
11 considered a dependent during the military service. The term  
12 "dependents" shall not include spouses or domestic partners of  
13 retired persons who are otherwise eligible for the benefits under this  
14 act but who, although they meet the age eligibility requirement of  
15 Medicare, are not covered by the complete federal program.

16 (2) Notwithstanding the provisions of paragraph (1) of this  
17 subsection to the contrary and subject to the provisions of paragraph  
18 (3) of this subsection, for the purposes of an employer other than  
19 the State that is participating in the State Health Benefits Program  
20 pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term  
21 "dependents" means an employee's spouse and the employee's  
22 unmarried children under the age of 23 years who live with the  
23 employee in a regular parent-child relationship. "Children" shall  
24 include stepchildren, legally adopted children and children placed  
25 by the Division of Youth and Family Services in the Department of  
26 **[Human Services]** Children and Families provided they are  
27 reported for coverage and are wholly dependent upon the employee  
28 for support and maintenance. A spouse or child enlisting or  
29 inducted into military service shall not be considered a dependent  
30 during the military service. The term "dependents" shall not  
31 include spouses of retired persons who are otherwise eligible for  
32 benefits under P.L.1961, c.49 (C.52:14-17.25 et seq.) but who,  
33 although they meet the age eligibility requirement of Medicare, are  
34 not covered by the complete federal program.

35 (3) An employer other than the State that is participating in the  
36 State Health Benefits Program pursuant to section 3 of P.L.1964,  
37 c.125 (C.52:14-17.34) may adopt a resolution providing that the  
38 term "dependents" as defined in paragraph (2) of this subsection  
39 shall include domestic partners as provided in paragraph (1) of this  
40 subsection.

41 (e) The term "carrier" means a voluntary association, corporation  
42 or other organization, including a health maintenance organization  
43 as defined in section 2 of the "Health Maintenance Organizations  
44 Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully engaged in  
45 providing or paying for or reimbursing the cost of, personal health  
46 services, including hospitalization, medical and surgical services,  
47 under insurance policies or contracts, membership or subscription



1 contracts, or the like, in consideration of premiums or other periodic  
2 charges payable to the carrier.

3 (f) The term "hospital" means (1) an institution operated  
4 pursuant to law which is primarily engaged in providing on its own  
5 premises, for compensation from its patients, medical diagnostic  
6 and major surgical facilities for the care and treatment of sick and  
7 injured persons on an inpatient basis, and which provides such  
8 facilities under the supervision of a staff of physicians and with 24  
9 hour a day nursing service by registered graduate nurses, or (2) an  
10 institution not meeting all of the requirements of (1) but which is  
11 accredited as a hospital by the Joint Commission on Accreditation  
12 of Hospitals. In no event shall the term "hospital" include a  
13 convalescent nursing home or any institution or part thereof which  
14 is used principally as a convalescent facility, residential center for  
15 the treatment and education of children with mental disorders, rest  
16 facility, nursing facility or facility for the aged or for the care of  
17 drug addicts or alcoholics.

18 (g) The term "State managed care plan" means a health care plan  
19 under which comprehensive health care services and supplies are  
20 provided to eligible employees, retirees, and dependents: (1)  
21 through a group of doctors and other providers employed by the  
22 plan; or (2) through an individual practice association, preferred  
23 provider organization, or point of service plan under which services  
24 and supplies are furnished to plan participants through a network of  
25 doctors and other providers under contracts or agreements with the  
26 plan on a prepayment or reimbursement basis and which may  
27 provide for payment or reimbursement for services and supplies  
28 obtained outside the network. The plan may be provided on an  
29 insured basis through contracts with carriers or on a self-insured  
30 basis, and may be operated and administered by the State or by  
31 carriers under contracts with the State.

32 (h) The term "Medicare" means the program established by the  
33 "Health Insurance for the Aged Act," Title XVIII of the "Social  
34 Security Act," Pub.L.89-97 (42 U.S.C.s.1395 et seq.), as amended,  
35 or its successor plan or plans.

36 (i) The term "traditional plan" means a health care plan which  
37 provides basic benefits, extended basic benefits and major medical  
38 expense benefits as set forth in section 5 of P.L.1961, c.49  
39 (C.52:14-17.29) by indemnifying eligible employees, retirees, and  
40 dependents for expenses for covered health care services and  
41 supplies through payments to providers or reimbursements to  
42 participants.

43 (cf: P.L.2004, c.130, s.118)

44

45 191. Section 2 of P.L.2000, c.24 (C.52:17B-88.10) is amended  
46 to read as follows:

47 2. a. The State Medical Examiner, in consultation with the  
48 Commissioner of Health and Senior Services, shall develop

1 standardized protocols for autopsies performed in those cases in  
2 which the suspected cause of death of a child under one year of age  
3 is sudden infant death syndrome and in which the child is between  
4 one and three years of age and the death is sudden and unexpected.

5 b. The State Medical Examiner shall establish a Sudden Child  
6 Death Autopsy Protocol Committee to assist in developing and  
7 reviewing the protocol. The committee shall include, but shall not  
8 be limited to, the State Medical Examiner or his designee, the  
9 Assistant Commissioner of the Division of Family Health Services  
10 in the Department of Health and Senior Services or his designee,  
11 the Director of the Division of Youth and Family Services in the  
12 Department of **【Human Services】** Children and Families or his  
13 designee, the director of the SIDS Resource Center established  
14 pursuant to P.L.1987, c.331 (C.26:5D-4), an epidemiologist, a  
15 forensic pathologist, a pediatric pathologist, a county medical  
16 examiner, a pediatrician who is knowledgeable about sudden infant  
17 death syndrome and child abuse, a law enforcement officer, an  
18 emergency medical technician or a paramedic, a family member of  
19 a sudden infant death syndrome victim and a family member of a  
20 sudden unexpected death victim who was between one and three  
21 years of age at the time of death.

22 The committee shall annually review the protocol and make  
23 recommendations to the State Medical Examiner to revise the  
24 protocol, as appropriate.

25 c. The protocols shall include requirements and standards for  
26 scene investigation, criteria for ascertaining the cause of death  
27 based on autopsy, criteria for specific tissue sampling, and such  
28 other requirements as the committee deems appropriate. The  
29 protocols shall take into account nationally recognized standards for  
30 pediatric autopsies.

31 The State Medical Examiner shall be responsible for ensuring  
32 that the protocols are followed by all medical examiners and other  
33 persons authorized to conduct autopsies in those cases in which the  
34 suspected cause of death is sudden infant death syndrome or in  
35 which the child is between one and three years of age and the death  
36 is sudden and unexpected.

37 d. The protocols shall authorize the State Medical Examiner,  
38 county medical examiner or other authorized person to take tissue  
39 samples for research purposes, as provided in section 2 of P.L.2005,  
40 c.227 (C.52:17B-88.11).

41 e. The sudden infant death syndrome autopsy protocol shall  
42 provide that if the findings in the autopsy are consistent with the  
43 definition of sudden infant death syndrome specified in the  
44 protocol, the person who conducts the autopsy shall state on the  
45 death certificate that sudden infant death syndrome is the cause of  
46 death.

47 (cf: P.L.2005, c.227, s.1)

1       192. Section 2 of P.L.1995, c.284 (C.52:17B-170) is amended to  
2 read as follows:

3       2. a. A Juvenile Justice Commission is established in, but not of,  
4 the Department of Law and Public Safety. The commission is  
5 allocated to the Department of Law and Public Safety for the  
6 purpose of complying with Article V, Section IV, paragraph 1 of  
7 the New Jersey Constitution. The Attorney General shall be the  
8 request officer for the commission within the meaning of section 6  
9 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall exercise that  
10 authority and other administrative functions, powers and duties  
11 consistent with the provisions of this act.

12       b. The commission shall consist of an executive director, an  
13 executive board, an advisory council and such facilities, officers,  
14 employees and organizational units as provided herein or as  
15 otherwise necessary to performance of the commission's duties and  
16 responsibilities.

17       c. The executive director shall be appointed by the Governor  
18 with the advice and consent of the Senate and shall serve at the  
19 pleasure of the Governor during the Governor's term of office and  
20 until a successor is appointed and qualified.

21       d. The executive board shall consist of the following members:  
22 The Attorney General, who shall serve as chair of the executive  
23 board; the Commissioner of Corrections and the Commissioner of  
24 **【Human Services】** Children and Families, who shall serve as vice-  
25 chairs of the executive board; the Commissioner of Education; the  
26 chair of the Juvenile Justice Commission advisory council,  
27 established pursuant to section 4 of P.L.1995, c.284 (C.52:17B-  
28 172); and two members who serve as chairs of a county youth  
29 services commission, established pursuant to P.L.1995, c.282  
30 (C.52:17B-180), to be appointed by the Governor to serve at the  
31 Governor's pleasure. The Administrative Director of the  
32 Administrative Office of the Courts is invited to participate on the  
33 executive board, subject to the approval of the Supreme Court. A  
34 member of the executive board may name a designee who shall  
35 have the authority to act for the member. Members of the executive  
36 board shall serve without compensation for their services to the  
37 commission. The executive board shall meet at least quarterly and  
38 at such other times as designated by the chair. Except with respect  
39 to matters concerning distribution of funds to counties, four  
40 members of the executive board shall constitute a quorum to  
41 transact business of the executive board and action of the executive  
42 board shall require an affirmative vote of four members. A member  
43 of the executive board who is also a member of a county youth  
44 services commission shall not participate in matters concerning  
45 distribution of funds to counties; in these matters, three members of  
46 the executive board shall constitute a quorum to transact business  
47 and an action of the executive board shall require an affirmative  
48 vote of three members.

- 1 e. The commission shall have the following powers, duties and  
2 responsibilities:
- 3 (1) To specify qualifications for and to employ, within the limits  
4 of available appropriations and subject to the provisions of  
5 P.L.1995, c.284 (C.52:17B-169 et seq.) and Title 11A of the New  
6 Jersey Statutes, such staff as are necessary to accomplish the work  
7 of the commission or as are needed for the proper performance of  
8 the functions and duties of the commission, including but not  
9 limited to:
- 10 (a) The number of deputy directors, assistant directors,  
11 superintendents, assistant superintendents and other assistants who  
12 shall be in the unclassified service and shall be deemed confidential  
13 employees for the purposes of the "New Jersey Employer-Employee  
14 Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.); and
- 15 (b) Juvenile corrections officers;
- 16 (2) To utilize such staff of the Department of Law and Public  
17 Safety as the Attorney General, within the limits of available  
18 appropriations, may make available to the commission;
- 19 (3) To organize the work of the commission in appropriate  
20 bureaus and other organization units;
- 21 (4) To enter into contracts and agreements with State, county  
22 and municipal governmental agencies and with private entities for  
23 the purpose of providing services and sanctions for juveniles  
24 adjudicated or charged as delinquent and programs for prevention  
25 of juvenile delinquency;
- 26 (5) To contract for the services of professional and technical  
27 personnel and consultants as necessary to fulfill the statutory  
28 responsibilities of the commission;
- 29 (6) To establish minimum standards for the care, treatment,  
30 government and discipline of juveniles confined pending, or as a  
31 result of, an adjudication of delinquency;
- 32 (7) To assume the custody and care of all juveniles committed  
33 by court order, law, classification, regulation or contract to the  
34 custody of the commission or transferred to the custody of the  
35 commission pursuant to section 8 of P.L.1995, c.284 (C.52:17B-  
36 176);
- 37 (8) To manage and operate all State secure juvenile facilities  
38 which shall include the New Jersey Training School for Boys  
39 created pursuant to R.S.30:1-7 and transferred to the Commissioner  
40 of Corrections pursuant to section 8 of P.L.1976, c.98 (C.30:1B-8)  
41 and the Juvenile Medium Security Facility created pursuant to  
42 R.S.30:1-7 and both transferred to the commission pursuant to  
43 section 8 of P.L.1995, c.284 (C.52:17B-176) and shall include any  
44 other secure juvenile facility established by the commission in the  
45 future;
- 46 (9) To manage and operate all State juvenile facilities or  
47 juvenile programs for juveniles adjudicated delinquent which shall  
48 include facilities and programs transferred to the commission

- 1 pursuant to section 8 of P.L.1995, c.284 (C.52:17B-176) or  
2 established or contracted for in the future by the commission;
- 3 (10) To prepare a State Juvenile Justice Master Plan every third  
4 year which identifies facilities, sanctions and services available for  
5 juveniles adjudicated or charged as delinquent and juvenile  
6 delinquency prevention programs and which identifies additional  
7 needs based upon the extent and nature of juvenile delinquency and  
8 the adequacy and effectiveness of available facilities, services,  
9 sanctions and programs;
- 10 (11) To approve plans for each county submitted by the county  
11 youth services commission pursuant to P.L.1995, c.282 (C.52:17B-  
12 180);
- 13 (12) To administer the State/Community Partnership Grant  
14 Program established pursuant to P.L.1995, c.283 (C.52:17B-179);
- 15 (13) To accept from any governmental department or agency,  
16 public or private body or any other source, grants or contributions  
17 to be used in exercising its power, and in meeting its duties and  
18 responsibilities;
- 19 (14) To formulate and adopt standards and rules for the efficient  
20 conduct of the work of the commission, the facilities, services,  
21 sanctions and programs within its jurisdiction, and its officers and  
22 employees;
- 23 (15) To provide for the development of the facilities, services,  
24 sanctions and programs within its jurisdiction and to promote the  
25 integration of State, county and local facilities, sanctions, services  
26 and programs, including probation and parole;
- 27 (16) To institute, or cause to be instituted, such legal proceedings  
28 or processes as may be necessary to enforce properly and give  
29 effect to any of its powers or duties including the authority to  
30 compel by subpoena, subject to the sanction for contempt of  
31 subpoena issued by a court, attendance and production of records;
- 32 (17) To provide for the timely and efficient collection and  
33 analysis of data regarding the juvenile justice system to insure the  
34 continuing review and evaluation of services, policies and  
35 procedures;
- 36 (18) To receive and classify juveniles committed to the custody  
37 of the commission;
- 38 (19) To supervise compliance with conditions of parole;
- 39 (20) To establish appropriate dispositions of juveniles for whom  
40 parole has been revoked;
- 41 (21) To perform such other functions as may be prescribed by  
42 law; and
- 43 (22) To promulgate, pursuant to the "Administrative Procedure  
44 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations  
45 necessary to implement and effectuate the purposes of this act.  
46 (cf: P.L.2005, c.164, s.1)

1       193. Section 7 of P.L.1995, c.284 (C.52:17B-175) is amended to  
2 read as follows:

3       7. a. Notwithstanding the Juvenile Justice Commission's  
4 responsibility for State secure juvenile facilities and State juvenile  
5 facilities and programs, the Department of Corrections, through  
6 agreement with the commission, shall provide central  
7 transportation, communication and other services required by the  
8 commission in connection with the operation of these facilities and  
9 the custody and care of juveniles confined in the facilities.

10      b. Notwithstanding the commission's responsibility for State  
11 secure juvenile facilities and State juvenile facilities, the  
12 Department of **【Human Services】** Children and Families shall  
13 provide care and custody for juveniles placed under the care and  
14 custody or committed to the department pursuant to paragraphs (5),  
15 (6) and (7) of subsection b. of section 24 of P.L.1982, c.77  
16 (C.2A:4A-43).

17      c. The commission and the Commissioner of **【the Department**  
18 **of Human Services】** Children and Families shall formulate a plan to  
19 provide adequate and appropriate mental health services to  
20 juveniles in secure juvenile facilities and juvenile facilities operated  
21 by the commission. The commission and the Commissioner of **【the**  
22 **Department of Human Services】** Children and Families shall jointly  
23 adopt regulations pursuant to the "Administrative Procedure Act,"  
24 P.L.1968, c.410 (C.52:14B-1 et seq.), establishing the procedures  
25 included in the plan. The plan shall include the following:

26       (1) Procedures for identifying juveniles in need of such services  
27 upon admission to and while in a facility, including procedures for  
28 evaluation;

29       (2) Procedures for providing appropriate and adequate treatment  
30 and for terminating treatment when it is no longer needed;

31       (3) Procedures for ensuring cooperation between employees of  
32 the commission and the Department of **【Human Services】** Children  
33 and Families; and

34       (4) Procedures for review and revision of the plan.

35      d. The commission, through agreement with the Attorney  
36 General, the Commissioner of Corrections or the Commissioner of  
37 **【Human Services】** Children and Families as appropriate, shall  
38 arrange to provide such other services as may be required by the  
39 commission and may enter into other agreements as authorized  
40 pursuant to R.S.52:14-1 et seq. or any other law of this State.

41      e. The commission and the Commissioner of the Department of  
42 Corrections shall, consistent with applicable State and federal  
43 standards, formulate a plan setting forth procedures for transferring  
44 custody of any juvenile incarcerated in a juvenile facility who has  
45 reached the age of 16 during confinement and whose continued  
46 presence in the juvenile facility threatens the public safety, the  
47 safety of juvenile offenders, or the ability of the commission to

1 operate the program in the manner intended. The commission and  
2 the Commissioner of the Department of Corrections shall jointly  
3 adopt regulations pursuant to the “Administrative Procedure Act,”  
4 P.L.1968, c.410 (C.52:14B-1 et seq.), establishing the procedures  
5 included in the plan.

6 (cf: P.L.1995, c.284, s.7)

7  
8 194. Section 69 of P.L.2005, c.155 (C.52:27EE-69) is amended  
9 to read as follows:

10 69. Office of the Child Advocate; duties.

11 a. The child advocate shall:

12 (1) administer the work of the Office of the Child Advocate;

13 (2) appoint and remove such officers, investigators,  
14 stenographic and clerical assistants and other personnel, in the  
15 career or unclassified service, as may be required for the conduct of  
16 the office, subject to the provisions of Title 11A of the New Jersey  
17 Statutes (Civil Service), and other applicable statutes, except as  
18 provided otherwise herein;

19 (3) formulate and adopt rules and regulations for the efficient  
20 conduct of the work and general administration of the office, its  
21 officers and employees, in accordance with the “Administrative  
22 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.); and

23 (4) institute or cause to be instituted such legal proceedings or  
24 processes consistent with the Rules Governing the Courts of New  
25 Jersey as may be necessary to properly enforce and give effect to  
26 any of the child advocate’s powers or duties.

27 b. Consistent with the provisions of federal and State law,

28 (1) the child advocate shall have access to, and the right to  
29 inspect and copy, any records, including pupil records in  
30 accordance with the provisions of N.J.S.18A:36-19, necessary to  
31 carry out the responsibilities under this act; and

32 (2) the child advocate shall have reasonable access to, and the  
33 right to copy any records from, the Division of Youth and Family  
34 Services’ Service Information System, or its successor, necessary to  
35 carry out its responsibilities under this act, and only with regard to  
36 individuals who are or may be the subject of an investigation by the  
37 child advocate, or to assess the status of an individual complaint or  
38 inquiry to determine whether further action by the child advocate is  
39 appropriate; except that, access provided to the successor system,  
40 including the Statewide Automated Child Welfare Information  
41 System, shall be limited to information available through the  
42 Service Information System, unless otherwise agreed to by the child  
43 advocate and the Department of **Human Services** Children and  
44 Families.

45 c. The child advocate may issue subpoenas to compel the  
46 attendance and testimony of witnesses or the production of books,  
47 papers and other documents, and administer oaths to witnesses in  
48 any matter under the investigation of the office.

1 If any person to whom such subpoena is issued fails to appear or,  
2 having appeared, refuses to give testimony, or fails to produce the  
3 books, papers or other documents required, the child advocate may  
4 apply to the Superior Court, which may order the person to appear  
5 and give testimony or produce the books, papers or other  
6 documents, as applicable.

7 d. The child advocate shall disseminate information to the  
8 public on the objectives of the office, the services the office  
9 provides and the methods by which the office may be contacted.

10 e. The child advocate shall aid the Governor in proposing  
11 methods of achieving increased coordination and collaboration  
12 among State agencies to ensure maximum effectiveness and  
13 efficiency in the provision of services to children.

14 (cf: P.L.2005, c.155, s.69)

15  
16 195. Section 70 of P.L.2005, c.155 (C.52:27EE-70) is amended  
17 to read as follows:

18 70. Office of the Child Advocate; powers.

19 The child advocate may:

20 a. investigate, review, monitor or evaluate any State agency  
21 response to, or disposition of, an allegation of child abuse or neglect  
22 in this State;

23 b. inspect and review the operations, policies and procedures  
24 of:

25 (1) juvenile detention centers operated by the counties and all  
26 juvenile justice facilities operated by or under contract with the  
27 Juvenile Justice Commission, including, but not limited to, secure  
28 correctional facilities and residential and day treatment programs;

29 (2) resource family homes, group homes, residential treatment  
30 facilities, shelters for the care of abused or neglected children,  
31 shelters for the care of juveniles considered as juvenile-family crisis  
32 cases, shelters for the care of homeless youth, or independent living  
33 arrangements operated, licensed, or approved for payment, by the  
34 Department of Human Services, Department of Children and  
35 Families, Department of Community Affairs or Department of  
36 Health and Senior Services; and

37 (3) any other public or private setting in which a child has been  
38 placed by a State or county agency or department;

39 c. review, evaluate, report on and make recommendations  
40 concerning the procedures established by any State agency  
41 providing services to children who are at risk of abuse or neglect,  
42 children in State or institutional custody, or children who receive  
43 child protective or permanency services;

44 d. review, monitor and report on the performance of State-  
45 funded private entities charged with the care and supervision of  
46 children due to abuse or neglect by conducting research audits or  
47 other studies of case records, policies, procedures and protocols, as



1 deemed necessary by the child advocate to assess the performance  
2 of the entities;

3 e. receive, investigate and make referrals to other agencies or  
4 take other appropriate actions with respect to a complaint received  
5 by the office regarding the actions of a State, county or municipal  
6 agency or a State-funded private entity providing services to  
7 children who are at risk of abuse or neglect;

8 f. hold a public hearing on the subject of an investigation or  
9 study underway by the office, and receive testimony from agency  
10 and program representatives, the public and other interested parties,  
11 as the child advocate deems appropriate;

12 g. establish and maintain a 24-hour toll-free telephone hotline  
13 to receive and respond to calls from citizens referring problems to  
14 the child advocate, both individual and systemic, in how the State,  
15 through its agencies or contract services, protects children;

16 h. in exercising the authority provided in subsection a. of this  
17 section, the child advocate may conduct unannounced site visits to  
18 any institution or facility to which children are committed, placed  
19 or otherwise disposed if the child advocate, prior to conducting an  
20 unannounced site visit, has initiated a project or investigation into  
21 the response or disposition of an allegation of abuse or neglect and  
22 there is a reasonable basis to believe that an unannounced site visit  
23 is necessary to carry out the child advocate's responsibilities under  
24 this act, provided, however, that any unannounced site visit shall be  
25 conducted at a reasonable time and in a reasonable manner;

26 i. in exercising the authority provided under subsections a.  
27 through e. of this section, the child advocate shall consult with any  
28 appropriate State, county or municipal agency or a State-funded  
29 private entity providing services to children, and may request from  
30 any such entity, and the entity is hereby authorized and directed to  
31 provide, such cooperation and assistance as will enable the child  
32 advocate to properly perform its responsibilities under this act; and

33 j. notwithstanding the provisions of section 11 of P.L.1944,  
34 c.20 (C.52:17A-11) to the contrary, hire independent counsel on a  
35 case-by-case basis to provide competent representation in light of  
36 the nature of the case, the services to be performed, the experience  
37 of the particular attorney and other relevant factors.

38 (cf: P.L.2005, c.155, s.70)

39  
40 196. Section 75 of P.L.2005, c.155 (C.52:27EE-75) is amended  
41 to read as follows:

42 75. Office of the Child Advocate; reports.

43 The child advocate shall report annually to the Governor, the  
44 Public Advocate, the **Commissioner** Commissioners of Human  
45 Services and Children and Families, and, pursuant to section 2 of  
46 P.L.1991, c.164 (C.52:14-19.1), the Legislature on: the activities of  
47 the office; priorities for children's services that have been identified  
48 by the child advocate; and recommendations for improvement or

1 needed changes concerning the provision of services to children  
2 who are at risk of abuse or neglect, and are in State or institutional  
3 custody or receive child protective or permanency services by State  
4 agencies and State-funded private entities.

5 The annual report shall be made available to the public.

6 (cf: P.L.2005, c.155, s.75)

7  
8 197. Section 76 of P.L.2005, c.155 (C.52:27EE-76) is amended  
9 to read as follows:

10 76. Office of the Child Advocate; disclosure; confidentiality.

11 a. The child advocate shall make public its findings of  
12 investigation reports or other studies undertaken by the office,  
13 including its investigatory findings to complaints received pursuant  
14 to section 70 of this act, and shall forward any publicly reported  
15 findings to the Governor, the Legislature, the Public Advocate, the  
16 **【Commissioner】** Commissioners of Human Services and Children  
17 and Families, the affected public agencies and the Governor's  
18 Cabinet for Children.

19 b. The child advocate shall not disclose:

20 (1) any information that would likely endanger the life, safety,  
21 or physical or emotional well-being of a child or the life or safety of  
22 a person who filed a complaint or which may compromise the  
23 integrity of a State or county department or agency investigation,  
24 civil or criminal investigation or judicial or administrative  
25 proceeding; and

26 (2) the name of or any other information identifying the person  
27 who filed a complaint with, or otherwise provided information to,  
28 the office without the written consent of that person.

29 The information subject to the provisions of this subsection shall  
30 not be considered a public record pursuant to the provisions of  
31 P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5  
32 et al.).

33 c. The child advocate shall not disclose any information that  
34 may be deemed confidential by federal or State law, except when  
35 necessary to allow the Department of the Public Advocate,  
36 Department of Human Services, Department of Children and  
37 Families, Attorney General, Juvenile Justice Commission and other  
38 State or county department or agency to perform its duties and  
39 obligations under the law.

40 (cf: P.L.2005, c.155, s.76)

41  
42 198. Section 6 of P.L.2005, c.370 (C.52:27G-37) is amended to  
43 read as follows:

44 6. a. Upon receipt of an application for registration as a  
45 professional guardian, the Office of the Public Guardian for Elderly  
46 Adults is authorized to determine whether criminal history record  
47 information exists on file in the Federal Bureau of Investigation,  
48 Identification Division or in the State Bureau of Identification in the

1 Division of State Police that would disqualify the person from being  
2 registered as a professional guardian.

3 The Office of the Public Guardian for Elderly Adults is  
4 authorized to access the child abuse registry in the Department of  
5 **【Human Services】** Children and Families and the domestic violence  
6 central registry in the Administrative Office of the Courts.

7 A person shall be disqualified from registration if the person's  
8 criminal history record background check reveals a record of  
9 conviction of any of the following crimes and offenses:

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

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

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

18 (c) involving theft as set forth in chapter 20 of Title 2C of the  
19 New Jersey Statutes, or fraud relating to any health care plan or  
20 program as set forth in section 15 of P.L.1989, c.300 (C.2C:21-4.1),  
21 sections 2 and 3 of P.L.1997, c.353 (C.2C:21-4.2 and 2C:21-4.3),  
22 P.L.1999, c.162 (C.2C:21-22.1) or section 17 of P.L.1968, c.413  
23 (C.30:4D-17); or

24 (d) involving any controlled dangerous substance or controlled  
25 substance analog as set forth in chapter 35 of Title 2C of the New  
26 Jersey Statutes except paragraph (4) of subsection a. of  
27 N.J.S.2C:35-10.

28 (2) In any other state or jurisdiction, of conduct which, if  
29 committed in New Jersey, would constitute any of the crimes or  
30 disorderly persons offenses described in paragraph (1) of this  
31 subsection.

32 A person shall also be disqualified from registration if a check of  
33 the child abuse registry reveals that the person has a history of child  
34 abuse.

35 In a case in which a check of the domestic violence central  
36 registry reveals that the person has a history of domestic violence,  
37 the public guardian shall review the record with respect to the type  
38 and date of the criminal offense or the provisions and date of the  
39 final domestic violence restraining order and make a determination  
40 as to the suitability of the person to be a registered professional  
41 guardian.

42 b. Notwithstanding the provisions of subsection a. of this  
43 section to the contrary, no person shall be disqualified from  
44 registration on the basis of any conviction disclosed by a criminal  
45 history record background check performed pursuant to this act if  
46 the person has affirmatively demonstrated to the public guardian  
47 clear and convincing evidence of the applicant's rehabilitation. In

1 determining whether a person has affirmatively demonstrated  
2 rehabilitation, the following factors shall be considered:

3 (1) the nature and responsibility of the position which the  
4 person would hold, has held or currently holds, as the case may be;

5 (2) the nature and seriousness of the offense;

6 (3) the circumstances under which the offense occurred;

7 (4) the date of the offense;

8 (5) the age of the person when the offense was committed;

9 (6) whether the offense was an isolated or repeated incident;

10 (7) any social conditions which may have contributed to the  
11 offense; and

12 (8) any evidence of rehabilitation, including good conduct in  
13 prison or in the community, counseling or psychiatric treatment  
14 received, acquisition of additional academic or vocational  
15 schooling, work history, or the recommendation of those who have  
16 had the person under their supervision.

17 c. If a person refuses to consent to, or cooperate in, the  
18 securing of a criminal history record background check, the public  
19 guardian shall not register that person as a professional guardian  
20 and shall notify the person of that denial.

21 (cf: P.L.2005, c.370, s.6)

22

23 199. Section 7 of P.L.2005, c.370 (C.52:27G-38) is amended to  
24 read as follows:

25 7. a. A person who is required to undergo a criminal history  
26 record background, child abuse registry and domestic violence  
27 central registry check pursuant to section 6 of this act shall submit  
28 to the public guardian his name, address and fingerprints, in  
29 accordance with the applicable State and federal laws, rules and  
30 regulations. The Office of the Public Guardian is authorized to  
31 exchange fingerprint data with and receive criminal history record  
32 information from the Federal Bureau of Investigation and the  
33 Division of State Police for use in making the determinations  
34 required pursuant to this act.

35 b. Upon receipt of the criminal history record information for a  
36 person from the Federal Bureau of Investigation or the Division of  
37 State Police, the public guardian shall, within a reasonable time,  
38 notify the person in writing of his qualification or disqualification  
39 for registration under this act. If the person is disqualified, the  
40 conviction or convictions which constitute the basis for the  
41 disqualification shall be identified in the notice to the person.

42 c. Upon receipt of the information for a person from the child  
43 abuse registry in the Department of **Human Services** Children and  
44 Families or the domestic violence central registry in the  
45 Administrative Office of the Courts, the public guardian shall,  
46 within a reasonable time, notify the person in writing of his  
47 qualification or disqualification for registration under this act. If  
48 the person is disqualified, the incident or incidents which constitute

1 the basis for the disqualification shall be identified in the notice to  
2 the person.

3 d. The person has a right to be heard by the Office of the Public  
4 Guardian for Elderly Adults, within 30 days from the date of the  
5 written notice of disqualification, on the accuracy of his criminal  
6 history record, child abuse registry or domestic violence central  
7 registry information or to establish his rehabilitation under  
8 subsection b. of section 6 of this act. Upon the issuance of a final  
9 decision by the public guardian, pursuant to this subsection, the  
10 Office of the Public Guardian for Elderly Adults shall notify the  
11 person as to whether he remains disqualified. A person disputing  
12 an adverse determination by the Office of the Public Guardian for  
13 Elderly Adults may file with the Office of Administrative Law for  
14 an administrative hearing.  
15 (cf: P.L.2005, c.370, s.7)

16

17 200. Section 2 of P.L.1985, c.69 (C.53:1-20.6) is amended to  
18 read as follows:

19 2. a. The Superintendent of State Police, with the approval of  
20 the Attorney General, shall, pursuant to the "Administrative  
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules  
22 and regulations authorizing the dissemination, by the State Bureau  
23 of Identification, of criminal history record background information  
24 requested by State, county and local government agencies,  
25 including the Division of State Police, in noncriminal matters, or  
26 requested by individuals, nongovernmental entities or other  
27 governmental entities whose access to such criminal history record  
28 background information is not prohibited by law. A fee not to  
29 exceed \$30 shall be imposed for processing fingerprint  
30 identification checks; a fee not to exceed \$18 shall be imposed for  
31 processing criminal history name search identification checks.  
32 These fees shall be in addition to any other fees required by law. In  
33 addition to any fee specified herein, a nonrefundable fee, the  
34 amount of which shall be determined by the Superintendent of State  
35 Police, with the approval of the Attorney General, shall be collected  
36 to cover the cost of securing and processing a federal criminal  
37 records check for each applicant.

38 b. State, county and local government agencies, including the  
39 Division of State Police, and nongovernmental entities are  
40 authorized to impose and collect the processing fee established  
41 pursuant to subsection a. of this section from the person for whom  
42 the criminal history record background check is being processed or  
43 from the party requesting the criminal history record background  
44 check. The Superintendent of State Police shall provide this  
45 processing service without the collection of fees from the applicants  
46 in processing background checks of prospective resource family  
47 parents or members of their immediate families. In such cases, the  
48 Department of **[Human Services]** Children and Families shall be

1 responsible for paying the fees imposed pursuant to subsection a. of  
2 this section. Nothing in this section shall prohibit the  
3 Superintendent of State Police, with the approval of the Attorney  
4 General, from providing this processing service without the  
5 collection of fees from the applicant in other circumstances which  
6 in his sole discretion he deems appropriate, if the applicants would  
7 not receive a wage or salary for the time and services they provide  
8 to an organization or who are considered volunteers. In those  
9 circumstances where the Superintendent of State Police, with the  
10 approval of the Attorney General, determines to provide this  
11 processing service without the collection of fees to the individual  
12 applicants, the superintendent may assess the fees for providing this  
13 service on behalf of the applicants to any department of State,  
14 county or municipal government which is responsible for operating  
15 or overseeing that volunteer program. The agencies shall transfer  
16 all moneys collected for the processing fee to the Division of State  
17 Police.

18 (cf: P.L.2004, c.130, s.121)

19  
20 201. Section 8 of P.L.2000, c.77 (C.53:1-20.9b) is amended to  
21 read as follows:

22 8. a. The Commissioner of **【Human Services】** Children and  
23 Families is authorized to exchange fingerprint data with, and to  
24 receive information from, the Division of State Police in the  
25 Department of Law and Public Safety and the Federal Bureau of  
26 Investigation.

27 Upon receipt of the criminal history record information for an  
28 applicant or staff member of a child care center from the Federal  
29 Bureau of Investigation and the Division of State Police, the  
30 Department of **【Human Services】** Children and Families shall  
31 notify the applicant or staff member, as applicable, and the child  
32 care center, in writing, of the applicant's or staff member's  
33 qualification or disqualification for employment or service under  
34 P.L.2000, c.77 (C.30:5B-6.10 et al.). If the applicant or staff  
35 member is disqualified, the convictions that constitute the basis for  
36 the disqualification shall be identified in the written notice to the  
37 applicant or staff member. The applicant or staff member shall  
38 have 14 days from the date of the written notice of disqualification  
39 to challenge the accuracy of the criminal history record information.  
40 If no challenge is filed or if the determination of the accuracy of the  
41 criminal history record information upholds the disqualification, the  
42 Department of **【Human Services】** Children and Families shall  
43 notify the center that the applicant or staff member has been  
44 disqualified from employment.

45 b. The Division of State Police shall promptly notify the  
46 Department of **【Human Services】** Children and Families in the  
47 event an applicant or staff member who was the subject of a  
48 criminal history record background check conducted pursuant to

1 subsection a. of this section, is convicted of a crime or offense in  
2 this State after the date the background check was performed. Upon  
3 receipt of such notification, the Department of [Human Services]  
4 Children and Families shall make a determination regarding the  
5 employment of the applicant or staff member.

6 (cf: P.L.2004, c.130, s.122)

7  
8 202. Section 7 of P.L.2003, c.186 (C.53:1-20.9d) is amended to  
9 read as follows:

10 7. a. The Commissioner of [Human Services] Children and  
11 Families is authorized to exchange fingerprint data with, and to  
12 receive criminal history record information from, the Division of  
13 State Police in the Department of Law and Public Safety and the  
14 Federal Bureau of Investigation.

15 Upon receipt of the criminal history record information for an  
16 applicant or staff member of a residential child care facility from  
17 the Federal Bureau of Investigation and the Division of State  
18 Police, the Department of [Human Services] Children and Families  
19 shall notify the applicant or staff member, as applicable, and the  
20 residential child care facility, in writing, of the applicant's or staff  
21 member's qualification or disqualification for employment or  
22 service under section 4 or 5 of P.L.2003, c.186 (C.30:4C-27.19 or  
23 C.30:4C-27.20). If the applicant or staff member is disqualified, the  
24 convictions that constitute the basis for the disqualification shall be  
25 identified in the written notice to the applicant or staff member.  
26 The applicant or staff member shall have 14 days from the date of  
27 the written notice of disqualification to challenge the accuracy of  
28 the criminal history record information. If no challenge is filed or if  
29 the determination of the accuracy of the criminal history record  
30 information upholds the disqualification, the department shall notify  
31 the facility that the applicant or staff member has been disqualified  
32 from employment.

33 b. The Division of State Police shall promptly notify the  
34 Department of [Human Services] Children and Families in the  
35 event an applicant or staff member, who was the subject of a  
36 criminal history record background check conducted pursuant to  
37 subsection a. of this section, is convicted of a crime or offense in  
38 this State after the date the background check was performed. Upon  
39 receipt of such notification, the department shall make a  
40 determination regarding the employment of the applicant or staff  
41 member.

42 (cf: P.L.2003, c.186, s.7)

43  
44 203. (New section) Notwithstanding any provision of P.L.1968,  
45 c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of  
46 Children and Families may, with the approval of the Governor,  
47 adopt, immediately upon filing with the Office of Administrative  
48 Law, such regulations as the commissioner deems necessary to

1 implement the provisions of this act, which regulations shall be  
2 effective for a period not to exceed six months and may, thereafter,  
3 be amended, adopted or readopted by the commissioner in  
4 accordance with the requirements of P.L.1968, c.410 (C.52:14B-1  
5 et seq.).

6

7 204. The following are repealed:

8 Section 7 of P.L.1998, c.19 (C.9:6-8.105);

9 Sections 4, 5, and 6 of P.L.1985, c.197 (C.9:6A-2 through 9:6A-  
10 4);

11 Section 2 of P.L.2004, c.130 (C.30:4C-2.2); and

12 P.L.2001, c.252 (C.30:4C-3.1 through 30:4C-3.6).

13

14 205. This act shall take effect July 1, 2006 and, if enacted after  
15 that date, shall be retroactive to July 1, 2006.